

# Country Updates on Human Rights and Democracy 2017

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## Enlargement countries

### Albania

During 2017, Albania adopted new legislation on children's rights and the protection of minorities. However, the institutional mechanisms remain weak and more efforts are needed to implement existing commitments. Social services for vulnerable groups and employment and living conditions for Roma and Egyptians need further improvements. Despite the efforts made, enforcement of property rights has yet to be ensured.

Under the Instrument for Pre-accession Assistance (IPA) there are projects that focus on enhancing the effectiveness of the Albanian system of human rights protection and anti-discrimination (IPA 2013, EUR 1.5 million), on economic and social empowerment for Roma and Egyptians (IPA 2014, EUR 4 million) and missing persons.

Under IPA's civil society facility, 8 projects (totalling approximately EUR 1.2 million) aim to build the capacities of grassroots local organizations in addressing various issues related to human rights such as: Roma inclusion, inclusive education, economic empowerment of women victims of domestic violence and trafficking, child protection, mainstreaming disability rights and access to health services for vulnerable groups, as well as monitoring respect of fundamental rights in detention centres, promoting restorative justice and victim offender mediation for juveniles. In addition, two projects on countering violent extremism (total 670.000) are currently ongoing.

Under the European Instrument for Democracy and Human Rights (EIDHR), EUR 1.2 million in total, there are two ongoing projects targeting child protection in the Albania and the empowerment of women in the mountain regions in the north of the country. Additionally, two new contracts (500.000 euros) were signed in the areas of protection of LGBT rights and in support to children and youth in conflict with the law. Some of these projects foresee a large number of sub-grantees in order to increase the outreach of actions.

For more info: [Serbia Report 2018](#)

### Bosnia and Herzegovina

During 2017, some progress was achieved on human rights notably with the adoption of the revised Roma Action Plan on employment, housing and health care. However, the strategic, legal, institutional and policy frameworks for the observance of human rights are in need of substantial improvement. Non-discrimination among citizens in electoral matters (Sejdić-Finci case law) and in the education system remain the priority issues to be tackled. The provision on the death penalty in the constitution of the Republika Srpska entity still needs to be repealed.

Assistance under the Instrument for Pre-accession Assistance (IPA) is ongoing until end of 2018, and focuses on children and adults with disabilities by supporting the transformation of institutions for social protection and strengthening models of community-based social care for children without parental care (EUR 1.3 million). It also focuses on empowering civil society organisations to monitor and advocate for child rights and to promote inclusive and innovative services (EUR 5.8 million regional project Western Balkans and Turkey).

In 2017, the EU also invested EUR 1.8 million in support to social service providers and enhancement of monitoring capacities (EU SOCEM project). Aiming at improving social protection of the vulnerable and socially disadvantaged groups, as well as enhancing monitoring, reporting and promotion of human rights, EU SOCEM significantly contributed to the development of social care standards and revision of the Federation entity Law on Social Protection and establishment of mobile welfare teams for elderly care. The implementation of a EUR 2.5 million project targeting socio-economic inclusion of the Roma population is on-going with provision of 140 housing units and integrated socio-economic measures, together with significant engagement in the process of revision of the Roma Action Plan 2017-2020 for employment, housing, and health.

Five new projects were contracted in 2017 totalling to 10 ongoing projects worth 2.6 million EUR. These new projects focus notably on the prevention of the education drop-out of Roma and other vulnerable children, better inclusion of Roma population in decision-making processes, fighting domestic violence while working directly with the potential victims as well as boys and girls in its prevention, and mapping human rights in media,

For more info: [Bosnia and Herzegovina Report 2018](#)

### **The former Yugoslav Republic of Macedonia**

In 2017, the European Union continued to be actively engaged in promoting human/fundamental rights in the country both through the financial assistance and through the policy dialogue. In 2017, the country took an important step towards its gradual alignment with EU Law in the area of fundamental rights by becoming an observer in the Fundamental Rights Agency. Overall, reforms continued in a number of areas to ensure compliance with European human rights standards.

During the year, the former Yugoslav Republic of Macedonia ratified the Istanbul Convention, improved the climate for media, worked towards upgrading the legislative framework for non-discrimination and started creating the legal conditions for establishing an external oversight mechanism of the police. However, concerns remain over the situation in prisons and psychiatric institutions. There is a need to ensure legal follow-up of cases of hate crime and hate speech, to counter gender stereotyping and strengthen the bodies involved in protecting and promoting human rights. Weaknesses in the implementation of human rights standards continue to affect primarily the most vulnerable and marginalised groups in society, including persons with disabilities and Roma.

The Country-Based Support Schemes of the European Instrument for Democracy and Human Rights (EIDHR) remains a key financial instrument to promote human rights. In 2016-2017, EUR 1.1 million were allocated to 5 civil society organisations. Their projects focus on gender equality, rights of people with disabilities, corporate responsibility in protection of human rights and free legal aid.

Under national IPA funding, during 2017 approximately 4 million EUR have been allocated to 22 projects supporting the implementation of the Roma Inclusion Strategy. Beneficiaries of the implemented measures are Roma without ID documents, street children and unemployed Roma women. Furthermore, 1.8 million EUR have been distributed to eight CSO grantees and sub-granted grass roots organisations, focused to promote and improve inter-community relations, tolerance, equality, non-discrimination, respect for fundamental rights and advancement of implementation of the Ohrid Framework Agreement. These projects also aimed to advance freedom of expression, access to justice, promotion of women, youth and children rights, protection and respect of



diversity, non-discrimination, social inclusion of Roma, enhancing interreligious dialogue and religious pluralism.

Projects worth EUR 7 million are being implemented under the EU/Council of Europe Horizontal Facility for the Western Balkans and Turkey and the JUFREX regional programmes. These projects launched in 2016, cover varied areas of fundamental rights, including discrimination and further improvement of protection of vulnerable groups; freedom of expression; strengthening the judicial capacities to safeguard human rights and combat ill-treatment and impunity; to prevent trafficking in human beings, reintegration of victims of trafficking and access to free legal aid.

Key institutions, such as the Ombudsman, Ministry of Justice, Public Prosecution Office, Directorate for Personal Data Protection, Judicial Council, Council of Public Prosecutors, Directorate for Execution of Sanctions, Academy for Judges and Public Prosecutors, Ministry of Labour and Social Policy have benefitted from noteworthy IPA support (over 20 million EUR of programmed assistance under implementation in 2017) which along to the strengthening of their operational capacities, also enhanced their capacity to safeguard the human rights and enforce international conventions and related legislation in the country.

For more info: [The former Yugoslav Republic of Macedonia Report 2018](#)

### **Kosovo\*<sup>1</sup>**

During 2017, Kosovo took some steps to promote and protect human rights. For instance, a Regulation was adopted on Institutional Mechanisms for Protection from Discrimination in Government and Municipalities. In addition, the Government adopted the national action plan for the rights of persons with disabilities 2018-2020 in December 2017. Kosovo also launched the application process for recognition and verification of the status of sexual violence victims during the conflict.

Despite some progress, implementation of human rights strategies and legislation is often undermined by inadequate financial and other resources, particularly at local level, limited political prioritisation and lack of coordination. More needs to be done to effectively guarantee the rights of persons belonging to minorities and displaced persons, to ensure gender equality in practice, to set up an integrated child protection system and to advance the protection of cultural heritage. Further efforts are also needed to ensure the integration of Roma and Ahkali citizens or the rights of LGBTI individuals. Even though freedom of expression is enshrined in the constitution, threats and attacks against journalists continued during the year.

Financial support is provided under the Instrument for Pre-accession Assistance (IPA) and the European Instrument for Democracy and Human Rights (EIDHR). Under IPA, by December 2017, the EU-Community Stabilisation Programme phase III completed 185 projects (144 individual family businesses and 41 community development projects amounting to EUR 950 000) creating and/or securing over 430 jobs and indirectly affecting around 38 000 inhabitants in the disadvantaged minority areas. A technical assistance project to strengthen the Ombudsperson Institution in Kosovo and to raise citizens' awareness about its role was approved under IPA 2017 (EUR 3 000 000).

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<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on Kosovo's declaration of independence.

In addition, the Civil Society Facility supports 2 coalitions of CSOs: Equal Rights for All Coalition for the promotion and protection of fundamental rights of vulnerable and marginalised groups (EUR 900 000) and Kosovo Education and Employment Network to promote employability of vulnerable groups in Kosovo and their inclusiveness in both the education sector and the labour market (EUR 900 000). Support to media and independent journalism with a focus on human rights is supported through a grant scheme dedicated to activists and journalists. Under the same instrument, three operating grants focus on the protection and promotion of the rights of people with disabilities, LGBTI persons and the Roma, Ashkali and Egyptian communities.

The regional EU/CoE Horizontal Facility for the Western Balkans and Turkey also continued to support Kosovo on prison reform, introduction of the European Commission for the Efficiency of Justice (CEPEJ) tools in the judiciary, as well as on education (anti-discrimination and anti-corruption). A new component on human rights and police was added to the Facility to follow up on recommendations regarding police from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Eight EIDHR projects awarded in 2016 (overall amount EUR 1.7 million) continue to support the Ombudsperson, promote political participation and economic rights of women, the rights of the child and protection of victims of violence and/or discrimination.

For more info: [Kosovo\\* 2018 Report](#)

## Montenegro

Montenegro made some progress on human rights in 2017 in particular in the area of anti-discrimination with the adoption of amendments to the Law on the prohibition of discrimination adopted in June 2017. However, implementation of legislation related to human rights remains weak and institutional capacity on this issue needs to be increased. The Roma minority is the most vulnerable and most discriminated against community. Gender-based violence and violence against children remains also represent serious concerns in the country. In the area of freedom of expression, there has been no progress regarding investigations into old cases of violence against journalists. Political interferences regarding the governing bodies of the national public broadcaster RTCG and the Agency for Electronic Media are a matter of concern.

In the course of 2017, three projects (worth approximately EUR 2.5 million) under the Instrument for Pre-Accession Assistance (IPA) were implemented in the area of human rights, including for sustainable solutions for the internally displaced Roma population, promotion and protection of the human rights of Roma, Egyptians and other vulnerable groups, gender equality, support for the Ombudsman's office, the Ministry of Human and Minority Rights and the Ministry of Justice (Prison Administration) on the application of human rights standards. In the framework of the IPA Human Resources Development Operational Programme nine grant projects totalling EUR 0.75 million were selected in 2017 for providing trainings and employment opportunities to people with disabilities and to the Roma and Egyptian Population.

In addition, within the IPA Civil Society Facility, EUR 300,000 were allocated in 2017 for a project related to anti-discrimination policies.

The implementation of four out of six projects under the European Instrument for Democracy and Human Rights (EIDHR) (Country-Based Support Scheme) with a total value of EUR 700 000 continued in 2017. These covered the human rights of LGBTI persons, the political participation of Roma (establishment of the first trade union composed of Roma workers), consumer protection and patients' rights, increasing trust in elections, combating gender-based violence. Six new projects under EIDHR (Country Based Support Scheme) were contracted in December 2017 with a total value of 760,000 EUR. The topics range from the rights of people with disabilities, social housing, right to access information, LGBTI rights, to building trust in the integrity of the electoral process, and education about human rights of both student and the general public.

For more info: [Montenegro Report 2018](#)

## Serbia

The legislative and institutional framework for upholding human rights is in place. However, consistent and efficient implementation of legislation and policies throughout country is urgently needed. In addition to making substantial efforts to uphold freedom of expression, Serbia should strengthen human rights institutions and guarantee their independence, step up actions to protect the rights of the groups facing discrimination, including lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, people with disabilities, people with HIV/AIDS and other vulnerable groups, give higher priority to the rights of the child, develop a comprehensive approach for the protection of national minorities by implementing its action plan on national minorities consistently across the country and amending the legal framework by means of an inclusive and efficient process, and efficiently implement and monitor the strategy and action plan for Roma inclusion.

In 2017, the EU continued to implement a number of projects under the IPA programme to support anti-discrimination policies and to improve the situation of vulnerable people, including Roma, refugees and internally displaced persons. In 2017, regarding Roma inclusion, there were several projects ongoing, with a total value of EUR 11.4 million. In June 2017, the twinning project – Support to the advancement of human rights and zero tolerance to discrimination ended. It lasted 20 months with a total value of EUR 1.2 million. In the context of the Civil Society Facility ten grants were awarded to the civil society organisations in December 2017 with an overall value of EUR 2.3 million. 10 projects funded under the Civil Society Facility 2015 for an overall amount of EUR 3.5 million were implemented in 2017. Support in the form of long term grants, which include capacity building of grassroots organisations will increase the effectiveness of the Serbian civil society organisations in undertaking initiatives focused on rule of law, regional cooperation and the civil society participation in the process of negotiations in Serbia and policy monitoring.

9 projects funded under the European Instrument for Democracy and Human Rights (EIDHR) for an overall amount of EUR 1.75 million were signed in December 2017. These projects focus notably on protection of minorities, rights of LGBTI persons, gender equality, children's rights, and rights of persons with disabilities, prevention of torture and protection of human rights defenders.

For more info: [Serbia Report 2018](#)

## Turkey

In 2017, fundamental rights remained considerably curtailed under the 2016 state of emergency and the decrees issued under it. Further backsliding continued in all areas of human rights, most notably

on freedom of expression, freedom of assembly and association, protection of human rights defenders, property rights and procedural rights.

Severe restrictions were imposed on the activities of journalists, human rights defenders and any critical voices. Measures adopted under the state of emergency also removed crucial safeguards protecting detainees from abuse, thereby augmenting the risk of impunity for the perpetrators of such abuse, in a context where allegations of ill-treatment and torture have increased. Enforcement of rights is hindered by the fragmentation and limited independence of public institutions responsible for protecting human rights and freedoms and by the lack of an independent judiciary.

Freedom of expression has come under serious strain. Criminal cases against journalists, human rights defenders, writers, or social media users, the withdrawal of press accreditations, and the closure of numerous media outlets or the appointment by the government of trustees to administer them, are of serious concern. These are mostly based on selective and arbitrary application of the law, especially provisions on national security and the fight against terrorism. The high number of arrests of journalists- over 160 journalists remain in prison- makes Turkey the biggest jailer of journalists in the world.

During the year, there has also been a rapid shrinking space for civil society which is under increasing pressure to carry out its activities, notably in the face of a large number of arrests of activists, including human rights defenders and the close down of hundreds of civil society organisations as part of the measures under the state of emergency. Demonstrations and other types of gatherings have been recurrently banned.

The capacity of Turkey to ensure an effective domestic legal remedy in the sense the European Court of Human Rights (ECtHR) has been further undermined by a number of unfortunate precedents. In one instance a lower court refused to observe a ruling of the Constitutional Court regarding an emblematic case. Several court rulings favourable to prominent defendants, including human rights defenders, were swiftly reversed by national courts and in some instances following an intervention from the executive.

In April 2017, the Parliamentary Assembly of the Council of Europe decided to reopen its full monitoring procedure for Turkey (closed since 2005) given the serious deterioration of the situation regarding human rights democracy and the rule of law.

Reform and capacity building needs under rule of law and fundamental rights were identified as priorities in the Country Strategy Paper 2014-2020 (IPA II assistance) for Turkey. They remained a high priority in 2017 and 2018, in a particularly sensitive context, especially under the continuing State of Emergency (SoE) first imposed on 20 July 2016. Furthermore, the EU Presidency Conclusions of December 2016 and October 2017 gave the guidance to reorient IPA funds to support mainly activities in the sector of the rule of law, human rights, freedom of expression and civil society.

Under IPA, several projects are being implemented on human rights. Some of these focus on capacity building of human rights institutions (such as the National Human Rights and Equality Institution and the Ombudsman), freedom of expression and media, women's rights or/and anti-discrimination. In addition, the 2017 Civil Society Facility and Media Programme includes a EUR 16 million envelope to provide core funding to human-rights civil society organisations (CSOs), to

support human rights defenders, to strengthen freedom of expression and media, and to increase CSO's capacity to monitor human rights. The 2016 Home Affairs action will also provide support on human rights, as well as contribute to efforts to host refugees from the conflict in Syria (EUR 92.05 million). In addition, through the Facility for Refugees, EUR 2.2 billion were allocated in 2016 to projects supporting refugees and host communities. The Project on Technical Assistance for Promoting Social Inclusion in Densely Roman Populated Areas (SIROMA programme) and 45 grant projects were implemented in 2017 to promote the implementation of the National Roma Strategy. The aim of these projects is also to fight discrimination and prejudices against Roma, and to improve social and economic integration of Roma citizens.

European Instrument for Democracy and Human Rights (EIDHR) projects in Turkey focus on the most critical human rights issues in the country, such as freedom of expression and independent media, access to justice, fight against torture and impunity, protection and respect of cultural diversity, vulnerable groups and minority rights, and political representation and participation in society, particularly for underrepresented groups (women, LGBTI persons, Roma and youth). In December 2017, 10 new grants were signed for an amount of EUR 3.5 million. The EIDHR (through a EUR 2.0 million envelope) is also playing a role in the response to the Syrian crisis, working with CSOs on the rights of refugees, asylum seekers, internally displaced persons and migrants in general. Priorities in this area are consistent with, and complementary to, the work conducted under IPA, the Instrument contributing to Stability and Peace (IcSP), and other important instruments such as the EU Trust Fund.

For more info: [Turkey Report 2018](#)

## EEA/EFTA Countries and non EU Western European Countries

### Switzerland

**Overall human rights situation:** Switzerland has a very high standard of human rights internally, and an active human rights policy abroad. There are no issues of major concern.

The Federal Council has decided in June 2016 to establish an independent national human rights institution tasked to support public authorities, civil society organisations and businesses in the area of human rights. The consultation process on the draft law was concluded in October 2017 and the Parliament will now discuss the adoption of a legal basis for the future institution.

**EU action – key focus areas:** The EU and Switzerland enjoy close and frequent cooperation within the international institutions and multilateral arena as regards human rights and democracy promotion. Public communication should not fail to highlight the variety of areas where the EU and Switzerland are acting jointly and where common achievements are made.

**EU bilateral political engagement:** In general, Switzerland has good mechanisms in place to assure the protection of human rights within its territory. Possible issues are best addressed in the framework of the Universal Periodic Review (UPR) in the UN Human Rights Council.

**Multilateral context:** In November 2017, Switzerland's UPR3 cycle took place. In its national report submitted in July 2017, Switzerland notably refers to its 2016-2019 Human Rights Strategy and

emphasises the steps taken in view of the creation of a National Human Rights Institution. Switzerland recalls its accession to the Convention on the Rights of Persons with Disabilities (2014), to the International Convention for the Protection of All Persons from Enforced Disappearance (2016) and to the International Labour Organization Domestic Workers Convention (2011), in line with previous UPR2 recommendations.

Switzerland received 251 recommendations and accepted 121. It should provide responses by March 2018. Remaining challenges identified in the report of the Working Group concern gender equality, LGBTI rights, sexual and gender based violence. Universal Periodic Review (UPR) recommendations encourage the final establishment of a National Human Rights Institution.

## Norway

**Overall human rights situation:** Norway has historically been a strong supporter and promoter of human rights. It has ratified all the main UN conventions on human rights, and the protection of civil and political - as well as economic, social and cultural - rights is very strong domestically. Norway is considered to be one of the most gender-equal countries in the world. Protection of human rights defenders has long been a key priority for Norway.

Yet there is a public debate on some issues, including occasional criticism. This includes issues related to the use of solitary confinement in Norwegian prisons, to the Child Protection Service in some cases where children were removed from their immigrant parents for mistreatment, or concerns over whether the rights of asylum seekers - particularly minors - have been well enough protected. As in other European countries, there is on-going debate in Norway on the topic of government surveillance for security purposes and peoples' right to privacy.

**EU action – key focus areas:** As Norway and the EU have very similar views on human rights issues, close cooperation takes place in various multilateral forums (UN, Council of Europe, OSCE), as well as on the ground in their country-specific strategies around the world. In Norway, highlighting the various international days linked to human rights (including via social media) is a priority, as well as providing targeted information to relevant Norwegian stakeholders.

**EU bilateral political engagement:** In general, Norway has good mechanisms in place to assure the protection of human rights within its territory. Possible issues are best addressed in the framework of the Universal Periodic Review (UPR) in the UN Human Rights Council.

The EU Delegation in Oslo undertook several Public Diplomacy and Information activities during the course of 2017, in relation to the #EU4HumanRights Campaign, Diplomacy for Human Rights, Marking Oslo Pride 2017, and the International Women's Day.

## Iceland

**Overall human rights situation:** Iceland has a high standard of human rights and a high level of co-operation with international organisations on human rights issues. Gender equality has a prominent place in Iceland's both national and international priorities. In 2017 it adopted an equal pay legislation, which requires companies with 25 employees or more to guarantee that male and female employees receive the same wages for the same work.

**EU action – key focus areas:** Iceland is a like-minded partner of the EU in the field of human rights and close cooperation takes place in various multilateral forums (UN, Council of Europe, OSCE).

**EU bilateral political engagement:** In general, Iceland has good mechanisms in place to assure the protection of human rights within its territory. Possible issues are best addressed in the framework of the Universal Periodic Review (UPR) in the UN Human Rights Council.

The EU Delegation in Reykjavik has undertaken to showcase the EU's action on promoting human rights, and to maintain a dialogue with the main human rights organisations active in Iceland.

**Multilateral context:** Iceland's last Universal Periodic Review (UPR) took place on 1/11/2016, generally reflected Iceland's longstanding commitment to democracy and human rights both nationally and internationally. A number of positive steps taken since the previous UPR in 2011 to promote tolerance and gender equality and improve the rights of immigrants and asylum-seekers were highlighted. At the same time, a number of recommendations were made for Iceland to accelerate the ratification of a number of core human rights instruments, to finalise the establishment of a National Human Rights Institute (NHRI), and to continue to address remaining challenges, including with regards to domestic and sexual violence. During the subsequent adoption of the report of Iceland on 4/11/2016, Iceland announced that of the 167 recommendations received, 112 were accepted 112, while noting 14.

## Liechtenstein

**Overall human rights situation:** Liechtenstein has a very high standard of human rights. There are no issues of major concern. The legal basis for the creation of the National Human Rights Institution, the Law on the Association for Human Rights in Liechtenstein, entered into force on 1 January 2017. The secretariat of the National Human Rights Institution is operational since June 2017.

**EU bilateral political engagement:** Focussing on the positive co-operation with Liechtenstein as regards human rights promotion in international fora is a priority for EU action in the country.

**EU bilateral political engagement:** In general, Liechtenstein has good mechanisms in place to assure the protection of human rights within its territory. Possible issues are best addressed in the framework of the Universal Periodic Review (UPR) in the UN Human Rights Council.

## European Neighbourhood Policy

### Armenia

In 2017, the overall human rights situation in the Republic of Armenia remained stable. Improvements related mostly to drafting new legislation, strategies and action plans while discrimination and certain restrictions of fundamental freedoms remained a concern. Positive examples of the new legal initiatives were the anti-corruption legal package adopted in June 2017 and the law on domestic violence adopted in December 2017. Civil society organisations could in principle operate freely and express their opinions vis-à-vis the Government. However, they remain dependent on donor funding. The Human Rights Defender's Office has been publicly active on a number of issues, including the revision of legal framework and practice concerning prevention of ill-treatment and torture and violations of rights of vulnerable groups.

There were no internationally recognized political prisoners or detainees in Armenia, although various groups claim that certain prisoners are being held on political grounds. Some opposition activists are held in long-term detention on the basis of the testimony of police officers or questionable witnesses. Investigations into reported violations on excessive use of police force or overuse of pre-trial detention have not yielded tangible results.

Concerns remain in the area of gender equality. Armenia is ranked 97 out of 144 (2017) countries covered by the World Economic Forum Global Gender Gap Index and is lagging behind on issues such as women's political representation, access to economic opportunities and positive health outcomes for women. There are only 11 % of women representatives in the Parliament and 56% of women aged 15-64 participating in the labour market. In December 2017 the Government adopted a law on combating domestic violence. This represents a positive development given that domestic violence is widespread in the country. Armenia has among the lowest female-to-male sex ratios at birth in the world, just above China's.

More efforts are needed to address discrimination and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, as well as to and to counteract homophobic and transphobic attitudes in society.

Prevention and prosecution of hate speech is not sufficiently dealt with. Legal changes on anti-corruption that need to be followed by an effective implementation mechanism are a positive step towards achieving tangible results in combating this phenomenon. Other human rights issues include police impunity, notably related to the Erebuni July 2016 events, freedom of assembly in general and a lack of effective investigation and prosecution of those accountable; overuse of pre-trial detention and sentencing to imprisonment, not making full use of alternatives. The lack of independent judiciary is a serious impediment to the rule of law in Armenia.

In April 2017, parliamentary elections took place under a new Electoral Code which was significantly improved thanks to the efforts of the European Union (safeguards promoted by the EU). The EU together with DE and UK provided important funding for the new voter authentication devices (VADs). This contributed to a very good conduct of the technical aspects on the Election Day, preventing multiple and carousel voting. The EU was put at the centre of international efforts in Armenia. The OSCE/ODIHR Final Report stated the elections were well-administered and fundamental freedoms were generally respected. At the same time, it noted that there were credible reports of widespread vote buying, intimidation of civil servants and private sector employees as well as abuse of administrative resources (prior to the Election Day).

The EU's political and operational priorities for Armenia are interconnected. The EU seeks to deliver a comprehensive support to public institutions, in particular to the Ministry of Justice, the future (anti-discrimination) Equality Body, relevant line ministries, and other state bodies. The EU supports integrity of electoral processes, justice system reform, strengthening good governance and rule of law; fight against corruption, strengthening human rights and democracy including combating domestic violence and discrimination, promoting gender equality and rights of groups in a vulnerable situation and media freedom. The EU, as the biggest donor in Armenia, supports strengthening of the civil society organizations' capacity to constructively and effectively contribute to reform process, to play a greater role in influencing democratic decision-making and policy-making, to encourage transparency and accountability. The EU-Armenia Comprehensive and



Enhanced Partnership Agreement (CEPA) signed on 24 November 2017 is an important commitment on both sides to democracy, rule of law, human rights, good governance and anti-corruption.

The EU continued to engage in human rights and democracy exchanges with Armenia in various settings, including the Cooperation Council on 23 May 2017. The annual Human Rights Dialogue and the Justice, Freedom and Security Sub-Committee took place the same month and saw open discussions on a wide range of issues, including elections, the national human rights action plan, freedom of assembly, freedom of expression, prevention of ill-treatment and torture; women's rights and gender equality, child rights or rights of persons belonging to minorities. In the context of the GSP+ monitoring, human rights and labour rights were raised. In addition, the EU in close coordination with EU Member States and like-minded partners conducted several informal outreach initiatives to national authorities in several human rights-related cases.

Furthermore, the EU continued to provide financial support for projects funded through the European Neighbourhood Instrument (ENI) and the European Initiative for Democracy and Human Rights (EIDHR) as well as through EU Member States funds. EIDHR projects launched in 2017 concerned domestic observation of the parliamentary elections in April 2017, capacity-building of Armenian civil society organisations in various areas with social impact, awareness of human rights in closed institutions, and local democracy in collaboration with European towns and regions. In cooperation with ILO, the EU is funding a regional project to strengthen capacity of public administrations to implement the ILO core labour conventions as part of the GSP+ Scheme obligations. Three European civil society networks are also implementing GSP+ activities to document and raise further awareness of the weak protection of social and economic rights in Armenia, and by women in particular. A new flagship project funded through the thematic CSO-LA budget line will promote citizens participation and local democracy through introduction of citizens budgeting and other activities in recently consolidated, and primarily remote rural, communities.

The EU Human Rights Budget Support programme 2016-2019 in Armenia (its funding increased from EUR 12 million to EUR 17 million in 2017) contributed considerably to the adoption of the law against domestic violence mentioned above as well as to the Government's commitment to sign the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in January 2018.

## Azerbaijan

The year 2017 continued to present challenges to full implementation of human rights according to international standards. Restrictions on freedom of expression, association and assembly did not abate and the streamlining of the procedure for registration of foreign grants did not result in the hoped-for facilitation of access to funds for civil society organisations (CSOs). Regarding the execution of the European Court of Human Rights judgement on the case of Ilgar Mammadov, the Committee of Ministers of the Council of Europe referred on 5 December 2017 to the Court, under Article 46(4) of the European Convention of Human Rights, the question of whether Azerbaijan had failed to fulfil its obligation under Article 46(1) of that convention. A law limiting legal representation in courts (at criminal, civil and administrative proceedings) only to members of the Bar Association was adopted, making access to qualified legal advice more difficult due to the limited number of members of the Bar.

Among positive measures taken by Azerbaijan in 2017, the adoption of the "humanisation package" of 300 amendments to the Criminal Code entered into force in December. The new amendments aim to improve the penitentiary system and introduce reforms in the execution of criminal sanctions, the establishment of probation service and the liberalisation of penal policies, application of alternative sanctions instead of imprisonment, as well as application of administrative instead of criminal, sanctions.

Negotiations started in 2017 between the EU and Azerbaijan on a new agreement to replace the current Partnership and Cooperation Agreement. Human rights and democracy will be an integral part of the agreement. The negotiations on the new agreement as well as the sixth EU-Azerbaijan Subcommittee on Justice, Freedom, Security and Human Rights and Democracy in October 2017 provided ample opportunities for dialogue on these issues. Human rights issues and concerns have also been prominently raised in all high-level contacts, including during the visit of the President of Azerbaijan to Brussels in February 2017.

The EU Delegation monitored individual cases of human rights defenders, and discussed with the Ombudsman's office various ongoing cases and issues. It also met with lawyers and family members of imprisoned activists and members of opposition parties during the year.

Concerns remain in the areas of gender equality. Azerbaijan show little progress on gender equality and is ranked 98 out of 144 (2017) countries covered by the World Economic Forum Global Gender Gap Index. Even though legislation protects the principle of equality between women and men and prohibits discrimination based on gender, implementation remains inadequate. In addition, Azerbaijan remains among the worst countries globally when it comes to female-to-male sex ratios at birth. There are also high levels of domestic violence and 11% of all girls in the country are married before their 18th birthday. Despite the Family Code which states that the minimum age for marriage for men and women is 18, religious marriage ceremonies are conducted without requesting proof of age for those marrying. Other challenges in this area include women's low political representation (one women minister in the present Government and 17% of women in Parliament) and their limited role in the labour market.

The EU made several public statements in 2017– for the most part through the Spokesperson of the High Representative and through the EU Delegation to the OSCE – in response to cases of restrictions of freedom of expression (imprisonment of journalists or blocking of media outlets). The EU continued to call on Azerbaijan to uphold its obligations as a member of the Council of Europe, to meet its commitments taken under the European Convention on Human Rights, to comply with judgements of the European Court of Human Rights and to release Ilgar Mammadov.

The EU Delegation promoted the active role of civil society, by organising regular meetings with CSOs, including on the occasion of high-level visits, and participating in meetings and events organised by different civil society platforms.

As a result of intense lobbying, the EU saw a number of its grants to civil society issued under bilateral Financing Agreements registered in late 2017.

A series of EU funded projects in the area of human rights continued implementation in 2017, including, projects in support to efficiency of justice, increasing management and health standards in

prisons, increasing capacities of the judiciary to implement decisions of the European Court of Human Rights, support to the Ombudsman's office and fight against corruption, and aligning NGO legislation with Council of Europe standards. EU also continued to provide support to civil society initiatives for voter education and awareness-raising on voter's rights and the election legislation, and in support of socio-economic rights of vulnerable populations.

## Belarus

In 2017, the human rights situation in Belarus deteriorated, due to an increase in the number of politically motivated arrests, detentions and fines applied to opposition activists, human rights defenders, journalists and trade unionists. An independent Human Rights Institution has not been established. The National Human Rights Action Plan from 2016 has not seen any real implementation<sup>2</sup>.

The EU continues to follow a policy of critical engagement with Belarus, which translates into incremental steps towards deeper cooperation with the country. In the 15 February 2016 Council Conclusions on Belarus, the Council reiterated its firm commitment to strengthening the EU's engagement with the Belarusian people and civil society and stated that *"tangible steps taken by Belarus to respect universal fundamental freedoms, rule of law and human rights will remain key for the shaping of the EU's future policy towards Belarus"*.

In 2017 restrictive laws impacting on fundamental freedoms have not been brought in line with international standards and the death penalty is still applied. Freedom of assembly, association and expression are severely restricted and many actors critical of the government must operate from abroad.

The electoral framework has not been amended in line with OSCE/ODIHR recommendations in time for the local elections on 18 February 2018. Opposition political parties and NGOs dealing with human rights issues face administrative obstacles for registration, and working for unregistered organisations is a criminal offense.

In spite of the deterioration of the situation in 2017, the authorities continued to discuss human rights issues with international partners, engaging to some extent civil society. The EU-Belarus Human Rights Dialogue was held on 20 July, and human rights issues were included in two sessions of the Coordination Group meetings on 3-4 April and 19-20 December 2017. Open discussions took place on a range of issues, including but not limited to free and fair elections, freedom of association, freedom of expression independence of judiciary, reinstatement of civil and political rights of former political prisoners, capital punishment. The EU continues to stress the need for concrete deliverables from the dialogue. 2017 saw significant progress on the development of the joint EU-BY Partnership Priorities which include issues related to human rights.

The EU and the Member States constantly lobby for the inclusion of civil society in consultations on human rights issues and regularly meet with human rights defenders during high level visits. By supporting a number of projects implemented by NGOs and human rights organisations the EU helps strengthening, and developing the capacity of civil society.

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<sup>2</sup> The aim of the Action Plan was to implement selected recommendations from Belarus' second Universal Periodic Review.

Belarus ranks 26<sup>th</sup> among the 142 countries covered by the World Economic Forum Global Gender Gap Index. This is largely due to its results on education outcomes and their reflection in the labour market. However, these results are muted by the pervasive gender wage gap, the unequal distribution of household and child caring responsibilities, the legal restriction of women's participation in 182 occupations and the low representation of women in political positions –Belarus ranks 110 out of 142 countries on the share of women in ministerial positions (there is only one women minister and 30% women in Parliament). Belarus has introduced legislation on violence against women, yet further work is required not only to implement such legislation, but also to expand it to cover offenses outside of marriage and in the workplace. Further efforts are also needed to monitor implementation with adequate data on the prevalence of violence against women.

In 2017, the EU continued to provide financial support to projects funded through the European Neighbourhood Instrument (ENI), the European Instrument for Democracy and Human Rights (EIDHR), the Civil Society Organisations-Local Authorities instrument, as well as through EU Member State funds. Within EU financed projects, the German Adult Education (DVV) provided vocational education courses in four Belarusian prisons in order to support re-integration of detainees back to society after their release.

SOS Children's Village established two new shelters for victims of domestic violence and provided support for families affected by alcohol addiction.

NGO participation is also an important feature in projects in other areas, such as economic development and environment. Such participation has provided a forum for policy dialogue and trust building between the administration and the civil society notably in the framework of the actions financed through the Covenant for Mayors programme.

Belarus has ratified 10 international human rights conventions, and has accepted the competence of the Human Rights Committee and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) committee to receive and consider communications from individuals subject to its jurisdiction. Belarus has recognized the inquiry procedure under the Convention against Torture and under the Optional Protocol to CEDAW.

Belarus does not recognise the mandate of the UN Special Rapporteur on the Situation of Human Rights in Belarus.

## **Egypt**

### ***Overall human rights situation***

Progress on human rights and fundamental freedoms in Egypt remains slow as the country continues to face important security, social and economic challenges. Action has been undertaken in the fields of the fight against corruption, addressing the rights of women, children and persons with disabilities but a lot is still to be done to ensure that the country's performance is in line with the important constitutional provisions on human rights, fundamental freedoms and the rule of law. A nationwide state of emergency was declared by the President for a period of three months following the terrorist attacks against two Coptic churches in April 2017, and has been renewed since then (latest extension was approved in January 2018). Freedom of association, assembly and expression both on

and offline, continues to be curtailed. Over 400 websites, including prominent news and human rights organisations websites, were blocked since May 2017 without any legal process or judicial oversight. Human rights organisations and defenders continue to face significant pressure (arrests, travel bans, asset freezes), including under the ongoing so-called "foreign funding case". A new restrictive NGO Law was enacted by the President in May 2017 despite clear concerns expressed by civil society and the international community. The law if implemented would restrict the ability of civil society organisations to carry out their work, as well as for the EU to continue its support to the country that relies also on NGOs as implementing partners. The end of 2017 and the beginning of 2018 also saw an unprecedented high number of executions in Egypt, amounting to 23 within a few weeks, all but one as a result of civilians being tried in front of military courts.

### *EU action – key focus areas*

In line with the August 2013 Foreign Affairs Council Conclusions, support to civil society remained a priority in EU bilateral assistance to Egypt, with a focus on women and young people. The holding of the 7th Meeting of the EU-Egypt Association Council in July 2017 and the adoption of the EU-Egypt Partnership Priorities 2017-2020 allowed both sides to reaffirm their shared commitment to the universal values of democracy, the rule of law and respect for human rights and to agree on strengthening their dialogue and cooperation on these issues as key elements for sustainable stability.

### *EU bilateral political engagements*

Salient human rights issues were raised throughout the year at senior level, by the Head of Delegation as well as in the context of high level visits including from the EUSR for Human Rights, MEPs and Commissioners. During these high-level visits, meetings were arranged with human rights organisations and defenders to discuss the human rights situation in the country and that of civil society in particular. The holding of the 7th Meeting of the EU-Egypt Association Council in July 2017 allowed for a frank and open exchange on all priority areas including human rights and fundamental freedoms. In its position for the Association Council, the EU also reiterated its concerns regarding the human rights situation in the country and encouraged Egypt to step up its efforts to improve the situation in line with the Constitutional guarantees and its international commitments and obligations. The HRVP Spokesperson issued three statements in 2017 linked to the human rights situation and space for civil society in the country (12/01, 09/02, 31/05). Meetings between the EU Delegation and the Human Rights and Social Affairs Division at the Ministry of Foreign Affairs took place on a regular basis. Meetings of the EU Informal Group on Human Rights were held on a monthly basis, in which human rights developments and concerns were discussed. HRDs, members of the National Council for Human Rights, Members of Parliament and other relevant human rights interlocutors were invited as guest speakers. The EU Delegation and EU Member States missions continued to monitor salient court cases from a human rights perspective. On the occasion of the International Human Rights Day on 10 December 2017, the EU Delegation held a reception, inviting representatives from the human rights community as well as government officials etc.

### *EU financial engagements*

In 2017 the EU Delegation has been managing around 50 projects for about MEUR 40 in support of Human Rights under a variety of instruments (EIDHR, DCI/NSA or CSO/LA, Civil Society Facility, ENPI Global Allocation, ENPI bilateral envelope). The projects directly contribute to the promotion and protection of civil, political, social, economic and cultural rights. The activities focus on the fight

against all forms of discrimination (gender-based, religious and cultural) as well as female genital mutilation (FGM) and trafficking in human beings. They also aim at enhancing women's rights, children's rights, migrant rights, persons with disabilities rights, access to justice, access to culture, cultural diversity and local governance. Considering the increasing pressure on human rights defenders (HRD) and civil society, the EU Delegation has been in very close contact with the EU HRDs rapid response mechanisms and referred several cases to the EIDHR Emergency Fund and the European Endowment for Democracy. Under the EIDHR local scheme, one new project aimed at enhancing refugees' economic rights was awarded for MEUR 0.5.

### *Multilateral context*

Egypt was elected member of the Human Rights Council (HRC) in June 2016 and is serving a three year term (2017-2021). Egypt is also a member of the HRC Bureau on behalf of the African Group, the United Nations Security Council and the African Union Peace and Security Council. Egypt has played an active role as a driving force of the OIC and is a dominant player in the African Group.

In 2017 as in previous years, the EU has raised concerns on the human rights situation in Egypt in its statements at the HRC under item 4. Notably, it encouraged Egypt to improve the situation with respect to civil and political rights, including freedom of association, assembly and expression both on and offline, thereby ensuring space for civil society and human rights defenders. In their Partnership Priorities 2017-2020, the EU and Egypt also agreed to seek greater cooperation in multilateral fora.

### **Georgia**

In 2017, Georgia continued implementing the EU-Georgia Association Agreement including its extensive commitments in the areas of democracy, human rights and the rule of law. The Human Rights Strategy 2014-2020 with respective Action Plans provide an elaborate framework for implementation of an ambitious Human Rights agenda. In 2017, Georgia also embarked on a fundamental reform of the Constitution, aiming to consolidate the country's constitutional order and to complete the transition from a mixed to a parliamentary system. The Council of Europe's Venice Commission gave an overall positive assessment of the new Constitution; nevertheless the reform did not receive the support either of the opposition or civil society (CSOs) mainly due to delay of the introduction of a fully proportional electoral system till 2024. The Constitution was adopted on 13 October 2017, but further amendments are being introduced following the final opinion of the Venice Commission.

At the tenth EU-Georgia human rights dialogue on 16 May 2017, the EU welcomed the continued progress on Human Rights and took note of overall positive assessment of the 2016 parliamentary elections. However, the EU stressed the importance for effective investigation and follow-up of (pre-) electoral incidents of violence. The EU encouraged Georgia to ensure effective implementation of its anti-discrimination law. The EU welcomed the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). The EU noted the limited progress in the area of labour rights and encouraged Georgia to put into place legislation on occupational safety and health in line with the Association Agreement and stressed that its implementation and enforcement required an effective labour inspection mechanism. While the considerable progress in preventing torture and ill-treatment was noted, the

EU encouraged Georgia to establish an independent mechanism for investigation and prosecution of human rights violations committed by law enforcement agencies.

The legal framework guarantees freedom of the media. The media continued to carry out their work independently, without undue interference or fear of violence or persecution. Due to the political polarisation of the media, along with increasing ownership consolidation and low media revenues, the Georgian media landscape was given a 'partly free' rating by Freedom House in 2017. Despite a commitment taken by the government – inter alia as part of the Open Government Partnership- to adopt a Law on Freedom of Information, the legislation has not been adopted yet.

Reforms continue to promote judicial independence, professionalism, accountability and effectiveness. The implementation of the 2016 third package of judiciary reforms was progressing well over 2017, but not without challenges. Random electronic allocation of cases started to be introduced. The controversial probation period for judges preceding a life-appointment remains in place. The judiciary reforms were underpinned by the first comprehensive judiciary strategy and action plan and a large number of important commitments taken up by the High Council of Justice. Yet, the work of the High Council of Justice and a few prominent judges continued to be much criticised for lack of transparency, independence and accountability. In early 2017 the Prosecutorial Strategy for 2017-2020, Ethics Code and Appraisal System were adopted. Despite the government's commitment, there has been no progress in establishing an effective independent investigative body to deal with alleged misconduct by prosecutors and law enforcement officers. There is also no effective oversight of the law enforcement institutions by the parliament.

Georgia ranks 94 among the 142 countries covered by the World Economic Forum Global Gender Gap Index, largely due to the fact that women are underrepresented in politics and decision making; women hold only 16% of seats in the Parliament. Access to education is high for women, but this has not yet translated into increased overall employment and economic participation. There continues to be a high incidence of violence against women including a serious problem with sex-selective abortions and early marriages in Georgia. Altogether 14% of all young girls get married before the age of 18 which indicates that the law on minimum age of marriage is not effectively enforced.

Despite positive efforts made by the Government of Georgia, including the recently adopted legislation on violence against women and gender equality and the ratification of the Istanbul Convention, numerous deficiencies still exist, both in legislation and in practice. There is a lack of public awareness on gender based violence and a lack of trust in law enforcement agencies which mean that many cases of domestic and sexual violence go underreported.

Georgia has strict drug legislation resulting in drug crimes being the main reason for imprisonment. Concerns around widespread drug "street-testing" remain. In 2017, some amendments were made in the drug legislation, but the Parliament also works on a broader legislative reform addressing the issue in a more holistic manner. In penitentiary, prisoners' treatment and healthcare situation continues to improve, however in particular mental healthcare needs to be further addressed in line with best practices. The ratio of inmates per population remains among the highest in Europe and rehabilitation programs are not sufficient. The system of release under parole was improved and several positive legislative amendments were adopted in May 2017.

The laws regulating the Intelligence Services and the State Security Service of Georgia (SSSG), and in particular provisions on oversight, are not in line with best European practices. A new agency was set up within the SSSG to carry out a broad range of surveillance activities. CSOs challenge the related legislation in the Constitutional Court for its failure to protect individual rights to privacy and to introduce sufficient institutional checks on surveillance.

The widely reported case of alleged abduction of an Azerbaijani citizen on Georgian territory is being investigated. Despite many requests of the international community and civil society, the Prosecutor's Office has not shown any results of the ongoing investigation.

The revised anti-corruption strategy and action plan 2017-18 were adopted in September 2017. In January 2017, Georgia introduced a monitoring system for assets declarations by public officials. The Council of Europe's GRECO recommendations regarding financing of political parties remain to be addressed. OECD-Anti Corruption Network calls for attention on the relatively high ratio of direct procurements in the public sector.

The full implementation of the Law on Elimination of all Forms of Discrimination continues to be hampered by the lack of effective sanctions and preventive measures. State institutions have on some occasions failed to act promptly and efficiently on human rights violations and discriminations against minorities. Despite efforts to strengthen legislation and raise awareness, gender inequality remains high. Women are underrepresented in politics (15% in Parliament) and in the labour market. Violence against women and domestic violence remains high and often not efficiently investigated, although the reporting of domestic violence cases to the police has increased following awareness campaigns and a significant shift in public attitudes. An Inter-agency Commission on Gender Equality, Violence against Women and Domestic Violence was established in June 2017.

Child poverty remains widespread, with every fifth child living under the poverty line and every sixth child under the subsistence minimum. The implementation of the 2016 Law on Early and Preschool Education (EPE) was postponed until 2019.

The labour inspectorate department has not been transformed into a full-fledged Labour Inspection in line with ILO standards. The number of work fatalities due to unsafe labour conditions is alarming and unified statistics on injuries are not collected. A draft law on Occupational Safety and Health is under discussion in the Parliament. Tripartite Social Partnership Commission approved a list of mediators to be assigned in collective labour disputes.

The EU Delegation continued to closely monitor and support the reform processes through budget support, grants especially to the Public Defender and EIDHR projects and joint actions with international organisations. It has also monitored the pre-electoral and electoral environment of the municipal elections in October, including through supporting the electoral reforms and monitoring the media during the elections and through supporting local election observers.

The Head of Delegation and numerous EU Member States Ambassadors engage regularly in public events on human rights and stress the importance of their promotion and protection. Human Rights Day was marked with a series of events, bringing attention to the human rights achievements and challenges in the country. The EU-supported projects presented campaigns on domestic violence and on anti-discrimination, human rights essay contest, university lectures, a photo competition and



street activities in cities across the country. With the EU support, a human rights category was introduced at the Tbilisi International Film Festival.

Key assistance is implemented through the Human Rights for All programme under the '2014 Special Measures for Georgia and Moldova' programme (10 million €). The overall objective is to strengthen human rights protection in areas prioritised by EU-Georgia agreements, including the rights of minorities and vulnerable groups, internal and external oversight of law enforcement, protection of privacy, labour rights, freedom of expression and information. The 50 million € justice programme addresses the judiciary, private and administrative law and access to justice. Actions with the Council of Europe target inter alia the implementation by courts of the ECHR, civic integration of national minorities, money laundering, Internet freedom, electoral assistance as well as support to the bar association. In order to improve the efficiency, accountability and transparency of the public administration of Georgia, technical and budget support to the Government is provided for the development of policy and legislation, civil service reform, e-Governance, public finance management, public service delivery to citizens, prevention and fight against corruption, citizen's access to administrative information. The EU supports the Parliament, Ombudsman and Civil Society Organisations in the same areas (45m € for 2015-2020).

Georgia has a good record of ratifying international human rights instruments but is not yet a party to the International Convention for the Protection of All Persons from Enforced Disappearance. In March the UN Human Rights Council adopted its first-ever resolution on Georgia. The resolution expressed serious concern over the human rights and humanitarian situation in the breakaway regions, with special emphasis on reported kidnappings, arbitrary detention, and interference with property rights, restrictions on access to mother tongue education, free movement and residence, as well as discrimination on the grounds of ethnic origin. The Council called for immediate access for the Office of the High Commissioner to the breakaways.

The investigation into war crimes and crimes against humanity committed during the August 2008 war in Georgia ordered by the International Criminal Court (ICC) is ongoing. In July 2017 Georgia signed a cooperation agreement with the Registrar of the ICC, which sets out Georgia's obligations in the framework of this on-going investigation.

## **State of Israel**

### ***Overall human rights situation***

Israel continues to be a well-established democracy with independent democratic institutions and the country ranks high in international indexes on political participation, but relatively low in the civil liberties category. In 2017 there were attempts from right-wing parties of the coalition to advance legislation and initiatives which may be perceived as illiberal, among them the amendment to the "Entry to Israel Law"; the so-called "Anti-BDS Law", which was adopted in 2017. In addition currently discussed by the Knesset the "Jewish Nation State Bill" undermines the principles of equality. Human rights NGOs raise concerns about shrinking space for civil society and about political rhetoric that stigmatizes NGOs and creates hostile climate against them. Freedom of association is recognized in Israel as a fundamental right. Freedom of expression is well established in Israel, which enjoys vibrant media

Israeli citizens belonging to Arab and Bedouin minorities continued to face difficulties related to inequalities particularly regarding access to land and housing permits, as well as in access to services and economic development. In 2017 Israel intensified its policies against asylum seekers and encouraged Eritreans and Sudanese to leave for Rwanda and Uganda. A difficult human rights situation persisted in the occupied Palestinian territories, where Israel has particular obligations stemming from its role as an occupying power.

### *EU action - key focus areas*

The EU Human Rights and Democracy Country Strategy for Israel (HRDCS) (2016-2020) foresees five priority areas: 1) Israel's responsibilities as an occupying power; 2) Children and Armed Conflict; 3) Upholding democratic values; 4) Situation of the Arab minority; 5) Asylum seekers, migrants and foreign workers. The EU was engaged with the authorities on these topics to ensure that the laws and policies were applied in a proportional way, underlining the importance of finding a balance between legitimate national security concerns and the respect for human rights and fundamental freedoms.

### *EU bilateral political engagements*

Despite the adjournment of the bilateral EU/Israel Political Dialogue and of the Informal Working Group of Human Rights (both of them did not take place in 2017), the EU aims to raise Human rights issues with the Israeli authorities at all political levels.

The EU Delegation in Tel Aviv has been politically active in 2017 by participating to and organising meetings with Members of the Knesset from both the coalition and opposition, Knesset Legal Advisor, and government officials. The Delegation raised EU concerns regarding specific legislative initiatives and lobbied for a change in policies, following the HRDCS priorities. Priorities were also raised during human rights events organized by EU Delegation and Member States. Delegation met with UN Special Representatives on HRDs during his academic visit to Israel and oPts. In addition, during 2017 Heads of Missions as well as officials in Brussels met with Arab Members of the Knesset from the Joint List, to discuss the concerns of Arab Israeli.

In 2017, in the framework of the HRDCS sub cluster on Children and Armed Conflict led by UK and the Netherlands briefings were organized with UNICEF on the situation of children in Gaza, a visit to the Ofer Military Court and observation of military trials of Palestinian minors, as well as a meeting with the Israeli National Council on the Rights of the Child, an independent body that works closely with the Knesset and the Ministries to protect children's rights. The Delegation met with the Jerusalem City Council to learn about municipal, educational and welfare support provided to Palestinian minors in East Jerusalem.

As chair of the HRDCS sub cluster on Migration/Asylum, the EU Delegation organized a guided tour of an exhibition at the Israel Museum on the Holot detention centre, as well as a visit of the Detention centre itself with a meeting with asylum seekers. Briefings were held on Israel's deportation policies to Rwanda and Uganda and a roundtable on various aspects of asylum policies also took place, as well as a meeting with the asylum seeker community in Beer Sheva and in Eilat. The Delegation continues to engage with Israeli authorities and NGOs on the subject of asylum seekers and migrants.

The HRDCS sub cluster on civil society led by Spain focused on the legislative proposals on the Knesset agenda. Arab minority sub cluster led by Italy and Finland met with representatives of Palestinian Arab NGOs in Israel, and also organized a briefing together with Sweden, who chairs the Women's and LGBTI sub cluster on situation of LGBTI communities in the Arab sector in Israel.

Regularly, the Delegation undertakes public diplomacy activities focused on human rights issues, including speeches and participation in events. The Human Rights Day in December 2017, was marked by visits of the Head of Delegation (HoD) and Heads of Missions (HoMs) to five events highlighting problematics under each of the local priorities. In addition HoD and HoMs met with the family of Avera Mengistu, mentally unstable Israeli citizen who voluntarily crossed into Gaza and is believed to be held by Hamas. On the occasion of International Women's Day in March 2017, Sweden and the Netherlands organized events on UNSC Resolution 1325 and UN Women.

### *EU financial engagements*

Implementation of Human rights priorities was also ensured through actions funded by the Delegation or through EU-funded projects under the EIDHR program. In the framework of the EIDHR program, the EU supported production of several policy reports then disseminated through political briefings and/or submission to relevant UN bodies. For instance, a report "Israeli quarrying activities in the West Bank" by Yesh Din, or a report on "Minors arrests in East Jerusalem" were produced by Hamoked and B'Tselem.

Seventeen EIDHR projects were ongoing in 2017 addressing the issues under each of the five priorities HRDCS priorities. Projects cover issues like preserving a Palestinian way of life in occupied East Jerusalem, eradicating racism and discrimination in Israel, creating safe communities in Arab society or advancing the human rights of Arab Bedouin citizens of Israel in the Negev.

### *Multilateral context*

Israel continues to refuse to cooperate with Special Rapporteurs on the situation of human rights in the oPt. Despite pending request for invitation, the UNSR on HRDs has not been invited for a state visit to Israel. Israel's 6th Periodic Review in CEDAW (Committee on the Elimination of Discrimination against Women) took place in October 2017. In addition, Israel has not accepted a standing invitation of visits from all special procedures.

## **Jordan**

### *Overall human rights situation*

Over the past year Jordan, under clear guidance of the King, in particular through His sixth discussion paper on the Rule of Law and Civil State presented in October 2016, and despite a very challenging security domestic and regional situation, remained committed to political reforms, the rule of law and respect for human rights and fundamental freedoms. The country took legislative or executive steps to strengthen the protection of individual rights in areas such as women empowerment and the reduction of the gender gap, and to promote better governance and increase public participation, notably by undertaking its first-ever governorate elections and enacting a justice and rule of law reform. Those positive steps should not detract from the continuing erosion of the space for freedom of expression and association in the country prompted by the deterioration of the security situation. Difficulties remain also with regard to the death penalty and with torture and ill-treatment.

### *EU action – key focus areas*

The EU Human Rights and Democracy Country Strategy for Jordan (2016-2020) foresees five priority areas: 1) Freedom of Opinion and Expression; 2) Rule of Law & Torture; 3) Death Penalty; 4) Women and Gender; and 5) Civil Society, Freedom of Assembly and of Association. The EU was engaged throughout the year in a discrete and frank political dialogue with the authorities to get assurances that the laws were applied in a proportional way, underlining the importance of finding a balance between legitimate national security concerns and the respect for human rights and fundamental freedoms.

### *EU bilateral political engagements*

Women empowerment and the Rule of Law are the areas where Jordan is open for constructive cooperation and where tangible progress can be reported. Regarding the former, the frequent consultations with the government and the parallel EU-funded activities and projects carried out in the field were instrumental in achieving the abolition of Article 308 of the Penal Code, which allowed rapists to escape punishment by marrying their victims, and the amendment of related articles. As for the latter, the combination of efforts by EU/donors, NGOs and the Jordanian government has resulted in the approval of new laws and bylaws reforming the Penal Code and reinforcing the independence of the judiciary (e.g. by strengthening the self-government of judicial councils). Nonetheless, committing both financial and human resources to reform remains challenging in an overall constrained economic and budgetary environment. The local and the governorate council elections (15 August 2017) marked a first step in Jordan's decentralisation reform – a pivotal sectoral reform supported by the EU and MSs through specific programmes and activities.

Despite the continued engagement in bilateral dialogue with relevant authorities, which culminated in the Association Council of July 2017, the protection of fundamental freedoms, notably the freedom of opinion and expression, as well as the freedom of assembly and association, has shown setbacks – mostly on the grounds of security concerns. A combination of administrative obstacles, doubled with latent or open threat by the security apparatus, hindered some CSOs in carrying out their activities. EUDEL and MSs met the government's Human Rights Coordinator to discuss these concerns. The EU delivered agreed common messages, to which the Jordanian replied by explaining the situation in light of security concerns.

The death penalty and torture and ill-treatment remain among the most difficult areas. The EU used policy dialogue as well as public diplomacy, but very limited progress has been registered. One more area of concern is represented by the alleged intention of the government to revise the Law on Societies to introduce restrictive measures (e.g. on foreign funding). It is important to maintain a dialogue with the authorities on these developments and signal our concerns bilaterally.

All these issues will be discussed with Jordan at the 11th meeting of the Subcommittee on Human Rights, Democratisation and Governance, which will take place in Amman in February 2018.

### *EU financial engagements*

The 2017 EU financial engagement to support human rights reached more than 8 MEURO (on-going and new in CSO-LA and EIDHR projects). The expected impact could be articulated as overall support for a transformational change in the role of civil society, including human rights organizations, in turning the challenges and obstacles into development opportunities and strengthening the social enabling environment for the promotion of human rights and democracy.

### **Multilateral context**

At the 66th session of the UN Committee on the “Convention on the Elimination of all Forms of Discrimination Against Women” – CEDAW (February 2017), Jordan presented a regular update on the implementation of the Convention and progress made to honour its international obligations pertaining to women rights, including their right to take part in economic, social, political and cultural development. On this occasion, the Jordanian government stated that it had no plans to lift its reservations on CEDAW (e.g. maintenance and compensation after dissolution of marriage, residence of the wife, etc.).

In October 2017, in the UN Human Rights Committee, Jordanian representatives discussed Jordan’s fifth Human Rights report on the International Covenant on Civil and Political Rights (ICCPR) implementations. Apart from its general commitment to safeguarding human rights for its citizens, the authorities highlighted the positive changes over the past years to promote human rights, e.g. the setting up of a constitutional court to guarantee citizens’ rights and the abolishment of Article 308 of the Penal Code. Open questions remained, however, on topics such as the nationality rights for families of Jordanian women married to non-Jordanians, early marriage, the application of the Domestic Violence Protection Law, refugees’ rights, honour murders, anti-torturing legislation, separation of authorities, fair trials and administrative detention in particular for women whose lives are in danger.

Since the end of 2017, the Jordanian government and CSOs are working intensively to develop their respective positions to be presented on the occasion of the Universal Periodic Review, which will take place in November 2018 (last UPR was in 2013).

### **Moldova**

During 2017 a major electoral reform was adopted in the Republic of Moldova (hereinafter "Moldova"), shifting from a proportional to a mixed electoral system (partially proportional, partially uninominal). The new electoral law was adopted in July although the Joint Opinion issued by the Council of Europe Venice Commission and the Organisation for Security in Europe/Office for Democratic Institutions and Human Rights in June referred inter alia to the lack of consensus on the proposed reform and to the risk that majoritarian candidates may be influenced by businesspeople or other actors who follow their own separate interests. Some of the recommendations included in the Joint Opinion were addressed as for example the representation of women and minorities and media coverage. The threshold for a single party to enter parliament (6%) was not lowered in spite of the recommendation included in the Joint Opinion.

On 7 November 2017, a new Human Rights Action Plan covering the period 2018-2022 was approved by the Government, including an implementation and coordination mechanism steered at Prime Minister level.

Moldova ranks 30 among the 142 countries covered by the World Economic Forum Global Gender Gap Index, largely due to the high number of female legislators, senior officials and managers. However, women continue to face discrimination and inequality in their social, economic and political life (e.g. women constitute 22 % of the Parliament). Gender inequalities also persist in other areas such as health and employment. Women face significant challenges in accessing decent work

opportunities, equal remuneration and equal representation in the public, political and private sector decision-making positions. Violence against women is also prevalent.

Moldova signed the Council of Europe Convention on preventing and combating violence against women and domestic violence on 6 February 2017. The EU and other international partners continued to encourage Moldova to ratify the Convention. The ratification of Protocol 12 to the European Convention on Human Rights (ECHR) is also still pending. An Action Plan on implementing the Strategy on consolidation of interethnic relations was adopted on 15 November, aiming to support policies directed towards persons belonging to national minorities. The EU and other international partners recommended that the action plan is implemented, based on adequate financial and human resources. In April 2017, amendments to the Constitution were introduced concerning the status, mandate and role of the Ombudsperson, in line with the Council of Europe Venice Commission recommendations of 2015.

According to the World Press Freedom index compiled by "Reporters Without Borders", Moldova is ranking at the 80th position (of 180 countries) in 2017, while it was 76th in 2016 (and 72nd in 2015). According to "Reporters Without Borders", Moldova's media are diversified but extremely polarized. The 2017 report also notes that: "the editorial line of the leading media outlets correlates closely with the political and business interests of their owners. Journalistic independence and media ownership transparency are major challenges." In March 2017, the audio-visual code was amended introducing higher local content requirements, which proved to be challenging for smaller media outlets, having fewer resources to produce their own programmes locally. In addition, amendments introduced a limit on ownership, now allowing a maximum of two broadcasting licenses per person. The latter amendment, however, did not foresee forced selling in cases of non-compliance and in practice licences changed ownership by way of concession. Thanks to an EU funded project implemented by the Council of Europe, a Working Group on aligning media legislation with European standards was set up within the Parliament and prepared a draft new Audiovisual Code. This new legislation has been long awaited and would help enhancing transparency and competition in the sector and ultimately improve the quality of information. In December 2017, new amendments to the Audiovisual Code were passed in the Parliament banning the retransmission of information programmes from countries who have not signed the European Convention on Transfrontier Television. While these amendments were justified as a move to counter disinformation, their impact will be assessed by the OSCE representative on freedom of the media, to ascertain that they do not excessively curtail the freedom of information.

Challenges remain regarding detention conditions and the prevention of ill-treatment and torture. In August 2017, a detainee suffering from a mental disability died while in custody, after being beaten up by other inmates and being later left in confinement in degrading conditions. This case was investigated by Moldovan authorities and targeted both law enforcement agents and the judge involved in the case. The Ombudsman of Moldova issued a report on this case on 5 December 2017, pointing inter alia to lack of functioning reporting mechanisms on torture and ill-treatment, lack of protocols concerning detainees with mental disabilities, unsatisfactory health care in detention facilities.

During 2017, a judge was dismissed based on an advice given by the intelligence services. This decision was later declared unconstitutional by the Constitutional Court, in a ruling issued on 5

December. However, a criminal case against the same judge still remains open (the case had been opened after a decision taken in the exercise of her duties was overruled back in 2016). The EU and other international partners have reiterated their recommendations that when judges' decisions are overruled or modified by a higher instance court, this should not give rise to civil or disciplinary liability of judges, except the cases of malice and gross negligence. Other cases against judges and lawyers remained open during 2017. The investigations and prosecutions on the major banking fraud unveiled during 2014 continued during 2017. However, court hearings took place behind closed doors and involved only a limited group of people.

On 8 August 2017, the updated EU-Moldova Association Agenda was adopted, setting up short term and medium term priorities for the implementation of the Association Agreement in different areas for the period 2017-2019. On 13 September 2017, the Single Support Framework was adopted, defining as follows priority sectors for EU assistance to Moldova for the period 2017-2020: governance, economic development, connectivity and people-to-people, as well as horizontal support to civil society, strategic communication, and capacity development/institution building. A European Parliament and Council decision on a Macro Financial Assistance programme to Moldova was adopted in September 2017. The decision includes a Joint Statement agreed between the Parliament, the Commission and the Council, underlining that preconditions for macro financial assistance include the respect for effective democratic mechanisms, including a multi-party parliamentary system, the rule of law and human rights. The Joint Statement was adopted in light of initiatives concerning the amendments to the electoral code.

Human rights were discussed in the framework of the main meetings related to the implementation of the Association Agreement, such as the Association Council (March), the Association Committee (October) and the Sub-Committee on Freedom, Security and Justice (June). The Human Rights Dialogue took place in June and provided with the opportunity to discuss: the state-of-play and the future of the national human rights policy and institutional framework; elections and the electoral framework; freedom and pluralism of the media; fighting against impunity and ill-treatment and human rights protection in the justice system; the rights of the child; fight against discrimination and protection of vulnerable groups. Civil Society was consulted and was present during the event as it was the case in past years. Cooperation and consultation with other international partners, especially the OSCE, the Council of Europe and the UN, also continued for the preparation of Human Rights related meetings and throughout the year in relation to the main developments in the fields of human rights and democracy.

In 2017, the EU continued to provide financial support for projects funded through the European Neighbourhood Instrument (ENI), the European Instrument for Democracy and Human Rights (EIDHR) and the Civil Society Organisations and Local Authorities programme (CSO-LA). Eleven projects were funded, focussing on anti-discrimination, the rights of persons with disabilities, gender equality, the fights against domestic violence, media freedom and the rights of the child. EU Member States also continued to fund projects supporting civil society and covering a wide range of human rights issues.

## Syria

In Syria, the fighting is far from over. The EU condemns the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by

all parties to the conflict in Syria, in particular the Syrian regime and the UN-listed terrorist organisations. Impunity for such crimes is unacceptable.

In April 2017 the Council endorsed the six strategic objectives of the EU Syria Strategy, notably the primacy of the UN-brokered intra-Syrian process in Geneva in line with the UN Security Council Resolution 2254 (2015), and the promotion of democracy, human rights and freedom of speech by strengthening Syrian civil society organisations.

The EU continued to provide substantive support to Syrian civil society organisations, including to the work of the Civil Society Support Room and the Women's Advisory Board, both established by the UN. Civil Society will need to play a prominent role in post-conflict Syria, and in helping that the process of reconciliation is driven by all parts of the Syrian society. The Council agreed to increase EU efforts to promote free speech, including through supporting free and independent media.

The EU continued to work to help ensure accountability for war crimes, human rights violations and abuses and violations of international humanitarian law, including the confirmed use of chemical weapons. The EU deplored in the strongest terms the systematic violations perpetrated in Syria, as documented by the UN established Independent International Commission of Inquiry, including the detailed survey on crimes committed in Aleppo in late 2016. The EU supported the Commission of Inquiry's recommendations. The EU continues to support gathering of information in view of future legal actions, including at the International Criminal Court, against all those responsible for breaches of international law. In this context, the EU supported the setting up of the International, Impartial and Independent Mechanism established for this purpose by the UN General Assembly, and stressed the importance of providing sufficient resources for it to continue its vital work. The EU supports all efforts for national reconciliation and will continue to call for transitional justice.

The EU has continued dialogue with civil society organizations and human rights activists with the aim of supporting their efforts to help the Syrian population and to account for the crimes committed by state and non-state actors inside the country. The European Instrument for Democracy and Human Rights funds some civil society organisations working to promote human rights and to support human rights defenders.

The European Parliament adopted several resolutions during 2017 raising attention on the situation in Syria. The EU has also supported the Syria resolutions of the UN Human Rights Council as well as of the UNGA Third Committee, condemning the escalation of violence in the country, the use of barrel bombs by the Syrian authorities and the human rights abuses by armed extremist groups, and asking for parties to respect their obligations under international humanitarian law and ensuring unhindered access for aid organizations in Syria.

The EU has continued its restrictive measures in relation to Syria and has regularly introduced new sanctions against individuals and entities – including military and security officials – responsible for violence and repression in Syria, including the use of chemical weapons.

The EU and its Member states have already provided €10.1 billion for humanitarian and resilience support to those affected by the conflict inside Syria and to refugees and host communities in the region.



## Ukraine

The human rights situation in Ukraine continues to be impacted negatively by the ongoing active conflict in the eastern part of the country, as a consequence of the Russian destabilising actions, as well as by the illegal annexation of the Crimean peninsula by the Russian Federation. These developments have resulted in grave violations of human rights and international humanitarian law. In the territory under the control of Ukrainian authorities, human rights are widely respected and fundamental freedoms upheld. Still, a number of concerns persist, relating to discrimination on various grounds, the existence of cases of torture and ill-treatment, and the lack of protection of vulnerable groups.

The EU's priorities in the area of human rights are multi-fold and include:

- ensuring accountability for all crimes, including those committed in the course of the ongoing armed conflict, as well as human rights violations committed at Maidan and in Odessa in 2014;
- prevention of ill-treatment and torture;
- advocating for electoral reform;
- promotion and protection of fundamental freedoms;
- protection of the rights of persons belonging to national minorities and vulnerable groups, including gender equality policy.

In the Crimean peninsula, the Russian Federation continues to heavily violate international human rights and humanitarian law, disregarding the responsibilities it has as an occupying power in line with UNGA resolutions 71/205 and 72/190. The systematic discrimination of Crimean Tatars as well as other groups openly opposing the illegal annexation remains of grave concern.

In the Non-Government Controlled Area (NGCA) of eastern Ukraine, the collapse of the rule of law and public order continues. As the access of humanitarian and human rights organisations to the NGCA continues to be severely restricted, the humanitarian space shrinks. At the same time, the Ukrainian government has also been criticised by international watchdogs, particularly for a lack of progress in investigating conflict-related crimes, including cases of forced disappearances, arbitrary detention, ill-treatment and sexual violence.

As a result of the conflict, there are approximately 1.6 million internally displaced persons (IDPs), who continue to face a difficult situation. The EU has called on the Ukrainian government to resume social assistance and pension payments which have been suspended for approximately 500.000 – 600.000 IDPs in 2016 pending verification of their places of residence. Voting rights of IDPs in local elections continue being restricted. In 2017, the authorities adopted an action plan towards NGCA as well as a long-term integration strategy for IDPs.

Social assistance and pension payments have also been suspended in NGCA. The international community has repeatedly called on the Ukrainian authorities to resume these payments. The population in NGCA still needs to recur to court procedures for the recognition of for example birth certificates, which, according to UNHCR, raises the risk of statelessness. The investigations into the killings at Maidan and the violent events in Odesa on 2 May 2014 have proceeded very slowly and culprits have still not been brought to justice.

Although the Ukrainian legislation provides for freedom of expression, the lack of safety of journalists continues to constitute a problem. Investigations on the recent killings of a number of journalists remain inconclusive. The reform of the public service broadcaster continues to face serious obstacles, including lack of budgetary means.

Minority rights remain overall protected in the country. However, the adoption in September 2017 of a framework law on education, crucial from the point of view of the educational reform, sparked stark reactions by some minorities and their kin-states. The law, inter alia, aims to increase the use of the state language in the secondary schools, where minority languages have been used as teaching languages. In reaction to accusations of restriction of rights of persons belonging to national minorities, Ukraine requested of an opinion by the Venice Commission on the education law. Following the publication of the opinion in December 2017, Ukrainian authorities have committed to implementing its recommendations and published a roadmap for consultations with representatives of national minorities in February 2018.

With regards to women's rights and gender equality, Ukraine tasked one of the Vice-Prime Ministers responsible for gender policy coordination and nominated a gender commissioner. While Ukraine has signed the Istanbul Convention on preventing and combating violence against women and domestic violence, the parliament has so far failed to ratify it. However, some domestic legislation has been aligned with it.

Other necessary legislative changes continue to include a ban on all forms of discrimination, including discrimination based on the grounds of sexual orientation and gender identity, as well as the development of the new Labour Code maintaining the relevant provisions of the current Labour Code and the new anti-discrimination law.

As to the fight against corruption and law enforcement, a mounting number of high-profile cases have been investigated by the specialised anti-corruption agencies. However, these cases are delayed in the existing courts. The cooperation between the National Anti-Corruption Bureau of Ukraine and the Office of the Prosecutor General has experienced serious problems. The verification of the e-declaration for public officials, in place since 2016, remains ineffective, since responsible government agencies do not facilitate their verification by automated methods or cross-check against information from other state registers. The obligation for anti-corruption activists to submit e-declarations which was adopted in April 2017 and heavily criticized by the international community has to be removed. The Supreme Court was renewed with unprecedented transparency in the selection of judges, but concerns remain about the integrity of some judges, especially those appointed Cassation Court chairs. Lower-level courts have been undergoing re-evaluation, which resulted in a self-cleansing effect with the resignation of little more than a half of the judicial corps. High-anti corruption court still needs to be established.

The implementation of the ambitious national human rights strategy and action plan, adopted in 2015, continued to proceed very slowly, with only a quarter of the actions implemented on time. Adequate human and financial resources need to be ensured for its implementation. Reform of the civilian security sector has continued, whereas the EU Advisory Mission to Ukraine (EUAM Ukraine) has been playing a key role in supporting the Ukrainian authorities in their efforts to strengthen respect for the rule of law, increase efficiency and quality of service delivery and build up the trust of citizens in the police and judiciary.

The EU and Ukraine continued their joint active engagement on human rights issues. The annual Human Rights Dialogue was held in Kyiv on 13 June 2017. Human rights have also been on the agenda in the framework of the EU-Ukraine Summit, the Association Council, the Association Committee, as well as in the framework of numerous visits by Commissioners and other high officials representing EU institutions and the Member States.

In terms of public messages, the HR/VP, her spokesperson and EU Delegation in Kyiv have issued several statements condemning human rights violations in the illegally annexed Crimean peninsula. In its public reactions, the EU has called for the release of Ukrainian citizens illegally detained in Russia and in the Crimean peninsula, including Crimean Tatar leaders Ilmi Umerov and Akhtem Chiygoz, who were eventually freed. The EU Delegation in Moscow has attended several court hearings on the cases of the illegally detained Ukrainian citizens.

In 2017, the EU further expanded its financial and technical support to the Ukrainian civil society and human rights defenders in their work on political, civil, economic, social and cultural rights and democratisation through the European Instrument for Democracy and Human Rights, Civil Society Thematic Programme and Ukraine Civil Society Support Programme. The civil society portfolio grew by 17 new projects, worth over 8 million euro to address the promotion of anti-corruption policies, monitoring of reforms implementation, empowerment of women, human rights in conflict-affected areas in eastern Ukraine and in the Crimean peninsula, prevention of torture and promotion of equality. A 1.5 million euro twinning project to strengthen the effectiveness of the office of the Parliament Commissioner for Human Rights (Ombudsperson) continued to work on the protection of personal data, access to public information, and prevention of all forms of discrimination. The EU supported the Human Rights Monitoring Mission to Ukraine of the UN Office of the High Commissioner on Human Rights through the Instrument contributing to Stability and Peace.

Ukraine has ratified most of the core human rights international instruments and cooperates well with the respective bodies monitoring their implementation. Although constitutional amendments related to judiciary adopted in 2016 enable the ratification of the Rome Statute of the International Criminal Court (ICC), the transitional provisions provide for a three-year delay in its ratification. In 2017, the EU conducted another demarche on the matter. Ukraine's derogations, due to the conflict, from some of its obligations under the International Covenant on Civil and Political Rights and the European Convention on Human Rights are still in place. After continuous calls by the international community, a mechanism of periodic independent review of these derogations has reportedly been established. However, the first review is yet to be conducted.

The third Universal Periodic Review of Ukraine took place on 14 November 2017 in Geneva. The conflict in eastern Ukraine and the illegal annexation of Crimea largely dominated the discussions. The right to education in the context of the new Law on Education was also raised. The majority of delegations acknowledged Ukraine's commitment to uphold human rights standards in times of conflict. However, concerns were expressed about conflict-related and domestic sexual violence, the prevalence of corruption, especially in the judiciary, discrimination against LGBTI persons, Roma and other minorities, restrictions on civil society, the protection of journalists and HRDs as well as worrying conditions in pre-trial detention facilities and prisons. Ukraine received 190 recommendations.

## Lebanon

### *Overall human rights situation*

Lebanon generally upheld and preserved respect for human rights and the rule of law and undertook some important key reforms, despite a challenging context, such as the adoption of a new electoral law which paves the way for holding the May 2018 parliamentary elections, further steps taken towards the full establishment of a Secretariat for a National Coordination Mechanism to improve reporting to international Human Rights bodies, new legislation on anti-torture and on the right of access to information as well as abolishing from the penal code the exemption from punishment of rapists who marry their victims. Lebanon also adopted a memorandum to facilitate birth and marriage registration of refugees (including Palestinians) and issued a waiver of the fees for residency permits for certain categories of Syrian refugees although its implementation needs to be improved. Lebanon faces important challenges in areas such as military courts' jurisdiction over civilians, arbitrary detention, pre-trial detention periods without access to a lawyer and overcrowding of prisons. It is vital that the results of investigations into deaths in custody are published for improved accountability of the security agencies. Death sentences are not carried out but still issued by the courts. Work to protect women's rights and to address the increase in the number of detained children and in pre-trial detention must continue. The protection space for refugees has shrunk while refugee children remain exposed to forced labour, sexual exploitation and child marriage. Despite protection of the freedom of expression in general, the use of criminal defamation laws against citizens speaking out against the government is still used in certain cases. Furthermore, the establishment at the end of 2016 of three new ministries for human rights, women's rights and anti-corruption are yet to bring tangible results.

### *EU action - key focus areas*

In its political and policy dialogue with the Lebanese government the EU regularly advocates for human rights protection and carried out numerous activities and public outreach events to raise concerns, particularly with regards to the fight against torture and ill-treatment, women's rights, children's rights, rights of refugees and migrants, freedom of expression and ensuring a democratic electoral process.

### *EU bilateral political engagement*

The EU engages in a constant political dialogue on human rights issues not least because they also form an important element of the EU-Lebanon Partnership Priorities signed in November 2016. The EU raised the issue of torture, ill-treatment and the abolition of the death penalty with the Lebanese authorities on numerous occasions and emphasised the importance that relevant institutional mechanisms, notably the National Human Rights Institution and the National Preventive Mechanism are fully operational. The EU conducted public outreach through various ways (articles in leading newspapers, social media against the death penalty, speeches at public events, participation in ministerial workshops etc.) and organised inauguration events of the new EU-funded refurbished premises in the prison of Tripoli and the new Forensic and Psychological Unit at Tripoli's Palace of Justice. The EU made an official demarche on prison conditions in June 2017. The EU raised the importance of women's political participation and of women's rights and continued to support various actions on children's rights including formal and non-formal education, teacher training, access to basic education of refugee children, accelerated learning programmes, basic numeracy and literacy, technical and vocational training, and support to school facilities. As regards refugees, the

EU continued to advocate for an improved legal framework for Syrian refugees in Lebanon and the importance of restarting their registration. During the joint preparation of the April 2017 Conference "Supporting the Future of Syria and the Region", Lebanon announced the waiver of the residency fee for certain refugees while the EU continued to advocate for respect of international humanitarian law in particular respect for the principle of non-refoulement.

The EU also supported efforts to encourage all Lebanese parties to engage constructively on the issues of electoral reform and the holding of parliamentary elections in 2018 and continued to engage regularly with CSOs to increase their participation in policy dialogue and policy making processes, as set out in the EU Country Roadmap for Engagement with Civil Society (2014-2017).

### ***EU financial engagements***

A total of ten human rights-related projects under the EIDHR and ENI were implemented by Lebanese CSOs and OHCHR for an overall contractual value of over EUR 8.6 million. This portfolio of projects provided further assistance to Lebanon in addressing some of the most urgent human rights needs. In 2017, the EU also funded projects aiming at strengthening dialogue mechanisms between security actors, communities and civil society, as well as contributing to improved accountability of security agencies. In addition, through the EU Regional Trust Fund in Response to the Syrian Crisis (the 'Madad' Fund), the EU in 2017 contracted EUR 7,8 million to address vulnerabilities of refugees and host communities, EUR12 million to maintain resilience of Palestinian refugees from Syria, and EUR 55,6 million to support the education and protection programme for vulnerable Syrian and Lebanese school-aged children.

### ***Multilateral context***

Lebanon submitted its first periodic report to the Committee against Torture (CAT) in March 2016 and the CAT session was held in April/May 2017 with the concluding observations published at the end of May 2017. In May 2017 the Committee on the Rights of the Child concluded its considerations of the combined fourth and fifth periodic report of Lebanon on its implementation of the Convention on the Rights of the Child. Lebanon signed the Bali Declaration in October 2017 on the protection of migrant workers' rights.

## **Palestinian Authority (occupied Palestinian territory – oPt)**

### ***Overall human rights situation***

Preliminary remark: A distinction needs to be drawn between the responsibilities of the Palestinian Authority (PA) and those of the part of Israel as occupying power. This report refers to the PA's responsibilities in the West Bank and of the *de facto* authorities in Gaza (although, formally, the government in Ramallah bears responsibility for Gaza too).

Fundamental freedoms, freedoms of expression, assembly and media civil society have faced challenges in both the West Bank and Gaza. Local elections were held on 13 May 2017 in the West Bank, but national elections have not been held for over ten years and the Palestinian Legislative Council does not convene. Consequently, laws are adopted by Presidential decrees and civil society organisations frequently report that there is a lack of transparency in the law-making process. Legislative amendments such as the cyber-crimes law have also added to this picture. The Independent Commission for Human Rights observed deterioration with regards to arbitrary detention and fair trial standards with an increase in the number of violations of the right to liberty

and security of person in both the West Bank and the Gaza Strip in 2017 compared to 2016. Human Rights Defenders work in a challenging environment, and while most threats, arrests and violence relate to Israel, in recent years there has been an increased level of violations by the Palestinian Authority (i.e. the detention in September 2017 of the human rights defender Issa Amro). Notwithstanding positive developments like the signature by the President in late 2017 of a draft Law on Police and the adoption of a Security Sector Strategy, there is a strong need to reform the security establishment run by the PA as well as amending the Judicial Authority Law. There are various problems especially in the field of gender equality such as (domestic) violence against women and discrimination against LGBTI persons. Persons with disabilities continue to suffer from social exclusion. Accusations of corruption remain frequent.

### *EU action – key focus areas*

The EU's priority is continued capacity building of the PA and awareness-raising amongst the population. This includes governance reforms in the security and justice institutions. Another priority is the strengthening of civil society organisations (CSOs) and more civic participation in political life. The European Joint Strategy on (financial) support to Palestine<sup>3</sup>, which was adopted at the end of 2017, reflects those objectives for the next period until 2020. Advisory assistance has also come from the EU's Common Security and Defence Policy mission and the EU Co-ordinating Office for Palestinian Police Support (EUPOL COPPS), on security and justice. *EU bilateral political engagement*

The EU continued to engage in human rights and democracy discussions with the PA (not with the *de facto* authorities in Gaza).

The human rights and democracy issues were discussed at the EU – Palestine Liberation Organization (PLO) Joint Committee meeting in September, preceded by the meeting of the subcommittee on human rights, good governance and rule of law in May.

The Office of the EU Representative in Jerusalem (EUREP) carried out a large number of actions at local level, such as local statements, site visits and attendance at court hearings, and formal and informal steps. Issues of concern were raised at regular meetings with the Palestinian counterparts. EUREP engaged with CSOs to obtain information and to explain and promote the EU's position. These measures have certainly contributed to upholding human rights and democracy issues in the public arena and have thus helped raise awareness among Palestinians. The EU has supported the creation of human rights and gender units in key ministries, such as the Minister of Interior and the Minister of Justice.

Support for HRDs was granted by the EU, in particular at local level, through a long list of measures, in the case of arrests of Palestinians by Israeli forces, be it through full arrest or by way of administrative detention, including of children aged between 12 and 18 years and also with regard to Bedouin communities. Numerous meetings took place both in Brussels and in the West Bank to support human rights CSOs. EUPOL COPPS held meetings with a variety of human rights CSOs.

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<sup>3</sup> This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

### *EU financial engagement*

In 2017, the EU continued to provide financial support for projects funded through the European Neighbourhood Instrument (ENI), more specifically through support for all the relevant authorities via the PEGASE (*Mecanisme "Palestino - Europeen de Gestion et d'Aide Socio-Economique"*) Direct Financial Support (DFS) mechanism, through the Instrument contributing to Stability and Peace (IcSP) and CSDP funds (for EUPOL COPPS). EU funds for humanitarian aid projects completed the wide range of interventions.

The PEGASE mechanism has ensured constant funding for the actions carried out by the PA with regard to, *inter alia*, human rights and democracy including the rule of law principle (total allocation for PEGASE in 2017: EUR 158.10 million, only part of which can be attributed directly to human rights and democracy activities). For governance, an amount of EUR 5.70 million was made available, for EUPOL COPPS EUR 12.372 million have been allocated for the mission's activities between 1 July 2017 and 30 June 2018. For the IcSP (EU's Instrument contributing to Stability and Peace), ongoing projects already approved in previous years for an overall amount of approximately 7 million continued to be implemented in 2017 to support dialogue and resilience.

### *Multilateral context*

Palestine is since 2012 a non-member observer state in the UN General Assembly. Several UN agencies cover human rights issues in the oPt.

Palestine has ratified more than 50 conventions including the seven most important Human Rights Conventions. In 2017 they became party to the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As in previous cases of adoption of treaties and conventions, no reservations were expressed.

The Convention on the Rights of the Child has been ratified and in some areas there has been improvement. While child labour continues to represent a problem, steps have been taken to address this issue. In the area of Juvenile Justice, progress has been made and a national plan is currently being implemented.

The UN convention against Torture (UNCAT) was signed in March 2014 but regular complaints of torture and ill-treatment in detention centres, in both Gaza and West Bank continue. While torture is not believed to be systematic in the West bank the UN, civil society and the ICHR repeatedly express concern about this. In 2017, 18 death sentences were handed down in Gaza but none in the West Bank. Six people were executed in Gaza in 2017.

While freedom of religion or belief is generally well observed without discrimination, discrimination against women remains a concern even though the Basic law of Palestine clearly states that women have the same rights as men. The PA has undertaken initiatives that aim to in the long-term address these problems in the long-term, such as ratifying CEDAW. A new family protection law is being prepared.

## **Libya**

Libya is bedevilled by a general state of lawlessness as the state is not able to provide reliable services, organise the administration and with it an effective security and justice sector to uphold

the law. This, per se, calls into question Libya's ability to improve its human rights record after having emerged from one of the most repressive regimes in the Arab World over four decades. Moreover, the de facto dissolution of the security institutions into militias – with variable degrees of allegiance to the state – has a particularly damaging impact on civilians, the development of a civil society, freedom of expression and media, while migrants are particularly vulnerable and subject to multiple forms of violence and exploitation. A political solution, restoration of a legitimate and, therefore, more effective government will be crucial to improving the dire human rights situation.

The Libyan Political Agreement (LPA), signed on 17 December 2015 in Skhirat (Morocco) has to-date not been implemented and Libya's Government of National Accord has never been endorsed by the House of Representative as provided for by the LPA. In September, the UN Secretary General's Special Representative Ghassan Salamé – who enjoys strong support from the international community, including the EU – has presented a one year Action Plan on 20 September 2017 aimed at leading Libya out of its current crisis.

UNSMIL/OHCHR, Human Rights Watch and others have reported on human rights violations committed with impunity, including direct and indiscriminate attacks against civilians and civilian infrastructure, unlawful killings, torture and ill-treatment in unlawful detention facilities, arbitrary arrests, abductions, enforced disappearances and forced displacement. Cases of torture have been frequently reported by detainees as having been perpetrated at the time of apprehension or questioning, during interrogations, or during detention in facilities operated by the State and/or armed groups, as well as in makeshift facilities – and resulted in the death of detainees in various facilities. Armed groups continue to abduct civilians on account of their family links, identity or actual or perceived political affiliations. Human rights violations were particularly severe and widespread in the areas controlled by Daesh where arbitrary or mass killings, torture, arbitrary detentions, forced marriages and child marriages were reported, although military campaigns (by the Libyan National Army and the Solid Wall Forces, ABAM) have so far significantly reduced the presence and impact of Daesh in Libya.

Fewer courts are working due to damage to court premises while the judicial system is structurally weak and subject to pressure from armed groups and political actors compromising the enforcement of judicial verdicts. Overall, this situation severely hampers access to justice and corruption is rife; in 2016, Libya ranked 170th in the Corruption Perceptions Index of Transparency International. Arbitrary detention also remains of major concern despite it being prohibited in Libya's Criminal Code and the country being a signatory party to three treaties that set out the basic obligations required for the right to a fair trial.

The Judicial Police, one of the main governmental entities dealing with the deprivation of liberty, does not have material conditions necessary for upholding human rights standards (e.g., division of types of inmates, recreation, employment possibilities). Female Judicial Police needed to guard female inmates are underrepresented, and no physicians are operating within these structures.

Amnesty International and Medecins Sans Frontieres also pointed at the inhumane conditions of migrants and refugees trapped in Libya's Detention Centres (only partially under state control) – often denied even their most basic rights, including sufficient nutrition while subject to abuse like forced labour, sexual and gender based violence. In its year end reporting 2017, the UN notes total of 1.3 million people, including Internally Displaced Persons (IDPs), returnees, most vulnerable non-



displaced Libyans, migrants, refugees and asylum seekers of being in urgent need of humanitarian assistance. Moreover, Libya remains the main transit country for victims of human trafficking arriving to the EU through the Central Mediterranean Route.

In 2017, the death penalty remained in force – capital punishment is applicable to at least 30 articles of the Libyan Penal Code. Yet, no executions were reported. Human Rights Defenders (HRD), journalists, judges, prosecutors, civil society organisations (CSOs) and artists have been the target of assassinations and other attacks or restrictions by many parties, in various regions of the country while the Civil Society Commission continues to issue regulations severely restricting the operations of local and international CSOs.

In August 2017, a number of Libyan writers were threatened with death following the release of a book that was retroactively censored and condemned by government officials on grounds that its content was against public morality. In November 2017, a cultural festival was stormed in Tripoli by security forces, and several organisers were arrested and detained. The de facto authorities in Eastern Libya also adopt measures particularly restricting the work of CSOs as well as basic freedoms including freedom of expression. In 2017, Libya ranked 163rd in the World Press Freedom Index of Reporters Without Borders.

Cases of domestic violence are rarely reported to the authorities and are often settled within families or through traditional justice. Women in Libya have also been arbitrarily deprived of their liberty, often because of family or tribal affiliations or for prisoner exchanges. The Libyan penal code has provisions within in it which include allowing for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her of extramarital sexual relations. Libyan law also inadequately prohibits domestic violence and its personal status laws continue to discriminate against women, particularly with respect to marriage, divorce, and inheritance. Their aspirations, however, are palpable as in the current voter registration update exercise there is an uptick in female registration.

The EU Delegation has actively taken up human rights issues with Libyan authorities, political and security actors, and representatives of Libyan civil society, including in Tripoli and Benghazi. The EU Delegation has also stepped up coordination with EU Member States, international organisations and CSOs, maintaining a permanent dialogue on issues related to the human rights of Libyans as well as migrants in Libya.

In 2017, the EU continued its support for human rights defenders and launched a project financed under the EIDHR whose aim is to reinforce the capacity of NGOs working in the field of human rights in Libya. On the occasion of Human Rights Day it issued a joint local statement with other embassies and organised an event, together with FR, featuring short films on human rights by young Libyans. The EU also supported an update of the 2014 Gender Profile Libya.

The EU's overall assistance strategy in Libya consists of two strands: (i) supporting the Libyan Political Agreement, the Government of National Accord (GNA) and local authorities through institution-building and (ii) implementing projects to directly benefit vulnerable migrants, internally displaced persons (IDPs) and refugees, as well as host communities. Most recently, the EU has stepped up its partnership with the United Nations and African Union through a joint task force to

better address migration challenges, both at practical and policy level, in cooperation with Libyan authorities.

EU support to socio-economic development at the municipal level, through the projects in the context of the EU Trust Fund for Africa (North African Window) is aimed at strengthening the ability of municipal councils to govern and delivering adequate services as well as increasing the participation of Libyan civil society organisations in the political processes and in domestic affairs. This will enhance means of municipalities along the migration route to offer opportunities to migrants, internally displaced people and returnees while stabilising host communities.

## **Kingdom of Morocco**

In 2017, Morocco continued its path of legislative and institutional reforms in response to the demands of an increasingly organised civil society. Although the effective implementation of the 2011 Constitution remains a challenge in the medium to long term, significant progress may be acknowledged. By way of example, in April 2017 the Government of Morocco re-established the Ministry of Human Rights, abolished in 2002. This Ministry represents an addition to a battery of state or government entities, which includes the Inter-ministerial Delegation for Human Rights, the National Council for Human Rights (CNDH) and a Mediator for Human Rights.

On governance, despite the persisting efforts after the adoption of the National Anti-corruption Strategy, Morocco ranks 90 out of 176 according to the 2016 Corruption Perceptions Index of Transparency International. A decree formalizing the set-up of the National Anti-corruption Commission was adopted on 31 May. This entity will be responsible for the monitoring and coordination of the actions carried out under the National Anti-Corruption Strategy.

Freedom of expression and freedom of association and assembly remain key aspects. In 2017 Morocco ranked 133 in the Reporters without Borders 2017 World Press Freedom Index. The arrest of some journalists in connection with the events in Al-Hoceima illustrated a number of subjects continue to be regarded as particularly sensitive. On freedom of association and assembly, some civil society organisations continued to express their concern on the deadlines for the reception of their constitution accreditation as well as on the obstacles to carry out certain events.

Three years after the submission in November 2014 of the acts to ratify the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT), acts of alleged ill-treatment are still reported.

Finally, regarding death penalty, the draft law revising the Criminal Code still includes the use of capital punishment. Morocco continues to apply a de facto moratorium on death penalty.

The EU continued its enhanced cooperation on Human Rights at the institutional level, while remaining a key partner for civil society. Migrant's rights, women's rights and social protection have been subject of an increased consideration for which new policies have been launched and are supported by the EU. The adoption of the Joint Strategy on Democracy and Human Rights in Morocco (2016-2020) contributed to the identification new areas of assistance where the EU would have an added value.

Regarding local coordination, the EU Human Rights Group, chaired by the EU Delegation, facilitated informal exchanges with representatives of civil society on the theme of gender equality, freedom of the press, and follow up of the Universal Periodic Review.

The implementation of the mechanism for monitoring individual cases, with the institutionalisation of meetings with the Conseil National des Droits de l'Homme (CNDH) and the adoption of appropriate measures, including follow-up of trials and contacts with civil society associations, continued in 2017.

The EU has traditionally pursued with Morocco an open and constructive dialogue on democracy and human rights, namely in the framework of the Association Council and the Human Rights, Democracy and Governance Subcommittee. Following the judgement on the EU Morocco Agricultural Agreement in December 2015, no meetings of the Association Council and the Human Rights, Democracy and Governance Subcommittee took place in 2017. The EU is willing to relaunch and reinforce both dialogues.

Support for democratic reforms and for a sustainable and inclusive economic development constitutes an important part of EU financial support to Morocco. A large proportion of this assistance goes in the form of budget support, namely to social reforms, development of the economic activity, improving governance, equality, migration policies, and justice and penitentiary reform. The EU also provides direct support to civil society organisations with the aim to increase its active participation in the democratisation process.

Morocco is part of all major United Nations conventions on human rights and cooperates satisfactorily with the UN Human Rights institutions. During its third Universal Periodic Review (UPR) finished in September 2017, Morocco received 244 recommendations. Most of the recommendations concerned the abolition of the death penalty, the strengthening of the fight against violence against women, respect for gender equality, the elimination of discrimination against children, the reform of public education, the ratification of the Treaty of Rome and the abolition of the criminalisation of homosexual relations.

## Western Sahara

Western Sahara is listed by the United Nations as a non-self-governing territory, whose status remains the object of a negotiation process conducted under the auspices of the UN.

There is therefore an ongoing UN-led process that assists the parties in achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. On 28 April 2017, the UNSC adopted resolution 2351 (2017) renewing MINURSO's mandate for one year.

The EU has repeatedly expressed its concern about the long duration of the conflict and its implications for security, human rights and regional cooperation.

The EU has consistently conveyed its support for the UN and the UNSC Resolutions, encouraging the parties to continue their respective efforts to enhance the promotion and protection of the human rights situation in Western Sahara and welcoming the strengthening of the National Council on Human Rights Commissions, operating in Dakhla and Laayoune.

The EU has also followed up on alleged individual cases of human rights violations through its contacts with civil society organisations, human rights defenders, the National Council of Human Rights (CNDH) and its regional offices.

## People's Democratic Republic of Algeria

In 2017 Algeria continued implementing the constitutional revision decided in February 2016, including the adoption of a number of organic laws. On 8 May 2017, Algeria underwent its third Universal Periodic Review (UPR) at the United Nations Human Rights Council (UNHRC). Algeria received 229 recommendations and accepted 177. Recommendations related to the abolition of the death penalty, the ratification of the Rome Statute and the decriminalisation of same sex relations are among those not considered. The EU stands ready to assist Algeria in implementing UPR recommendations.

The EU-Algeria Association Council of 13 March 2017 adopted the "Partnership Priorities", which include the implementation of the revised Constitution and the EU's support to the progress of democracy and human rights in Algeria. Sub-Committees under the EU-Algeria Association Agreement are held at regular intervals and provide a political avenue to engage with Algeria on human rights and democracy matters. The EU cooperation includes support to institutional reform, local authorities and civil society organisations.

Two important electoral processes took place in 2017, namely legislative and municipal elections. Upon invitation by the Algerian Government, the EU deployed an Election Experts Mission (EEM) during the legislative elections. The elections put to the test the capacities of the newly set up Haute Instance Indépendante pour la Surveillance des Elections (HIISE), the mandate and resources of which would need reinforcement in order to scrutinise the entire electoral process. The relatively low levels of participation in the elections (35% and 47% respectively) would seem to call for ways to boost participative democracy.

According to the 2016 Human Development Report, Algeria ranks in the high human development category, as a result among other elements of improvements in life expectancy and access to education. The sustainability of the social welfare system was however under pressure due to the decline in government revenue stemming from the drop in gas and oil prices. The space for civil society activism has remained limited. Freedom of association and assembly continued to represent a challenge. The EU hopes that the expected revision of the Law of Associations No 12-06 will provide greater openness to the emergence of new legal civil society actors.

The EU supports the promotion of gender equality and women's rights. Algeria was awarded in 2016 an African Union honorific prize in recognition of its "outstanding efforts in the promotion of women's rights and gender equality". No major developments were registered in 2017 in this area. Following the May elections, the female representation in the Assembly decreased from 31% to 24%. The enforcement of the 2015 law criminalising violence against women and adjustments to the Family Law (Moudawana), which includes discriminatory provisions, are still pending. Furthermore, additional human and financial resources are needed to ensure the efficient protection of survivors of domestic violence.

The EU-Algeria dialogue on migration and mobility within the framework of the Partnership Priorities provides an opportunity to discuss shared challenges, as Algeria increasingly becomes a country of

destination, not only of transit, of Sub-Saharan migration routes. The increased pressure in the last years pushed the Government to adopt forceful measures against irregular migrants, including large-scale deportations. The United Nations Committee on the Elimination of Racial Discrimination (CERD) expressed concerns about racial stereotypes and hate speech targeting asylum seekers, refugees and Sub-Saharan migrants. Algeria lacks legislation on asylum, a clear legal framework for migrant workers and treats irregular migration as a criminal offence.

## Republic of Tunisia

In 2017 Tunisia confirms its unique role and progress in the democratic transition in the MENA region. The country has seen in particular positive evolutions in its legislative framework in relation to elections and gender equality, also thanks to the important role played by the active Tunisian civil society. Long term goals remain the full and effective implementation of the 2014 Constitution, in particular through the creation and the strengthening of democratic institutions and independent authorities and the harmonisation of the existing legislation to ensure the respect of the rights protected by the Constitution, in line with Tunisia international engagements.

EU-Tunisia dialogue and cooperation in the fields of democracy and human rights are intense and wide-ranging. In relation to good governance, the adoption in February 2017 of a new and progressive electoral law has marked an important step forward. Local elections, now scheduled for May 2018, will be the first free local scrutiny; still the decentralisation process progresses slowly. The Code of local authorities, one of its milestones, is under discussion in the Tunisian Parliament. Significant progress in fighting corruption has taken place, namely with the adoption in February 2017 of the law to protect whistle blowers and the operation 'clean hands' launched in May 2017 by the Government. However, the adoption of the law on administrative reconciliation in October 2017 is considered by many in contradiction with these developments. Significant

The process to ensure the reform and independence of the judiciary is ongoing. No progress was nonetheless made in 2017 on the creation of the Constitutional Court. Detention conditions remain precarious; with an occupation rate of 150%, the overcrowding of prisons is an illustration of the still weak functioning of penal justice. The modification of article 52 of the Penal code in April 2017 to identify specific circumstances to reduce the sentence is in this context a major step forward. Since the 2015' Bardo attacks Tunisia is under emergency law. The Tunisian Constitution ensures neutrality of the national security forces, still a number of complaints were issued in 2017 by civil society for violent searches and arbitrary detention. The draft law on the protection of the armed forces, on the agenda for discussion of the Tunisian Parliament is criticised by a large part of civil society as potentially bolstering impunity for security forces. The process for the creation and operationalization of independent bodies and authorities continues but the law which disciplines their functioning has been severely criticised by civil society and the independent authorities themselves.

Noteworthy progress must be acknowledged with regard gender. 2017 has been marked by the adoption of important laws to promote the progress of women. The framework law on the violence against women adopted on 26 July is a milestone not only for Tunisia, but an important example for the entire region. The EU Spokesperson issued a statement at this important occasion. The government decision to cancel a 1973 administrative decree has opened the possibility for Tunisian women to get married with non-Muslim. The new electoral law ensures an even stronger

participation of women. The creation of a Presidential commission on individual liberties and equality in August 2017 is a recognition and an engagement to move ahead with further actions to ensure gender equality. Still, concerns on the social condition of women remain: unemployment is higher among women (23%) than men (12,5%) and affects two times more women with a diploma than men (41,5%). Children are also badly affected by the difficult socio-economic situation. School dropouts are increasing on a yearly basis (more than 100,000 children abandoning school every year). 2017 has been the year of Childhood in Tunisia.

A draft bill against discrimination and racist acts has not yet been adopted and different categories still suffer from forms of discrimination. Despite the inclusion in the Constitution of the right of asylum, no specific legislation has been adopted to protect refugees and asylum seekers. Tunisia has made some important commitments in the framework of the Universal Periodic Review (UPR), in relation to the protection of LGBTI rights. In relation to death penalty, since 2014, the country has voted in favour of the United Nations resolution on the application of a universal moratorium on executions. The Tunisian Constitution does not exclude nonetheless the death penalty.

Tunisia law defines the rights enshrined in article 32 of the Constitution (guaranteeing freedom of opinion, expression, information and publication). The High Independent Authority for Audiovisual Communication (HAICA) has gradually found its place in the media landscape. The National Union of Tunisian Journalists (SNJT) remains very vigilant on any attack on the principle of access to information and freedom of the press. Nevertheless, journalists are still under pressure by the application of the Penal Code and the Military Code.

Tunisian civil society continues to play a central role in promoting the democratic transition process and the protection of human rights. A participatory and transparent approach is already applied by the Tunisian authorities, it could however be further reinforced. The reform underway to replace the liberal legislative decree N. 88-2011 governing associations raises civil society concerns.

The EU has reaffirmed its support to Tunisia democratic transition in all its dialogues, in particular the sub-committee on human rights and democracy, and through its cooperation. The new EU multi-annual financial assistance strategy (Single Support Framework for Tunisia for 2017-2020) includes good governance, promotion of rule of law and support to civil society as priority sectors. Tunisia is the only Southern neighbourhood partner with which the EU organises tripartite dialogues in anticipation of association meetings and negotiations. In 2017 this important practice has been upheld consistently.

In 2017, the EU has continued to provide its financial assistance to the Tunisian transition through several ongoing and new sectorial programmes, dedicated to the promotion of women's rights (€8 million), the reform of the justice and penitentiary assistance (III phase of the programme d'appui à la réforme de la justice - €60 million), decentralisation (Initiative pilote de développement local intégré - €60 million; 'Cap vers la décentralisation et le développement intégré des territoire - €43 million); reform of the administration (Programme de modernisation de l'administration publique tunisienne – €73,5 million); a new programme to support civil society and independent institutions (Programme d'appui à la société civile et aux instances indépendantes - €20 million).

Tunisia is part to 8 out of 9 UN human rights treaties and main UN conventions. Tunisia is member of the UN Human Right Council for the 2017-2019 term and has undergone the Universal Period

Review in 2017. Tunisia has accepted the large majority of its recommendations, including those requesting to launch actions on the abolition of the death penalty and on the protection of LGBTI rights.

The EU welcomes the cooperation between Tunisia and the Council of Europe through specific programmes, the accession to the CoE conventions (see in particular the accession in 2017 to Convention 108 on data protection).

## Russia and Central Asia

### Russia

The overall human rights situation in Russia in 2017 continued to be marked by the shrinking space for independent civil society and the systematic infringement of basic freedoms. The numerous violations of the fundamental rights of assembly and expression are part of a general trend of degradation of the human rights situation in Russia. This is especially the case concerning the rights of minorities, the persecution of independent voices, the expansion of the power of law enforcement and security agencies to control online speech, and the implementation of discriminatory policies and laws against LGBTI people and some religious communities, like the Jehovah's Witnesses. The situation in Chechnya and in illegally occupied Crimea remains particularly dire.

Among the gravest human rights violations in Russia in 2017 was the persecution of LGBTI people in Chechnya together with serious allegations of extrajudicial killings in this North-Caucasus republic. The EU repeatedly urged the Russian authorities to stop the violence and investigate the events through statements by the EEAS spokesperson and in the Permanent Council of the OSCE and in the Council of Ministers of the Council of Europe and in meetings with Russian officials.

The Supreme Court decided on 20 April and confirmed in appeal on 17 July that Jehovah's Witness (JWs) activity would be banned across Russia on the basis of it having an "extremist" character. This was the first time in Russia a court had ruled a registered centralised religious organisation to be "extremist". Since the ban was declared, JWs have experienced increased law enforcement harassment, vandalism and violence. The EU condemned the ban as a clear breach of freedom of religion and regularly met with JWs representatives to show support and learn about their situation.

The Russian government continues to discourage or ban public demonstrations, thus violating freedoms of speech and assembly. In 2017 three largely peaceful protests took place across Russia (26 March, 12 June and 7 October). Peaceful demonstrators often met with a forceful response from the police. Political opposition continued to be harassed through a series of intimidation measures targeting more principally one of its leaders, Aleksey Navalny, as the main organiser of the abovementioned protests. Measures targeting Navalny included the detention of his supporters, raids of his campaign offices and events, physical threats and attacks on Navalny himself and colleagues/supporters, seizure of campaign equipment and materials.

The scope of the existing legislation on "foreign agents", which so far targeted only Russian NGOs, was in 2017 extended to foreign media, which are now required to register as "foreign agents", limiting the space for free and independent media and access to information. By the end of 2017,

nine foreign media had been declared to be "foreign agents". It is widely acknowledged that the laws on "foreign agents" (with 85 NGOs listed under such label at the end of 2017) and on "undesirable organisations" (with four new entities labelled in 2017, bringing the number to 11 end-2017) have had a negative impact on the work of independent civil society organisations, limiting their work and their ability to secure funding and remain operational in such hostile environment. The "foreign agents" law led to the opening in 2016 of a criminal case against prominent human rights defender Valentina Cherevatenko (the case was however dropped in June 2017); while the implementation of the "undesirable organisations" law was invoked to open two administrative cases against Sova Center, a research institute monitoring hate crimes and extremism in Russia, and its director A. Verkhovsky.

On 7 February President Putin signed into law a controversial bill decriminalising some forms of domestic violence reducing the charges on perpetrators from criminal to administrative for certain forms of violence. The change has been widely criticised both in Russia and internationally as an attempt at playing down domestic violence.

On 19 January the Russian Constitutional Court ruled that Russia would not enforce the European Court of Human Rights' (ECtHR) judgment awarding over EUR 1.8 billion compensation to former (oil giant) Yukos shareholders. This decision was based on a law of 2015 which allows the Constitutional Court to disregard decisions of international human rights bodies. Also in a Council of Europe context, on 20 June the ECtHR ruled that Russia's "gay propaganda" law was discriminatory and "reinforced stigma and prejudice and encouraged homophobia".

Repeated calls by the EU to resume Human Rights Consultations in a meaningful format continue to be resisted by the Russian authorities. The EU, however, uses all other available options - including meetings of senior officials, international fora (namely the UN, OSCE and Council of Europe) and public statements to voice its concerns about the state of human rights in Russia. The EU Delegation in Moscow coordinated with Member States the implementation of a common human rights approach, including the observation of several human rights related trials and visits of NGOs across the country. The Delegation also organised several events with human rights defenders and civil society organisations and met with them on a regular basis. The European Parliament held urgency debates about the human rights situation in Russia, including on the anti-corruption demonstrations and the mass arrests of 26 March, on the situation of Ukrainian political prisoners in Russia and in Crimea, and on the implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of LGBTI persons in Chechnya.

The priorities of the EU in the human rights area remain focused on strengthening the capacity of Russian civil society organisations and human rights defenders as well as on improving, through EU-funded projects, the living conditions of the most vulnerable sections of Russian society. At the end of 2017, the EU funds in Russia 24 projects totalling EUR 13.3 million, in the fields of human rights and support to civil society. Funding covers topics such as: training and capacity building actions for human rights activists, support to media, freedom of association, local governance; vulnerable groups such as low income communities in remote areas, orphans, HIV positive people and people with disabilities. In 2017 the European Commission launched a new EUR 6 million call for proposals (comprising two annual budgets) for Russia under the European Instrument for Democracy and Human Rights and awarded funding to 11 new projects.



Despite increasing harassment, Russian civil society remains strong and shows a great degree of adaptability and resilience. The EU will continue urging the Russian authorities to respect their international obligations concerning fundamental freedoms. At the same time, the EU will maintain its support to Russian civil society, in line with the five principles guiding EU-Russia relations, which were confirmed by the Foreign Affairs Council in March 2016.

## Kazakhstan

The overall human rights situation in Kazakhstan remained to be closely monitored. Several pieces of legislation adopted or prepared in 2017, in particular the law on media, the law on legal professions, the law on religious associations, the tax code and the labour code, while containing a number of positive elements, aim to further tighten control over society and infringe on fundamental freedoms.

EU action has focused on strengthening the inclusion of civil society in public decision-making and supporting civil society capacity-building, while promoting Human Rights awareness, in particular freedom of expression, freedom of association, women's and children's rights, workers' rights and freedom of religion and belief.

The EU Delegation participated in the meetings of the Consultative Advisory Body on Human Dimension (CAB), a platform for dialogue between the government and civil society representatives under the Ministry of Foreign Affairs. The EU actively participated in a number of Human Rights seminars and roundtables organised by the Kazakh authorities. The EU Delegation also hosted regular meetings with civil society representatives. The Delegation organised a dedicated Human Rights promotion campaign on the social media (#EU4HumanRights and #EU4Women) and granted Human Rights awards to organisations working locally to promote Human Rights. Specific consultations with civil society in the preparation of the Human Rights dialogue were organised in Almaty in October.

The EU Delegation, together with EU Member States representatives, paid a prison visit to Human Rights activist Max Bokayev, who was sentenced for organising demonstrations against the reform of the land code. The EU raised his health status, access to healthcare and called for his release, in line with the April 2017 Opinion of the UN Working Group on Arbitrary Detention (UNWGAD).

The EU raised Human Rights concerns with Kazakhstan in various settings, including at the Cooperation Committee meeting (28 March), the Human Rights Dialogue (29 November) and the Justice and Home Affairs Sub-Committee meeting (28 November). Human Rights have also been included in the policy dialogue at the ministerial level (Ministry of Justice, Ministry on Religion and Civil Society Affairs, Ministry of Foreign Affairs and Ministry of Labour and Social Protection) and raised with the parliamentary specialised committees and NGOS. The EU acknowledged the significant efforts made by Kazakhstan to prevent the mistreatment of detainees, including through the work of the National Preventive Mechanism. It raised concern over growing pressure on independent NGOs and media outlets and pointed out to the possible negative implications of planned reform of the legal professions as well as to the potential adverse effects of imposing bans on certain religious practices.

The EU issued statements expressing serious concern about workers' rights in the country, encouraging Kazakhstan to bring its legislation on trade unions in line with ILO Conventions and calling for progress on corporate social responsibility, in line with OECD standards.

The EU Delegation has been managing three projects for a total amount of € 0.9 million through the European Instrument for Democracy and Human Rights (EIDHR). The projects focused on: (i) promotion of freedom of media and assembly, (ii) promotion of Human Rights and democratic reforms in Kazakhstan, in particular freedom of expression, peaceful assembly and association and (iii) promotion of cooperation between civil society organizations and the state authorities in the area of human dimension and legislative process through the Consultative and Advisory Body on Human Dimension. A regional study on the gender situation in Kazakhstan and in Central Asia has also been carried out. The study will provide an understanding of gender inequalities, identify the causes for discrimination and make recommendations for EU action.

Kazakhstan is a party to the nine core UN Human Rights Conventions except for the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It has a standing invitation to UN Special Rapporteurs. The EU encouraged Kazakhstan to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty (the Kazakhstani Constitution abolishes the death penalty for all crimes except terrorist acts that cause loss of human life and exceptionally grave crimes committed during wartime. A moratorium on the death penalty has been in place since 2003). The EU also encouraged Kazakhstan to accede to the Rome Statute of the International Criminal Court.

Kazakhstan had its human rights record reviewed by the Universal Periodic Review (UPR) of the Human Rights Council in October 2014. As of 2017, significant discrepancies remain between the assessment of authorities and experts on the implementation of the country's international commitments.

## **Uzbekistan**

The overall Human Rights situation in the Country has followed a positive trajectory following the election of President Mirziyoyev. As part of their ambitious reform programme, the leadership of Uzbekistan have undertaken significant efforts to improve Uzbekistan's Human Rights record, declaring 2017 "Year of dialogue with the people and human interests in Uzbekistan". The Government adopted wide-ranging measures to fight corruption, to conduct judicial and administrative reforms and to increase transparency in law enforcement structures. Steps have been taken to cease malpractices in prisons and other places of detention (including for juveniles), with the aim of eradicating torture and other forms of ill-treatment, in line with the country's commitments under the Convention against Torture as well as Uzbekistan's Constitution and penal legislation, which both outlaw torture. A significant number of EU prisoners of concern have been released in 2017 and it is presumed that this trend will continue through the annual Constitution Day amnesty, which is to be effectively implemented between January and March 2018. Authorities have also continued the process of granting citizenship to stateless persons residing in the country, which is a very positive and long expected step forward. Public authorities at all levels have manifested a more open and constructive approach towards cooperation with foreign partners in the human rights sphere and beyond.

Despite this positive trajectory, the overall Human Rights situation in Uzbekistan remains challenging and calls for further improvements. Human Rights concerns persist in connection to arbitrary extension of prison sentences, excessively strict regulations for NGO activities, restrictions in the areas of freedom of expression, information, religion, assembly and association. Furthermore,

Uzbekistan has still not ratified the Optional Protocol to the Convention against Torture, which would enable to create an effective monitoring system in places of detention. Further positive steps are apparently under preparation, but more decisive action would be necessary to bring the country closer to international human rights standards.

Addressing forced labour in the cotton harvest remains a key EU priority. The issue is regularly and closely monitored in cooperation with the ILO and other stakeholders. ILO monitoring has concluded to the almost complete eradication of child labour in that context. Further progress has been achieved this year in improving labour conditions and raising wages. However, more should be done, mainly in relation to recruitment practices at local level. The EU has also encouraged the country to ratify a further twelve ILO Conventions, linked mainly to relations with the employers. The EU has continued to call for a stronger role and full independence of the Ombudsman, an institution which, according to the international standards, should take the lead on Human Rights issues.

The EU has engaged in Human Rights and democracy discussions with Uzbekistan in a number of settings, including the annual meetings of the EU-Uzbekistan Cooperation Council and Cooperation Committee, the Parliamentary Cooperation Committee, as well as during the EU – Central Asia Ministerial Meeting held in November 2017 in Uzbekistan back-to-back with the visit of HRVP Mogherini. The EU Delegation has also stayed in close contact with the Ombudsman and the National Human Rights Centre. Exchanges have covered a broad range of issues of concern. The EU has also expressed concern or welcomed positive developments through statements, speeches and interviews to encourage Uzbekistan's government to ensure full respect for human rights. In 2017 the European Parliament's Subcommittee on Human Rights conducted a visit to Uzbekistan, during which human rights concerns were raised in all official meetings.

The EU has continued to provide financial support for projects funded through the Development Cooperation Instrument (DCI), Instrument contributing to Stability and Peace (IcSP) and European Instrument for Democracy and Human Rights (EIDHR). Three projects (two EIDHR and one DCI) totalling € 5.8 million supported reforms concerning child and forced labour in the cotton harvest, measures to reinforce the capacity of civil society in the field of human rights, the promotion and protection of children's rights, and the protection and promotion of the social, economic and cultural rights of vulnerable groups. In particular, the DCI project has continued to foster reforms and dialogue relating to labour rights in the cotton sector, including international monitoring of the cotton harvest and awareness-raising campaigns. The EU maintained close cooperation with UNDP, UNICEF, OSCE and WB.

In 2017 the UN High Commissioner for Human Rights made his first ever visit to Uzbekistan, where he met with the President and all main official interlocutors. The dialogue continued in the margins of UNGA in New York, where another meeting with President Mirziyoyev took place, following the latter's official speech, which included significant commitments in the field of Human Rights. The rapid reinvigoration of relations with the UN was supported by the Parliament's approval of a detailed roadmap concerning cooperation with UN OHCHR. The OHCHR Regional Office in Central Asia was also allowed to operate freely in Uzbekistan.

The first visit for more than fifteen years of a UN Special Rapporteur took place in 2017, when the UN SR on Freedom of Religion or Belief conducted a twelve-day mission to Uzbekistan, having been granted all requested meetings, including a visit to the highest security Jasyk prison.

The OSCE Representative on Freedom of the Media visited Tashkent in 2017 and opened the 19th regional Central Asia Media Conference "Open Journalism in Central Asia". The Representative met with senior government officials and representatives from civil society and the media to discuss media freedom issues in Uzbekistan. The Government also re-engaged with international NGOs, such as Human Rights Watch or the Uzbek-German Forum.

All these developments should help Uzbekistan to prepare for the next Universal Periodic Review (UPR) of its Human Rights' record in May 2018.

## **The Kyrgyz Republic**

In 2017 the overall human rights situation remained stable, but some worrisome trends have appeared, especially as regards freedom of the media. The year was marked by the preparation of the presidential elections held on 15 October 2017, which increased political tensions and had a significant impact on the work of the media and civil society. However, the presidential election in Kyrgyzstan contributed to the strengthening of democratic institutions by providing for an orderly transfer of power from one elected president to another. This was a major milestone in democratic governance. The election was competitive, voters had a broad choice, and candidates could generally campaign freely, although cases of the misuse of public resources, pressure on voters and vote buying remained a concern. The technical aspects of the election were well-administered, although observers noted significant restrictions to media freedom. Defamation claims against media outlets by the incumbent President and some candidates had an adverse effect on public debate and resulted in self-censorship. Criminal proceedings against opposition politicians, both before and after the elections, also raised serious concern.

Positive developments are to be noted in the legislative area, such as a new law protecting women and children against domestic violence. Kyrgyzstan continued its effort to prevent torture and other cruel, inhuman and degrading treatment, including through the work of the National Centre for Prevention of Torture.

The EU supported the development of the judicial system and the rule of law as a key priority. The EU also actively supports democratic governance and the fight against corruption, as well as development of the institutional framework to ensure freedom from torture and ill treatment and promotion of rights of persons belonging to minorities. EU development aid in the education sector also contributes to promoting human rights and democracy. A gender study for Kyrgyzstan was carried out in 2017. Kyrgyzstan has benefited since 2016 from the enhanced Generalised Scheme of Preferences (GSP+) of the EU. In 2017 the Kyrgyz Republic for the first time participated in the GSP+ monitoring. This exercise provided an opportunity for the EU to assess in detail progress and challenges in the implementation of the 27 core international conventions covered by GSP+.

The EU has regularly engaged with authorities of the Kyrgyz Republic on Human Rights in a wide range of formats. The Cooperation Council held in March at ministerial level provided an opportunity to express key EU concerns. The yearly Human Rights Dialogue was held in 27 June and covered issues such as judicial reform, the role of national Human Rights institutions, prevention of torture, freedom of expression and freedom of association, the rights of women and children, good governance, including rights of the members of minority groups, bilateral and international cooperation, as well as GSP+ monitoring. The EU regularly held meetings, consultations and round-

table discussions with representatives of the civil society both locally and through international organisations. The EU closely monitored the court cases of human rights defenders, journalists, politicians and activists and called on the authorities to ensure the international standards of fair trial in all instances. Human Rights issues have also been addressed during EU high level visits, in particular during bilateral meetings between the High Representative Mogherini and former President of the Kyrgyz Republic Atambaev.

The EU has continued to provide significant financial support to Human Rights projects in Kyrgyzstan, under the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR), and the Instrument contributing to Peace and Stability (IcSP).

The EU has allocated € 9.5 million to a four-year Rule of Law programme. It has supported the ongoing judicial reform and also the establishment of a more professional, independent, accountable and transparent court system, although the constitutional changes adopted in December 2016 weakened the independence of the judiciary. Another project under the Rule of Law programme focuses on Strengthening the Prevention and Combating of Corruption. Further EU projects address the capacity of civil society to report on cases of corruption and to enhance democratic governance. The EU provides a significant support to a programme to Strengthen Democracy through Electoral Assistance, with budget support of € 13.1 million. This programme aims to ensure that a higher degree of credibility, inclusiveness and transparency of electoral processes will contribute to an increased legitimacy of elected bodies and public confidence in democratic institutions.

The EIDHR has contributed € 740.000 to a two-year project on Support to the consolidation of national efforts for the prevention of torture and other cruel, inhuman and degrading treatment or punishment and in the fight against impunity in the Kyrgyz Republic. Through the IcSP the EU has also supported civil society actions that aim to promote constructive dialogues on religion and democracy, also with a view to engage the young generation and decrease its vulnerability to extremist rhetoric.

Kyrgyzstan has been a member of the UN Human Rights Council for the period 2016-2018. UNSG Guterres visited Kyrgyzstan in June 2017 and raised Human Rights concerns during his visit.

Kyrgyz authorities invited a large number of international observers for the Presidential elections held in October 2017. Observers from the European Parliament worked jointly with the OSCE/ODIHR electoral observation mission. The EU, in coordination with other donors, contributes through development assistance to implementation of recommendations of the OSCE/ODIHR.

The EU, OSCE and UNRCCA held regular consultations on their activities in the region, with particular attention to initiatives relating to counterterrorism, preventing violent extremism and capacity building in border management.

## **Tajikistan**

The overall Human Rights situation in Tajikistan has continued to be worrying, albeit to a lesser extent than in the preceding year, which had witnessed a dramatic narrowing of individual freedoms. Although Human Rights were under stress in many ways, the main areas of concern were political participation, freedom of expression and freedom of association. Tajikistan experienced

increased political centralisation with authoritarian tendencies, and considerable pressure was exercised on the freedoms of assembly, association, the media and religion.

EU actions in Tajikistan sought to afford protection to some of the victims of politically motivated trials and repression, and were designed to underpin the work of civil society organizations, such as their inclusion into the legislative process. EU actions also promoted Human Rights awareness, in particular freedom of expression, freedom of association, women's and children's rights, workers' rights and freedom of religion and belief.

The EU called upon Tajikistan to review the case of imprisoned lawyer Mr. Buzurgmehr Yorov, and arrange for a prison visit of the monitoring group under the Tajik Ombudsman. The European Union also worked to ensure that no pressure is being exerted on the family members of imprisoned political activists.

An active public relations campaign was conducted to promote the European Culture Week Festival 2017, which increased the visibility of the EU as key local partner and promoted the European cultural and social model.

A regular media breakfast hosted by the Head of Delegation fosters frank exchanges on local political issues, including human rights topics.

The EU engaged in Human Rights discussions with Tajikistan in various formats, including at the ministerial level at the Cooperation Council meeting of May, the Human Rights Dialogue held in October, as well as various high-level visits by EU Special Representative for Central Asia. These meetings allowed for open and frank exchanges on a wide range of concerns. A broad range of issues were addressed, including elections, political participation, freedom of expression, women's rights, torture, freedom of religion and the situation of civil society organizations. The EU acknowledged the significant efforts made by Tajikistan, in particular by the office of the Tajik Ombudsman for Human Rights, in preventing torture and domestic violence, and in advancing the rights of women. The EU noted that the space for the work of civil society organisations in Tajikistan had become more restricted, for instance with regard to administrative inspections, and called on the Tajik government to better involve NGOs in the legislative process relating to the new draft law on non-commercial organisations. While recognising that significant efforts had been made by the Tajik government to combat torture and ill treatment, the EU raised specific torture cases, including in the Tajik military, pre-trial detention, and semi-closed and closed institutions. The EU drew attention to the critical findings of the UN Special Rapporteur on the Right to Freedom of Opinion and Expression following his visit to Tajikistan in March 2016, and urged the Tajik government to take concrete measures to lift restrictions on the media and independent journalists. The European Union similarly raised questions concerning the freedom of religion and belief.

In 2017 the EU continued to provide financial support to projects in the field of human rights, mainly funded by the European Instrument for Democracy and Human Rights (EIDHR). A number of new projects were being called for in the preceding year, to be funded under the EIDHR by approximately €2 million over several years.

The EIDHR project Action for freedom from torture in Tajikistan is currently ongoing and implemented by the Helsinki Foundation for Human Rights, together with four members of the NGO Coalition Against Torture in Tajikistan.

The EIDHR project Coordinated civil society action to monitor the implementation of international and national human rights obligations in Tajikistan aims to support efforts of civil society in Tajikistan to monitor and promote the realisation of international and national Human Rights obligations.

The EIDHR project Empowerment and Parents leadership towards inclusive society for children with disabilities aims to promote the rights of children with disabilities.

The EIDHR project Improving the Framework for Reporting and Resolution of Gender-Based Violence (GBV) in Tajikistan aims to improve the design and implementation of legal remedies to gender-based violence in Tajikistan.

Tajikistan is party to a number of international Human Rights conventions, and all key conventions have been ratified. The EU has sought to convince the Tajik government to sign the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Tajikistan underwent its Universal Periodic Reviews (UPR) in September 2016. The review concluded that Tajikistan had demonstrated a constructive approach and openness during the UPR cycle. Tajikistan has accepted more than 150 out of the 203 recommendations made in the HRC. Substantial progress in all areas would need to be achieved to firmly anchor Tajikistan on a positive trajectory of democratic reforms, political participation and freedom of expression. UN Secretary General Guterres raised Human Rights concerns during his visit to the country in June 2017.

Tajikistan also hosts an important OSCE office in Dushanbe, whose activities came under pressure in 2017 by the Tajik government. The OSCE in that context closed a number of field offices in the country, but received assurance that under a revised budget it would be able to continue its work in Tajikistan.

## **Turkmenistan**

In 2017 the overall Human Rights situation in the country remained worrying. The authoritarian regime of President Berdymuhamedov remained characterised by widespread violation of basic civil rights and individual freedoms. There was widespread disregard for civil liberties including restrictions on freedom of speech, press, assembly, movement and religion. Arbitrary arrest and torture, as well as denial of due process and fair trial persisted. Furthermore, there were worrying signals that the authorities were intensifying restrictions and limitations of the freedom of movement of the right to own, use and dispose of property.

The Constitution adopted in September 2016 provides for the protection and promotion of Human Rights, but a major gap remains between the legislative framework in place and its practical implementation. Among positive developments, the Law on the Ombudsman came into force on 1 January 2007 and Mrs Yazdursun Gurbannazarova was elected as the country's first Ombudsperson in March 2017. The establishment of a monitoring mechanism for the implementation of the National Action Plan on Human Rights is still pending.

The EU's main priorities have been to provide capacity-building to implement Human Rights laws and conventions, to support reforms of the judicial and prison systems, and to support civil society and human rights defenders.

The EU continued to engage in Human Rights and democracy discussions with Turkmenistan in various settings, including the Human Rights Dialogue and Joint committee meetings.

The ninth round of the annual Human Rights Dialogue with Turkmenistan was held on 25 April 2017 allowed for open discussions on such sensitive issues as the conditions of detention and enforced disappearances, but also freedom of association and media. The EU urged Turkmenistan to ease restrictions on civil society, including registration requirements, to establish a dialogue with civil society organizations and to provide information about the fate and whereabouts of disappeared prisoners. It also called for the release of a number of persons of concern. The EU underlined the important priority given in Turkmenistan's National Plan to creating "favourable conditions for the registration, operation and development of NGOs" and encouraged Turkmenistan to invite international NGO and Human Rights activist to visit their country.

The EU also voiced its concerns on several Human Rights related cases through Verbal Notes, OSCE statements and other steps in close coordination with EU Member States and like-minded partners.

Locally, the EU Liaison Office continued to engage with civil society. The EU Office also participated in a visit to a Dashoguz women's prison in January 2017.

In 2017, the EU continued the implementation of three Human Rights related projects, bilateral and regional. Under the European Instrument for Democracy and Human Rights (EIDHR), it supported the International Commission of Jurists (ICJ) with a € 0.7 million project for training seminars for Turkmen judges and lawyers on human rights Conventions. A € 4.5 million bilateral project on 'Support to Capacity Building in Public Administration' aims at increasing the qualifications of civil servants and institutional strengthening.

The EU also continued its support to the country within its regional EU-Central Asia Rule of Law Platform.

The UN Human Rights Committee published a 2017 report on Turkmenistan reiterating its concerns about the absence of independent media, restrictions on freedom of expressions and of religious belief, forced evictions, forced labour and enforced disappearances in prison. UN Secretary-General Guterres raised serious human rights concerns during his visit to Ashgabat in June 2017.

Turkmenistan is preparing for the next Universal Periodic Review (UPR) of its Human Rights record, scheduled in May 2018.

Unlike in 2015 and 2016, Turkmenistan did not participate in the 2017 OSCE Annual Human Dimension Implementation Meeting in Warsaw.



## Africa

### The African Union (AU) - European Union (EU)

#### *EU/AU political engagements*

The 12th African Union (AU) - European Union (EU) Human Rights Dialogue took place on 10 January 2017, in Brussels. It reviewed progress achieved so far and confirmed the joint commitment for continued and closer cooperation in the effective promotion, protection and fulfilment of human rights. In particular, both parties committed to working together, including on the basis of the AU Youth Engagement Strategy for the Promotion of Democratic Governance and Human Rights in Africa, in preparation for the Africa-EU Summit in 2017. The promotion and protection of human rights in the digital age, notably freedom of expression online and offline was raised for the first time in the context of the dialogue. The EU and AU agreed to work on the development of a robust roster for African Human Rights Observers, and pursue the organisation of a continental conference on freedom of expression and a continental seminar on freedom of association and assembly. The 6th civil society seminar bringing together representatives of African and European Civil Society Organizations preceded the formal dialogue with a focused attention on the topic of 'counter-terrorism and human rights'. In terms of main achievements, the Dialogue facilitated the adoption of the Mandate and Terms of Reference of the Steering Committee of the AU-EU Civil Society seminar on Human Rights and Democratic Governance. It contributed to enabling space for civil society to operate without undue interference.

Furthermore, the year 2017 was marked by the organisation of the 7th AU-EU Civil Society Human Rights Seminar on Torture, with financial support from the European Instrument for Democracy and Human Rights (EIDHR), and the 13th AU-EU Human Rights Dialogue, which were both held in October in Gambia. The Dialogue took place at a key moment for the partnership between Europe and Africa and coincided with the 30th anniversary of the African Commission on Human and Peoples' Rights, ahead of the 5th AU-EU Summit in Abidjan, which took place in November in Côte D'Ivoire.

The CSO seminar counted with the participation of more than 60 representatives and experts from Europe and Africa, who came up with a list of concrete recommendations to address torture and all other forms of cruel, inhuman, degrading or humiliating treatment on both continents

The 13th AU - EU Human Rights Dialogue took place on 31 October 2017. The Dialogue was led by H.E. Amb. Minata Samate Cessouma, AU Commissioner for Political Affairs, and H.E. Mr Stavros Lambrinidis, the EU Special Representative for Human Rights. Both sides remained committed to the promotion, protection and fulfilment of human rights and fundamental freedoms on both continents.

Overall, cooperation with the African Union Commission during 2017 focused on delivering on the joint commitments undertaken at the January 2017 12th AU-EU Human Rights Dialogue in Brussels. The 13th AU-EU Dialogue was an excellent occasion to assess progress achieved and identify new deliverables. Notably, significant progress was made on the drafting of the Action Plan of the Human and Peoples' Rights Decade in Africa, with the adoption of the African Commission on Human and Peoples' Rights guidelines on combatting sexual violence and its consequences possible sometime in a near future. The AU acknowledged with appreciation the EU continuous support to the African

Human Rights System, including the ongoing support to the core AU Human Rights Organs, to ensure that all AU Member States ratify, domesticate and implement the AU legal instruments in the field of good governance and human rights, under the EU Pan-African Programme. On the Rights of Persons with Disabilities, both sides welcomed the efforts of the African Commission on Human and Peoples' Rights to introduce a Protocol of the African Charter on Human and Peoples' rights on the rights of persons with disabilities in Africa. Both sides further welcomed the AU Declaration of 2017 on "Harnessing the Demographic Dividend through investments in the Youth". The EU committed its support to the AU efforts to ensure the promotion of youth rights and the youth participation in the political processes in Africa. Both parties note that investing in youth for a sustainable future will be the overarching theme of the upcoming 5th AU-EU Summit next month in Abidjan. This carries with it the joint responsibility to give youth a proper space and voice, noting the statement issued on the occasion of the AU-EU Youth Forum of October 11th 2017. The two sides agreed on the importance of streamlining Human Rights in all discussions concerning the Youth. On the creation of space of civil society, both sides reiterated their commitment to strengthen and secure an enabling environment for civil society, including ensuring their active participation at all levels, on both continents. In this respect, the EU welcomed the recent adoption of ACHPR's Guidelines on Freedom of Association and assembly. As part of the AU-EU Human Rights Dialogue, some follow-up activities took place during the year namely, a workshop on AU Policy on Business and Human Rights in Addis and a Pan-African Conference on Freedom of Expression in Kampala, both in March 2017.

### *EU/AU financial engagements*

The € 6-million EU grant to the AUC in support of elections was extended until the end of 2019. This will allow the utilization of the considerable remaining balance in the area of electoral observation. During 2017, AUC submitted its first report ever on the implementation of the project after long delay. The accompanying TA could only be extended until June 2018 due to budgetary constraints: a follow-up TA could be envisaged. The Election Observation Methodology Review funded through JAES-Support Mechanism II was finalized in 2017 and will be hopefully approved by the AUC soon. An electronic platform for the management of electoral observers was also developed with funding from the same mechanism and will become operational during 2018 with funding from the electoral grant.

The 3 EIDHR projects supporting the work of the African Commission on Human and People's Rights ended in December 2017. Two of them were successful with the adoption by the ACHPR of the Guidelines on Combating Sexual Violence and its consequences and Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa. These two projects have been extended until June 2018. The third project about death penalty was less successful as no protocol has been adopted and the project has not been extended.

The € 10 million project to strengthen the African Human Rights System has been put on tack during the year and the 4 human rights organs under the project are preparing their first payment request. Progress is slow and organs still need to get familiar with EU procedures while suffering from lack of staff. Even though hiring of additional staff was foreseen, this has not been realized in many cases due to difficult and lengthy recruitment procedures at the AUC.

Direct support to the activities of the AUC Department of Political Affairs (AGA Secretariat, African Charter for Democracy, elections and governance, women, youth and knowledge products) and the

AUC Office of Legal Counsel (for ratification activities) was also provided through the AU Support Program III to the tune of US\$ 870,000 in 2017.

## Angola

### *Overall human rights situation*

2017 was dominated by the process that culminated in the August 23rd parliamentary and presidential elections. After 38 years of rule by President José Eduardo dos Santos, President João Lourenço was elected, leading the ruling party MPLA. Since his inauguration, the President's electoral promises regarding the fight against corruption and impunity have been taken up and there have been encouraging early signs in the level of openness in publicly controlled media. Angola's election to the HRC was a very positive development in 2017.

Some positive signs were identified in the first two months of President Lourenço's mandate: i) nomination of the new Minister for Justice and Human Rights and of the new Secretary of State for Human Rights, ii) signs of more openness in the press (including public media) and the abolition of GRECIMA - Gabinete de Revitalização e Execução da Comunicação Institucional e Marketing da Administração (Office for the Revitalisation and Execution of the Administration's Institutional Communications and Marketing), iii) sustained efforts to tackle corruption and to end impunity; iv) the holding of the first Council of Ministers dedicated to economic issues in the province of Cabinda and the President's pledges to make its problems a priority; v) the new Executive's commitment to move forward with the decentralisation process paving the way for local elections; vi) the President's vow to conclude the much awaited reform of the judicial system.

On the negative side, although there have been no high profile cases in 2017, instances of political intolerance were reported during the electoral period. More recently, allegations of extra-judicial killings in Luanda as a deliberate policy implemented by the security services have been made public. The Government reacted to these grave accusations, announcing the establishment of a commission tasked with analysing the facts brought to public attention.

Problems of freedom of expression persisted, as well as a reported lack of neutrality in the media. The Constitutional Court's decision to declare the unconstitutionality of the Presidential Decree on NGOs was perceived as a positive note.

Overall, a number of areas of concern remain: i) situation in Cabinda - reports of deaths, persecution and harassment, but also impediments to social and economic development. Population complains of very poor health and education services; ii) economic, social and cultural rights: health, education, land issues (also linked to environmental degradation) and access to justice; iii) domestic and sexual violence are a nationwide problem; iv) cases of police brutality are continuously reported but they seldom elicit strong reactions of condemnation from public opinion; v) Gender bias in the justice system, lack of serious legal defence, unawareness of legal rights on the side of the defendants).

The Commission for the Reform of Justice and Law (CRJD) has been reinforced in terms of human resources and financing, which has contributed to advancing the ongoing reform of the Justice system. The number of judges and public prosecutors is still insufficient and remains an obstacle for the administration of penal justice in Angola.

Some significant signs of openness concerning freedom of expression were observed, including the public launch of Luaty Beirão's book describing his imprisonment; the open approach of the new Minister for Social Communication (including with foreign correspondents) and the possible resumption of the Portuguese TV Channel SIC broadcasting

On economic rights, the fall in the price of oil has a significant impact on vulnerable sections of the population. The government's capacity to intervene has also decreased considerably. Land governance and access to land are also important issues which should be monitored.

NGOs continue to face registration requirements imposed by the 2015 NGOs Law, which are already causing the cessation of some international financing.

### *EU action – key focus areas*

The Human Rights and Democracy Country Strategy for Angola for the period 2016-2020 defines the following key areas: Access to Justice; Elections, and Governance. This potentially opens space for a strengthened cooperation with the new government's objectives.

### *EU bilateral political engagements*

The third Ministerial meeting under the EU-Angola Joint Way Forward (JWF) agreement was held in Brussels on 7 March 2017 and covered areas including peace and security, good governance, human rights and migration, economic growth and sustainable development. Parties agreed to continue exchanging information on Good Governance and Human Rights through "Article 8" political dialogue.

The EU continued its support in fully implementing the Angolan constitution, in particular as regards the independence of the judiciary, freedom of expression, association and peaceful assembly and arbitrary detention. The EU worked with the relevant Angolan authorities on revitalising the regular dialogue on Human Rights and establishing regular consultations.

The EU, in close coordination with EU Member States and like-minded partners, conducted several formal and informal outreach initiatives with the national authorities in a number of human rights-related issues. The EU Delegation also maintained a permanent dialogue on human rights with civil society, international organisations and other donors active in the country.

### *EU financial engagement*

In 2017 the EU continued to provide financial support for projects through the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR), the Development Cooperation Instrument (DCI) and the Civil Social Organisations and Local Authorities (CSO-LA) programmes. A local call for proposals under the EIDHR focused on two relevant priorities - access to (and secure possession) of land rights access to justice, and land management and use that promotes the sustainable development.

### *Multilateral context*

Angola is a party to the main international and regional treaties containing the principles for the conduct of democratic elections, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Convention on the Rights of People with Disabilities. Angola is also a member of the African Union (AU) and of the Southern African Development Community (SADC) and is,

therefore, committed to a number of relevant legally binding regional documents such as the African Charter on Human and People's Rights, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, the SADC Protocol on Gender and Development, SADC Protocol against Corruption, and SADC Principles and Guidelines Governing Democratic Elections. Other commitments of the Angolan government include the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and the African Declaration on the Principles Governing Democratic Elections in Africa. Angola has not yet ratified the African Charter on Democracy, Elections and Governance, the Protocol on the African Court on Human and People's Rights and the UN Convention on the Elimination of Racial Discrimination. A positive development has been the presentation by Angola of the Reports on implementation of international human rights treaties made by the Inter-ministerial Commission for the elaboration of Human Right Reports, both at the level of the African system and at the UN.

Angola is currently member of the HRC (term expires in 2020). Angola's national priorities include Human Rights education for the population; reinforcement of Human Rights Institutions, and work with Civil Society. Angola's regional priorities include abolition of the death penalty; women empowerment; mitigation of massive human rights violations, and migration.

## Benin

### *The overall human rights situation*

The overall human rights situation in Benin is relatively good. The Constitutional and legal framework comply with the respect of democratic principles, human rights and the rule of law. However, governance issues (common practices of tax evasion and corruption) have an increasing impact on economic performance, thus also on the social and economic rights and on the living conditions of the population. Although Benin ratified in 2012 the Second Optional Protocol to the International Covenant on Civil and Political Rights and death penalties are no longer executable, the National Assembly has not yet adopted the new penal code supposed to transpose the death penalty ban into national law. As a result, thirteen prisoners sentenced to death are still waiting for their punishment to be commuted into life imprisonment. Benin's Human Rights Commission set up by the law adopted in 2012 is not yet fully operational.

Beninese judicial system is weak and struggles with high level of corruption; main challenges are the limited access to justice, impunity, prison overcrowding linked to prolonged pre-trial detention, poor conditions of detention.

Civil society is characterized by certain dynamism but its capacity needs to be reinforced. The press enjoys significant freedom, even if access to public media is more limited for the opposition and some parts of society. The freedom of expression is guaranteed by the constitution and the legislative framework.

Children's rights remains a concern, in particular the phenomenon of exploitation, the persistence of child, early and forced marriage, the marginalisation or even infanticide of children accused of witchcraft, and frequent incidents of sexual abuse in schools. In 2015, Benin adopted the Children's Code establishing a legal framework aiming to protect children against sexual exploitation, and a law on the promotion and protection of the rights of persons with disabilities. Despite such efforts, the Global Slavery Index 2016 believes that over 32 000 people are victims of modern slavery in Benin,

mainly through domestic work, forced labour and sexual exploitation. According to this source, Benin is among the countries where sentences for modern slavery are found to be disproportionate to crimes committed. For instance, child traffickers were released on suspended sentences in 2016.

Violation of women's rights, their under-representation in public life and limited access to land property raise also concern.

National authorities have recently taken steps against human rights violations: the Benin National report submitted in view of the UNHRC Universal Periodic Review (November 2017) states that an anti-human trafficking law is pending adoption at the Assembly, and the National Policy against Human Trafficking 2018-2025 was presented by the Ministry of Plan and Development to international donors in the fall of 2017.

### *EU action - key focus areas*

EU priorities for 2016-2020: the protection of the rights of the child; women's rights; economic and social rights and in particular access to basic services; the fight against corruption and impunity; and access to justice.

### *EU bilateral political engagement*

Development cooperation, permanent political contacts and dialogue meetings provide diverse platforms for dialogue and exchanges with the Government on human rights. The last official political dialogue session was held in November 2016, followed by the visit of President Talon in Brussels in December 2016. The next meeting is planned for early 2018.

The EU also carries out permanent dialogue with political parties of all affiliations, as well as human rights CSOs and NGOs in Benin.

### *EU financial engagement*

The general objectives of the Good Governance and Development Contract between the EU and Benin (11th EDF) include poverty reduction and promotion of sustainable growth through strengthening of good governance. Transparency, fight against corruption and promotion of gender equality are important goals. In addition, through the sector reform contract the EU supports the agricultural sector in consolidating land rights and contributing to improved access to better agricultural technologies for the farmers.

The Joint Roadmap to support civil society (2014-2017), which was agreed by the EU and Member States in 2015, includes a strong component in support of CSOs to facilitate citizen participation, the promotion of human rights, and access to basic social services for Beninese citizens. The RePaSOC project (Renforcement et participation de la société civile au Bénin) aims to support civil society organizations in their political dimension (advocacy, citizen monitoring of public action), capacity building and strengthening of the partnership between the State and the civil society. It supports civil society initiatives for the improvement of basic services to the population and the local economic and social development.

The EU also supports the strengthening of the rule of law in Benin through the effective operationalisation of the national policy for the justice sector.

The continuous EU assistance to the Government's programme for the improvement of living conditions in detention resulted in significant improvements, also for minors.

A project financed under the NSA-LA thematic programme has been implemented by Handicap International, aiming at empowering disabled citizens in local decision making processes. The project ran for four years until October 2017, and contributed to awareness campaigns as well as to the appointment of disability focal points in several municipalities across the country.

An EIDHR grant was awarded in 2016 to CARE Togo/Benin for the realisation of the PACTE project. PACTE targets victims of GBV in four of the most deprived departments of the country, by providing support to the local AVEC (Association Villageoise d'Epargne et de Crédit, groups of mutual assistance joined by GBV victims) and by fostering municipal units in charge of child protection. The Netherlands Institute for Multiparty Democracy (NIMD) will benefit of an EIDHR grant to enhance the role of the National Assembly in human rights promotion. NIMD will assist members of parliament to improve communication strategies on human rights matters towards their constituencies, and to follow up of commitments taken by Benin authorities out of the 2017 UPR.

### *Multilateral context*

The 3rd Universal Periodic Review of Benin took place on 10/11/2017. Delegations acknowledged the progress made by the country since the last Universal Periodic Review (UPR) in 2012 but concerns were expressed regarding rights of the child, human trafficking, torture prevention and forced labour, women's rights including gender-based violence, right to health and conditions of detention. Benin received a total of 198 recommendations: 191 were accepted and 7 noted.

## **Republic of Botswana**

### *Overall human rights situation*

Botswana has overall a positive image and track record on Human Rights, but with the important caveat that it remains the only Southern African country to apply the death penalty (hanging). There is little interest in following up the related accepted Universal Periodic Review (UPR) recommendations. The LGBTI situation continues to be of concern. Homosexual acts are a criminal offense, although rarely prosecuted, though acceptance of homosexuality is increasing in the cities. Other human rights concerns centre on the "shoot-to-kill" policy towards poachers and the continued difficulties in addressing the situation of the San/Basarwa minority. There are some indications of attempts at intimidation of the press.

### *EU action –key focus areas*

The priorities on which the EU has focussed during 2017 have been the issue of capital punishment and minority rights, reinforcing civil education around the principles of democracy and participation in political processes, and the support to the strengthening of the local human rights organisations' mandates.

### *EU bilateral political engagements*

The EU as a whole engages the Botswana authorities on human rights sphere within the "Article 8" political dialogue. The Delegation raised human rights issues in demarches and other forms with the Ministry of International Affairs and cooperation (MIAC), mostly at PS, Deputy PS and Director Level.



The Delegation will continue to focus on the death penalty. A particular focus will also be given to the reinforcement of the capacity for CSOs, in the run-up to the 2019 elections.

### *EU financial engagement*

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR). Under the EIDHR, a call for proposals worth 0,6M€ was launched in June 2016. The objectives were developed in a consultative process with selected civil society organisations. However, following an evaluation process, none of the applicants were found suitable for funding. The call was relaunched in November 2016 with revised objectives:

- Strengthen civic education around the principles of democracy and participation in political processes;
- Improve child protection – enabling communities and service providers to better address child protection issues and
- Empower women by strengthening female participation in decision making structures at all levels.

Following the evaluation of this call, three contracts were signed;

1. "Raising Voices for Action on Children's Rights" - children's rights will only be realized if their needs are elevated to the politicians and policymakers. The action drives children, families, service providers, traditional leaders to raise their voices for policymakers, civil society organisations survivors and families to take action -
2. "Civic Education and Participation in Political Processes in Botswana" – implemented by BOCONGO, the action seeks to mobilise and encourage participation of a wide range of CSOs and focuses on promoting inclusivity in this action is also a strategy for ensuring that there is wider coverage that leaves no one behind.
3. "Empowering women, ending gender violence in Botswana" the overall objective of this action is to lobby for women's increased representation and participation in decision-making at all levels, especially in local government, and to strengthen gender responsive governance through the "empower women, end violence" campaign.

During 2017, four ongoing EIDHR projects were implemented:

1. Ngamiland Council of Non-Governmental Organisations (NCONGO) for providing human rights education to local stakeholders and communities in the region;
2. Minority Rights Group International for work on the recognition of minorities and their rights;
3. Botswana Network on Ethics, Law and HIV/AIDS (BONELA) for promotion and protection of human rights of rural communities and most at risk populations; and
4. Stepping Stones International for work on child protection/sexual abuse.

BONELA and Stepping Stones International are in the closure phase; the NCONGO and the Minority Rights Group International project end in August and September 2018 respectively.



Some of the support to Non-State Actors under the 10th EDF could also be categorized as human rights support, as the program supported several local NGOs active in the area of gender, children or minority work. All 10th EDF projects are in the closing phase now.

### *Multilateral context*

Botswana will undertake its third review by the Working Group of the Human Rights Council as part of the Universal Periodic Review (UPR) process in 2018. For the first time, the government engaged NGOs and other stakeholders actively in a consultation process before submitting its UPR report. As a positive development following the last UPR Process, on 13 July 2017 the Parliament passed the Rome Statute of the International Criminal Court. Several court cases suggest more liberal stance on LGBTI rights. The government is more actively engaged in a dialogue with the San/Barsawa community in order to find solutions against discrimination acceptable to all sides.

On other UPR recommendations, Botswana has made little progress: Botswana has still not set up a National Human Rights Institution. The Office of the Ombudsman is understaffed and underfinanced for the fulfilment of its current mandate. No national Human Rights Strategy or National Action Plan has been drafted to date. No public debate on the death penalty has been organized by the government. Executions are still carried out. Gender-based violence continues to be rampant, including sexual abuse and rape of small children. There are reports of attempts at intimidation of the private media by Government. Botswana's laudable efforts in the area of wildlife conservation, including a hunting ban, have led to conflicts in rural populations.

Development partners have founded a Democracy and Governance working group. This group is developing into a useful forum for the discussion of human rights issues, and could become useful in the follow-up to UPR 3.

In general, Botswana is not shy to speak out in international fora concerning human rights abuses in 3rd countries (North Korea, Myanmar, Syria, and Zimbabwe) and in its support for human rights institutions such as the ICC.

## **Burkina Faso**

### *Overall human rights situation*

Burkina Faso has undergone a radical political transformation and democracy has made great progress since President Compaoré was ousted by a popular uprising in 2014. After a successful transition, general elections were organised in 2015, which were considered in line with democratic standards. Burkina Faso can be considered as a democratic model for Africa but it also faces important challenges due to the widespread poverty, high youth unemployment and very significant demographic growth. In addition, the security situation has deteriorated with two major attacks in the capital and a high number of deadly attacks in the North. Such attacks are due to the absence of state control across the border with Mali, presence of terrorists groups in that region as well as a raise in violent extremism coupled with insufficient and rather weak security forces. Jihadists threaten the population, in particular schools and teachers, affecting the right to education. This situation affects the development of the Sahel region and impacts human rights. The new Constitution, prepared by representatives of political and civil society forces and consulted with the population, though not approved yet, it reinforces human rights in particular women rights and includes the abolition of the death penalty. A new law on the protection of human rights defenders

was adopted in June 2017. Civil society plays a dynamic role and there is a relatively structured dialogue with the government on policies and plans. Civil society participates in the national debate on security; in particular the Forum on security organized in October 2017 in view to set the basis for a reform of the security sector. The reinforcement of security forces is a government priority and is supported by the international community. In 2017, the government set up two specialized judicial centres for fighting against terrorism, organized and economic crime. Reconciliation efforts are ongoing: the special commission, "HCRUN" put in place in 2016 has just started its ambitious mission, i.e. to address unresolved cases over the 1960-2015 period. Population expects justice for the victims of the 2014 insurgency, against the perpetrators of the coup d'état and in relation to the assassinations of President Sankara and journalist Norbert Zongo.

### *EU action –key focus areas*

EU actions in 2017 continued to support:

- Civil society in raising human rights awareness among different groups, in particular youth and in their contribution to democratic governance;
- The judiciary and the improvement of prison conditions;
- Birth registration and the civil registry;
- Human rights in artisanal mining, including the fight against economic exploitation of children;
- Human rights and the consolidation of the rule of law in the reform of the security system;
- Basic social rights;
- Rights of women and the fight against violence.

### *EU bilateral political engagements*

The Article 8 political dialogue took place in May 2017 and addressed security, migration, demography and gender, reconciliation and constitutional reform processes, economic development, investment and cooperation matters. The EU has accompanied Burkina Faso in the transition process to support state capacities and the national development plan (PNDES). Security is a special concern, for which various financial instruments such as IcSP, EU Emergency Trust Fund and EDF, are mobilised. In addition, the EU supports basic social services in remote areas, including in the north. The EU and its member states support the justice and home affairs ministries in the control of local self-defence militias known as "koglweogos" involved in human rights abuses. The main areas of support include the judiciary territorial network and access to justice, professionalization of the judiciary, human rights training targeting different groups (security forces, media, magistrates) and schools. New projects address child labour in gold mines and prison conditions. Civil society organisations benefit from an EU programme aimed at improving prison conditions (sanitary, legal advice, reinsertion). The EU and member states support the protection of women, actions against violence and genital mutilation as well as protection of children, in particular vulnerable children, and integration of youth delinquents.

### *EU financial engagement*

Improvement of prisons conditions, and in particular tackling overpopulation in jails (average 170% in BF), is a priority of action of the EU in BF. The EU is using a variety of instruments to help BF to make progress. The Good Governance budget support contains indicators aiming at reducing the number of detainees in abusive preventive situation, and at complying with international standards for women quarters. The EU has also granted EUR 2 mil to four civil society projects to address sanitation, vocational training, judiciary assistance, minors' reinsertion involving the national 26 prisons. By 2020, the number of detainees in preventive situation should drop from 45% to 30%,

Projects/programmes	(million euros)
Budget support good governance (EDF)	135.0
Programme to support national justice policy (EDF)	9.5
Protection of human rights in illegal mining sites (EIDHR)	1.0
Population : support to the civil registry and family planning (EDF)	(pipeline) 25.0
Support to the National Assembly (EDF)	5.0
Presimètre (NGO monitoring of public policies)	1.9

sanitation should be improved, and more than half of the total detainees (including women and minors) should have access to vocational training and reinsertion programmes. The innovative work of these civil society projects will feed the review of national prison policy and practices, and establish a strong social reinsertion accompaniment to all detainees. The EU justice programme, through technical assistance, is assisting Burkina Faso in a much needed transformation of its prison practices. EXAMPLE: EIDHR grant to EDUCO "Integrated project for the protection, withdrawal and reintegration of children from illegal gold mining sites in northern Burkina Faso".

### *Multilateral context*

Burkina Faso's progress in the area of human rights has been driven by an action plan prepared on the basis of the UPR; the last of 2013 included 165 recommendations, on child protection, prevention and repression of torture, the fight against corruption and the independence of the judiciary. The mandate and autonomy of the National Human Rights Commission (CNDH) have been strengthened by law in March 2016, in conformity with international standards, which is not yet operational; 2 of its members are still to be appointed. The observations of the UN Human Rights Committee in 2016, completed in 2017, focused on CNDH, transitional justice, gender equality, tolerance for sexual orientation, early marriage, genital mutilation, violence against women, access to contraception, abolition of the death penalty, Koglweogos, torture by security forces, pre-trial detention, independence of and access to justice, conditions of detainees, child labour and trafficking in human beings. In addition, the committee recommended efforts to protect the Peul community and to promote intercommunity dialogue.

In a 12 September 2017 report, the government responded to the Committee recommendations on women rights, security and children rights, in particular in relation to sexual exploitation. The report mentions draft legislation to improve women rights and an assessment of current legislation with

the aim of identifying reforms. A national plan against genital mutilation was adopted in January 2017, along with an action plan and sensitization campaigns. The government also responded to Committee questions about the reinforcement of the security sector and of the control of Koglweogos. In June 2017, the Committee on the Elimination of Discrimination against Women welcomed Burkina's efforts to improve its institutional and policy framework and made recommendations to improve legislation, women representation in political life and organizations, access to justice, collect data on incidents of gender-based violence, in particular sexual violence, incidents of early and forced marriage, human trafficking, forced prostitution and abduction by terrorists; to allocate sufficient resources to combat female genital mutilation and child marriage; intensify efforts to ensure free of charge and timely birth registration and issuance of birth certificates with particular attention to children born in refugee camps; allocate adequate resources to programmes targeted to combat early pregnancies; revise legislation by raising the minimum legal age of marriage to 18 for both girls and boys, without exception, and applicable to any form of conjugal union. These priorities are reflected in the constitutional reform.

## Burundi

### *Overall human rights situation*

In 2017, the human rights situation in Burundi has remained of grave concern. Despite the improvement of the security situation, a pattern of arbitrariness and impunity has prevailed, involving intelligence services, the police, local authorities as well as the party militia Imbonerakure. With the suspension of the cooperation with OHCHR by the Government of Burundi since 11 October 2016, hindering monitoring activities, an accurate comparison of the situation between 2017 and 2016 has been complicated. Still, 126 assassinations, allegedly linked to the political crisis between October 2016 and November 2017, have been reported. Forced disappearances and arbitrary arrests and detention have continued in 2017, targeting in particular individuals linked to political opposition and human rights defenders. A surge has been observed in the last months of 2017 of cases of arbitrary arrests and detention of street children and vendors. Also, from October 2016 until November 2017, 493 alleged and combined cases of torture and bad treatment have been registered. These persistent human rights violations, confirmed amongst other by UN-mandated reports (Commission of Inquiry, September 2017) and the launched ICC-inquiry into alleged crimes against humanity (November 2017), have occurred in a context of quasi-total impunity and of absence of an independent judiciary. On the outset of a referendum year (referendum on a revised constitution), political space is seriously constrained and Burundi seems to be heading towards a de facto one party system with strong control by the authorities over the media, political parties and civil society. Three radio stations and one television station, which had been targeted since the political crisis that originated in 2015, have seen their broadcast license definitely withdrawn in September 2017; some other media channels or journalists have been targeted with temporary suspensions. A few independent media have continued to operate however, notwithstanding challenging circumstances. As regards freedom of association and assembly, the crisis of 2015 and its aftermath, notably a consistent pattern of control, intimidation and restrictive legislation, have led to a weakened civil society landscape. Meetings of opposition parties have been almost systematically forbidden or disrupted; human rights organisations working on promoting and protecting political and civil rights have been forbidden or are seriously hampered. Also in 2017, there have been significant cases of human rights defenders arrested and detained.

### *EU action - key focus areas*

EU action has been determined by Council Decision of 14 March 2016, applying appropriate measures as foreseen by article 96 of the Cotonou Agreement. These measures have been reconfirmed on a 6-monthly basis since. EU's human rights institutional priority has been to sustain different multilateral mechanisms, notably through the Human Rights Council and in support of the Office of the High Commissioner of Human Rights in Burundi and the UN-mandated independent inquiries. The EU has also continued its support of human rights defenders and has focused on the main human rights violations that are listed in the Council decision of 14 March 2016 or that have occurred since.

### *EU bilateral political engagements*

In line with the Council Decision of 14 March 2016, the EU has engaged actively on the Burundi crisis, notably in support of the efforts undertaken by the EAC mediation/facilitation in view of inclusive inter-Burundi dialogue and establishing a crisis exit strategy. The latest EAC-facilitated session in Arusha (27 November-8 December) have shown a lack of genuine commitment, notably by the Burundi authorities. In the meantime, the authorities have announced a referendum that will take place in May 2018, on a revised constitution, at risk of eroding key elements of the Arusha peace agreement. The EU continues to actively engage in the Burundi crisis through a range of bilateral contacts and mechanisms (EAC Member States, AU, UN, Special Envoys, Arusha Agreement Guarantors).

Direct bilateral political contacts on human rights issues with the Burundi authorities have been limited over the past year, resulting from the deliberate isolation by the authorities. The EU has been very active in the different multilateral mechanisms (see below) and the EU has continued to finance and support AU human rights observers and the Burundi office of the OHCHR, both working under very difficult conditions. EU Heads of Missions have continued to follow up on cases of human rights defenders who are allegedly in danger.

### *EU financial engagements*

The EU co-finances, in the framework of EIDHR, two projects which are implemented by international NGOs in partnership with local CSOs, for a total amount of more than €1M. One aims to supporting human rights defenders (HRDs) who have to operate in a very difficult context, and the other one at enhancing the fight against violence against women. In the near future, a regional project « peace and security », benefiting ICGLR, will include a specific component aiming at strengthening the repression of sexual violence against women and children. EU also intervenes through the EIDHR emergency fund to contribute to the protection of HRDs and journalists. Moreover, in 2017 the EU has also taken first steps to provide support to the activities of the Office of the UN High Commissioner for Human Rights in Burundi, who remains a key partner in the human rights observation in the country.

### *Multilateral context*

Burundi's withdrawal from the Rome Statute of the International Criminal Court became official on 27 October 2017, but does formally not affect the authorities' obligation to cooperate with the ICC inquiry into crimes against humanity, in particular for the period from 26 April 2015 to 26 October 2017. In violation of its obligations as member of the Human Rights Council in 2017, Burundi has refused to implement resolutions adopted by the Council, refusing for instance any cooperation with

the Commission of Inquiry. Again in September 2017, following the HRC resolution (sponsored by the EU) extending the mandate of the COI, Burundi declared its refusal to cooperate. Finally, on-going discussions on the suspended cooperation by Burundi with the Burundi office of the OHCHR have not led to a breakthrough in 2017, seriously hampering the Office's monitoring activities and technical assistance.

## **Cabo Verde**

### ***Overall human rights situation***

Cabo Verde remained in 2017 one of the countries in Africa with a positive record on human rights and democratic governance thanks to strong political institutions, a solid multiparty parliamentary democracy, an independent press, a strong legal framework that recognizes and protects human rights and fundamental freedoms, and an independent judiciary. Cabo Verde ranks fourth among all African countries in the 2017 Ibrahim Index of African Governance while it ranks 1st in the Participation & Human Rights sector. A number of human rights issues are however of concern in Cabo Verde, namely violence and discrimination against women, violation of the rights of the child, including child labour and prostitution, poor prison conditions and long delays in the judiciary system. A still fragile economic situation tends to impact in particular economic, social and cultural rights. The Cabo Verdean authorities are however making efforts to address these concerns, and in 2017 adopted a National Plan Against Sexual Abuse of Minors; developed a Second National Plan (2018-2023) for Human Rights and Citizenship which will prioritize the juvenile penitentiary system, and are currently preparing a law on the Right to Food. Cabo Verde is also revising the statute of the National Commission on Human Rights and Citizenship (CNDHC) to align it to the Paris Principles. Cabo Verde is pursuing its policy for non-discrimination of women and combating GBV through the implementation of two main plans. One is the Third National Plan for Equality (2015-2018), which focuses on measures and results in the following areas: sexual and reproductive rights, health, gender-based violence, education and vocational training, reproductive economy, political participation in decision-making and communication spheres, and institutional strengthening. The second is the National Plan to Combat Gender-Based Violence (PNVBG-2007-2009)

### ***EU action – key focus areas***

In 2017, the EU continued to focus its priorities on gender-based violence, women discrimination and children's rights including child abuse and juvenile crime, and the rights of detainees, as outlined in the EU Human Rights and Democratic Country Strategy of 2016 and the Gender Action Plan (GAP) for Cabo Verde for 2016-2020.

### ***EU bilateral political engagements***

The EU also continued to monitor the ratification and effective implementation of 27 international conventions on human rights, labour rights, environmental protection and climate change and good governance under the EU GSP+ arrangements to which Cabo Verde is part and provided technical support under the EIDHR to the Ministry of Justice and Labour (MJT) to meet its reporting obligations concerning human rights conventions and international labour standards. The EU has also started providing support to the National Human Rights Commission to comply with reporting obligations on the human-rights treaties ratified by Cabo Verde.

The EU also maintained in 2017 a regular political dialogue on consolidation of democracy and human rights in the context of the EU-Cabo Verde Special Partnership, and will enhance its future

dialogue and cooperation around governance and in particular the quality and capacity of public services, as decided on the occasion of the 10th anniversary of the Special Partnership in July 2017. The EU conducted demarches on human rights-related issues including on the ICC.

### *EU financial engagement*

In 2017, beyond the support mentioned above, the EU also continued to fund under the CSO/LA budget line sixteen projects contributing to the improvement of the rights of women, in particular in rural and remote areas and to promote the empowerment and improve the economic situation of vulnerable groups, children and people with disabilities, as well as to the reinforcement of the civil society, in general, in Cabo Verde.

In the areas of the prevention of violence and juvenile crime but also their social integration the EU has important ongoing projects. More specifically one these projects aims to strengthen the juvenile justice system in Cape Verde by promoting the protection of the children's rights throughout the criminal justice process and reinsertion of young offenders. Other projects are working with civil society, youth organisations and local authorities in various problematic urban areas.

Under the EIDHR, in order to address the physical and psychological integrity, social and economic empowerment, raise the voice and participation of women and girls, and contribute to the effective guarantee of women's rights in Cabo Verde, the EU supports the institutional reinforcement of Cabo Verde Institute for Gender Equality as well as a project in the area of formalisation of domestic service to the Cabo Verdean Association to Fight Violence Gender Based. The EU furthermore contributes to the creation of a Code of conduct for tourists in order to prevent sexual tourism in Fogo Island. Finally, the rights of persons of disabilities are an important priority for EU support.

### *Multilateral context*

Internationally, Cabo Verde has ratified most international and regional human rights instruments, and ensures their implementation and enforcement in a generally effective manner. The country remains a staunch supporter of the ICC and in general its international position on human rights in regional and international fora is consistent with its domestic situation. In 2017 Cabo Verde made significant efforts, including via the support of a EU-funded project, to improve the timely reporting of a number of treaties to the relevant international monitoring bodies.

## **Cameroon**

### *Overall human rights situation*

In 2017 the situation in Cameroon was marked by the insecurity and serious human rights violations being perpetrated by the terrorist group Boko Haram in the Extreme North, with and allegations of violations of human rights resulting from the security forces' response to Boko Haram's attacks. The UN Committee on Torture also called on Cameroon to stop making use of torture and expressed concerns about allegations of extrajudicial killings and enforced disappearances that had taken place in the context of the fight against Boko Haram, and the use of excessive force when dealing with the crisis in the English-speaking regions of the country (several citizens were killed on the occasion of the 22 September and 1 October marches in the Anglophone regions).

Civil rights such as freedom of expression (including through social media) and freedom of assembly have suffered increased limitations during this year, in particular in relation to protests in the North-



Western and South-Western regions, where the grievances of the English-speaking minorities have led to federalist and even secessionist claims by some groups and even attacks against the security forces. Early 2017, an Internet shutdown in these two regions lasted for almost 3 months. In connection to this crisis, numerous arrests were reported, and numerous trials by military courts under the anti-terrorism legislation. There has also been stern anti-social media government discourse and pressure on media outlets reportedly leading to self-censorship. Several journalists investigating in sensitive areas have been facing trials, mainly based on terrorism charges. RFI journalist Ahmed Abba was sentenced to 10 years' imprisonment and a fine for terrorism charges. His lawyers have appealed the sentence and he was finally acquitted in December 2017. The Government displayed an increasing criticism against some NGOs or think tanks such as Amnesty International, the Committee to Protect or the International Crisis Group (ICG), who had criticised the government's approach on the response to the Boko Haram threat and to the crisis in the Anglophone regions.

2017 was also marked by continued concerns over detention conditions, problematic access to justice, as well as the rights of vulnerable minorities and human rights defenders. The death penalty is still in force legally speaking (for acts of terrorism, among other offences) but it can be commuted to 10 years' imprisonment. It has not been applied since 1997 and is subject to a moratorium.

#### *EU action: key focus areas*

EU's priorities in 2017 have been the consolidation of democratic processes (included electoral ones), the rights of vulnerable groups/minorities, the fight against the death penalty and the improvement of the justice system, but also the rights of human rights defenders. Access to basic services, especially in areas affected by insecurity, has also been a key concern.

#### *EU bilateral political engagements*

In 2017 the EU maintained its regular political dialogue with the Cameroonian authorities covering a wide range of issues. During a formal political dialogue session on human rights, issues such as good governance, justice system, abolition of the death penalty, the security forces in the fight against terrorism, but also the response to the situation in the two Anglophone regions and access to social services in the most vulnerable areas of the country were discussed.

The EU also provided political support to a number of initiatives through high level attendance to human rights related events organised by the civil society and institutions. The EU has also been advocating respect for the rule of law and fair trial, but also sent observers to monitor a number of trials. In some cases the defendants were acquitted at the end of the process (such as in the cases of Ahmed Abba) or freed after dropping some of the charges (case of Abdoulaye Harrissou).

The EU maintained a regular dialogue with civil society organisations on several occasions throughout the year, including on the revision of the Roadmap for the EU commitment towards civil society in Cameroon and when assessing its development cooperation action.

#### *EU financial engagement*

The EU has been funding projects promoting participatory democracy: participation to elections, role of the media, political parties, election observation and role of the election management bodies ("Un monde d'avenir"). Some projects targeted the political participation of women and youngsters in particular in elections and in the communities' life ("More women in politics", "Jeune et fort").



Other projects provided capacity building to the Parliament (assessment of draft bills) and administrative courts.

The EU funded human rights trainings and capacity building for judges and for the Ministry of Justice (IT) and for the police (ES) and several EU projects aimed at the improvement of detention conditions in various parts of the country.

Several initiatives supported by the EU and its Member States aimed at supporting the Cameroonian civil society and its capacity to express its views and work with each other.

On the rights of vulnerable groups, the EU worked with communities and traditional leaders in Western Cameroons to humanise widowhood rituals by trying to change the perception by the communities. Work was also done to improve the participation of indigenous people in the South and East of the country and to support the activities of NGOs defending LGBTI rights.

The EU has also been supporting the provision of basic service throughout its development cooperation programme (energy, water and sanitation, transport). Support to the provision of basic services was also funded through the EU's humanitarian assistance in regions receiving many refugees or affected by the Lake Chad crisis or by the crisis in the Central African Republic, while Spain has been active in the health and education sectors.

### *Multilateral context*

Cameroon has ratified a number of key international human rights instruments, such as the International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Some others, such as the Rome Statute, the Optional Protocol to the Convention against Torture – have been signed but not ratified yet. The signing and ratification of some others instruments such as the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims at the abolition of the death penalty, have been repeatedly rejected by Cameroon in the framework of the UPR. Cameroon has not signed the African Union Charter on democracy, governance and elections.

The latest Universal Periodic Review (UPR) of Cameroon was in 2013 and the next one will be in May 2018.

Cameroon issued a standing invitation to all UN Special Procedures in 2014.

The UN Committee against Torture reviewed (8-9/11/2017) Cameroon's fifth period report on the Convention against Torture. On this occasion, the UN Committee Experts raised a number of concerns (i.a): allegations of extrajudicial killings and enforced disappearances in the context of the fight against Boko Haram, use of excessive force when dealing with the crisis in the English-speaking regions of the country, lenient sentences for the crime of torture, the use of secret detention centres and military courts as part of the anti-terrorist struggle, forcible refoulement of Nigerian refugees on the pretext that they were members of Boko Haram, and harassment of journalists and human rights defenders.

## République centrafricaine

### *Situation générale des droits de l'Homme en RCA*

L'année 2017 a été marquée par une détérioration générale de la situation sécuritaire et humanitaire en République centrafricaine, ayant un impact direct sur la situation des Droits de l'Homme. En effet de juillet 2016 à juin 2017, la MINUSCA a enregistré 3423 victimes de violations des droits de l'Homme : meurtres, actes de torture, traitements inhumains et dégradants, violences sexuelles, enlèvements, privation de liberté et arrestations arbitraires, extorsions et pillage, recrutement et utilisation d'enfants au sein des groupes armés.

Les populations civiles sont les premières victimes de l'intensification des affrontements entre groupes armés, qu'elles le soient de manière directe (enrôlement d'enfants par les groupes armés; attaques ciblées de population en fonction de leur ethnie ou de leur religion) ou indirecte (utilisation des populations comme bouclier humain). En 2017, le nombre de personnes déplacées à l'intérieur du pays a augmenté de 47%, passant de 402 000 en janvier à 592 254 en août 2017. Plus de 513 000 Centrafricains sont réfugiés dans les pays voisins. Cette situation a également une incidence sur les droits économiques et sociaux (pillage de ressources naturelles, contrôle des axes de transhumance, destruction des biens et des propriétés publiques et privées).

Au final, la moitié de la population (soit 2,4 millions de personnes) demeure dépendante de l'assistance humanitaire. La situation tend à s'empirer du fait d'un sous-financement de l'aide humanitaire en RCA (le plan de réponse humanitaire n'est financé qu'à 30 %) et d'une multiplication des incidents sécuritaires en lien avec les acteurs humanitaires (plus de 1 500 incidents recensés depuis le début 2017).

Enfin, les dysfonctionnements de la chaîne pénale, marqués notamment par des arrestations et détentions arbitraires, demeurent un facteur structurel de la violation des droits humains en RCA.

### *Les actions clefs de l'Union Européenne en faveur des droits de l'Homme en RCA*

En 2017, l'UE a contribué au renforcement du système judiciaire à travers la poursuite du projet de réhabilitation des secteurs de la justice et de la police (RESEJEP), dont l'objectif est de lutter contre l'impunité, restaurer l'autorité de l'Etat et rétablir l'état de droit. Conjointement à cette remise à niveau du système judiciaire, l'UE contribue à la mise en œuvre d'une justice transitionnelle, tournée vers la paix et la réconciliation, à travers un appui à la création d'une Commission vérité, justice, réparation et réconciliation (CVJRR) et à la Cour pénale spéciale (CPS).

En 2017, l'UE a également mené des actions clefs dans le cadre de la sécurité publique, en introduisant une dimension relative aux droits de l'Homme dans les formations des forces de sécurité intérieure à travers le projet RESEJEP. La mission militaire EUTM a également formé deux bataillons des Forces armées centrafricaines (FACA) et plusieurs cadres en intégrant des questions de droit de guerre (y compris de Droit international humanitaire) et des droits de l'Homme.

Un soutien accru à la gouvernance démocratique est prévu en 2018 sur la réforme du secteur de la sécurité, de la justice et de la gouvernance démocratique, à travers une approche intégrée.

En 2017, la Délégation de l'UE en RCA et deux États membres (la France et l'Italie) travaillent sur une Feuille de Route de l'Union européenne pour l'engagement envers la société civile pour la période 2017-2020. Son objectif est d'une part de créer un environnement propice pour une participation

active de la société civile à l'action publique et au développement du pays et d'autre part, de renforcer les capacités des organisations de la société civile, pour lesquels des actions seront financées.

En République centrafricaine, comme ailleurs, les défenseurs des droits humains gravement menacés peuvent bénéficier après examen de leur demande d'un soutien urgent dans le cadre de l'instrument européen pour la démocratie et les droits de l'homme.

Des appels à propositions sont également régulièrement lancés pour soutenir des actions d'organisations de la société civile promouvant les droits humains en RCA ou dans plusieurs pays conjointement.

### *L'engagement politique de l'UE vis à vis de la RCA*

La promotion et la défense des droits de l'Homme constituent un élément fondamental du dialogue politique entre l'UE et les autorités centrafricaines.

L'UE a été l'un des premiers partenaires à soutenir la République centrafricaine (RCA) dans sa transition démocratique et s'est activement engagée dans la consolidation de son ordre constitutionnel. L'UE a aidé le pays à organiser des élections présidentielle et législatives de la période 2015-2016 (avec 20 millions d'euros) et contribue également au renforcement des contrôles externes de compétence législative, et en fournissant une assistance à l'Assemblée nationale.

En 2017, la délégation de l'UE a mené un plaidoyer important auprès des autorités centrafricaines en vue de la mise en place d'institutions prévues par la constitution : le Conseil économique et social, le Conseil national de la médiation, le Haut Conseil de la communication et la Haute Autorité chargée de la bonne gouvernance.

L'UE a également œuvré pour la création de la Commission nationale des droits de l'homme et des libertés fondamentales, installée en 2017.

L'UE est engagée dans le processus de paix en tant qu'observateur au sein de l'Initiative africaine sous l'égide de l'Union africaine. Au cours de l'année 2017, un appui technique a été apporté aux autorités centrafricaines et au panel des facilitateurs de l'Initiative africaine afin de renforcer leurs capacités dans le domaine de la médiation.

### *L'engagement financier de l'UE vis-à-vis de la RCA*

L'Union européenne (UE) contribue à l'amélioration de la situation des droits de l'Homme en RCA, à travers une approche transversale et systémique. Cette approche, qui articule une grande variété d'outils financiers (notamment le Programme indicatif national 11ème FED d'un montant de 382 millions d'euros signé en juin 2017) avec un dialogue politique soutenu, correspond aux trois piliers du Plan National de Relèvement et de Consolidation de la Paix (RCPCA) : (i) appui à la paix, la sécurité et la réconciliation; (ii) renouvellement du contrat social entre l'Etat et ses citoyens; et (iii) la promotion de la relance économique et appui aux secteurs productifs. A la date d'aujourd'hui, l'UE est parvenue à augmenter de près de 20 % l'enveloppe totale qui sera mise à disposition en faveur de la République Centrafricaine sur la période 2017-2020 tous instruments confondus (total de 487 millions d'euros).

En outre, à travers le Fonds fiduciaire Bêkou, l'UE et les États contributeurs (FR, DE, IT, NL, CH) ont soutenu la RCA dans sa sortie de crise en apportant une réponse flexible et rapide avec des engagements de plus de 230 millions d'Euros. Le Fonds permet de subvenir aux besoins immédiats des populations tout en contribuant à la reconstruction durable du pays, et constitue un outil majeur de la résilience en RCA. Notre aide a un impact visible et directement tangible pour les populations, notamment grâce aux interventions dans le domaine de la santé, des infrastructures, de l'eau. À titre d'exemple, depuis novembre 2016, plus de 20 000 enfants ont été vaccinés, plus de 26 000 naissances ont été assistées par Bêkou, et 23 000 ménages ruraux ont été accompagnés dans des actions de résilience. Le plan d'action du Fonds Bêkou pour la période 2017-2019 prévoit des actions structurantes pour la promotion des droits de l'Homme en RCA, principalement dans le contexte rural. Le Fonds fiduciaire soutient également la station de radio locale Ndeke Luka, par l'intermédiaire de la Fondation Hirondelle, afin de favoriser la réconciliation et le dialogue en RCA à travers un média impartial et professionnel, et compte tenu de l'importance de la radio dans la consolidation de l'environnement démocratique.

## Union des Comores

### *Situation générale des Droits de l'Homme*

Malgré une certaine continuité des avancées dans la réglementation depuis 2016, les institutions et les organismes défendant et promouvant les droits de l'homme restent fragiles. La mauvaise gouvernance économique, la corruption, la culture d'impunité ainsi que le clientélisme minent le bon fonctionnement de tous les secteurs de la vie politique et économique du pays. Les faiblesses du système judiciaire et coercitif, les difficultés inhérentes aux processus électoraux, la discrimination et les violences faites aux femmes, ainsi qu'une protection des enfants défaillante (abus, travail forcé, traite des personnes, etc.) comptent parmi les phénomènes les plus visibles. En outre le paysage politique aux Comores demeure très fragmenté et le risque de radicalisation est élevé. L'influence de wahhabisme et sa rigidité sur les mœurs et le style vestimentaire – surtout lors des fêtes religieuses – est de plus en plus frappante. Par ailleurs, le flux migratoire des Comores vers Mayotte et la Libye continue de provoquer de nombreux drames humains.

### *Action de l'UE – domaines d'intervention clés*

Les priorités stratégiques de l'UE en matière de droits de l'Homme et de démocratie pour l'Union des Comores (l'UDC) visent: 1) l'amélioration de la performance du système judiciaire et du niveau de confiance de la population à cet égard 2) le renforcement des institutions électORALES en vue de l'organisation d'élections conformes aux standards internationaux 3) la réduction de la corruption et la promotion du changement de mentalité et d'habitudes qu'elle requiert 4) la promotion de la participation des femmes dans tous les secteurs de la vie comorienne et la levée des tabous sur la lutte contre les violences faites aux femmes 5) le renforcement de la protection des enfants ainsi que la diffusion d'une prise de conscience généralisée des droits de l'enfant.

### *Les engagements politiques bilatéraux de l'UE*

Le respect des Droits de l'Homme est un élément essentiel du dialogue politique avec les Comores. En Février 2017, après une longue interruption, le dialogue politique a été relancé et l'UE espère pouvoir le régulariser et l'intensifier avec le transfert de la responsabilité diplomatique pour les Comores à sa Délégation de Madagascar en septembre 2017. Le dialogue a permis d'aborder les questions importantes relatives aux droits de l'Homme telles que celles liées au genre et à la lutte contre la corruption. Malgré quelques avancées notables dans le domaine de la santé et de l'éducation, la participation des femmes au développement économique et politique, ainsi que l'évolution du cadre légal et sa mise en œuvre (notamment pour la lutte contre les violences faites aux femmes et aux mineurs) restent préoccupantes. Outre la nécessité d'une plus grande sensibilisation de la population concernant le déni de la violence faite aux femmes, les moyens pour assurer la prise en charge médicale et psychologique des victimes sont très limités.

Dans les consultations régulières avec la société civile, celle-ci a exprimé sa préoccupation face à la dégradation de la situation des droits de l'Homme depuis l'arrivée au pouvoir du Président Azali en 2016. Elle a aussi critiqué le gouvernement pour la dissolution de la Commission anti-corruption. Le système judiciaire ne dispose pas des ressources nécessaires et a besoin d'être renforcé. Les assises nationales demandées par la société civile en 2015 afin de dresser un bilan depuis l'indépendance et de refonder le pays sur la base d'un consensus inter-partis furent détournées par le parti vainqueur des élections de 2015 et 2016 bien qu'issu d'élections jugées libres, transparentes et paisibles. En raison de cette manœuvre politicienne, les assises n'ont pas reçu le soutien populaire escompté, ce qui devrait réduire leur impact sur la situation des Droits de l'Homme dans le pays.

Le dialogue politique UE/Comores prévu fin février 2018 soulèvera certainement ces questions.

### *Les engagements financiers de l'UE*

- Le PIN du 11ème FED finance un programme d'appui au secteur de la Justice à hauteur de 9 Mio € visant également la relance de la lutte contre la corruption ainsi qu'un projet de transfert des capacités et d'appropriation des outils en matière électorale de 720.000 € s'inscrivant dans le suivi des élections tenues en 2016.
- Grâce à l'EIDHR (acronyme français ?), l'UE appuie la mise en œuvre de l'axe 2 et 3 de la feuille de route nationale de lutte contre les violences faites aux femmes et aux mineurs 2017-2019, un projet d'appui aux services d'écoute des enfants victimes de maltraitance et des femmes violentées (montant total de 500.000€), ainsi qu'un projet d'appui pour le renforcement des capacités de la société civile et des institutions nationales actives dans le domaine des droits de l'homme et de la démocratie (montant de 300.000 € sur 3 ans).

### *Contexte multilatéral*

L'Union des Comores a signé les principaux traités fondamentaux de l'ONU relatifs aux droits de l'Homme, mais certains doivent encore être ratifiés et promulgués. Les recommandations des EPU en 2009 et 2014 relatives au renforcement des droits des femmes et à la lutte contre les violences ont été acceptées par le Gouvernement. Par contre, le Gouvernement en rejette plusieurs dont celles relatives à la dépénalisation de l'homosexualité, à la dépénalisation du prosélytisme religieux et à l'abrogation des dispositions favorisant la discrimination fondée sur l'orientation sexuelle ou l'identité de genre. De son côté, la recommandation d'abolir officiellement la peine de mort a

toujours été accueillie favorablement, mais aucune décision concrète n'a encore été prise à ce sujet. Le prochain EPU aura lieu en janvier 2019.

## **Republic of Congo**

### ***Overall human rights situation***

2017 has been marked by serious human rights violations partly linked to the post-election crisis but also to general shortfalls in the police, judiciary and penitentiary system and when dealing with minorities and vulnerable groups. Torture is randomly perpetrated on detainees; there is widespread resort to arbitrary detention and politically motivated violence is used as a tool against demonstrations, critical journalism, etc. Estimates are that there are about one hundred political detainees.

The security and human rights situation in the restive "Pool region" has been particularly worrying. Access to this region, under "State emergency" since March 2016, has been restricted. Missions by the Office of the High Commissioner for Human Rights and other UN agencies reported numerous cases of human rights violations by both the Government and "Ninja" militia. The return of around 150 000 IDPs with alarming rates of acute malnutrition is still problematic. Given these tensions legislative and local elections were postponed "sine die" in certain districts of the Pool region.

The government undertook some efforts to improve the human rights situation, notably with the Constitution adopted in 2015, which includes provisions on the abolition of the death penalty and on gender equality, and aims to ensure a broad consultation via several consultative bodies.

### ***EU action - key focus areas***

On the whole, in 2017 the EU has seen no progress in its dialogue with the RoC on human rights and democracy. There is no political dialogue and the national institution for Human Rights has been dysfunctional. EU requests to investigate cases of allegations of abuse and torture by Congolese security forces, to prosecute the perpetrators of such crimes, and allow human rights NGOs to monitor and visit detention centres have not been met. However, at the request of EU and other actors, the government granted some access, under compulsory military escort, to restive areas of the Pool region.

### ***EU bilateral political engagements***

The sporadic involvement of the Ministry of Justice and Human Rights, heightened by frequent Government reshuffles (the last one in August 2017), continued to erode scope and legacy of the EDF funded "Projet d'Actions pour le Renforcement de l'Etat de Droit et des Associations" (PAREDA), whose main achievements included the revision of eight national codes and the elaboration of a bill of law. Since their official delivery to the Congolese Government in May 2016, not one of these texts has been adopted or cleared even at a technical level, despite occasional announcements of working sessions to define an implementation timetable.

The EU maintained its dialogue with civil society organisations through formal and informal venues to share views and discuss key human rights concerns. EUDEL organized the "Week of Human Rights" in Brazzaville and Pointe-Noire together with France.

### *EU financial engagements*

In addition to three projects already ongoing, four EIDHR projects of about 1,7 million EUR in total were launched in the first months of 2017. The areas covered by EIDHR in Congo include protecting and promoting children rights and fundamental freedoms; fighting against illegal detention and torture; defending minority and vulnerable groups rights; promoting and protecting disabled children rights; strengthening civil society and state actors to improve respect of the rights of women and girls; and promoting indigenous populations rights through the reinforcement of the indigenous movement and the institutionalization of their representation. A technical assistance contract under the EIDHR supporting measures started its activities in 2017, with a focus on consolidating the capabilities of Congolese civil society organizations active in human rights, governance and Rule of Law matters.

The impact of these projects is limited by the restrictive environment in which civil society organisations operate. In order to address the humanitarian situation in the Pool region, an emergency call for USD 23,7 million was launched by the government and UN. US, EU (ECHO, France, Italy) and China have provided contributions which are being channelled via the WFP and HCR. Some 50% of the call has been met. Donors however focused on nutrition and emergency measures as their first priority. Little has been done so far to address the shortcoming in other sectors (shelter, education, health).

The EU-funded PAREDA project, finalised in 2016, was publicly acclaimed for its component aiming at the reintegration of detainees, on the occasion of the inauguration of the workshops financed through EU funds.

### *Multilateral context*

Congo Brazzaville mandate at the Human Rights Council will end but it will undergo a Universal Periodic Review (UPR) in 2018. The government has not taken up offers from the EUD to accompany them in the process of preparing their UPR report. Apart from the abolition of the death penalty in November 2015 and the ratification of the additional Protocol of the Convention on Torture in May 2016, the Congolese government did not make significant moves towards supporting the EU positions on the annual country or thematic human rights resolutions tabled at the UN.

## **Chad**

### *Overall human rights situation*

In 2017, the human rights situation in Chad was appalling, marked by the repressive nature of the regime in power, which has only seen further entrenchment since the 2016 presidential elections. Chadian security forces boast their effectiveness when combating international terrorism, but they are also notorious for their widespread abuse of civilian local populations, and tarnished by ethnicization, corruption, and impunity. The Lake Chad area was maintained under a state of emergency, and a militarised political approach continued to be applied in the north of the country. Indeed, dealing with the threat of Boko Haram and Sahel terrorism, and with the instability in Southern Libya, often had negative repercussions on civil liberties.

Chad remains one of the poorest countries in the world and is facing a severe economic and financial crisis, which impacts the State's delivery of basic services (healthcare, education, water and food) and leads to contestation and social protests. Among the main rights problems are the widespread



repression of political opposition and civil society contestation. As in 2016, demonstrations and gatherings were systematically prohibited in 2017. Some political and civil society figures were arrested in controversial circumstances and sometimes without information on the charges. In July, the Mayor of Moundou (2nd biggest city) and former opponent at the presidential election, was arrested and held in custody until December when he was released, due to a lack of proper charges.

Land property laws and governance remain faulty and, together with the pressure on limited resources combined with very high population growth, results in recurrent tensions and violence in diverse areas of the country.

While the legislature continued with a Parliament whose tenure had expired in 2015, an 'institutional reform process' was initiated. Following consultations throughout the country, a Report proposed a number of reforms, i.a. the inclusion of the National Human Rights Commission in the Constitution.

A new Penal code and code of criminal proceedings entered into force in 2017. This legislation brought significant improvements in rights protection, although homosexuality is penalized with imprisonment (contravening Chad's international human rights obligations).

#### *EU action: key focus areas*

The EU has been focusing its political and development cooperation actions on the following main areas: respect for democratic principles and promotion of participatory democracy, human rights and security forces, detention conditions, impartiality of the justice system, protection of vulnerable groups (refugees, women and children), protection of human rights defenders and support to civil society organisations. Public diplomacy was used to promote the rule of law, including in support to the implementation of Chad's obligation as a State Party to the Rome Statute on the International Criminal Court (ICC).

#### *EU bilateral political engagement*

The EU has been stepping up its dialogue with the Chadian authorities on human rights related issues in Chad, addressing issues such as freedom of peaceful demonstration and assembly, justice and rule of law (including arbitrary arrests, and the role of the increasingly ill-reputed Agence Nationale de la Securite).

In the framework of the policy dialogue on the justice sector, discussions on detention conditions and the justice reform led to the adoption of legislation establishing a detention regime and a new justice policy. A new penal code also entered into force, bringing a number of improvements for the protection of girls against child marriage and female genital mutilations, but also by criminalising of slavery and slave and child labour trade, torture, genocide, war crimes and crimes against humanity. Unfortunately, homosexuality is still penalized with imprisonment. A statement was issued by the EU Spokesperson on this issue, recalling that the persistence of this provision in the penal code was in contravention to the country's human rights obligations (12 August 2017).

Another statement was issued by the EU Heads of Mission in N'Djamena (joined by the US and Switzerland embassies) on the occasion of the arrest of civil society activists Nadjo Kaina and Bertrand Solloh Ngandjeï without information on the charges against them (April 2017).



Finally, a statement by the HRVP on behalf of the EU was issued on 6 December 2017 following the visit in Chad of Omar Al Bashir, regretting that Chad, a State party to the Rome Statute of the ICC, did not comply with its obligations under international law and as a State Party to the ICC by not surrendering President Al-Bashir to the Court.

Dialogue was maintained with civil society and human rights defenders throughout the year, including on the occasion of the commemoration of the Human Rights Day on 10 December.

### *EU financial engagement*

The PRAJUST II started in March 2017 and aims at improving the impartiality, efficiency and access (including free legal assistance to the most vulnerable citizens) to the justice system as well as to promote better detention conditions.

Through the European Instrument for Democratisation and Human Rights and other budget lines, several projects were implemented in the following fields: promotion of citizenship and peaceful coexistence among citizens, human rights and women's rights, training to security forces and inspections, protection of human rights defenders and civil society's ability to engage in the public debate.

The EU also stepped up its efforts to mainstream gender concerns throughout its cooperation projects and carried out activities in defence of the most vulnerable groups: women (fight against gender-based violence, access to justice), refugees and children (Chad respects its obligations in terms of children involvement in armed conflicts).

### *Multilateral context*

Chad has ratified a number of international human rights instruments, with the following exceptions: Convention for the Protection of All Persons from Enforced Disappearance, as well as the first and the Second Optional Protocol to the International Covenant on Civil and Political Rights (the second aiming to the abolition of the death penalty) and the Convention on the Rights of Persons with Disabilities.

Chad is a State Party to the Rome Statute on the ICC. However, on 1st December, Omar Al-Bashir visited Chad without being surrendered to the ICC. This is the second time Chad does not comply with its obligations under the Rome Statute and UNSC resolution 1593(2005) to execute an arrest warrant (a similar situation took place in August 2016).

In May, the United Nations Office of the High Commissioner for Human Rights issued a Mapping report on the violations of international humanitarian law and on violations and abuses of human rights committed throughout the Central African Republic (2003-2015); it documented severe abuses by the Chadian armed forces. A national investigation was started.

Chad has issued a Standing invitation to the UN Special Rapporteurs in June 2012. The country's reporting to the UN bodies is characterised by a number of overdue reports. The next UPR session will be in 2018.

## Côte d'Ivoire

### *Overall human rights situation*

Côte d'Ivoire has not yet fully turned the page of a long political crisis that continues to affect human rights. Despite the country's great progress towards stability, much remains to be done. The government is committed to promote human rights and adopted policies to address compulsory education, child labour, women rights, sexual violence in conflict and human trafficking. A decree reinforcing human rights defenders was adopted in 2017 and welcomed by human rights activists. The new Constitutional and legal framework comply with the respect of democratic principles and reinforce human rights principles. The 2016 Constitution reinforces also the concentration of powers to the benefit of the executive. As a result of the last legislative elections, there is limited representation of the opposition in the National Assembly composed essentially by members of the ruling party coalition. ICC provisions contained in the Constitution are ambiguous and President Ouattara made clear that he will not send any other Ivoirian national to be tried by the ICC (former President's Gbagbo is currently on trial in front of the ICC).

President Ouattara has made national reconciliation a priority of his second mandate. According to the report of the national Commission published at the end of 2016, about 317, 000 victims should benefit from financial compensation but the process proved slow and this generates frustration. In addition, there is still little judicial follow-up on the crimes committed during the 2010-2011 electoral crisis or the follow up targeted on Gbagbo people.

There is a weak judicial system, lack of independence of justice, impunity, limited access to justice, a high number of pre-trial detention, violation of women's rights and under-representation in public life, abuses of children's rights in particular in agriculture and mining, abuses committed by security forces. Intercommunity conflicts about land rights are a lasting issue.

The 2015-2016 electoral processes were considered respectful of democratic standards. At times, the freedom of press and of assembly have been unjustifiably constrained. The Electoral Commission is not independent from political parties and the government, nor is respectful of international standards (November 2016 decision of the Human rights African Court not implemented by Cote d'Ivoire).

The government is committed to modernize the civil registry, for which a comprehensive strategy is needed, and to address as a priority the high number of stateless persons.

Civil society is characterized by certain dynamism but needs to reinforce its capacity. However, the lack of a genuine institutional structural dialogue does not facilitate participation to policy decisions.

The army chain of command is weak and several incidents involving the population confronting security forces have demonstrated a serious mistrust. In 2017, soldiers' uprisings and attacks reminded the serious risk such acts pose to the stability of Côte d'Ivoire and the urgent need for the reform of the security sector.

### *EU action –key focus areas*

EU human rights priorities in Côte d'Ivoire relate to security, justice and the rule of law; civil society and the protection of human rights defenders; children's and women's rights, measures to fight sexual violence against women, prevention of radicalization and youth delinquency; the prevention

of intercommunity conflicts and land rights. They also include the independence of the electoral body in view to comply with international standards; the independence and reinforcement of the national commission on human rights; civil society participation to decision making.

The EU is supporting human rights defenders through grants to human rights organisations under the EIDHR.

### *EU bilateral political engagements*

Human rights issues are raised regularly at political and policy dialogues with the Government. The latest official Political Dialogue session was held between EU Ambassadors and the Minister of Foreign Affairs in March 2016.

The EU equally continues its permanent dialogue with political parties from all affiliations, as well as National Human Rights Commission, human rights CSOs and NGOs in Côte d'Ivoire.

### *EU financial engagement*

Indicators included in the good governance and development contract between the EU and Côte d'Ivoire (11EDF) includes improvements in the birth registration, publication of court judgments, access to justice and limitation of pre-trial detention. In addition, the EU supports the reform of the land use regime in view to consolidate land rights. Specific dialogue and cooperation addressed the reinforcement and access to justice and the security sector reform through the 10th and 11th EDF and through the Instrument for Stability (IcsP). In addition, through the EU Emergency Trust Fund, the EU supports an IOM project on awareness raise on the risks of irregular migration, as well as support to returns and readmission; a high number of migrants stranded in Libya have benefitted from this action in 2017, as well as others returning from Mauritania, Morocco and Niger.

Under the EIDHR (2.7M€), the EU is supporting the rights of children with disabilities, the social and economic reinsertion of vulnerable youths, the improvement of the rights of prisoners and conditions of detention. These actions are complementary to a 4M€ IcsP funded program implemented by UNICEF promoting social cohesion and targeting the most vulnerable young people in the country.

The EU is also supporting the reinforcement of autonomy and capacities of the civil society and local authorities through specific backing to local NGO (programme LIANE 1 and 2) and grants (CSO-LA programmes). Under the CSO-LA programme, 3M€ have been contracted in 2017 for projects promoting social cohesion and democratic participation, as well as local authorities autonomy and participation.

### *Multilateral context*

The country ratified the most important international UN and AU instruments but there is limited recent reporting on the implementation of these instruments. The latest Universal Periodic Review (UPR) took place in 2014 and issued 198 recommendations. Seven of them were not supported by Côte d'Ivoire (concerning discrimination on the grounds of gender and sexual orientation, and the issuing of a standing invitation to all special rapporteurs). Implementation of the recommendation is however slightly slow as showed by the mid- term evaluation of the UPR. The Human Rights National Commission (CNDHCI) has elaborated a comprehensive national action plan 2017-2020 with the support of ONUCI, the UN peacekeeping mission in Côte d'Ivoire. ONUCI played also an important

role for the gender dimension in the security sector but has left the country in 2017. The independent expert on human rights, in its May 2017 and last report, stressed the need, for the sake of Côte d'Ivoire stability, for the government to make further progress on national reconciliation and social cohesion, on human rights and on the reform of the security sector.

## **Djibouti**

### ***Overall human rights situation***

In 2017 the overall human rights situation in the country did not change much and remained marked by some - sometimes difficult to independently verify - acts of harassment against human rights activists, journalists and some outspoken government opponents. The opposition's ability to operate is severely constrained, and journalists and activists critical of President Guelleh or the ruling coalition "Union pour la Majorité Présidentielle" (UMP) are reportedly regularly harassed or arrested. Freedoms of assembly and association are restricted. However the government did some efforts by passing a law giving extra rights to refugees and took some initiatives to make the Human Rights Commission more operational.

### ***EU action –key focus areas***

EU's priority is the support of human rights defenders and groups as well as institutional/NGO actors by giving them the means to carry out activities in defence and promotion of human rights; to work on the protection of vulnerable groups, with a particular focus on street children, migrants and refugees and to improve the protection of women's and children's rights. EU will continue to engage with the relevant Government stakeholders, in particular with the Minister of Justice, Minister of Interior and the Minister of Women and Family Affairs in addition to civil society organisations in order to nurture the dialogue in the field of human rights and the development of civil society projects.

### ***Human rights and democracy issues***

There have been some incidents occurring, especially related to the use of police and the justice system to restrict freedom of opinion and expression and instances of alleged use of excessive force by the police have been reported.

Other human rights issues include arbitrary arrests and detention of opposition leaders and supporters/human rights activists (in most instance for brief delays ranging from hours to several days) without being presented to a judge as well as travel bans for opposition leaders.

The government has passed a law which will give all refugees access to health, education and labour market, an example for the whole region. In view of the coming parliamentary elections in 2018 the government also has reopened the voters register, a long overdue request by the EU. The government also presented in December 2017 a strategic plan 2018-2021 and a detailed action plan for the Human Rights Commission.

### ***EU bilateral political engagements***

The EU continued to engage in human rights and democracy discussions with the Republic of Djibouti, and notably during the Art. 8 political dialogue session of March 2017. The relevant discussion was open and related to a range of issues, including freedom of expression and freedom of association.

As regards human rights defenders, the EU monitors the situation and has a regular dialogue with the government and relevant organisations. Given that the reinforcement of civil society is a major priority for the EU in Djibouti, the EU has begun a process to establish a more structured dialogue with civil society organisations.

Human rights- related diplomatic outreaches took place in 2017. The Head of Delegation carried out several informal demarches with the Minister of Justice and the Minister of Interior regarding the incidents reported by some opposition leaders. Calls for free and more transparent elections are regularly passed to the EU's interlocutors in the Government.

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR).

The EU runs several projects related to civil society, in particular on women's rights (including on Female Genital Mutilation), rural resilience and the rights of the persons with disabilities. The EU also has supported the civilian society in organising seminars explaining the contractual and financial management of projects financed by the EU indirectly reinforcing the CSO's.

#### *EU financial engagement*

In 2017, the EU also awarded two grant contracts for the protection of women's and children's rights in the refugee communities both in refugee camps and in urban areas. Two additional contracts were also signed related to CSO's capacity building activities that will be implemented in 2018.

The EU also supported a project managed by the "Eastern Africa Journalists Association (EAJA) aiming at capacity building for journalists and monitoring media freedom in Djibouti. The first activity of the project according to EAJA was a seminar held in August 2016 for 15 journalists (6 women). Two workshops were also organised on investigative journalism in the field of human rights with a similar participation. However, following a reporting in 2017, that some activities have not been implemented as announced, the project is suspended and the allegations being checked by OLAF.

Ahead of the coming year, it is noteworthy that a cooperation request has been filed by both the Mediator of the Republic of Djibouti and the Human Rights Commission and that an evaluation as well as a project will be launched on the justice reform, including access to justice and the penitentiary system.

#### *Multilateral context*

In August 2017, the UN Committee on the Elimination of Racial Discrimination adopted concluding observations on the combined initial and second periodic reports of Djibouti.

## **Democratic Republic of Congo (DRC)**

#### *Overall human rights situation*

During 2017, DRC has been into a transitional arrangement, with President Kabila having spent his second and constitutionally final mandate. After much international and domestic pressure the National Independent Electoral Commission (CENI) has finally adopted an electoral calendar which provides that legislative and presidential elections will take place at the end of December 2018.

In 2017, the overall human rights (HRs) situation in DRC remained of grave concern. There have been widespread violations of HRs, especially due to the bloody insurgency and violent repression in the central Kasai region of the country, with severe humanitarian consequences, in the North Kivu, as well as in other parts of DRC. The most reported violations affected the right to life, liberty and security of persons, the right to physical integrity and to property. State agents were the main responsible for the HRs violations documented by the United Nations Joint Human Rights Office in the DRC (UNJHRO). There is also a strong propensity for impunity which calls for the continued external oversight of the HRs situation.

The electoral challenges ahead have also implied increased repression of fundamental freedoms, including the exile and imprisonment of opponents on trumped up charges, and the violent repression of the right of assembly, culminated in the death of numerous people during the marches of the Christians organised in December 2017 and January 2018 in support of an effective process towards elections. Such excessive use of violence seriously risks jeopardizing the possibility of generating a conducive environment for credible democratic elections.

#### *EU action: key focus areas*

EU priority in 2017 was to push forward the electoral process, the progress of which is key to the stabilisation of the country, currently shattered by a multi-dimensional crisis, including a HRs one.

#### *EU bilateral political engagements*

Over the year 2017, several EU or joint declarations on the DRC were published, alerting also on the HRs and democracy situation in the country. In May and December 2017, the EU Foreign Affairs Council adopted conclusions on DRC also covering HRs issues. The Council also decided the extension and then renewal of EU sanctions on 16 Congolese officials, mostly based on HRs violations criteria.

#### *EU financial engagement and impact*

With the aim at supporting efforts towards a democratic election in DRC, the EU has been providing expertise to the CENI, and adopted a decision to possibly financially support elections with €20m, if conditions will allow. The EU continued to support electoral observation training and civic education projects, aimed at educating the population on their democratic rights.

On the other hand, the EU remained vigilant and engaged with regard to the repression and intimidation of opponents and fundamental freedoms. The EU attended trials of HRs defenders and maintained regular contacts with local and international NGOs, with particular attention to the situation of HRs defenders in danger. The EU Delegation completed the Gender Action Plan for 2017, highlighting the strong commitment to improving gender equality and the position of women in society and addressing the issue of gender-based violence in the country.

The EU continued providing financial support to DRC through the EDF and the EIDHR in the following areas: strengthening of the Congolese judicial system, gender based violence, children and armed conflict, protection of HRs defenders. Other EU activities in the DRC also support democracy, good governance, HRs, the rights of children and indigenous peoples, gender equality, long-term environmental protection and the fight against HIV/AIDS as cross-cutting issues.

### ***Multilateral context***

The EU has continued to support the MONUSCO mandate under UNSC resolution 2348 (2017) which has a robust HRs dimension. The EU has also been closely coordinating with the UNJHRO, and also actively promoted adoption of the resolutions on DRC at the Human Rights Council (HRC) in 2017. Following the resolution on DRC at the 35th session of the HRC, the EU backed the work of the UN Office of the High Commissioner for HRs, whose team of experts into the atrocities committed during the past year in the Kasai has started important work. EU also backed the UNSC call for an independent investigation into the assassination of UN experts Michael Sharp and Swedish national Zaida Catalan in March 2017, and supported investigations initiated by the UNSG Guterres into the attack on a MONUSCO base on 7 December 2017 that left 15 Tanzanian peacekeepers dead. The next review of Democratic Republic of Congo by the Working Group of the Human Rights Council as part of the Universal Periodic Reviews (UPR) is foreseen for 2019.

The adoption of the resolution on DRC at the 35th session of the HRC on the support to investigations in the Kasai is also encouraging, as it resulted from successful negotiations with the African members of the HRC. In addition, DRC was voted in October 2017 as new member of the HRC. The trial in Kavumu (South Kivu) of 18 individuals including a provincial delegate for the rape of small girls was concluded in 2017 with convictions and represents a small but significant signal against impunity. At policy level, government has been engaged in preparing a roadmap towards eradication of sexual violence, although the reality on the ground remains difficult as witnessed by the continued work done at the Panzi hospital in South Kivu, where Dr Mukwege -2014 Sakharov Prize award- takes care of victims of still widespread sexual violence.

## **State of Eritrea**

### ***Overall human rights situation***

The overall human rights situation in Eritrea in 2017 remains a matter of concern, with a near complete absence of political rights and freedoms. The space for civil society organisations remains quite limited.

### ***EU action – key focus areas***

The EU, in line with the principle of indivisibility of human rights, pursues and supports the promotion and protection of the range of human rights and entities working in those fields.

### ***EU bilateral political engagement***

Eritrea confirmed its engagement with the EU in the framework of the EDF 11. On trafficking and smuggling-related issues the government of the State of Eritrea continues stating its engagement under the Khartoum Process, the EU- Horn of Africa Migration Route Initiative, launched in November 2014. However the cooperation project approved in December 2016 under the EU Trust Fund has never started and no new projects have been submitted to the Executive Committee.

The EU's priority is to address in formal and informal meetings human rights violations in the country, as well as the issue of the indefinite duration of national service which, together with the macroeconomic situation, is among the key push factors for migration. There are various problems especially as regards freedom of expression and association and the absence of elections and free media. Other human rights problems include the absence of the rule of law and cases of arbitrary detention without trial. As regards prisoners, no update was received in 2016 regarding the fate of



detained journalists and prisoners of conscience, despite recurrent requests from the international community.

In 2017 the EU continued to highlight violations of human rights obligations by Eritrea. During the last Article 8 dialogue in April 2017 the key human rights issues, such as national service, civil and political rights, migration and trafficking in human beings and the implementation of the recommendations made to Eritrea under the UN-led Universal Periodic Review (UPR) were discussed. The dialogue provided an important opportunity to reiterate the EU's position on relevant topics. However, the Eritrean side continued sustaining that the main challenges are related to the regional context, the negative international approach towards Eritrea and the pull factors for migration.

In 2017 one human rights-related diplomatic outreach took place. In addition, in December 2017 the EU organised a public event to celebrate the International Day of Human Rights. The event saw the widespread participation of members of the government of the State of Eritrea, of the international community and of civil society. The head of PPI section of the EU delegation delivered the speech that focused on the principles of universality and indivisibility of human rights.

### *EU financial engagement*

In 2017 a new calls for proposals under the EIDHR was launched. The EU continued to support activities aiming to promote human rights, in particular those relating to labour rights, women's and children's rights and the rights of persons with disabilities. At present there are 25 ongoing projects targeting the aforementioned objectives. Other development cooperation projects supported by the EU in areas such as access to water and food security contribute towards upholding the basic rights of the population.

In addition in the framework of the EDF 11, the EU and Eritrea agreed to cooperate to support the country in the implementation of accepted Universal Periodic Review (UPR) recommendations. The action document for 5M Euro has been approved for the EU side. The Financing Agreement signed by DEVCO Director was submitted to the National Authorising Officer in early October 2017 and it is still pending the Eritrean approval.

## **Ethiopia**

### *Overall human rights situation*

Ethiopia is facing an increasingly serious political, economic, social and security crisis. Despite the lifting of the State of Emergency (SoE) in August 2017, the human rights situation has not improved compared to 2016. The SoE severely restricted fundamental freedoms and human rights, and tens of thousands of people were arrested and detained. While many were released after weeks in military camps for "re-education", others are still facing trials under the Anti-Terrorism Proclamation (ATP). After the lifting of the SoE in August, political unrest, university protests and violent clashes escalated throughout the country, with reports of dozens of casualties. The situation is particularly tense in the Oromia-Somali border areas, with reports of massacres of civilians with an alleged involvement of regional security forces, and revenge attacks with an ethnic dimension. This led to possibly hundreds of casualties and the deployment of federal forces in several areas. All these events have led to massive displacement of local populations – according to the IOM's Displacement



Tracking Matrix (DTM), there are about 900,000 Internally Displaced Persons (IDPs) due to the conflict – whose access to basic services is limited.

There are reports of torture and dire prison conditions and a high number of violations of the rights of the accused. Restrictions on internet and social media continued to hamper freedom of expression, with regular nation-wide shutdowns. Space for human rights defenders and capacity of local human rights organisations to monitor and investigate violations remained limited.

In January 2017, the ruling coalition initiated a political dialogue with opposition parties on electoral reforms and other issues, where participants agreed on the inclusion of elements of proportionality in the electoral system, and have starting discussing the revision of the Anti-Terrorism Proclamation (ATP). However, the process is not seen as inclusive as the two main opposition parties walked out of the talks, considering that they provided no genuine space for dialogue as many leaders of the political opposition, as well as journalists and bloggers, remain imprisoned.

### *EU action: key focus areas*

Governance and human rights were at the centre of the EU's engagement with Ethiopia in 2017, with a focus on promoting political rights; improving the rule of law; supporting civil society and media; promoting equitable economic opportunities and access to social services; and the protection of migrants and refugees.

### *EU bilateral political engagements*

HRVP Mogherini, other EU Commissioners as well as EU Heads of Mission (under Article 8 political dialogue) met Prime Minister Hailemariam on several occasions and raised concerns on human rights and governance. During her visit to Addis in March 2017, HRVP Mogherini also met with Ethiopian CSOs and opposition parties.

The first sectoral dialogue to be implemented under the EU-Ethiopia Strategic Engagement was the dialogue on Governance and Human Rights, launched in April 2017 in presence of the EU Special Representative on Human Rights Stavros Lambrinidis. During his visit to Addis, the EUSR raised concerns on the rule of law and prison conditions, and met some officials at the notorious Maekelawi Criminal Investigation Centre in Addis Abeba. He also engaged with civil society organisations (CSOs) and human rights defenders (HRDs).

The EU also issued several public statements on the political situation, most recently in December 2017. This latest statement, when shared on social media, reached over 140,000 people with around 1000 likes and around 1000 comments mainly within Ethiopia, demonstrating a high level of interest in the EU's human rights engagement in the country. The "European Union in Ethiopia" Facebook saw two human rights campaigns in 2017.

The EU Delegation and EU Member States continued to closely monitor the human rights situation, including through regular dialogue with HRDs, media and CSOs, as well as a dialogue with the Ethiopian Human Rights Commission (EHRC) and other stakeholders. The Delegation also conducted regular trial monitoring and analysis of trials of bloggers, journalists, members of opposition parties, human rights activists as well as protest related cases.

Dialogue on the Jobs Compact, which aims at providing jobs to both Ethiopian citizens and around 30.000 refugees outside refugee camps, also continued, with a focus on decent working conditions and on enhancing the rights for refugees out of camp.

### *EU financial engagement and impact*

The EU Delegation continued to support CSOs through the Civil Society Fund (CSF) and human rights actions under the EIDHR, including through grants on legal aid and human rights awareness to three universities; support to human rights advocacy and monitoring efforts by the local Human Rights Council; support to women workers rights, fighting corruption and maladministration, as well as promoting disability and inclusive development. The Action Document for the CSF 3 (EUR 16 million) was approved in May 2017. Support will also continue from the EU and several Member States to the Government's Ethiopian Social Accountability Programme (ESAP), which aims to improve citizens' participation, local governance and more effective service delivery. Most migration-related programmes in Ethiopia, such as the Regional Development and Protection Programme (RDPP) and the Better Migration Management (BMM), include a strong protection and human rights component, notably on legal aid, access to justice, international protection standards for refugees and migrants, and assistance and protection of victims of trafficking and vulnerable migrants, especially women and children. Implementation of a project on international standards for implementation of the ATP also started in 2017. The EU Delegation also formulated a new project in 2017 to enhance the rule of law and human rights standards of law enforcement agencies, and engaged with stakeholders to explore possibilities to supporting electoral reforms, capacity building and other governance areas, but with little interest by the authorities.

## **Equatorial Guinea**

### *Overall human rights situation*

In 2017, the overall human rights (HRs) situation in Equatorial Guinea remained of grave concern; it is an opaque and effectively oppressive regime. HRs violations were systematic; security forces continued to abuse, harass, and control political activists and civil society. The trial of President Obiang's (and vice-minister) Teodorin in France saw him sentenced to 3-year prison and a fine for embezzlement of public funds. The year ended with shadowy events around a violent attempt to overtake power involving foreign mercenaries and Equatoguineans, happening at the same time as a renewed crackdown on political opponents after the November elections which, once again, did not open any new space for dissent.

### *EU action: key focus areas*

The EU's priority is to continue support for greater freedom and civil society contributions, focusing on economic, social and cultural rights. The EU attaches great importance to the situation of political activists.

Legislative, senatorial and municipal elections took place on 12 November 2017. There was little change in the composition of the parliament, where Obiang's party (Partido Democratico de Guinea Ecuatorial) revalidated 99 out of 100 seats and the opposition got 1 seat (going to Ciudadanos por la Innovacion, a party formerly without representation).

Freedom of expression, association and assembly remained severely curtailed in Equatorial Guinea. Local activists faced intimidation, harassment and reprisals. Political opponents were regularly

banished and confined to their home villages, or exile. Demonstrations and social protest are repressed, as it was the case of a widely followed movement of taximen in the autumn of 2017.

The 2014 initiative to legalize political parties has unfortunately not yet led to any positive dynamics – the opening has been tightly controlled and opposition parties, or simple initiatives by party members, continued to suffer attacks at the slightest sign of criticism. One of the legalized parties, Ciudadanos por la Innovacion, denounced the arbitrary detention of at least two regional leaders, and the harassment of their national leader, as well as serious irregularities in the vote made during the electoral process. The well-established opposition party Convergencia para la Democracia Social de Guinea saw militants, leaders and even its Secretary General in arbitrary detention at different times of the year.

The regime tightly controlled television and press; internet penetration remained low and there was a blackout of several days around the November elections period. The space for civil society remained extremely narrow. Strict control and manipulation of the registration of organizations was still a concern.

The moratorium on the death penalty is still in place, since Equatorial Guinea became a member of the Community of Lusophone Countries-CPLP in 2014. However, two death penalty sentences were pronounced in September 2016.

### *EU bilateral political engagements*

There was no Political Dialogue and no HRs Dialogue between the EU and Equatorial Guinea in 2017. No bilateral projects were funded from the European Development Fund (EDF) because Equatorial Guinea has not ratified the revised version of the Cotonou Agreement between the EU and ACP countries.

The EU has not hesitated to voice concerns, for example through an HRVP's critical statement on the November elections, in which the EU called "to make all necessary efforts to ensure compliance with democracy and human rights, international norms and standards. This is particularly relevant at a time when the country [has recently taken up] a non-permanent seat at the United Nations Security Council [for the 2018-2019 period]".

Although the 2006 law on NGOs theoretically allows for HRs work, there is no registered association that explicitly works on the topic - a sign of the stigma and harsh context for HRs. HRs Defenders in Equatorial Guinea undergo systematic repression and harassment, so few citizens dare raise particular issues. In bilateral diplomatic talks, the EU continued to raise questions on these shortcomings on HRs, and express calls for greater freedoms for HRs defenders, political and civil society activists, and artists. Several cases of arbitrary detentions were reported internationally in 2017, including cartoonist Ramon Esono and rap musician Jamin Dogg.

### *EU financial engagement*

In 2017, the EU provided financial support to some projects funded through the European Instrument for Democracy and Human Rights (EIDHR), an instrument that the EU is keen to be able to continue using.

One project benefits the organisation CEID (Centro de Estudios e Iniciativas para el Desarrollo). The project is expected to run until the end of 2018. It seeks to strengthen civil society to promote HRs

and, importantly, to promote the coordination of NGOs via a national body. EU contribution is EUR 282,200. Another project started in February 2017; it was funded for an overall EU contribution of EUR 300,000, and will continue to be implemented during 2018. It promotes the rights of the child in Equatorial Guinea, implemented by UNICEF and is expected to strengthen the civil register of children, improve juvenile justice, and fight violence against women and minors.

Support for the role of civil society and non-governmental actors, who are weak and systematically undermined, is needed; one area to watch would be their contribution to the government's official strategy (targeting Plan Nacional de Desarrollo Economico 2020).

### *Multilateral context*

Equatorial Guinea is not a state party to the International Criminal Court; it has not signed the Rome Statute. Equatorial Guinea has ratified the African Charter on Human and Peoples' Rights but not the Protocol on the Establishment of an African Court on Human and Peoples' Rights. It has not ratified the African Charter on Democracy, Elections and Governance either, despite calls by the African Union electoral observation mission to do so.

The next review of Equatorial Guinea by the Working Group of the HRs Council as part of the Universal Periodic Reviews (UPR) is foreseen for 2019; the recommendations and implementation of the 2014 UPR (last report of 11/2016) are pending.

Equatorial Guinea has requested technical support for the harmonization of legislation from the Community of Lusophone Countries-CPLP in the framework of the death penalty moratorium; support for the reform of the Judicial and Penitentiary System could be proposed.

## **Gabon**

### *Overall human rights situation*

2017 has been marked by a deep political, economic and social crisis that followed the contested presidential election in August 2016. The EU's political engagement was high profile as a follow-up to the recommendations of the Election Observation Mission (EOM). The Intensified political dialogue (IPD) under Annex VII of the Cotonou Agreement was launched in July 2017 and four sessions took place by 17/10/17, when the Gabonese government suspended the Dialogue over major disagreement on Human Rights. Since the post-electoral violence, despite the creation of an ad hoc committee by the government, no serious inquiry has been carried out to establish the truth on the alleged grave human rights violations, including extrajudicial killings, enforced disappearances, torture and long term detentions in inhuman conditions. Repression, intimidation and arbitrary arrests of opposition members, journalists and civil society activists continue, combined with excessive restrictions on media freedom, freedom of movement (travel ban on opposition leaders), expression, assembly and manifestation.

### *EU action – key focus areas*

EU's priority is to support the reconciliation of the population and to ensure that those responsible for serious human rights violations are brought to justice through the ICC and an independent investigation into the post-electoral human rights violations. The lack of government transparency, access and willingness to address concerns makes it difficult to assess the magnitude of the reported allegations. According to the HRDCS Gabon 2016-2020, the main areas for EU human rights

intervention in Gabon are: (1) democracy and governance, (2) corruption, (3) harsh conditions in prison and lengthy pre-trial detention, (4) ritual crimes, and (5) arbitrary detention, torture and forced disappearances. Major human rights and democracy developments:

A Constitutional Revision bill was rushed through the National Assembly and the Senate and contains elements which run directly counter to EU recommendations in the EOM and IPD, heavily reinforcing presidential power.

The new Communication Code that entered into force in January 2017 imposed legal restrictions on some aspects of press freedom and did not alleviate the rigid and anti-democratic legal framework. Penalties for journalists or media that violate the code include fines, forced temporary or permanent closure and a prohibition to exercise the profession. Opposition papers were handed hefty fines for defamation and, once, shut down for two months.

The revised law on public assembly entered into force on 16/09/17, imposing stricter conditions on public meetings and protests. The law gives the authorities overly discretionary scope to ban gatherings and to hold the registrants responsible for damage. All opposition assembly on the anniversary of the 2016 elections were assessed as insurrectional movements and banned. Those that went ahead were met with staunch police intervention and many were detained.

Following a blanket travel ban on the opposition in September 2017, opposition leaders were prevented by from leaving the country on 13/01/18. Property seizure and draconian fines are also brought into prospect.

Legislative elections, initially foreseen for December 2016, and postponed for a second time beyond the Constitutional deadline of July 2017 to April 2018, extended the National Assembly's mandate by 15 months.

The independent functioning of the judiciary and electoral systems, although guaranteed in the constitution, remains restrained and is severely criticized for its lack of independence and the lack of due legal process.

The social context was characterised by persisting tensions and discontent, long term and repeated strikes in the public and private sectors (education, judiciary, customs and tax authorities, Treasury, MFA, petrol workers) and unpaid salaries and bonuses.

### *EU bilateral political engagements*

As a follow-up to the post-electoral crisis and EU EOM, the EU invited the Gabonese authorities to an Intensified political dialogue on 15/12/2016. The Gabonese party declared their desire to first finish the "inclusive national dialogue" (IND), which, despite informing 2017's legislative agenda, was not politically representative. Instead of reuniting the country, it has caused further division, producing results contrary to almost all EU recommendations made in the IPD and the final report of the 2016 EOM.

The Dialogue was finally launched in July 2017 and aimed to accompany the government in their announced electoral and institutional reforms, and to shed light on the serious human rights violations. Following a procedural session, sessions in September and October discussed the National Dialogue, Electoral reforms (with the government and with the Constitutional Court) and

Human rights. The Human rights session on 17/10/17 resulted in the suspension of the Dialogue at the request of the Gabonese government, who protested against the “illegitimate, unfounded and inadmissible accusations” raised by the EU. The IPD may resume in 2018 with the last session on Democratisation and fundamental rights.

EU concerns were also voiced in HRVP and Spokesperson Statements, in debates at the European Parliament, in high-level meetings and in informal contacts to encourage the government to ensure full respect of HR. The EU is in close coordination with EU MS and international partners (AU, UNOCA, UN HQ, OHCHR in Geneva and Yaoundé and US). The EU Delegation liaised with the civil society over the collection of evidence on human rights violations. An annual civil society meeting with the Delegation covers all areas of human rights concerns.

### *EU financial engagements*

The EU mobilised the EIDHR emergency human rights defenders (HRD) mechanism to help HRDs at risk. The Gabonese HRDs used the fund to ensure their protection and continue their human rights investigations.

In 2017, the EU provided €300,000 to the project "Appui à l'Observation Electorale Nationale et au plaidoyer démocratique au Gabon", funded by the European Instrument for Democracy and Human Rights (EIDHR) and the European Development Fund. It aimed to provide direct support to CSOs which could consolidate and strengthen their role in the electoral process through the promotion of democratic values, pluralistic political dialogue and citizen participation. Through the project it has been possible: to finalise a national electoral observation methodology, inspired by regional and international best practices to support the professionalism of national election observers; to train 33 Leadership trainers (Leadership and Conflict Management for Electoral Actors) in prevention, conflict management and democratic advocacy. They now constitute an "electoral nursery" for conflict prevention and management.

An EIDHR call for proposals was launched to strengthen civil society in supporting the protection and promotion of human rights and fundamental freedoms in Gabon, Sao Tomé and Principe, and Equatorial Guinea. The local organization called "3S" was selected in Gabon for a 24 months' project (due to start on early 2018) and funding amounts at €135,000. The action aims to promote sexual and reproductive rights.

### *Multilateral context*

The EU raised its serious concerns over the post-electoral human rights situation at the March 2017 Human Rights Council during the Interactive dialogue under Item 2. EU funds were mobilised to fund a fact-finding evaluation mission by the regional OHCHR, however, it never materialised due to postponement by the UN.

Gabon's Universal Periodic Review of 7/11/2017 raised concerns over trafficking in human beings, health care, high school drop-out rates, prison conditions, restrictions on freedoms of expression, association, peaceful assembly, media, and participation in public affairs. The need for opening of an independent inquiry into all allegations of human rights violations in the aftermath of the 2016 elections was also stressed by some delegations.

The UN Committee on enforced disappearances session on Gabon on 5-6/09/2017 heard allegations of the existence of mass graves linked to post electoral violence. No formal reply from the Gabonese delegation was received, nor credible enquiry or judicial action opened on this subject.

A field mission by the ICC within the framework of its preliminary examination took place in Libreville on 20-22/06/2017. A decision on whether or not opening a full inquiry is expected in 2018.

Gabon is party to most international human rights conventions and participates in the relevant UN bodies on human rights. In the period 2013/14 it held the Chair of the Human Rights Council. However, Gabon has not yet ratified the African Union's Charter on democracy, elections and governance.

## Ghana

### *Overall human rights situation*

According to the Freedom in the world index 2017, since 1992, Ghana has held competitive multiparty elections that have led to peaceful transfers of power between the two main political parties, as recently demonstrated in the last elections of December 2016. Ghana has a vibrant, active and free civil society that successfully and regularly interacts on a number of important issues with the Government. Six Independent Governance Institutions together with the High Human Rights Court have been established to guarantee the exercise of fundamental freedoms. Although Ghana has a relatively strong record of upholding civil liberties, discrimination against women and members of the LGBT (lesbian, gay, bisexual, and transgender) community continues. Some weaknesses in judicial independence and rule of law persist, and political corruption presents challenges to government performance. Ghana ranks 26th in the World Freedom of the Press Index prepared by Reporters sans Frontieres, and its Constitution guarantees media pluralism and independence.

### *EU action - key focus areas*

In July there was a mission of the EU special representative on HRRR, Mr Lambrinidis, who, looking for positive stories focusing especially on the key role of civil society, visited Ghana and met key stakeholders. Main conclusions of the visit confirmed Ghana as a positive example in the region: The country has in place a system of check and balances, where civil society and media can play their oversight role. Mechanisms for dialogue have been established allowing for inclusive interactions on different areas such as justice, corruption, interreligious coexistence, gender, NGOs coordination and elections.

The EU Delegation maintains a constant political dialogue with the country on human rights issues which feature prominently in the formal Article 8 Political Dialogue, last one held on 7th of November; during this occasion, both parties underlined that respect for human rights is a key feature of their action and of their partnership.

Less formal, but still relevant, meetings are organised regularly by the Delegation with key stakeholders. This has been the case for discussions on LGBTI rights, where there is a law punishing 'unnatural' relations with no legal action taken though in the last years, and where family, communities and church have a crucial role and impact.

The Delegation is also active in setting up anti-corruption programmes, including training sessions with prosecutors and police; it also regularly reminds key stakeholders of the need to start a debate



on Electoral reform but the situation is not really favourable given last year's proceeding against the EC Chairperson and two Deputies.

### *EU bilateral political engagements*

The EU has a good collaboration with Ghana in international fora on human rights. The EU proposed to setup regular Dialogue sessions before the semi-annual meetings of the Human Rights Council, of which Ghana is an important member. The EU welcomes the Government reiterated commitment to the International Criminal Court and stresses the importance of discussions at the regional and continental level. It also reiterated that the debate on the Death Penalty should remain on the agenda.

### *Bilateral Financial engagement*

In 2017, the EU Delegation launched a call for proposals EIDHR focused on Children Rights. Following it, two contracts have been signed for a total amount of 900,000 that would start to be implemented during year 2018.

### *Multilateral context*

Ghana went through the Universal Periodic Review in Geneva at its 28th session on 7th November 2017, where important advancements have been acknowledged, including efforts towards abolishing the death penalty, protecting the rights of the child, and adhering to the Sustainable Development Agenda 2030.

The Universal Periodic Review (UPR) noted a number of positive developments in key areas such as the efficient and accessible justice system, children rights and economic and social rights. It noted however that impunity remains a major problem, especially when it comes to corruption cases, and the protocol on the sale of Children, Child prostitution and child pornography has not yet been ratified.

There is also room for improvement on prison conditions; accountability for police abuse; access to justice; Children's and Women's rights i.e. labour related offences; early marriage, property rights of spouses; sexual Orientation rights where there are still cases of violence and arbitrary arrests against LGBTI members.

The government agrees that efforts, discussions and dialogue on these issues should continue.

## **Guinea Bissau**

### *Overall human rights situation*

In 2017 the protracted political crisis ongoing on since August 2015 has further weakened State capacities, including law enforcement, and had a negative impact for liberty of expression and press freedom, deteriorating the overall situation of Human Rights in the country. The respect for democratic principles has been bent. State authorities don't have enough capacity or financial means to carry out their functions in the area of Human Rights; political confrontation has translate to the State institutions, threatening the division of powers; and reforms in crucial areas for the defence and promotion of human rights, such as justice, security and defence, keep being postponed.



The political instability and successive changes of government since August 2015 have resulted in an institutional deadlock, especially concerning the National Assembly, but also serious constraints to the current management of the country. The political confrontation and institutional paralysis are coupled with an increasing socioeconomic deterioration and an increase of risk of instability, including the augmentation of illegal traffics. No efforts of mediation, internal, regional or international, have resulted in major advances in 2017.

The temporary suspension of Portuguese public television and radio from July to November, and violent incidents during public demonstrations in the second semester of the year to protest against the political situation, are examples of the shrinking of the political space, and increasing risks for the liberty of expression and press freedom. Additional concrete examples are denounces of censorship by workers of the national television, and threats against the leaders of the youth movement “Movement of conscientious and unconfirmed Citizens” (MCCI) after against the President.

### *EU action –key focus areas*

EU's priority is focused on promoting the upkeep of democracy and the respect for the rule of law. This includes improving access to justice and protecting the right of detainees, as well as supporting the freedom of information and civil society. The EU is also working to promote women and child's rights, notably against violence, trafficking and sexual abuse or exploitation. In 2018 the holding of legislative elections in due time according to the Constitution is key for the maintenance of a democratic framework in the country.

### *EU bilateral political engagements*

The EU continued to engage in the defence of human rights and democracy in Guinea Bissau through local dialogue. Attention has been especially payed to the political process in 2017. The EU has kept promoting a consensual, peaceful solution to the current crisis both in its bilateral dialogue, and its regional and international action, especially being an active member of the P5 group of international partners of Guinea Bissau (United Nations, African Union, Economic Community of West African States, European Union and Community of Portuguese Speaking Countries).

The EU has voiced concerns about human rights issues, including such questions in statements, speeches, workshops, as well as in various steps to encourage Guinea Bissau government to ensure the full respect of human rights. Various activities include support to the civil society; organisation and participation in seminars and panel discussions; attendance to court hearings and visit to prisons; the organisation of an interfaith ceremony for peace with nine religious leaders from different confessions. A 3 day-seminar was organised in 2017 by the EUD to discuss corruption, its causes and consequences, especially against fulfilment of most basic Human Rights.

Due to the heated political crisis the country is going through, the situation of specific human rights defenders, namely MCCI were attacked in front of their homes and death-threatened by elements related to the Government. Protection had to be granted through the human rights defenders protection mechanism for 7 months. Similarly, bloggers whose aggressive pieces may be misconstrued as an attack to the President, has recently become a matter of concern.

### *EU financial engagement*

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR), for a total of 2,20M EUR.

Projects include actions to fight Feminine Genital Mutilation in Bataá and Gabú provinces; for the rights of children (Observatory of the Children Rights) and contribution to the coherence of the public policies of social protection of the child and to the development of an inclusive society. For the rights of those handicapped through a project with Handicap International meant to strengthen national CSOs capacities and advocacy forces. The rights of detainees and prisoners. Literacy training courses as well as metallurgy, agriculture and other professionalization courses regularly take place and will continued to be sustained by revenue-generating activities run by a committee created with EU-financed interventions. CSOs will continue to monitor prisons conditions and activities and an NGO of former prisoners will continue to reintegrate those who leave the prisons into society. An innovative project to fight for the right to Health in a highly corrupted and careless environment has been implemented in 2017 by the CSO-managed “Gabinete do Utente” with good results.

Two new projects were funded in 2017 through a call for proposals for an overall amount of EUR 845,000 that will focus on reinforcing the capacity of civil society to fight and prevent early forced child marriage, and creating new mechanisms and capacities for an active citizenship for monitoring, evaluation and political advocacy for access to Justice.

### *Multilateral context*

Guinea Bissau is party to a number of international human rights conventions, but some of them have not been yet ratified. In particular, Guinea Bissau should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, and the Optional Protocol to the Convention on the Rights of Persons with Disabilities

The political struggle in which the country is submerged and consequent institutional paralysis is preventing Guinea Bissau to conduct regular work on many issues, including Human Rights. Moreover, the blockage of the National Assembly would make difficult to carry out the internal process of ratifying international conventions, which requires approval by the parliamentary.

No advances regarding mechanisms to address Human Rights have been achieved for the implementation of the recommendations made during the Universal Periodic Review (UPR) in 2015. The establishment of an international Commission of Inquiry as recommended by the National Conference on Impunity, Justice and Human Rights in July 2013 is still pending and no progress has been made in the establishment of transitional justice mechanisms or in the convening of the proposed national conference on reconciliation.

United Nations Agencies (UNDP, UNICEF, UNDOC) and United Nations Integrated Peacebuilding Office in Guinea Bissau (UNIOGBIS) carry out a variety of cooperation programs in the fields of

democratization and election support, child rights, fight against organized crime and corruption, and justice and security. UNDP is providing technical support to the Ministry of Justice with the objective of holding regular meetings with active donors in the justice sector to inform on justice-related projects.

The EU carried out a demarche to promote the universality and implementation of the Rome Statute.

## Guinea

### *Overall human rights situation*

Progress in the overall human rights situation in Guinea continued to be slow in 2017. Some advances were made such as the closure of the judicial investigation of the 28 September massacre in December, the adoption in June of a new Military Code, in which death penalty is abolished, and the adoption of a new anti-corruption law by the National Assembly on 4 July (last country in the sub-region to do so). A date of February 4 2018 for local elections, delayed since 2009, was decreed on 6 December 2017 and preparations are ongoing. Nevertheless, there are still major challenges related to the consolidation of Democracy and Rule of Law; access to justice and fight against impunity –including the holding of the 28 September trial-; and gender equality. Several opposition demonstrations took place peacefully, without confrontation with the security forces, in August and October 2017, thanks to good collaboration between the Ministry of Security, the opposition party and the civil society. However, security forces were unable to contain civil unrests peacefully, in February and November, and used firearms causing several deaths. The press coverage of the latest wave of strikes resulted in a Government response putting at stake the freedom of the press. Challenges also persist regarding economic, social and cultural rights. The management of resources in mining areas is a potentially destabilising factor.

### *EU action –key focus areas*

EU's priorities are focused on promoting access to justice and the fight against impunity; reinforcing democracy and tackling corruption; assuring material and personal security in accordance with the respect for Human Rights, through the improvement of the performance of the security forces, the reintegration of vulnerable populations and support to human rights victims violation; and gender equality, with an emphasis on fighting female genital mutilation and violence against women.

### *EU bilateral political engagements*

The EU continued to engage in human rights and democracy discussions with Guinea through various settings, using all formal and informal occasions, including participation in local fora discussing human rights. The Article 8 political Dialogue resumed, including discussions on the consolidation of democracy, and tackling impunity and corruption.

The EU has raised concerns about human rights issues, and encouraged the Guinean government to strengthen its defence of human rights through statements, speeches and workshops. Various activities include support to the civil society, seminars and panel discussions on human rights, and field visits to cooperation projects related to human rights,. The EU has encouraged the incorporation of the Human rights approach within Guinea's National Economic and Social Plan (PNDES).

The EU maintains regular dialogue with civil society groups focused on human rights issues, through frequent meetings with such groups and human rights defenders (latest meeting in September 2017).

### *EU financial engagement*

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF), the European Instrument for Democracy and Human Rights (EIDHR), and the Instrument for Stability and Peace (IfSP).

8 projects in total (PARSS 2-RSS, Police de proximité, PARJU, PASOC, PEID, EIDHR, 2 CSO-LA) funded for an overall amount of EUR 55,7 million, focused on supporting the justice and security reforms, accompanying the electoral process, supporting civil society and preventing and promoting the peaceful resolution of conflicts.

The justice sector support programme is contributing to strengthening the capacity of the administration of justice, to improving access to justice, to the reform of the prison system and to tackling impunity also supporting human rights organisations. For example, our support to the International Federation on Human Rights (FIDH) under the Justice Reform Support Program (PARJU) specifically aims to support the victims of the 28 September massacre and engage the authorities and other actors to fight impunity and promote national reconciliation. The activities implemented by FIDH with complementary funding from EIDHR for "the assistance to victims of serious human rights violations in Guinea ", include legal clinics, which have provided free legal access in 859 cases of most vulnerable people since their launch in September 2015; medical assistance to victims of human rights abuses; and the development of a collection of testimonies of victims of various repressions or abuses.

The IcSP Programme supports the prevention of violent extremism; the fight against impunity, including the organization of the trial of the events of September 28, 2009;, and logistical support to the National Forum des Etats Généraux des Droits de l'Homme, scheduled for the first quarter of 2018. In addition, this intervention contributes to national security and to the prevention of terrorist risk in the country and the sub-region, with a pyrotechnic clean-up campaign in Kankan in 2017.

Action in 2017 under the second security sector reform program funded by the 10th EDF and the project on community police financed by FPI contributed to the improvement in the respect of human rights by security forces, mainly through trainings of policemen from different services and technical assistance. The main activities achieved by these projects linked to human rights are:

- Participation in several workshops to present the law and application texts on crowd control organised by UNDP.
- Production of a code of ethics and conduct for police and civil protection.
- Equipment and training of the Security Services General Inspection, the so-called "police of police". It has inspected more than 50 services, including all the central police stations of the country. In addition, a workshop with this service, the Ministry of Justice, the Ministry of Human Rights and human rights NGOs was organised in August 2017. As a follow-up of this workshop, a police committee for ethics and conduct is being set up.
- Training of more than 1 200 agents in Conakry police stations, including victim assistance and customer service.

- Improvement of the technical and scientific service of the judiciary police, so as to carry out investigations and provide compelling evidence.
- Development of effective structures for dialogue between police and communities so as to prevent insecurity and raise awareness among young people.

### *Multilateral context*

Guinea is party to a number of international human rights conventions, but has not still signed others. In particular Guinea should sign the International Convention for the protection of all persons from enforced disappearance, the International Convention on protection of the rights of all migrant workers and members of their families, the second optional Protocol of the International convention on Civil and Political Rights related to the abolishment of the death penalty, and the two optional protocols to the Convention on the rights of the Child.

The third Universal Periodic Reviews (UPR) session by the Working Group of the Human Rights Council is scheduled to discuss Guinea in January/February 2020. Guinea underwent its second review as part of the Universal Periodic Review (UPR) in January 2015. 180 recommendations out of 194 were accepted, including key issues related to reform of the security and justice sectors, impunity, women rights, protection of vulnerable people, and signing and ratification of pending international human rights conventions. The 14 remaining recommendations, only “taken into account”, referred mainly to abolition of death penalty and protection of LGBTI.

In 2017 the United Nations discussed the situation of human rights in Guinea in the Human Rights Council in March and the situation of the Child rights in the Committee of the Rights of the Child in September. In 2017 the United Nations office for Drugs and Crime (UNODC) conducted a mission to review the application of the UN Conventions against corruption in Guinea. Its report, which includes an update of the legal framework in Guinea to tackle corruption, was validated in May. Mohammed Ibn Chambas, UN special representative and Head of the UN Office for West Africa (UNOWAS) made several visits to Guinea in 2017 and conducted meetings with local and international actors to discuss inter alia consolidation of democracy, governance and human rights.

## **Kenya**

### *Overall human rights situation*

Kenya's Constitution is progressive, and since its adoption in 2010 has seen the establishment of several oversight institutions that help to protect and monitor human rights. These are: the Kenya National Commission on Human Rights, the National Gender and Equality Commission, the Commission on Administration of Justice, the Independent Electoral and Boundaries Commission, the Ethics and Anti-Corruption Commission, the Independent Police Oversight Authority and the independent Office of the Director of Public Prosecution. Some of the Constitution's requirements still need to be enacted, such as the requirement for gender balance in the national parliament.

### *EU action - key focus areas*

The EU's overarching human rights priority in Kenya is to support the Constitution, with a focus on 5 key priority aspects of human rights: women's rights; human rights defenders; human rights & security forces; civic space, and impunity & accountability.

**Women's rights:** More women were elected into office in the August 2017 elections, including for the first time three female senators and three female governors. However the constitutional target of at least one-third women representation in legislatures has not been met. During both rounds of the elections, human rights observers including Human Rights Watch and the Kenya National Commission on Human Rights reported on election-related sexual violence. This was particularly prevalent in Kisumu and Nairobi. HRW documented interviews with 50 victims and witnesses of rape, gang rape, attempted rape, unwanted sexual touching, and beatings on their genitals. Reports indicate that security forces carried out abuses as a weapon of subjugation.

**Human rights defenders:** Reports by various domestic and international human rights groups, including the Kenya National Commission on Human Rights, the National Coalition of Human Rights Defenders, Amnesty International and Human Rights Watch, reported shrinking space for human rights defenders during the election period. Attacks on human rights defenders range from intimidation and harassment, discrimination and arrests to physical attacks and killings.

**Human rights and security forces:** The election year was marked by gross violations of human rights by security forces. The police used tear gas and live bullets to disperse protestors, which resulted in numerous injured and deaths. Before the re-run of the Presidential election, Amnesty and Human Rights Watch reported that the death toll to be 67, including one domestic election monitor, who was shot in Kisumu West. The Kenya National Commission on Human Rights issues a statement in December 2017 in which it notes the death of 92 Kenyans due to post-electoral violence. Deaths and injuries were often cause by gun shots and blunt objects.

**Civic space:** The tensions of the election year led to shrinking civic space in Kenya. Human rights defenders noted negative profiling and intimidation by politicians, government officials and security forces. The National Coalition of Human Rights Defenders also reported cases of denial of access to election centres and campaign meetings, as well as intimidation to hold gatherings. After both the August and October elections, the NGO board threatened the closure of well-known NGOs. These moves may possibly have been technically justified on the grounds of regulatory issues, but the particular timing of the interventions suggests that the NGO board's actions were politically motivated. Public Benefit Organisation (PBO) Act, adopted in 2013 by Parliament, laying the foundation for a more conducive environment for CSOs, still needs to be implemented.

**Impunity and accountability:** Particularly following the annulment of the August presidential election by the Supreme Court, there were attacks from both political sides on Kenya's independent institutions (notably the judiciary and the electoral commission).

### ***EU bilateral political engagements***

Since 2016 Kenya and the EU have held regular political dialogue meetings between EU HoMs and senior (Minister-level) members of Kenya's Government as well as other leading figures such as leaders of the main opposition parties. The EU has used these *inter alia* to discuss detailed questions about human rights. Relevant Kenyan interlocutors such as the Attorney-General and the Cabinet Secretary for Youth, Gender and Public Administration have been open and constructive about the state of play and prospects for strengthening protection of human rights in Kenya. In December 2017 the Supreme Court ruled that mandatory issuing of death sentences is unconstitutional.

### *EU financial engagements*

The EU is contributing EUR 5 million to the "Strengthening the Electoral Processes in Kenya" basket fund, which is managed by UNDP with support from UNWOMEN. Beneficiaries include the Independent Electoral and Boundaries Commission, as well as Kenyan institutions and civil society organisations involved in the drafting of legislation, dispute resolution between political parties, media regulation, and women's empowerment and security. The EU has also been supporting women's participation in politics through four NGO-led projects, which were recruited through an EIDHR call for proposal launched in 2015. The EU is also contributing to the national election conflict prevention and response initiative known as Uwiano.

In addition, new EIDHR funding in 2017 was awarded to: the Danish Institute for Human Rights, working directly with the Independent Police Oversight Authority to provide training on human rights and extra-judicial killings; the Kenya National Commission on Human Rights, focusing on institutional strengthening, monitoring of Kenya's international obligations, and investigation and redress of Human Rights violations related to extra-judicial killings and torture; Peace Brigades International, working at the grassroots level with two community based organisations to support human rights defenders and enhance dialogue between the police and local population in Nairobi's urban settlements; the Death Penalty Project Ltd, to provide legal assistance and support to criminal defence/human rights lawyers, capacity-building of legal and medical professionals involved in capital cases and to campaign in favour of the abolishment of the death penalty; and CEFA, to strengthen human rights defenders and national security organs in promoting structural reforms against torture and other cruel, inhuman or degrading treatment within detention and custodial facilities.

### *Multilateral context*

Kenya is a signatory of most international law conventions and treaties, including the Treaty of Rome. Several important Protocols remain to be ratified, including discrimination against women, cruel, inhuman or degrading treatment, enforced disappearances, rights of the child and rights of persons with disabilities. Kenya was the subject of a 2nd Universal Periodic Review (UPR) by the Human Rights Council in early 2015; the next review is scheduled for 2020. Key recommendations centred on: the detrimental effects of the ongoing fight against terrorism on individual freedoms, especially on human rights defenders; the public space for CSOs, and the underfunding of the Kenya National Commission on Human Rights.

## **Kingdom of Lesotho**

### *Overall human rights situation*

The national assembly elections of June 2017 brought in a third Coalition Government, the so-called "Four by Four" led by Tom Thabane from ABC. The coalition agreement is based on a vision of national unity, reconciliation, peace and stability, committing to rescue Lesotho from political instability, economic stagnation and degradation of democracy and to work for lasting peace and stability of the nation. It aims to undertake radical constitutional, political, security and administrative reforms under an independent and inclusive process and reintroduce a culture of respect for human rights. Positive steps were taken to implement SADC Commission of Inquiry (Col) recommendations, including the release of soldiers detained in "Maximum" Prison sanctioned by a Court judgement. An ongoing concern is that three of the key opposition leaders have fled to South



Africa since October 2017, citing threats to their lives, which might hamper the viability of the Reform process.

In 2017, a number of human rights violations were reported in Lesotho, notably allegations of torture ( in particular but not only against the deputy leader of DC, now in exile), restrictions on freedom of expression of the media but also during elections with the presence of army at polling stations and gender based violence, including domestic abuse, rape, and discrimination against LGBTI persons. The military personnel arrested by the Lesotho Defence Force in 2015 on charges of mutiny or failure to suppress mutiny were released in October. The decision was sanctioned by a judgement of the High Court, which released them of all charges.

The opposition contested the results of the national assembly elections, and requested an audit of the election roll.

### *Participation to the political process*

Corruption and nepotism among officials was prevalent under previous regimes and several serious cases of high level corruption were under investigation by the Directorate on Corruption and Economic Offences. The EU organised the "EU + Diplomatic watch" of the national assembly elections which included three partner countries (Canada, Australia, New Zealand) and a total of 45 diplomatic staff deployed in 18 teams across 7 districts of Lesotho.

### *Improvements*

Lesotho has made progress on gender in the Millennium Development Goals and is ranked first in Africa and sixteenth in the world on bridging the gap between the sexes. Several gender-sensitive laws were adopted such as the Legal Capacity of Married Persons Act that uplifts the status of women and removes the marital power the husband had over the person and property of the woman; the Motion on Child Marriage in particular customary marriages and the zebra lists for the National Assembly Election (Amendment of 2011) as well as the Local Government Elections Act 2011 as amended, fixing a quota of 30% seats for women. The Land Act allows now women to hold title to land in Lesotho, previously denied.

### *EU action – key focus areas*

EU priorities are to promote strong partnership with civil society, and between authorities, parliament and civil society, to promote gender transformative actions, prevention of child marriages; citizens participation in democratic processes and promotion of a Paris Principles compliant Human Rights Institution. The comprehensive and inclusive Reform Process is of course also a priority for EU.

The Government has embarked on a comprehensive reform process including reforms of the constitution, justice and the security sector, all extremely important as regards the human rights and democracy issues in the country. The lack of civilian oversight over the security institutions is certainly one of the key factors of instability in Lesotho and should be tackled as a priority by the reform process. The EU is ready to support politically and financially, however the success of the reform process remains uncertain, notably because of the absence of key leaders of the opposition parties. Other challenges include the legal cases backlog, reason for which the Minister of Justice has approached the Head of Delegation to request support in the form of temporary recruitment of 10 judges.



Domestication of international treaties into national laws is a real challenge. Lack of expertise and sufficient capacity of the office of the parliamentary counsel makes it difficult to translate international obligations into national laws. The EU might envisage support in this area through the Governance budget under EDF 11.

### *EU bilateral political engagements*

The EU has been very actively engaging with the previous and new Government in the preparations towards the national dialogue for reforms and reconciliation, encouraging the Government to give a six months moratorium on judicial processes to allow leaders of the Opposition in exile to come back to Lesotho and participate in the dialogue for reforms. Earlier in the year, the opportunity was also taken to stress the EU position on an abolition/moratorium on the use of the death penalty.

### *Support for the Human Right Defenders (HRDs)*

The EU Delegation has provided moral support for human rights defenders, including to TRC for their remarkable work with the group of spouses of the detained military personnel who were released recently. The HoD was invited to a celebration to address the accused soldiers (now released and acquitted), the returnee soldiers in exile and the State Witnesses soldiers to dialogue and heal the wounds of the past.

### *EU financial engagements*

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF) such as PISA, the civic education project and the European Instrument for Democracy and Human Rights (EIDHR). Three projects for a total of EUR 1 million are currently implemented under EIDHR. EUR 7 million have been specifically allocated to support civil society in Lesotho under EDF 11. The EIDHR projects focus on promoting a Paris Principles compliant National Human Rights Institution, improved awareness of citizens' rights and contribution to UN shadow reports and prevention of child marriages and promotion of LGBTI rights. In terms of impact, citizens are now better informed of their rights as evidenced by number of issues raised with regards to land issues, property inheritance, matrimonial issues and gender-based violence. The Act setting up the Human Rights Commission will be amended to correct the nomination mechanism for Commissioners and staff; and ending child marriage has become one of the priority areas of the Ministry of Social Development, all this thanks to the contribution of our projects. The EUR 3.5 million EDF 11 'Participatory Initiative for Social Accountability' (PISA) project is contributing through civic education and citizen dialogues to increasing citizens' awareness of governance structures and their ability to engage in democratic and developmental processes.

### *Multilateral context*

Lesotho has signed and ratified almost all the major UN and AU instruments including conventions and protocols for the protection of human rights, with the exceptions of the Optional Protocol to the ICCPR aiming at the abolition of the death penalty and the Optional Protocol to the Convention Against Torture. Lesotho has a reservation on CEDAW in relation to succession to the throne and to chieftainships. Only a few of these instruments have been codified into national law. As an AU member, citizens and NGOs may file complaints to the African Commission on Human and People's Rights. Lesotho has joined the ICC and in late 2016 confirmed its intention to remain a member. Since November 2015 Lesotho has issued a standing invitation for country visits by the Special

Rapporteurs of the Human Rights Council. The last Universal Periodic Review (UPR) took place in 2015, with NGOs and UN agencies engaged in the preparations.

## Liberia

14 years after the end of the civil conflict, considerable challenges and abuses persist. Lack of resources hampers the enforcement of legislation intended to protect human rights, while in other areas there is a reluctance to challenge traditional practices and attitudes that violate human rights. Corruption and misuse of power is pervasive across all branches of government and at all levels. 2017 saw progress in some areas of human rights and democracy, while in others the situation remained stationary or even went backwards.

Good governance", including support for the electoral process, is a focal sector for the "National Indicative Programme", which is the basis of cooperation agreed with the Government of Liberia until 2020. The EU continues to engage actively on human rights, including through the formal EU-Liberia political dialogue and activities around international human rights days. Practical support to address human rights concerns is provided by both the EU and Member States, with specific projects in areas including women's rights, children's rights and the justice sector.

Above all, the peaceful conduct of the 2017 Presidential and legislative elections has demonstrated respect for democracy and rule of law. At the same time, almost all Presidential candidates committed themselves to maintaining legislation criminalising homosexuality and the Senate took advantage of the campaign period to try and pass legislation weakening the Rape Law. The removal of provisions on FGM from the Domestic Violence Law showed a similar lack of concern for women's rights and empowerment. Abolition of the death penalty, enforcement of legislation against child labour and exploitation and improved access to justice, health and education remain concerns, as do poor prison conditions and questions regarding the government's commitment to manage Liberia's significant natural resources in a way which respects the rights of local communities. Both Freedom House's Freedom Rating and the Economist Intelligence Unit's Democracy Index rank Liberia above the Sub-Saharan average and better than many of its neighbours. However, the Democracy Index's extremely low rating for "functioning of government" (0.8 on a 0–10 scale) is an indication of the problems below this positive surface. Issues of capacity, corruption and concentration of power continue to hamper the government's ability to effectively respond to the needs and expectations of the people.

The EU is providing support to Liberia's National Elections Commission (NEC) and the electoral cycle, using UNDP as an implementing partner. A significant proportion of this programme has gone directly towards the costs of the 2017 elections, with several EU Member States providing additional support to the election budget. Support is also provided to meet the NEC's long term capacity needs and for engagement with the media and civil society around the electoral process.

Recommendations from the EU Election Observation Mission will be taken into account in planning for the remainder of the programme.

The Liberia National Police (LNP) has shown noteworthy improvements, earning praise from all political parties for its role in the election process, including management of campaign rallies. The LNP has also demonstrated a commitment to accountability by taking action against a number of its personnel for acts of violence or abuse of power. Passage of the Domestic Violence Act has

increased protection for women, even if it was only achieved after the removal of relatively mild provisions on FGM.

Sexual and gender based violence continues to be a major challenge for Liberia, as does addressing the shortfalls in the justice system, including the poor prison conditions that result from large numbers of pre-trial detainees. Democratic institutions need to be strengthened and domestic civil society supported to ensure there is both a demand for accountability and good governance and the capacity to deliver.

Human Rights dialogue with Liberia is carried out as part of the annual EU-Liberia Article 8 Political Dialogue. Topics raised in 2017 included FGM and gender-based violence, abolition of the death penalty, prison conditions, freedom of the press (decriminalisation of violations of freedom of expression) and the need to deliver on anti-corruption promises. There was also substantive discussion of the electoral process, including the need for a successful administrative handover. Liberia continued to vote along similar lines to the EU on human rights priorities at the United Nations. In response to a request from the Liberian Government the EU deployed an Election Observation Mission (EOM). Statements made by the EU EOM and other observers were referred to in the Supreme Court's judgement on a complaint brought by two political parties following the first round of the elections. The EU Delegation and resident Member States also issued a statement which contributed to public debate on the importance of a peaceful and proportionate response to electoral concerns.

Liberia's constitution protects freedom of expression and the environment for human rights defenders in Liberia is generally benign, although there are incidents of individual harassment and abuse of power by public officials who feel directly threatened by the activities of a specific HRDs. Groups advocating for LGBTI rights are particularly vulnerable to harassment and at their request the Delegation and Member States have offered public expressions of support and safe venues for meetings and activities. During 2017, the EU Delegation also maintained close contact with a HRD who attracted attention for his role in the arrest and prosecution overseas of Liberians responsible for war crimes during the two civil wars.

In 2017 the EU funded four projects in Liberia via the European Instrument for Democracy and Human Rights (EIDHR). A new project implemented by ActionAid to prevent gender based violence and reduce harmful traditional practices, including FGM was initiated following the end of our previous project. In the project that ended in June 2017, ActionAid proved to be successful in generating greater willingness to discuss these sensitive issues in Grand Bassa and Rivercess counties and the new project offers the possibility of expanding their work into other parts of Liberia. The new project aims to improve community based protection mechanisms for reducing sexual violence and other forms of SGBV affecting women, girls and sexual minorities across eight communities in Margibi, Gbarpolu and Montserrado counties.

Two projects addressing accountability in the security sector continued. The Carter Center is working with key security and justice institutions to increase their awareness of Freedom of Information and transparency obligations and their ability to respond to requests from citizens while International Alert is working with CSOs to promote inclusive participation of people in defending their rights and strengthening police-citizen relations. Both these projects continue to have positive

results with feedback from both communities and police that understanding on both sides has increased.

A project aimed at improving access to justice through enhancing local capacities to provide gender sensitive legal support and protection of prisoner's rights in Lofa, Bong and Nimba counties started in January 2017. This project, implemented by FinnChurchAid, pays particular attention to the right of legal support of pre-trial detainees. Small scale funding was also used to support an event organised by the Independent National Commission on Human Rights to celebrate International Human Rights Day and a film screening was organised for International Women's Day. The EU's €10 million project to support the electoral cycle played an important role in ensuring the 2017 elections were free, fair and violence free.

Liberia has ratified the main international human rights instruments, but a number of these are yet to be integrated into domestic law. It underwent its second Universal Periodic Review at the United Nations Human Rights Council in May 2015. The Ministry of Justice is leading the process to follow up on Universal Periodic Review (UPR) recommendations. In 2017 the government continued to take steps to address its backlog of reporting on human rights instruments, supported by UNMIL/UNDP.

## Madagascar

### *Situation générale des Droits de l'Homme*

La situation des droits de l'homme reste préoccupante. Les droits sociaux ne sont pas respectés ; les lois anti-traite de 2014 sont rendues ineffectives par la corruption et la poursuite de la traite – chaque jour de nombreuses femmes malgaches, aiguillées par des agences de placement malgaches et trompées par des promesses mensongères, partent pour des pays du Golfe ou en Chine, et se retrouvent dans une situation très précaire<sup>4</sup>. La "justice populaire" causée par les vols de bétail (dahalos) continue de faire des victimes (appr. 1000 en 2017). Les intimidations et les emprisonnements préventifs de défenseurs de droits de l'homme et d'activistes<sup>5</sup> militant pour la gestion durable des ressources naturelles (minières, foncières, forestières, fauniques, etc..) sont quotidiens. La liberté d'expression se heurte à plusieurs entraves et la cybercriminalité s'est intensifiée. Les violences faites aux femmes et aux jeunes filles se sont aggravées et les lois et mécanismes de protection conçus pour y faire face ne sont pas appliqués. La précarité des Droits de l'Homme se fait ressentir à tous les niveaux de la société ce qui n'est pas propice au climat des affaires. Le Parlement européen a voté le 14 novembre une résolution qui met en exergue les lacunes du gouvernement de Madagascar concernant les Droits de l'Homme, la Démocratie et l'Etat de droit.

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<sup>4</sup> La SADC soutient et complète les efforts des autorités malgaches. Le 31 octobre 2017 à Gaborone, une brochure destinée à améliorer les capacités de réponse contre la traite des êtres humains dans toute la région SADC a été lancée. L'UE va continuer à suivre de près la situation et à insister sur la mise en place de programmes de soutien et de protection des victimes. Dans ce cadre, l'UE appuie la SADC dans l'élaboration de son plan d'action quinquennal concernant la prévention de la traite des personnes.

<sup>5</sup> Les cas de Mamy Mampionona Jean Claude, de Rasata Robert Manendrika, de Saholinirina, ainsi que de Rahelimalala Lucie et d'Armand Marozafi constituent les derniers exemples en date pour lesquels les autorités utilisent le système judiciaire afin de réduire au silence les défenseurs des droits humains, brimant ainsi leur liberté d'expression. D'autres cas étant suivis de près sont celui de M. Andriomatoa Ravela, condamné à deux ans d'emprisonnement avec sursis ainsi que celui de M. Clovis, un défenseur de l'environnement mobilisé contre les trafiquants de bois de rose, qui a été condamné à un an de prison avec sursis, .

### *Action de l'UE – domaine d'intervention clés*

Les priorités stratégiques de l'UE en matière de Droits de l'Homme et de Démocratie pour Madagascar visent: 1) la consolidation de la démocratie et le soutien aux processus électoraux 2) la promotion des droits économiques et sociaux 3) les droits des enfants et des femmes, en particulier la lutte contre les violences basées sur le genre et le tourisme sexuel 4) le renforcement de l'accès à la justice 5) la lutte contre la corruption et l'impunité.

A cela s'ajoutent deux priorités transversales, notamment le renforcement et l'accompagnement d'une société civile engagée, ainsi que le soutien aux populations les plus vulnérables, comme les personnes souffrant de handicap. L'UE a effectué dans le cadre du "*Gender action Plan (GAP) 2015 – 2020*" une analyse exhaustive sur l'égalité de genre à Madagascar afin de mieux cibler les actions prévues par le "GAP".

### *Les engagements politiques bilatéraux de l'UE et leur impact*

Le respect des Droits de l'Homme est un élément essentiel du dialogue politique avec Madagascar. En marge des sessions biennuelles au niveau du Président de la République (article 8 de l'Accord de Cotonou), de larges consultations de la société civile sont régulièrement organisées. Ces sessions donnent l'occasion de souligner les préoccupations de l'UE concernant des thèmes spécifiques des droits de l'homme, ainsi que d'encourager le gouvernement à faire de nouveaux progrès. Lors du dernier dialogue en 2017, l'UE insista en particulier sur : (i) la mise en place effective des Pôles Anticorruption et la nomination des Magistrats et du personnel d'appui ; (ii) l'indépendance, y compris budgétaire ; (iii) la transparence dans la lutte contre la corruption par la publication de statistiques en la matière ; (iv) la finalisation du cadre juridique et les textes d'application.

### *Les engagements financiers de l'UE et leur impact*

- L'engagement et l'action de l'UE vise à favoriser un rôle plus important de **la société civile** comme élément essentiel de gouvernance démocratique et comme partenaire efficace pour le développement. De 2013 à 2017, le projet 'DINIKA' « concertation et discussion en Malgache », financé dans le cadre du 10<sup>ième</sup> FED, appuie l'épanouissement et la promotion de la société civile malgache ainsi que la mise en œuvre de modèles de bonne gouvernance au niveau local et national. En 2018 une nouvelle phase de 5 ans (financé par le 11 FED avec 8 Mio €) s'ouvrira avec l'objectif de consolider l'approche novatrice d'engagement stratégique et d'appui à la société civile à Madagascar grâce à un nouveau mécanisme intégré multi-bailleurs.
- Dans le cadre de **l'appui post-crise**, un projet de €17 millions pour la période 2014-2020, intitulé "Administration pour tous (NFD)", vise à renforcer l'efficacité et l'intégrité de l'administration publique (offre et qualité des services publics, gestion des ressources humaines, appui aux instances de contrôle du pouvoir public, appui au suivi judiciaire afin de sanctionner les infractions constatées).
- Plusieurs projets destinés aux très nombreux groupes vulnérables (handicapés, enfants, femmes, jeunes, familles en milieu urbain, délinquants) sont également mis en œuvre pour un montant total de €1 à 2 millions par an.
- Dans le cadre des élections générales de 2018, des activités d'appui à la société civile visant à assurer un déroulement pacifique du scrutin ont été financées par le biais de (Instrument

contributing to Stability and Peace et European Instrument for Democracy and Human Rights) pour un montant de €2 million sur deux années.

### *Contexte multilatéral*

Dans le cadre du suivi de l'EPU 2014, Madagascar a reçu en juillet 2017 une mission du Conseil des Droits de l'Homme qui a produit un rapport très critique contenant 77 recommandations. Le gouvernement reconnaît qu'il y a eu des bavures et des actes extra-judiciaires commis par les forces de sécurité ainsi que l'indépendance déficiente de la justice qui est politisée et corrompue.

Au niveau international, Madagascar joue un rôle constructif. Par exemple, le pays a rejoint l'alliance mondiale contre le commerce des biens utilisées pour la peine de mort, lancée par l'UE lors de l'Assemblée générale des Nations Unies, le 18 septembre, à New York. Il s'est aussi engagé à soutenir l'objectif global de l'ONU de mettre fin à l'apatridie d'ici 2024 et à continuer son action en matière de changement climatique. A l'occasion de la Journée mondiale contre la peine de mort, le 10 octobre, le Ministère de la Justice et l'Association des Chrétiens pour l'abolition de la torture (acteur clef dans l'abolition de la peine de mort en 2014), avec l'appui du Bureau du Haut-Commissariat aux Droits de l'Homme, ont organisé un atelier de réflexion intitulé "pauvreté et justice – un duo mortel", point de départ d'une vaste campagne de sensibilisation de 12 mois.

L'UE participe également à plusieurs comités de pilotage pour le suivi de projets gérés par les agences des Nations Unies dans le pays, en particulier avec UNFPA, le HCDH, et le PNUD. L'UE a aussi soutenu (avec UA et NU) la préparation de la Réforme du Secteur de Sécurité et attend la mise en place des structures malgaches pour sa mise en œuvre.

## **Democratic Republic of Malawi**

### *Overall human right situation*

In 2017 the overall human rights situation in Malawi was mixed: There were improvements on civil and political rights, such as the passing of the Access to Information Act, the Penal Code Amendment Act, ten Land Acts and the Political Parties Bill. Nevertheless, there were also some negative tendencies. Electoral reforms have been stalled: In December 2017, the Parliament rejected the elections reform package that had been prepared through a long and inclusive review of the electoral laws. In addition, economic, social and cultural rights remain a challenge, in particular access to food and health services. Indicators on corruption still show a negative trend with a ranking of 120 out of 176 countries in the Transparency International corruption perception index. There are continuous reports of fraud, often related to procurement. A long-awaited audit bill has not been passed.

The main challenges for the country continue to relate to gender equality, violence against women and children, high rates of child marriages, discrimination against albinos, discrimination on the basis of sexual orientation and detention conditions in prisons. The current space for civil society - especially those working in human rights and governance - is shrinking. The government prepared in 2017 a new NGO policy whose primary objective appears to be the regulation, control and supervision of independent NGOs by Government, potentially in violation of the right to freedom of association. Moreover, Government decided in December 2017 to increase fees for NGOs: in this case, Government acted without any consultation with NGOs.

There were some positive developments in the last quarter of 2017 which deserve to be signalled:

- In October 2017, by-elections were held in 6 localities. Even if the turnout was low, the elections were globally conducted in a peaceful and transparent manner. The Malawi Electoral Commission implemented with success some of the organisational reforms recommended during the 2014 elections, notably regarding the tallying and publication of results.
- In November 2017, Malawi passed a new Political Parties bill that repeals and replaces the Political Parties (Registration and Regulation) Act 1993. While some of the provisions of the Bill, such as the creation of the Office of Registrar of Political Parties, re-iterate the content of the earlier Act, there is much greater detail on party registration and operation. A crucial change is the intention to undertake some regulation of political party finance. There is also an attempt to address gender inequalities within political parties, with a requirement of compliance with the Gender Equality Act 2013, and an attempt to restrain handouts.

### *EU action-Key focus areas*

The priorities on which the EU has focused during 2017 were freedom of expression and freedom of the press, greater accountability and tackling corruption (democratic governance), protection of vulnerable groups, empowerment of women and youth and electoral reforms.

- a) Freedom of expression and freedom of the press; the Delegation had regular exchanges with media personnel in television, radio and print. The EU supported the media through capacity building. With the recent passing of the Access to Information Bill (ATI), the Delegation supported the Human Rights Commission, which will have a key role in implementing the Act, and in providing trainings to lawyers and judges.
- b) Democratic governance: Tackling corruption and domestic accountability. EU leverage in this area focuses on raising these issues, particularly the fight against corruption in the political dialogue, both formal and informal and in cooperation projects. As regards domestic accountability the EU continues to support the National Initiative for Civic Education (NICE) and civil society organisations (through CSO-LA instrument).
- c) Protection of vulnerable groups and empowerment of women and youth: The key priorities are eliminating violence against women and girls, improving girls' education, tackling discrimination based on sexual orientation, supporting people with disabilities and persons with albinism.
- d) Reducing cruel, inhuman or degrading treatment or punishment: Concrete activities included visits to prison and more effective co-ordination with others partners working in this area, facilitating access to justice by supporting the Legal Aid Bureau and continue working with the judiciary, and in particular magistrates, to advocate alternatives to custodial sentences.

The EU as a whole engages the Malawi government on the human rights sphere within the "Article 8" Political Dialogue. Delegation raised human rights issues in demarches and other forms including with the Ministry of Justice and Constitutional Affairs.



### *EU Bilateral political engagements*

An EU Election Follow up Mission (EFM) was deployed in September to assess the ongoing electoral reform process and the extent to which previous EU election related concerns and recommendations have been addressed. Concerning the *administrative* electoral reforms, the EFM underlined their critical role in addressing major shortcomings, notably regarding voter registration, election-day operations and results management. The proposed *legal* reforms, while not addressing all issues raised by the 2014 EU EOM, offer a number of improvements for the conduct of elections; they are particularly important to increase the Electoral Commission independence and allow for more accountability in political finance.

The main recommendation of the EFM was on the need for the Government to table, without any delay, the package of legal electoral reforms to the parliament in order to increase public confidence in the institutions ahead of the 2019 tripartite elections. Nevertheless, until now only two draft laws have been passed.

### *EU Financial engagements projects*

Malawi benefited from EU support to strengthening human rights observance in the country through capacity building of the Malawi Human Rights Commission. The EU and Member States continued their support to local CSOs advocating rights of minorities and vulnerable groups including LGBTI and people with disabilities. The issue of child rights is also being addressed through projects supporting strengthening child protection systems.

In view of the 2019 tripartite elections, the EU supports the electoral cycle at different levels. The EU contributed to the national registration process that started in May 2017 and enabled 9 Million Malawians to obtain an ID card. This should reduce the cost for the future voter register. The EU also participated in the review of electoral laws through the National Taskforce and then the Special Law Commission. Out of 7 bills that were part of the reform, 7 were rejected by Parliament and only one on political parties was adopted. The EU is contributing to the 'Malawi Electoral Cycle Support project' basket fund, managed by the UNDP. The basket fund became operational in the second half of 2017, and activities will last till the end of 2019. Beneficiaries include the Malawi Electoral Commission, which will be the largest recipient of the programme's assistance. Other beneficiaries include the Centre for Multiparty Democracy (CMD) and political parties, the media, the youth.

The EU via the EIDHR signed in December 2017 a project with Dan Church aid and two local CSOs (CMD and WOLREC) targeting women's political participation and leadership. The EU also continues to support the gender equality agenda through the Chilungamo project as well as interventions with NGOs notably a project with Save the Children to fight Child marriages and trafficking. The EUD also continued its assistance to the Federation of Disability Organisations in Malawi with a project aiming at improved access to basic services by persons with disabilities.

The EUD supports civic education efforts through the National Initiative of Civic Education.

### *Multilateral context*

Malawi's performance on human rights was reviewed under the [Universal Periodic Review \(UPR\)](#) mechanism in Geneva on 5th May 2015 (it was the second time Malawi was reviewed in this process). Following the review, Government has accepted 132 recommendations and rejected 41 recommendations which it received from 74 Member States participating in the dialogue.



## Mali

### *Overall human rights situation*

The human rights situation in Mali remained of serious concern in 2017 in a context of marked insecurity in the north and centre of the country, with the implementation of the peace agreement signed in 2015 suffering persistent delays, and the postponement of local and regional elections due to the security situation. Main human rights concerns included arbitrary killings, torture, disappearances, prolonged illegal detention, sexual violence by armed actors and security forces alike, and the recruitment of minors by armed groups. Serious human rights abuses have also been reported in the context of anti-terrorist operations. Women's rights across the country continued to be problematic with a high prevalence of gender-based violence, including female genital mutilation/cutting (FGM/C), which is not legally criminalized. A law is currently under preparation to prevent and address gender-based violence. Other human rights shortcomings relate to trafficking in human beings and smuggling of migrants; poor prison conditions; slavery and child labour; and discrimination against certain groups such as persons with disabilities, persons with albinism, and on the grounds of sexual orientation (LGBTI) and ethnicity. Impunity for human rights abuses remained the norm in a context of a weak judiciary system. Positively, the Council of Ministers adopted a law to protect human rights defenders in January 2017, currently with the National Assembly for approval. Social and economic rights continued to be impacted by the widespread corruption.

### *EU action – key focus areas*

In 2017 the EU's priorities in the area of human rights included the fight against impunity, the promotion of the respect for women's, children's and other vulnerable groups' rights; and the fight corruption.

### *EU bilateral political engagements*

Through its CSDP missions in Mali, EUTM Mali and EUCAP Sahel Mali, the EU continued to train members of the Malian defence and security forces on human rights law and international humanitarian law. It also engaged with the G5 Sahel and other partners, in particular the UN, on discussions on the integration of a human rights compliance framework for the G5 Joint Force, which will be continued in the course of 2018. The EU furthermore plays a leading coordination role among EU member states represented in Mali and other financial and technical partners on human rights as well as on the fight against corruption. The EU, as a member of the international mediation team for the peace agreement, remained actively engaged in international efforts to secure peace in Mali by supporting the implementation of the 2015 Peace and Reconciliation Agreement, of which the EU is one of the guarantors.

### *EU financial engagements*

2017 saw the continued implementation of EIDHR-financed projects addressing children's and women's rights, totalling an amount of roughly 1,1 million €. The NGO Kinderrechte Africa, with its local partner GRADEM, assisted underage female house-keepers who were victims of abuses with shelter, legal support and vocational training; the NGO AMAPROS helped children exposed to forced labour, the worst forms of child labour and trafficking by providing their caregivers with alternative income-generating activities, facilitating the younger children's return and attendance to school while assisting older ones with vocational training opportunities; the NGO PACINDHA assisted

women and girls forced into early marriages by providing them with legal assistance and mediation support.

The EIDHR has also contributed to youth participation in public life and to the fight against impunity. Implementing a grant of 300,000 €, the NGO CCFD-Terre Solidaire, with their local partners AZAR, ACORD and GRDR, assisted youth organizations across the country, including in the north regions of Tombouctou, Kidal and Gao, in public outreach and in engaging with public authorities to contribute to ongoing efforts towards social cohesion and peace. In the framework of another EIDHR grant (to the tune of 456, 000 €), the NGO International Federation for Human Rights continued to support the participation of the plaintiffs in the trial of the former junta leader Amadou Haya Sanogo, accused of extrajudicial killing against a specific unit of the military, the "Bérets Rouges", considered at the time unsupportive of the military coup.

Education, communication and awareness raising campaigns were systematically used to reach out to and sensitize communities and authorities in all cases.

At the end of 2017, an EIDHR call for proposals resulted in the selection of five new civil society projects, totalling an amount of roughly 2.1 million €, in the areas of 1) youth civic education and their knowledge and enjoyment of civil and political rights 2) violence against women and girls or gender-based violence, including female genital mutilation; 3) women's participation in public affairs and representation in society. The related projects will start in early 2018.

### *Multilateral context*

Mali's human rights situation will be reviewed under the Universal Periodic Review (UPR) Working Group of the UN Human Rights Council in January 2018. In 2017, Mali continued to engage with the UN human rights system, including with the UN Independent Expert on the situation of human rights in Mali, who visited the country from 27 November to 1st December. Mali has not extended an open invitation to the UN Special Procedures yet. The country has ratified most international and regional human rights treaties, all ILO fundamental conventions and their Protocols.

## **Mauritania**

### *Overall Human Rights Situation*

Mauritania manages to preserve apparent internal stability under President Mohamed Ould Abdel Aziz in power since 2009, now in the middle of his second and last mandate. President Aziz has repeatedly stated that he will respect the constitutional two-term limit, but calls for a constitutional amendment lifting the term limit are regularly heard. National political dialogue took place in October 2016 but was boycotted by an important part of the opposition. It resulted in a series of proposals of constitutional changes, including the suppression of the Senate and changes to the country's flag and anthem. The proposed amendments were approved by a controversial referendum in August 2017, boycotted by the opposition. In this tense context, the referendum was not immediately followed by anticipated legislative and local elections as initially envisaged; instead, the electoral calendar seems to have remained unchanged: local, regional and legislative elections are foreseen for 2018 and presidential elections in 2019.

Mauritania is facing crucial domestic and external challenges. Relations between the country's different ethnic communities are increasingly difficult due to a feeling of exclusion and

discrimination by black and haratine communities, which could lead to radicalisation and pose a threat to national unity. This situation of exclusion and discrimination, as well as the unsatisfactory implementation of antislavery regulations, are regularly denounced by the international human rights institutions and related NGOs. These accusations are systemically denied by the Mauritanian authorities which, however, have always shown readiness to collaborate with the UN and related institutions on human rights.

### *EU Action – key focus areas*

The EU's human rights action in Mauritania concentrates on (i) the improvement of the justice system (improvement of detention conditions, increasing the access to the public service of justice by citizens); (ii) the fight against slavery, supporting concretely the Government's commitment to implement the road map on the eradication of contemporary forms of slavery, and following the implementation of last legislation against slavery; (iii) torture and ill-treatment, supporting the national preventive mechanism of torture; (iv) ethnic and gender discrimination, especially violence against women; (v) the status of Civil Society Organisations and (vi) the abolition of the death penalty. The rights of migrants have also been at the center of EU concerns.

There still is a gap between a rather advanced legislation against slavery (and its remnants) and implementation. In April 2015, a new anti-slavery law in Mauritania was adopted; this doubles the maximum prison sentence for the crime of slavery from 10 to 20 years and creates special tribunals for the prosecution of slavery and slavery-like practices. Despite that legal arsenal, the missing element remained the absence of robust implementation and monitoring mechanisms. As a result, the impact of these progressive policies is, for the most part, modest. There has been only one condemnation by the 3 special tribunals since their inception in 2015.

The adoption and implementation of four legislations, on the agenda for the last 2017 session of the National Assembly, are being particularly scrutinised: on discrimination, on gender violence, on civil society (associations) and on the revision of the provision in the constitution on apostasy (art. 306). The reproductive health law, passed in 2017, strengthens the ban on female genital mutilation.

### *EU Bilateral political engagements*

The Mauritanian government has tightened measures to regularize migrants' stay and obtain work permits with a view to improving security controls. The EU collaborates with Mauritanian authorities and civil society in order to ensure the respect of the rights of migrants. EU Trust Fund Projects for Mauritania approved in 2016-2017 are focusing precisely on the situation of unaccompanied children, as well as on the conditions of return of migrants to their countries of origin.

Human rights dialogue with the authorities and human rights defenders has been intensified throughout 2017, particularly around the following cases for which the EU issued local statements and met concerned members of the government. Those three cases are also illustrative of Mauritanian internal tensions.

- The case of the young blogger Mohamed Ould M'kheitir, sentenced to death for apostasy at the end of 2014, who was finally released from prison by decision of the Supreme Court in 2017 but is still under protective custody pending a second review by the Supreme Court. Mauritania had never before issued a death sentence for apostasy in the country's 57 years

of history. The regular vocal demonstrations calling for his execution illustrate the risk of radicalisation of part of the Mauritanian society.

- Another case concerning the anti-slavery movement IRA (*Initiative de Resurgence du Mouvement Abolitionniste*), with the trial and sentencing in 2016 of 13 activists among procedural irregularities and credible allegations of torture in detention. The Appeal Court reduced the sentences and freed most of them but two activists remained imprisoned. Despite calls by the EU and other international actors, no investigation into the allegations of torture and mistreatment in detention was opened.
- The blocking by the government of certain activities of two NGO financed by the EIDHR and the EDF concerning slavery and the resolution of humanitarian issues related to the events of the 1980s. The government also refused the entry in Mauritania of international human rights defenders (Amnesty International in November, prominent members of US civil society in October).

### ***EU financial engagements***

Three additional projects have been implemented during 2017, under the European Instrument for Democracy and Human Rights, in the field of the fight against slavery (and its remnants), prisons and the new call for proposal covers projects covering violence against women.

### ***Multilateral context***

Mauritania has ratified most international and regional human rights conventions. Experts regularly alert on possible attacks on fundamental rights and to prosecution of opponents and human rights defenders. Mauritania passed the Universal Periodic Review in 2015 but didn't accept to comply with all its recommendations. Mid-term reporting is scheduled for May 2018.

## **Mauritius**

### ***Overall human rights situation***

Mauritius remains the top ranking country in overall governance in Africa according to Mo Ibrahim Index of African Governance. Mauritius was assessed by the Human Rights Committee of the United Nations which issued its concluding observations and recommendations on 9 November 2017; the priority areas for improvement for Mauritius in human rights were: strengthening of National Human Rights Commission, combating domestic violence including violence against women and enforcing gender equality, fighting discrimination against LGBTI persons, eradicating human trafficking, abolishing death penalty, as well as addressing the problems related to pre-trial detention, provisional charges, ill-treatment and prison conditions.

### ***EU action – key focus areas***

The EU's main objectives on human rights and democracy in the framework of its relations with Mauritius are the advancement of women's rights, protection of children's rights and the elimination of violence against children, the protection of LGBTI's rights as well as strengthening the rule of law and of human rights institutions. These priorities remained relevant in 2017.

The EU Ambassador continued to communicate on the EU priorities in the field of human rights.

### *EU bilateral political engagements*

The EU continued to engage in human rights and democracy promotion in Mauritius through annual political dialogue held in May 2017 and cooperation projects. During Article 8 dialogue EU and Mauritius agreed to establish a specific policy dialogue devoted to gender related issues.

**Objective 1 - Women's rights:** The EU remained a strong advocate of women and girls' rights and continued to raise the subject regularly during the bilateral meetings at the highest political level and during the "Article 8" Political Dialogue with the Government in May 2017. The EU has agreed to the request of the Government of Mauritius to provide technical assistance for the preparation of a Gender Equality Bill. Since November 2017, the EU is funding the National Human Rights Commission for education and awareness raising for respect of human rights, with a focus on rights of women and children. This action, which will run over three years, attempts to contribute to reducing gender based violence and violence against children.

In the context of the International Day for the elimination of violence against women and 16 days of Activism Against Gender-Based Violence, the Delegation organised a forum debate on "Stop Violence Against Women and Girls" on 29 November 2017.

**Objective 2 - Children's right – violence against children:** The subject was raised during political dialogue. Ministry of Gender Equality, Child Development and Family Welfare asked for technical and financial assistance from the EU for the completion of the Children Bill (under preparation since 9 years).

**Objective 3 - LGBTI's rights:** The subject was raised during political dialogue. The EU Delegation continued to meet with the LGBTI activists and was represented at the annual Gay Pride in Port Louis. LGBTI issues will be part of the three year project with the National Human Rights Commission financed under the EIDHR envelope.

**Objective 4 – Rule of law:** The topics of death penalty, provisional charges and fight against corruption were raised during political dialogue. The reduction of cases of police brutality and non-respect of law will be addressed by the EIDHR project with the National Human Rights Commission.

### *EU bilateral financial engagements*

#### *Objective 5 – Institutional strengthening*

On 10 November 2017, the EUR 200 000 (MUR 8 mio) 3 year EIDHR project with the National Human Rights Commission was signed. There are three components to this:

- Sensitisation on respect for human rights for various target groups (judiciary, law enforcement citizens, media, civil servants, general public)
- Sensitisation on rights of women and children to prevent gender based violence through education and awareness
- Capacity building of National Human Rights Commission

The first event of the project was the celebration of the Human Rights Day on 11 December 2017 with Attorney General, Minister of Justice, Human Rights and Institutional Reforms.

### *Multilateral context*

The UN Human Rights Committee presented in November 2017 its concluding observations on the periodic report submitted by Mauritius.

During political dialogue in May 2017 the EU discussed with Mauritius how to strengthen the cooperation on human rights in international fora.

## **Republic of Mozambique**

### *Overall human rights situation*

The truce declared by the leader of the major opposition party in the last days of 2016 has been holding throughout 2017 and has resulted to a significant decrease of human rights violations linked to the politico-military conflict in Mozambique. It has had a positive impact on freedom of movement, allowing refugees to return to their place of origin and some economic activities being relaunched, especially in rural areas affected by the violence.

Important challenges remain, in particular with respect to (politically or otherwise motivated) crime and impunity. The assassination, in October 2017, of Mahamudo Amurane, Mayor of Nampula, the third biggest city of the country, added another case to the list of killings of public figures (Cardoso, Cistac, Pondeca,...) having remained without proper and completed investigation. Moreover Police violence remains an issue – for example in the disproportionate violence against officials on strike at the Eduardo Mondlane University campus in Maputo or the failure to protect the population of Mocimboa da Praia and surroundings when attacks were perpetrated by non-identified extremist groups in October 2017. 'Participatory justice' cases such as lynching of people by populations have been reported increasingly since January in outlying districts of the central Province of Sofala.

### *EU action – key focus areas*

In this context, EU's priorities remain peace and democratic reconciliation, support for the strengthening of civil and political rights, focusing on reinforcing democratic accountability, checks and balances and transparency through support, namely to improvement of the access to information and the respect for the rule of law. Encouraging dialogue between political forces in conflict with a view to sustained reconciliation and a more inclusive democratic settlement has also been a constant EU concern. Particular attention is paid to the struggle against corruption and women's empowerment, including the implementation of the national strategy to end child marriage. The EU has been proactive in supporting fundamental rights and freedoms, including freedom of expression and rights of LGBTI. In terms of economic, social and cultural rights, Mozambique's dire economic situation and poverty exacerbated by the 'hidden debts' scandal have not allowed a lot of progress to be made.

In 2018, the EU will continue to pursue efforts to promote Peace, national reconciliation and democratic political solutions to address the political crisis, while supporting the strengthening/good functioning of the rule of law, good governance, including the fight against corruption, and the smooth running of the electoral cycle. A particular emphasis will be given to follow-up, including in conflict affected areas and regarding vulnerable people (including albinism affected people, child and women). In this regard the EU will liaise with all relevant stakeholders, including the civil society.

### *EU bilateral political engagements*

All these issues were on the agenda of the "Article 8" Political Dialogue held in June 2017. Other issues related to human rights defenders and individual cases of human rights violations were also addressed with the government on various occasions. In terms of public diplomacy, human rights-related international days have been celebrated with public events and the EU Week in November 2017 included debates on human rights-related topics

### *EU financial engagement*

Support to democratisation and the Rule of Law has continued through 11<sup>th</sup> EDF projects focusing on one hand on civic education and participatory planning and on the other hand on support to the Attorney's General Office, the Supreme Court and the Anti-corruption Office as well as the National Parliament.

Three EIDHR projects promoting access to information started their activities (access to information in the extractive industry, local community monitoring of social protection programmes, and supporting civil society to promote access to information, rights and freedom of expression). A new EIDHR call for proposals was launched for an amount of 900 000 euros, targeting women's empowerment and support to human rights defenders.

Financial support and technical assistance and training were provided by the EU and Member States to a large number of CSOs, including through the PAANE (EU) and the AGIR programme (Sweden, Netherlands, Denmark). The EU aims at encouraging dialogue between CSOs and public local and national authorities, reinforcing the role and capacities of CSOs, enhancing the legal framework and promoting an enabling environment.

The EU and Member States continued to support CSOs working on women's rights and gender equality (women's economic empowerment, women's political participation, gender-based violence, sexual and reproductive health and rights, access to education). Three EIDHR projects on women and children's rights are ongoing. The EU was also active through existing projects in contributing to fighting violence against women and children.

### *Multilateral context*

As regards the multilateral context, the Government of Mozambique demonstrated cooperation with the UN mechanisms by receiving a technical mission by the OHCHR in June. However, the visit of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, which was among the recommendations of the Universal Periodic Review (UPR- 2<sup>nd</sup> review of 2016) that Mozambique accepted, has not yet materialized and no plan of action has been finalized for the implementation of the Universal Periodic Review (UPR) second review's recommendations. The full implementation of international human rights commitments remain a challenge.

## **Namibia**

### *Overall Human Rights Situation*

As in previous years, the overall Human Rights situation in Namibia was satisfactory in 2017. The government's Harambee Prosperity Plan speeded up the legislative process in the area of good governance. A Bill on Whistle Blower Protection and a Bill on Witness Protection were signed by the President on 6 October and a first draft of an Access to Information Bill has been discussed with



selected NGOs. Wider consultation will take place in 2018. Even though Namibia is dominated by a single party – with SWAPO ruling since independence and winning elections with overwhelming majority, the elective congress that took place in November 2017 showed that inside SWAPO democratic discussions are possible: several teams were running and competed for the top four positions in the party – in this sense "one party SWAPO democracy" in Namibia is clearly balanced by internal SWAPO democracy. It is noteworthy that women attained the positions of Vice President and Secretary General.

While significant progress has been made on some gender issues since Namibia's independence, many important issues pertinent to women's rights have stalled. The most obvious example is gender-based violence, an area which has seen little meaningful progress despite the considerable legal and social attention it has received in the past years. The implementation of social and economic rights remains unsatisfactory. Due to economic downturn and fiscal constraints, unemployment, poverty and social inequality continue to be key challenges for the country and also affect the human rights situation. In this context, the slow progress with land reform and limited access and availability of land to a major part of the population has stirred growing political opposition to the government's policies. The Landless People Movement intends to register as a party and run in the next national elections. The second national land conference foreseen for end 2017 has been postponed as being too sensitive just weeks before the SWAPO Elective Congress.

### *EU action – key focus areas*

The EU continued to raise human rights and democracy issues with Namibian counterparts in various settings with particular attention to women's rights and gender based violence, children rights as well as minorities rights (with a focus on indigenous/marginalised people).

The EU Delegation together with some EU Member States continues supporting the priorities established in the *Roadmap for engagement with Civil Society* using different instruments and modalities, from political dialogue to development cooperation programmes and projects. The priorities identified in the Roadmap are: 1) to promote a conducive environment for CSOs; 2) to promote meaningful and structured participation of CSOs in domestic policies; 3) to increase CSOs capacity to perform their roles as independent development actors more effectively. The Roadmap implementation period ends in 2017 and a new Roadmap will be developed for the period 2018-2020.

A Gender Analysis Report 2017 for Namibia in line with the requirements established in the EU Gender Action Plan II was issued in September 2017. This document was prepared by the Legal Assistance Centre, a very experienced national civil society organisation in gender matters, at the request of the EU Delegation. The Gender Analysis assembles empirical data on key gender topics. The EU Delegation together with the EU Member States also established the EU - Namibia Gender Action Plan II 2016-2020.

### *EU bilateral political engagements*

Core Human Rights issues were discussed at the "Article 8" political dialogue that took place on 13 July 2017. The dialogue took place in an open and frank atmosphere. Constructive exchange of views were held with Government's representatives who underlined that Namibia was fully aligned with EU's approach on women and children but did not share EU's concern that the integration of the two



recognised minorities (San and Ovatoe) was requiring further improvements and commitments. The Namibian side also briefed about the follow up to its Universal Periodic Review in 2016.

### *EU financial engagements*

A major milestone in the promotion of Human Rights in Namibia was the successful selection and signature of contracts with 4 CSOs to implement 5 projects in the areas of gender and women's rights and cultural rights under the European Instrument for Democracy and Human Rights (EIDHR). The EU Delegation received €1.2 million from the EIDHR instrument which has been entirely committed. Based on the key priorities of the EU, the objectives of the first call for proposals were: Lot 1: Promotion and protection of women's and girls' rights, targeting specifically gender based violence and/or teenage pregnancy; Lot 2: Protection and promotion of cultural rights, with special attention to those of ethnic minorities and indigenous people. The implementation of the project "Museum Development as a Tool for Strengthening Cultural Rights in Namibia", implemented by the Museum Association of Namibia, has started. With the remaining funds, the EU Delegation launched a second call for proposals with the same lots and has been able to sign 3 additional contracts: 1) Combating teenage pregnancies and empowering adolescent girls and young mothers living in informal settlements, implemented by C.E.S.T.A.S. – Centro Di Educazione Sanitaria e Tecnologie Appropriate Sanitarie Associazione; 2) Survivors Speak UP! No more Gender Based Violence: A holistic approach towards gender-based violence and learner-pregnancy prevention and protection of the affected, implemented by Fruedrich-Ebert-Stiftung EV; 3) Revitalization of indigenous languages to preserve culture, implemented by NUST – Namibian University of Science and Technology. CSOs are also supported through the 11 EDF "Enhancing Participatory Democracy in Namibia" (EPDN) which is in line with the assessment in the EU Roadmap for engagement with Civil Society. The programme aims at enhancing participatory democracy in Namibia by: 1. Increasing capacity of CSOs to interact and cooperate with Parliament in the national development process; 2. CSOs involvement in policy implementation in the education and skills and in the rural development sectors delivers improved outputs.

### *Multilateral context*

Regarding the follow up of the last Universal Periodic Review (UPR) in January 2016, out of 219 recommendations, 191 were accepted by the Government and 28 were noted. Namibia plans a workshop on the implementation of the UPR recommendations and is aiming at developing a comprehensive National Action Plan on the implementation of the UPR recommendations. Namibia is part of most international Human rights conventions. The Government and the SWAPO party remain divided on the International Criminal Court (ICC): hardliners defend withdrawal from ICC but many in SWAPO and in the government fear the negative political impact of such a decision on Namibia's good international image. The issue has not been followed up by the government in 2017.

## **Niger**

### *Overall Human Rights Situation*

The human rights situation in Niger is still marked by the country's extreme fragility, its vulnerable economic situation and a critical regional security situation, in particular the instabilities in the Diffa region and the renewed attacks in the vicinity of North Mali. Niger is at the "cross roads" of the crises in South Libya, Northern Mali, and the Lake Chad region; as a result, is obliged to use significant resources (both human and financial) to prevent a spill over inside its frontiers; the

security challenges and budgetary efforts to address these are worsening an already difficult financial situation caused by the low prices in raw material, the Nigerian financial crisis and the climate changes impact on agro-pastoralism.

President Issoufou was re-elected in 2016 by a large majority for a second and last term, in a process boycotted by the opposition. The political context remains tensed and is marked by the predominance of the ruling party PNDS and a total disorganisation of the opposition. The President and its government can however count on a comfortable majority in the Parliament that favours the implementation of the main axes of his programme "Renaissance Acte II", including those fields related to the promotion of democracy and human rights. In December 2017, the organisation of the pledging conference in support to the "*Plan national de développement économique*" was an obvious success. Niger still needs though to also face the new challenge from the increasing irregular migration flows transiting through the country towards Libya and Europe

There exists a political commitment of the authorities to implement international and domestic human rights norms. The mainstreaming of Nigerien legislation in the field of human rights, the dissemination and popularization of relevant texts, and the transcription of customs as a legal tool in complementarity with modern law continue to be priorities. There is however an operational gap due to the lack of human and financial means and also, in some cases, a lack of ownership, in particular regarding women status; this despite some progress achieved such as the creation of a Minister dedicated fully to women and children. The adoption of the legislation on the solarisation of young girls late 2017 is a significant step.

#### *EU Action – key focus areas*

Against this background, the EU action is focused on a set of 4 strategic priorities: i) Consolidation of democratic principles and rule of law; (ii) Enabling access to a fair, independent and equitable justice system for all citizens throughout the country; (iii) Giving Nigerian women their place in the life of the country and the full enjoyment of their rights; (iv) Nigerien to live its work in peace, dignity, and security, benefiting from the services to which the State must give access.

No major human rights violations have been reported, however some situations deserve attention and close follow-up: 1) maintenance in detention without judgement for long periods of a series of persons (including representative of the opposition); 2) Some signals of religious intolerance noted on social networks, as well as in the preaches of some imams. Human rights Defenders' action is overall respected. However, cases of arrest or intimidation are punctually reported, following statements or the publication of chronicles challenging government action.

Stranded migrants' situation is a growing concern addressed by the EU. Niger is also confronted with the return of its own migrant population from Libya and Algeria. The EU supports actions directed to improve their situation by providing comprehensive assistance, including better conditions for those ready for voluntary return to their country of origin. As regards asylum, Niger has an open and welcoming attitude towards applicants and refugees on its territory. There is a limited number of cases falling under UNHCR's mandate in the face of a poorly-designed referencing system, which offers only one option for seeking asylum in Niger.

### ***EU Bilateral political engagements***

Regarding EU support, each of the strategic priorities is the subject of sectoral dialogue. Regular bilateral contacts and meetings with the "Commission Nationale des Droits de l'Homme" (CNDH) are maintained on specific issues the Commission investigated. In March 2017, the CNDH obtained the A-Status that it lost in 2010. Awareness-raising operations in the field of women's rights, reproductive health and demography are monitored in a special way in line with the attention the EU attaches to such topics.

The budget support programs also support important human rights issues, such as access to justice (including through the improvement of the functioning of judicial services and the reduction of the pre-trial population); access to health and to education, especially for the least advantaged groups, including women and girls. The new Sector Reform Contract for the Education Sector signed in 2016 has, as its main objective, the reduction of discrimination in access to education according to sex, social class and place of residence.

### ***EU financial engagements***

Under the European Instrument for Democracy and Human Rights, two other projects have been signed in 2016 with the National Commission for Human Rights aiming at supporting its strategy (contracts were signed in 2017). These new projects complement existing actions for the improvement of prison conditions, including the life conditions of imprisoned minors, the fight against child marriages, and all kind of slavery.

The EUCAP Sahel Niger Mission continues to train Security Forces and some Justice stakeholders on the correct implementation of anti-terrorist and migration legislation in full respect of human rights and humanitarian international legislation, criminal law, protection of victims and vulnerable groups such as women, children, migrants and refugees. The EUTF project in support to the Nigerien Joint Investigation Team (*Creation of a joint investigation team to fight against irregular migration, human trafficking and smuggling*; 6M€, FIIAPP) also follows the same objective in terms of human rights and protection of prosecuted persons.

### ***Multilateral context***

Niger has ratified most international and regional human rights treaties. The Nigerien authorities remain committed to implement international legislation on Human Rights and continued to engage in 2017 with the UN Human Rights system and experts. Niger passed the Universal Periodic Review in 2016. Mid-term reporting is scheduled for July 2018.

## **Nigeria**

### ***Overall human rights situation***

Nigeria enjoys strong political debate and vibrant media, but it is also marked by a divide between a mainly Christian and prosperous south, and a poor and war-torn north-East, due to the persistent threat of Boko-Haram. The overall human rights situation in 2017 remains marked by human rights violations perpetrated by security forces, both in their fight against terrorism and in the repression of crime. A weak and corrupt criminal justice system does not provide sufficient control. Nigeria is a signatory to the main international human rights instruments and has passed important laws to protect the rights of its citizens. However, enforcement and fulfilment of legal obligations remain a challenge, and the government has proven reluctant to investigate and prosecute human rights

violations when perceived to contradict national security interests. The inadequacy of social services, in combination with a highly unequal distribution of income, constrains Nigerian citizens from enjoying their economic, social and cultural rights. Sharia is in place in twelve States and contains provisions that legitimise the discrimination and marginalisation of women, but it's not applied fully and uniformly in those States.

### *EU action – key focus areas*

**EU's priority:** protection of human rights in conflict situation; promotion of credible and transparent elections; access to the justice system; promotion of the rights of minorities; the rights of women, in particular for girls, with the right to education.

Substantial progress is needed for ending a culture of impunity among security forces; this will require independent investigations and judicial prosecutions after events such as the killing by the army of dozens, if not more, members of IPOB, the Biafra independence movement, in South-East Nigeria, in late 2017. The fight against Boko-Haram in the North-East is not always carried out in respect of the local population, which in turn increases recruits to Boko-Haram. Implementation of justice decisions by the executive should also be improved. Gender equality could be improved, in particular access to education for girls, access of women to elected political positions and more generally the role of women in society

### *Human rights and democracy issues*

There are various problems i.e. brutality and lack of accountability by security forces, and the use of torture, still the basis of convictions in the great majority of cases, unlawful detention. The right of peaceful assembly for religious or regional minorities has in cases been violated or limited, as shown by the Zaria killing of Shia's, or by the heavy handed repression of Biafra activists in May 2017 and the disappearance of the IPOB leader Kanu. Some judicial decisions have not been implemented by the authorities on grounds of national security.

Regional elections that took place in 2017 were in general regarded as fair credible and inclusive and democratic, but some were marred by intimidation, threat of boycott or violence. In 2018, the country is entering a pre-election cycle, with the next Presidential and Parliamentary elections due in spring of 2019.

### *Electoral Follow-up Mission*

An Electoral Follow-up Mission (EFM) took place in October 2017, led by former Chief Observer, MEP Fisas, to assess the state of implementation of the recommendations issued by the 2015 EU Election Observation Mission to Nigeria. Out of 30 such recommendations, only four are being implemented by the Independent National Election Commission (INEC), seven are included in the proposed electoral reforms or subject to on-going implementation and 19 have not been considered at all. The EFM found that proposed amendments to the Electoral Law and Constitutional changes could improve the legal framework as well as the credibility and transparency of elections. However, in order to achieve this objective, they would need to be adopted well before the next elections in February 2019 (and to date this is still not the case). The mission concluded that of immediate importance ahead of the 2019 polls is ensuring an inclusive continuous voter registration. Political parties need to take a responsible leadership role with internal party democracy, participation of women and commitment to promoting peaceful elections. Close collaboration between all stakeholders, and respect for the apolitical nature of the armed forces and police is also paramount

to create conditions for inclusive elections. Efforts aimed at reducing electoral violence against women are crucial in this regard, as is the importance of civic education and peace messages throughout the process.

### *EU financial projects*

The EU continued to engage in human rights and democracy discussions with Nigeria in various settings. The 2017 Human Rights Dialogue was delayed to early 2018.

The EU has not hesitated to voice concerns, through statements (on death penalty, impunity, Boko Haram, Biafra...) and events aiming to encourage Nigeria to ensure the full respect of human rights (comic competition, workshops, international Human Rights Day, World press freedom day). Support to civil society benefits mainly human rights defenders.

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF). Rule of law, governance and democracy is one of the three focal sectors under the 11th EDF (2014 – 2020). The EU has supported federal and local governance reforms in order to strengthen their accountability. It also supports the justice sector (27 M€) and the criminal justice system to improve their accessibility and respect for human rights. The EU encourages women participation in the peace process in Northern Nigeria and their capacity to monitor human rights (10 m€). The EU also supports democratic governance in Nigeria through the strengthening of civil society organisations with two projects on democratic governance (26,5 M€) and citizen-driven transformation (15 M€).

9 EIDHR projects totalling 1.3M€ took place in 2017 on issues such as children's rights, women's rights, the death penalty, support to civil society or victims of trafficking.

### *Multilateral context*

In July 2009, Nigeria acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Optional Protocol to the Convention against Torture. It has ratified the International Covenant on Economic, Social and Cultural Rights in 1993, but has not yet signed or ratified its Optional protocol.

Although Nigeria has been a party to the International Covenant on Civil and Political Rights (ICCPR) since 1993, it has neither signed nor ratified the First Optional Protocol to the ICCPR allowing for the right of individual petition nor the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

Nigeria deposited its instrument of ratification of the Rome Statute on 27 September, 2001 and is a strong defender of the International Criminal Court.

Nigeria is a member of the UN Human Rights Council; its mandate expires in 2020.

Nigeria's human rights' record was scrutinised in October 2013 through the Universal Periodic Review (UPR) mechanism of the United Nations' Human Rights Council. Nigeria accepted 184 out of the 219 recommendations made during this session. Its record will be reviewed again in July 2018.

## Rwanda

### *Overall human rights situation*

While the overall human rights situation in Rwanda has not changed significantly in 2017, some developments raised concern about its international human rights commitments. The government faced allegations of the worst forms of human rights violations, such as extrajudicial killings and torture by Rwanda's security forces. Rwanda denied the allegations, but in October, the UN Subcommittee on the prevention of torture (SPT) suspended its visit due to what it saw as a series of obstructions imposed by authorities. The visit had been planned long time in advance in the framework of Rwanda's ratification of the Optional Protocol to the Convention Against Torture (OPCAT).

Political rights remained limited and President Kagame's election victory in August was followed by arrests of opposition leaders and some of their supporters, who remained in pre-trial detention for the rest of 2017. The main regulatory body for civil society organizations - Rwanda Governance Board (RGB) - was given increased powers of registering and monitoring activities of both local and international civil society organizations (CSOs). The government has modified domestic legal framework (adoption of "Law determining offences and penalties in general" on 29/12) in a way that could affect the advancement of human rights by restricting freedom of expression in public and private domains. Rwanda has taken steps to regulate the detention of individuals in transit centres in view of social rehabilitation by adopting the law to establish the National Rehabilitation Service (29/3) which should define standards and procedures for management of the transit centers by district administrations. It remains to be seen whether this will improve the rights of the detainees.

### *EU action – key focus areas*

In line with the 2016 EU Human Rights Strategy for Rwanda, the EU and its Member States have focused their attention on two main priority areas: (i) the area of the most serious violations of human rights – i.e. enforced disappearances, arbitrary detentions and use of torture and other inhuman or degrading treatments in detention facilities, and ii) the area with the most significant restrictions of human rights – i.e. the politically related rights and freedoms such as the freedom of expression/freedom of media, freedom of association and freedom of assembly.

### *EU bilateral political engagements*

The EU continued to address human rights and democracy issues in its ongoing dialogue with Rwanda. This was the case for its twice-yearly political dialogue with government, according to Article 8 of the Cotonou Agreement, as well as for other relevant occasions. Overall, the EU followed the human rights situation closely. The cases of the opposition members arrested after the elections were monitored and a demarche was launched on the issue.

EU continues to engage with the government and Rwandan citizens over human rights issues also outside of the Article 8 format. The EU Heads of Mission organized a public event in May 2017, where the main priorities of the EU human rights strategy for Rwanda were presented and debated in presence of the Minister of Justice and Prosecutor General as well as civil society representatives. EU issued a local statement on the occasion of the Press Freedom Day and organized series of public diplomacy events to mark the International Human Rights Day in Rwanda. Other activities included the screening of a film on freedom of expression, and an art exhibition combined with a public debate on women's rights in Rwanda and essay competition on freedom of expression in Rwanda.

### *EU financial engagement*

In parallel, the EU Delegation and EU Member States continued to support CSO projects or initiatives that work towards the achievement of objectives outlined in the EU human rights strategy for Rwanda. In 2017, the EU delegation supported a total of 10 projects focusing on the freedom of expression, freedom of assembly and association, strengthening citizen participation to improve governance, as well as actions to address enforced disappearances, arbitrary detention, use of torture and other inhuman or degrading treatment in detention. The support for the CSO's for instance focused on legal aid and awareness services to detainees and prisoners as well as tackling the issues of ensuring a better implementation of UN Treaty Bodies and the Universal Periodic Review (UPR) recommendations in Rwanda.

In 2017, the EU Delegation launched new calls for proposals linked to the priorities identified in the EU human rights strategy that have also received support through the global EIDHR call for proposals.

### *Multilateral context*

Rwanda is a member of the UN Human Rights Council; its term expiring in 2019. Rwanda has accepted 50 out of 83 recommendations for the Universal Periodic Review (UPR) cycle 2015-19. The Government has conducted a midterm review of implementation in 2017, concluding to have made progress on the implementation of 34 recommendations at this stage, including the adoption of the National Human Rights Action Plan (NAP). The government was subject to a periodic review of implementation under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The United Nations Subcommittee on Prevention of Torture (SPT) dispatched a mission to Rwanda in 2017 to verify implementation of CAT and advise the government on the establishment of the National Preventive Mechanism (NPM) for the implementation of the CAT optional protocol (OPCAT). The mission was, however, suspended due to what the SPT saw as a series of obstructions imposed by authorities.

In 2017, Rwanda has pulled out of the Special Declaration allowing its citizens to appeal to the African Court of Human and People's Rights (ACHPR). The Court continues working on cases that were filed before Rwanda's withdrawal.

## **São Tomé and Príncipe**

### *Overall human rights situation*

The overall human rights and governance record in São Tomé is relatively good, especially by regional standards (the country ranks 11/54 in the Mo Ibrahim Index of African Governance). Despite an overall positive human rights record in terms of civil and political rights, some issues remain a concern: gender-based discrimination and violence, including domestic violence, child labour and sexual abuse against children still need to be addressed, as well as corruption (although the indicator of the perception of corruption has significantly improved since 2012), access to justice and poor access to social services. Some of the issues are due to bad implementation of the existing



legislation, due to the lack of faith in the legal system, lack of capacity and slow change in the society's mentality and social norms. In 2017, the journalists' association has also been denouncing various forms of pressure or censorship against journalists who would not support the Government's line.

Since the 2016 elections, the same party is controlling the two branches of the executive and enjoys a strong majority in Parliament whereas the opposition is weak and divided. This constitutes a challenge for the checks and balances in this young democracy. It is worth noting that the country is facing a difficult financial situation with very high debt levels and that the provincial elections which were due to take place in 2017 were postponed to 2018 due to budgetary constraints (they will take place at the same time as the legislative and municipal elections due to take place in 2018 in order to reduce the cost of elections).

The creation of a Constitutional Court was approved in Parliament in July 2017 and led to a vast political controversy until and even after its promulgation in December 2017. This reform derives from the constitutional revision of 2003 but also happened under the backdrop of rivalry between the Government and the new President of the Supreme Court of Justice which had been exercising the competences of the future Constitutional Court until now. The Supreme Court considered that this reform was against the Constitution since the promulgation allegedly occurred before the Supreme Court could assess the constitutionality of this bill requested by the opposition parties. The Head of State dismissed the President of the Supreme Court from his functions of Acting President of the Constitutional Court and decided that he would not be involved in the constitutional review linked to this issue. The Head of State also filed a complaint against the President of the Supreme Court for abusing his function and miscarriage of justice.

#### ***EU action: key focus areas***

EU's priorities in Sao Tome and Principe have been: economic, social and cultural rights (including access to drinkable water); rights of the child; women's rights and gender equality; encouraging the ratification of the Rome Statute and support to the civil society's capacity to intervene constructively in order to influence policy making in various fields, including the protection of biodiversity.

#### ***EU bilateral political engagements***

The EU issued a statement welcoming the ratification by São Tomé and Príncipe of: the UN Convention on Economic, Social and Cultural Rights; the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment; the UN Convention on the Protection of the Rights of All Migrants Workers and members of their Families, the UN Convention on the Elimination of all Forms of Racial Discrimination, the UN Convention on Civil and Political Rights (ICCPR) and the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

In its regular political dialogue with the Government, the EU also encouraged to further consolidate good governance and democratic principles and to implement these human rights instruments in order to improve effectively the human rights situation in the country.

In its policy dialogue with São Tomé in the water and sanitation sector, the EU has been promoting improved transparency and public finance management.



### *EU financial engagement and impact*

In June 2017, an EIDHR call for proposals was launched, with an allocation of €100,000 for São Tomé and Príncipe. EU co-funded projects in the field of civil society support and combating violence against women and domestic violence, using various budget lines (EIDHR and thematic) to help improve the capacity of the competent services (State and non-State actors) to respond in a more coordinated and effective manner to cases of gender based violence, protect the victims and prevent such crimes.

### *Multilateral context*

STP has now ratified almost all major UN human rights instruments after many ratification became effective in 2017:

On 10 January: the United Nations Convention on Economic, Social and Cultural Rights; the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment; the UN Convention on the Protection of the Rights of All Migrants Workers and members of their Families; the UN Convention on the Elimination of all Forms of Racial Discrimination; the UN Convention on Civil and Political Rights (ICCPR); the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

On 23 March 2017: the UN Optional Protocol to the International Covenant on Civil and Political Rights and the UN Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Although São Tomé signed the Rome Statute establishing the International Criminal Court in 2000, it has not yet ratified it.

As far as regional human rights instruments are concerned, the country ratified the African Charter on Human and People's Rights in 1986, but has not signed or ratified the corresponding Protocol on the Establishment of an African Court on Human and Peoples' Rights. Despite having signed the African Charter on Democracy, Elections and Governance in 2010, STP has not yet ratified it.

STP underwent the Universal Periodic Review (UPR) in January 2011 and 2015 and the upcoming review is due in 2020. The UPR has been an important tool to engage with the government in many essential human rights issues, including, among other: ratification of Human Rights Instruments; rights of the child; gender-based and domestic violence; rights of persons with disabilities.

STP has always been a co-sponsor of the UNGA resolution "Moratorium on the use of the death penalty".

In 2011 Sao Tome and Principe has extended a standing invitation to UN's Human Rights Council Special Procedures.

The UN Special representative on Development requested a visit on 17 November 2017.

São Tomé usually fulfils its reporting obligations before the UN treaty bodies with delays which can probably be explained by the limited capacity of the country and the fact that, due to "batch ratifications", the reporting date is the same for many documents, a problem which will be aggravated with the numerous ratifications done in 2017.

## Senegal

### *Overall Human Rights Situation*

In 2017, the overall human rights situation in Senegal remained satisfactory. However, the rights of women, children and LGBTI persons continued to be of concern.

Legislation, as well as social norms, continue to hamper women's access to health services, education, jobs, soil, credits and justice, especially in rural areas. Sexual violence against women and harmful practices, such as FGM/C and early marriage, persist, while protective measures continue to be poorly enforced. Although Senegal has ratified the major conventions on the rights of the child, the situation concerning street children, many of them students (talibé) of coranic schools, remains alarming. Prosecution of the persons exploiting them is still insufficient and campaigns to provide alternatives to the children have unfortunately not led to sustainable results. The new ministry of good governance and child protection could become instrumental in advancing children's rights. Human rights organisations continued to highlight poor detention conditions, overcrowding and long pre-trial detention in Senegalese prisons. According to the Minister of Justice, all 37 Senegalese prisons will all be rehabilitated in 2018.

Parliamentary elections on 30 July have been tarnished by logistic shortcomings concerning voter registration and issuing of voter cards. The real capacity of the National Assembly to control government action and evaluate public policies remains questionable. The new press law adopted in June 2017 defines journalists' status, rights and duties as well as the economic framework of the media. While many of its provisions are welcome, others have drawn criticism as to their openness for possible restrictive interpretation. Some implementing decrees that are of crucial importance for this aspect are still to be adopted.

### *EU Action – key focus areas*

EU action focussed on the rights of women, children and LGBTI persons. The EU also supported the fight against impunity, strengthened civil society organisations and promoted freedom of expression and assembly in Senegal.

### *EU Bilateral political engagements*

The EU Delegation invited representatives of UNICEF and FNUAP to exchange with EU Member States' representatives on the state of play concerning FGM/C. The EU delegation held a series of meetings with Senegalese authorities and CSOs on children's rights, including with the national cell for the fight against trafficking in persons, "Save the Children" and other NGOs. In April, the EU delegation teamed up with Plan International Senegal for an awareness-raising event on children's rights. In October, EU and Member States' representatives participated in a high level international conference in Dakar on child marriage in West and Central Africa, with the EU chairing a session and underlining its activities in the area. International Human Rights Day on 7 December was celebrated with an event in central Senegal at an EU-funded project fighting child abuse. On the occasion of the international day against homophobia and transphobia (IDAHOT day) in May, an EU representative participated in a public debate on the rights of LGBTI persons. The EU delegation also participated in an event on the occasion of the day of the right to information, organised by Senegalese governmental and NGO stakeholders, promoting freedom of expression. In November, the EU Special Envoy for the Promotion of Freedom of religion or Belief outside the EU, Jan Figel, contributed as a panellist to the discussion on terrorism and violent extremism at the International

Forum on Peace and Security in Africa in Dakar. He also held bilateral talks with religious stakeholders to discuss common concerns in the area of freedom of religion or belief.

### *EU financial engagements*

Under the European Instrument for Democracy and Human Rights (EIDHR), the EU continued funding a project of PANOS institute and 8 local partner CSOs in Senegal, Mali, Cameroun and Mauritania to raise awareness and support the victims of gender-based violence. Furthermore, the EU Delegation organised a training on this subject for representatives of the MS and the office of the NAO of Senegal.

The EU also further pursued eight projects under the European Development Fund for a total of 4.3 MEUR supporting civil society organisations protecting and assisting children who became victims of physical and/or psychological abuse, street children, including talibé children. Furthermore, two regional projects under the Instrument contributing to Stability and Peace contribute to the funding of SOS Children's Villages as well as Save the Children's work to protect children in difficult situations.

Also under the EIDHR, the EU continued to support the regional project of PANOS institute for capacity building for CSOs and the media in the area of communication on the rights of LGBTI persons in Senegal, Cameroun and Côte d'Ivoire.

In the framework of the EU support to the national observatory of detention centres, EU delegation representatives participated in sensitisation missions, prison visits and training sessions for members of the security forces on prisoners' rights in various locations in Senegal.

Financial assistance (€ 10 million) under the 11th EDF to strengthen the rule of law continued, improving judicial administration, strengthening the respect of human rights, and fighting corruption and money laundering. The EU also provided € 500,000 to the national office for the fight against corruption.

Under the EU programme to support CSO (PAISC) for a total of 5.5 MEUR, EU actions in Senegal were aimed at strengthening the capacities of CSOs and at transparency of the authorities in the area of public finance.

The UE is also providing support to the Senegalese security forces to fight against terrorism and organised crime (€ 10 million under the 11<sup>th</sup> EDF), which also aims at promoting good governance, transparency, inclusivity, accountability and human rights.

### *Multilateral context*

Three years of Senegalese presidency of the Assembly of State Parties to the Rome Statute ended in December 2017. In this position, the former Senegalese Minister of Justice, Sidiki Kaba, reaffirmed the Senegalese commitment to international justice by continuously promoting the universality of the Rome Statute of the International Criminal Court. Under his guidance, Senegal hosted two international conferences on the strengthening of African national judicial systems and on the International Criminal Court, to which the EU delegation participated, also providing financial support.

On 30 May 2016, former Chadian President Hissène Habré had been sentenced to life imprisonment for crimes against humanity, war crimes and torture at the Extraordinary African Chambers, established within the Senegalese judiciary. The appeal trial ended on 27 April 2017 with a broad confirmation of the initial judgement, upholding the sentence, which is now final. This final judgement set an important precedent and represents a significant step forward for international justice and the fight against impunity. The international community widely welcomed the crucial role of Senegal in this context. The EU and its Member States had supported the Senegalese efforts and the EU issued a statement welcoming the successful conclusion of the trial.

Following Senegal's 4th Universal Periodic Review (UPR) in 2013, Senegal had adopted a National Action Plan in 2016 in preparation of Senegal's next review in 2018. The Action Plan focusses on improving cooperation with international human rights protection mechanisms, strengthening national judicial systems as well as on sectoral priorities: protecting children's and women's rights, rights of persons with disabilities, fighting torture and improving human rights in places of deprivation of liberty. Senegal will be a member of the UN Human Rights Council for the period 2018-2021.

## **The Seychelles**

### *Overall human rights situation*

The 2017 Mo Ibrahim Index of African Governance placed Seychelles second noting that it is among top ten most improved countries in the past five years. The cohabitation between the executive and the legislative has been beneficial for Seychelles and the concept of putting nation first has emerged spearheaded by President Faure. Scrutiny exercised by the National Assembly on the budget has translated into more transparency and accountability. Opposition parties agree that there is a frequent dialogue and consultation between the Government and the Assembly. There is a general convergence of views on the challenges facing the country and its priorities. Several important reforms are underway. The situation nonetheless remains fragile and the respect of the principles of the constitutionality and the independence of the judiciary will be key in this context.

### *EU action – key focus areas*

The EU intervenes in four strategic areas which are the government's top priorities – as confirmed by President Faure during the October 2017 Article 8 Political Dialogue - namely electoral governance, and the fights against corruption, gender based violence and drug abuse.

The EU and MS communicate publicly on HRCS priorities and support NGOs active in the area of human rights.

### *EU bilateral political engagements*

The EU continued to engage in human rights and democracy discussions with the Republic of Seychelles in various formats, including through "Article 8" political dialogue – the last held in October 2017 - and development cooperation.

The EU's objectives are to promote respect for human rights, democracy and rule of law, especially with regard to strengthening of electoral processes, institutional strengthening of human rights and governance related institutions and combatting domestic violence.

## *EU financial engagement*

### Objective 1 – Strengthening of electoral processes

The EU is providing assistance in this field via an electoral governance project implemented by the Citizens Engagement Platform Seychelles - CEPS (99 000 EUR) from the European Instrument for Democracy and Human Rights. The project aims at voters' sensitization, political parties' education/sensitization, and civic education targeting different age groups of the society. CEPS will address the following 4 shortcomings: a/. inadequate awareness and understanding of human rights, good governance and democracy; b/. minimal capacity for effective participation in decision making and democratic processes in the country; c/. inadequate understanding of the rights and responsibilities of voters, and d/. inadequate capacity of election observer groups in the country.

### Objective 2 – Institutional strengthening of human rights and governance related institutions 2017.

A grant contract, financed under the CSO Thematic Budget Line, was signed with Transparency Initiative in the margins of the October 2017 "Article 8" Political Dialogue on fight against corruption. Financed to the tune of 300 000 EUR, the project aims at sensitising, promoting and educating the citizens of Seychelles and all stakeholders on the issues of governance, accountability and corruption in the four sectors constituting the pillars of the economy (Financial Sectors, Fisheries Sector, Construction Sector, Tourism Sector) and in the National Accountability framework and process, in schools and in the general public.

This will be done by raising awareness on corruption and corruption-related issues including on legislative frameworks, by undertaking research in aspects of corruption, by building a platform for advocacy and constructive debates to support and implement structures/guidance related to good governance and accountability, and by facilitating meetings related to the corruption.

### Objective 3 - Combatting domestic violence

Under the CSO budget line, a grant of 300 000 EUR was signed in December 2017 aiming at achieving the following objectives:

- Strengthened administrative and legislative frameworks that reflect international standards for better protection and integration of vulnerable women
- Human and institutional capacity for delivering specialised/adapted programmes, services, care and support to vulnerable women developed and strengthened
- Greater understanding and sensitivity to the rights of vulnerable women among general public

The project will contribute to the implementation of the Seychelles National Action Plan on Human Rights 2015-2020 notably its pillar 4 which concerns vulnerable women. It will simultaneously contribute to the achievement of one of the objectives of the Gender Analysis which concerns Objective 7 – Girls and women free from all forms of violence against them (VAWG) both in the public and the private spheres. By advocating for the finalisation and adoption of key legislation – in particular the Domestic Violence Bill/Act - this will allow the country to improve its reporting on international instances such as the Universal Periodic Review (UPR) and the CEDAW.

### *Multilateral context*

The country is fully committed to the UPR process and is currently preparing a mid-term report on the status of the UPR recommendations, which will serve as basis for discussions for the next cycle. Seychelles joined the EU-led Global Alliance to end trade in goods used for capital punishment and torture in the margins of the 2017 UNGA. Seychelles remain committed to the International Criminal Court.

## **Sierra Leone**

### *Overall situation*

The progress which Sierra Leone has achieved in human rights and democracy since the end of the civil war is remarkable. However considerable challenges persist, largely due to poverty, governance issues and entrenched cultural perceptions. Since the end the Civil War in 2002, Sierra Leone has successfully held three peaceful multi-party elections and prepares for Presidential, Parliamentary and Local Council elections in March 2018. The human rights legal framework is satisfactory; the principal challenge continues to be implementation. The Sierra Leone Human Rights Commission (SLHRC) is an effective monitoring body. There is some concern regarding the government's tendency to tighten control of civil society space, a more restrictive approach to freedom of peaceful assembly and dampening freedom of expression.

EU human rights and democracy objectives include promoting gender equality and protecting woman's rights, supporting the integrity of electoral processes, protecting civil society space, freedom of expression, improving conditions in detention, abolition of the death penalty, enforcement of legislation against child labour and exploitation, reduction of poverty and improved access to justice, health and education.

### *EU action - key focus areas*

The EU Delegation and the resident Member States United Kingdom, Germany and Ireland are actively engaged in actions related to human rights and democracy. This is being achieved through regular political dialogue and related contacts with the government; through support to human rights stakeholders, in particular the HRC and civil society; through development cooperation; through delivering of key messages on human rights, democracy and the rule of law as part of public and private discourse as appropriate.

An Article 8 Political Dialogue meeting with President Ernest Bai Koroma took place on 29 May 2017. Human rights were a prominent part of the dialogue, with main focus on the upcoming 2018 elections, freedom of expression, gender equality and woman's rights, civil society space, abolition of death penalty. President Koroma visited the Brussels on 31 October 2017, and was received by President Tusk and Commissioner Mimica. Among the issues discussed were the preparation for the 2018 elections, as well as women's rights, death penalty and freedom of expression.

In 2017 the EU and Member States were in permanent and very fruitful dialogue with the government at all levels and with electoral bodies and stakeholders on electoral issues. There was, however, limited progress on some issues that have been on the EU agenda with this government in 2017 too. Despite previous commitments to achieve progress on these issues, by the end of 2017, it

became clear that there would be no further progress on FGM, abolishment of criminal libel, woman's empowerment to participate in political life, death penalty.

### *EU bilateral political engagements*

EU and Member States are providing important support to the electoral process in Sierra Leone in preparations for the 2018 elections. In April 2017 a UNDP multi-donor programme "Support to the National Electoral Commission" was established, with funding from the UK, Ireland and the EU Delegation. The EU Delegation is supporting National Elections Watch (NEW), an umbrella CSO with over 300 member organizations to support activities before and during the 2018 elections. UK is providing support to Civil Society consortium to support inclusive, non-violent elections through monitoring hate speech, supporting participation of marginalised groups and increasing public awareness. To help manage this risk of violence in March 2018, the UK-funded International Security Advisory Team (ISAT) are training some Sierra Leone police in public order management.

The EU Delegation and UK supported – through a UNDP led basket fund - the constitutional review process, which aimed to increase inclusive democracy and national cohesion and align the 1991 constitution to international human rights norms. The Constitutional Review Committee (CRC) finalized its report and presented it to the President on 25 January 2017. The government elaborated the White Paper on the report of CRC and presented it to the Parliament at the end on November 2017, rejecting the majority of proposals, notably those on providing 30% quota on woman's political participation and abolishment of the death penalty. As there was not enough time to take any action before the dissolution of the Parliament on 7 December 2017, the original timeline that envisaged a referendum at the end of 2017 was not be respected and further action will have to be determined by the next Parliament and Government.

### *EU financial engagements*

The EU Delegation supported the local NGO Prison Watch and its work on improving the human rights situation in detention centres. The UK supported the Human Rights Commission of Sierra Leone (HRCSL). Ireland provided support to The Human Rights Defenders Network – Sierra Leone.

Ireland provides focused support to gender equality and women's rights issues, including gender violence, education of pregnant girls, women's customary rights, women's participation in governance.

The EU Delegation started an EIDHR project in 2017 led by the INGO GOAL in collaboration with World Hope International and the Sierra Leone Labour Congress to address human trafficking, child labour and decent work issues.

UK supported an access to security and justice project in order to increase access to efficient, effective, impartial and accountable human security and justice, especially for the poor, vulnerable and those living in remote and marginalised areas.

### *Multilateral context*

In January 2016 Sierra Leone participated in the second cycle of Universal Periodic Review (UPR) of the Human Rights Council. Many of the recommendations returned to the issues already identified during the first review in 2011 that had not seen much improvement in the interim. Of 208 total recommendations the government this time noted 31: 6 on LGBTI issues which had been noted also



during the first review cycle, but in addition to that also 18 recommendations regarding FGM/harmful traditional practices, 4 on education of pregnant girls and 3 on gender equality.

## **Somalia**

### ***Overall human rights situation***

Somalia continues its slow emergence from decades of civil war, albeit that the armed conflict with al Shabaab continues. Lack of Rule of Law remains the biggest obstacle for protection of the basic human rights with basic policing functions, access to justice and correctional facilities only being available in limited locations, in practice Mogadishu and in the regional capitals to varying degrees. Somalia is a patriarchal society where women's rights continue to be violated. Women and girls' rights continue to be seriously violated. Sexual & gender-based violence is widespread, including assaults, rape, sexual violence. Children's rights remain a concern – despite the ratification of the Convention on the Rights of the Child in 2015. In particular, recruitment, use, and detention of children in conflict across all parties continue to compromise Somalia's human rights record. There are indications that Al Shabaab is more systematically recruiting children.

At the end of 2017 all Federal Member States were in existence, Puntland, Jubaland, South-West State, Galmudug and Hirshabelle, with Somaliland's status remaining controversial and the status of Banadir not having been resolved. In general, the authorities are in control of little more than their capital city with the exceptions being Somaliland and Puntland which exert greater control of their territory. Regional leaders continued to show more interest in ensuring their own political power than protecting the rights of the people or groups in their constituencies. The proliferation of regional security forces/militias continues to constitute a concern due to inadequate civilian control and apparent lack of compliance with international humanitarian law. 2017 was marked by large-scale displacement of people due to the protracted drought and conflict (estimated at 1 million individuals) bringing the total of Internally Displaced People to two million. A report on Protection of Civilians issued by the United Nations in December 2017 and accounting for civilian casualties caused by conflict established that 4,585 civilians were killed or injured in the period from January 2016 to October 2017.

### ***EU action – key focus areas***

The Human Rights Strategy for 2016-2019 was developed through a consultative process that involved EU Member States and other key stakeholders and took into account the recently adopted Somali Human Rights Action Plan and the Universal Periodic Review (UPR) recommendations from 2012 and 2016. The priority areas respond to the specific situation of the country and take into account the EU capacity and added value in this field: i) improving justice and enhancing protection of civilians in Somalia, ii) respect for human rights of women and girls, iii) freedom of expression and Media and iv) participation in democratic processes. The EU and Member States engaged throughout the year on a number of priority areas stated in the Human Rights Country Strategy. Fewer public statements were issued throughout the year compared to 2016 with a preference for the more private channels representing a more effective way forward in terms of creating results. There is consensus amongst Member States that the EU should pursue a structured human rights dialogue with the Federal Government.

### ***EU bilateral political and financial engagements***

The following actions have been taken in 2017 on the priorities set out in the Strategy for Somalia:



i) Improving justice and enhancing protection of civilians in Somalia and Somaliland: Continued EU and EU member states support to fostering Rule of Law across Somalia with a focus on increasing access to justice by providing legal aid and enabling mobile courts to operate in more remote parts of the country so rural populations can benefit from formal justice dispensation. Through the EIDHR (2Meuros), the EU reinforced its efforts to ensure access to justice is provided to people in pre-trial detention and prisoners through the contracting of three new initiatives. Death penalty It remains difficult to successfully advocate against the death penalty since there is near universal support in the country for capital punishment. Two public statements were issued by the EU and its member states after executions

ii) Respect for human rights of women and girls: Women and girls' rights continue to be seriously violated in Somalia, not least as a result of the enduring conflict and cultural norms as well as limited awareness on women rights. Sexual gender-based violence is widespread, including assaults, rape, sexual violence, female genital mutilation/cutting and forced marriages..

iii) Freedom of expression and media: As already highlighted in the 2016 implementation report, freedom of expression is under constant stress in Somalia. The sector remains weak and has been for long time poorly regulated. The enactment of a media law generated an intense debate in 2016 due to a number of restrictions and excessive controls by the State. An amendment that addressed some of the major concerns was discussed by key stakeholders - including media practitioners - throughout 2017 and amendment is currently at Parliamentary level. The EU has been engaged in training of journalists and support to the sector, in particular through an EIDHR project. A new wave of projects funded under the CSO instrument are going to allow the EU to further scale this engagement up.

iv) Democratisation: In the area of democratisation, 2017 was predominantly marked by intensive political negotiations and the successful conclusion of the Somalia and Somaliland Presidential elections. The EU and EU Member States continued to support the electoral process in Somalia through the UN Integrated Electoral Support Group (IESG). They also stepped-up their direct diplomatic outreach throughout the year with a plethora of meetings and statements being made encouraging the Somaliland State to indeed organize the Presidential elections.

### ***Multilateral context***

Somalia remains dependent on AMISOM in its fight against terrorism, overall security as well as protection of government facilities and officials. Al Shabab continued to control significant territory, and showed its capability to conduct complex operations throughout the year. The most significant attack took place on 14 October and resulted in over 400 fatalities and many hundreds of injured. Despite the important role AMISOM and the national security forces play in protecting the people against Al Shabab, their behaviour has not been without its issues either, and 2017 saw a number of cases of serious misconduct related to e.g. civilians casualties, sexual exploitation and abuse, as well as recruitment and detention of minors. Although AMISOM has created the Civilian Casualties Tracking and Analysis Cell, its full usage remains unclear as reporting on its practice has not taken place. human rights infringements by Somali security forces remain largely unchecked.

## South Africa

### *Overall human rights situation*

South Africa's impressive and progressive Constitution and legal framework enshrines human rights and protects political freedoms and socio economic rights such as housing, health care, water, employment and education. In its Bill of Rights, the South African Constitution sets out an ambitious framework where the State has, in most cases, the obligation to "take reasonable legislative and other measures within its available resources" for the "progressive realisation" of these rights.

In spite of important progress made, including on political rights, socio-economic rights are still not accessible to a significant part of the population where poverty, inequality and race go hand in hand. In general, democratic institutions are functioning well and checks and balances are in place. The judiciary is robust and independent in its action. 2017 was marked by continuous reports of revelations of government corruption. Whilst investigative journalists have led the way in exposing high-level corruption, there is a perceived hostile attitude to media and Civil Society. Protests sparked by failure in public services delivery and growing intolerance to corruption linked to it are a constant feature.

### *EU action – key focus areas*

EU action focused on the following priority areas established in the EU Human rights strategy: 1) Rule of Law, access to justice and the fight against impunity; reinforcement of accountability mechanisms, including Legislature, Judiciary and Chapter 9 Institutions; 2) Socio-Economic Rights; 3) Gender Equality, Women Empowerment and Gender Based Violence; 4) Inclusion: Migrants, racism, LGBTI and disabilities; and 5) International Dimension of Human rights.

### *EU bilateral political engagements*

1) The EU ensured continued engagement with Chapter 9 Institutions, notably with the South African Human Rights Commission, such as during a stakeholder engagement on the ratification of the *Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degradation Treatment or Punishment* and the establishment of a National Preventive Mechanism (NPM) that is supported under the EU-SA Dialogue Facility. The EU Delegation also organised a public diplomacy event on "Corruption and Human rights".

2) Socio-economic rights remain a priority for the Government, both at national- (National Development Plan) as well as at multilateral-level. The EU and SA engaged in policy dialogues, notably on the right to Higher Education and Health.

3) Gender Based violence is a challenge in SA and the EU has been supporting CSOs focusing on gender-based violence and women' rights (in particular related to land access). The Delegation facilitated discussions amongst stakeholders on domestic resourcing for women victims of violence and women economic empowerment.

4) The EU has engaged in a policy dialogue on migration with SA with the involvement of migrants and their SA-based embassies, international organisations, CSOs, on issues such as children migrants, human trafficking and transnational organised crime and voluntary return.

The Delegation also marked International Migrant Day. Under the title "Racism: a Threat to Democratic Societies", the Delegation organised a week of anti-racism dialogues joined by a

Member of European Parliament and the European Network Anti-racism. Under the EU Inspiring Thinkers Initiative, the EU brought together high-profile leaders and civil society organisations from both EU and SA (e.g. SA's Deputy Minister for Justice and Correctional Development, MEPs and SA Parliamentarians, South African Institute for the Advancement of Journalism, Institute for Justice and Reconciliation, the Institute for Global Dialogue, Foundation for Human Rights and the Nelson Mandela Foundation, European Network against Racism), to engage with SA audiences on critical and challenging themes such as: racism and its link to democracy, inequality and social cohesion and corruption and its impact on state's capacity to deliver public services and advance human rights. EUD actively used social media tools and participated in public events to promote EU action in the respective key areas, including marking key international days, in particular related to women's rights and migration.

5) Following Universal Periodic Review (UPR) recommendations, the EU is providing technical assistance to SA to design a national mechanism for reporting and follow up to international human rights treaties. As a result, SA presented its first implementation report on the International Covenant on Economic, Social and Cultural Rights, in April 2017.

### *EU financial engagements*

The EU is providing technical assistance to the SA government to design data collection methods on incidents of racism, racial discrimination, xenophobia and related intolerance, as part of the Durban Declaration of Programme of Action (2001) and the implementation of the National Plan of Action against racism.

Concerning socio-economic rights, the EU continued to provide budget support to raise citizens' awareness of their constitutional rights and enhance the realisation of these rights, and also in the areas of Higher Education and Health, with a specific focus on the improvement of primary health care and the setup of the National Health Insurance. The Department of Justice and Constitutional Development is a key partner in policy dialogue and in the implementation of a multi-annual EUR 25 million cooperation programme on supporting access to socio-economic rights (<http://www.amarightza.org.za/>), alongside a number of CSOs. The EU is also providing capacity building to CSOs working in the field of socio-economic rights with a view in particular to ensuring their long-term sustainability.

### *Multilateral context*

SA continued to play an active role in multilateral human rights mechanisms (SA seat at the UN Human Rights Council was renewed until 2019), on particular thematic issues (e.g. fighting racism, xenophobia or discrimination or business and human rights). The Universal Periodic Review (UPR) recommended action related to: fighting inequality, racism, xenophobia and related intolerance and non-discrimination; protection of vulnerable groups (LGBTI, albinism); prevention and fighting gender-based violence; protection of rights of children, people with disabilities and HIV/AIDS; promotion access to education and health care; improving law enforcement, fighting crime and corruption; protection of freedom of expression and opinion.

At the end of year, the government resumed efforts to withdraw from the Rome Statute of the International Criminal Court, by tabling a withdrawal notice and an alternative bill regulating international crimes.

## South Sudan

### *Overall human rights situation*

2017 was yet another bleak year for the people of South Sudan. Four years after the outbreak of the current crisis, gross human rights violations continue unabated by all parties to the conflict. Indiscriminate attacks, revenge killings, torture, abduction of women and children, forced displacement, property looting and burning, starvation, rape and other forms of sexual violence are some of the human rights abuses inflicted on the long suffering people of South Sudan. The principle of distinction is not observed – civilians are treated as enemy combatants due to their perceived political allegiance based on ethnicity. The humanitarian situation has continued to deteriorate. Almost four million are displaced, food insecurity has reached unprecedented levels. However, while the situation demands an urgent scale-up of the humanitarian response, aid workers are themselves a target – 18 aid workers were killed in 2017. Across regions, insecurity and the lack of reliable information prevents ordinary people to make informed decisions on best ways seek protection. Hostility and mistrust between communities is strengthened by hate speech and misinformation in the absence of impartial media. Examples of violence against journalists abound – arbitrary arrest, harassment and expulsions of journalists continue, as more media outlets have been forced to close. Civil society activists and journalists attempting to report on realities are subjected to intimidation and harassment forcing some to leave the country. South Sudan has fallen 15 rankings in the 2016 World Press Freedom Index. In June 2017 reports revealed that the South Sudanese Media Authority had banned 20 foreign journalists from entering South Sudan due to their previous critical reporting. The peace process is hindered by attempts to silence human rights defenders and unfriendly environment towards local CSOs. Youth and women are particularly marginalised in public processes by lack of livelihoods and education opportunities while suffering from gender-based violence.

There was no meaningful progress in the implementation of 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS); it still has not been incorporated into the constitution. While, in December 2017 the Memorandum of Understanding for the establishment of the Hybrid Court was referred to the legislative assembly, it is still a long way off for the Court to become a reality. The Commission for Truth, Healing and Reconciliation has not been set up. Therefore, the environment of impunity continues and contributes to the deterioration of human rights situation. The reality is that alleged perpetrators still occupy senior political and military positions; three generals, subject to UN sanctions for alleged human rights violations, were promoted by President Kiir in the autumn.

### *EU action key - focus areas*

The EU's priority remained to encourage all parties fully to implement the ceasefire and participate in an inclusive political process. The Delegation has picked up on the need to reinforce the space for free expression and inform the population on their human rights, with prioritised support to freedom of expression and press, accountability and respect for Human Rights. The Delegation, in line with its overall Human Rights Strategy, focused on the following objectives: (1) increase capacity of journalist and media output on human rights violations; (2) strengthen capacities operationally and institutionally of human rights defenders and CSOs to implement effectively the international and regional instruments regulating the rights and protection of South Sudanese migrants, elder and vulnerable populations as well as the rights of women (with emphasis on internally displaced and vulnerable women); (3) enhance social development of the population by improving access to quality social services through CSO's initiatives providing conflict sensitive

education, encouraging community mobilization and increasing livelihood opportunities for youth, with a focus on children and youth that have missed out formal education.

### *EU bilateral political engagement*

Politically the EU has focused on supporting the implementation of the ARCSS and its institutional mechanisms – Joint Monitoring and Evaluation Committee (JMEC), monitoring and reporting to IGAD on the implementation of the various chapters of the peace agreement, and the Ceasefire and Transitional Security Monitoring Mechanism (CTSAMM), reporting on violations of the ceasefire. The EU chairs the Constitutional Affairs working group of JMEC and participates in the Transitional Justice working group. The EU has politically and financially actively supported the IGAD-led High Level Revitalisation Forum. The Forum, spanning throughout late 2017 – early 2018, is designed to secure a ceasefire and revitalise the peace and to revitalise efforts to implement the 2015 peace agreement. The EU conducts outreach and demarches the government on various issues arising in relation to its support to ARCSS and seizes every opportunity to raise human rights violations and voice the EU's condemnation of the suffering of people.

A key focus of EU engagement in 2017 was the continued targeting of humanitarian aid including access denial, harassment and bureaucratic impediments – a consistent challenge for the aid delivery and used to illicit money from humanitarian operations. When in early 2017 authorities attempted to hike humanitarian workers fees from \$100 to \$10,000, shortly after a famine was declared in three states, the EU coordinated response amongst the International Community and led a delegation of 11 Ambassadors to protest to First Vice President Taban Deng Gai. The outreach was successful and new fees were abandoned until late 2017, when an increase to \$5,000 for all foreign workers was proposed. Since a repeated outreach led by the EU fees have not yet been imposed. This is just one example of the impediments targeting humanitarian aid. As revenues from oil fall, humanitarian assistance is seen as viable source of revenue for those fuelling the conflict.

### *EU financial engagements*

The remaining ongoing EIDHR/CSO contracts emanating from Calls for Proposals conducted in 2013 and 2015 focus on supporting the vulnerable (disabled people, older externally displaced people, women) media freedom, as well as technical and vocational education.

The Delegation is furthermore managing since January 2017 phase II of a directly awarded grant contract under the EIDHR contributing to the creation and establishment of a human rights defenders network. Its objective is to increase the quantity and quality of human rights work by improving the safety and security of local human rights defenders. The Delegation is ready to support individual cases of human rights defenders under threat. Another priority has been in media and press freedom, where the Delegation funded a project focusing on the capacity building of independent local media and the promotion of access to information and free online and offline expression in South Sudan.

The rest of EU funds were directed to projects supporting CSO's initiatives to promote the rights of people with disabilities, mental health problems, as well as the rights of marginalised girls and women, to provide conflict sensitive education, and, lastly, to encourage community mobilisation and increase education and livelihood opportunities for children and youth that have missed out formal education.

A quantifiable impact of these actions is hard to assess. Yet independent external evaluation has stressed the high psychological and social relevance of projects aimed at offering to specific target groups alternatives to the daily gloom survival perspective like i.e. the TVET project targeting the young population. The ongoing support to the only independent South Sudan based media (although located in Nairobi due to the unbearable risk) – radio Tamazuj – is ensuring the most reliable source of information on the real situation in the country.

### *Multilateral engagements*

The last Universal Periodic Review (UPR) took place in November 2016. South Sudan received 233 recommendations, majority related to the implementation of the ARCSS. The midterm review of the UPR is due to take place in May 2019, with the next review taking place in 2021.

## **Sudan**

### *Overall human rights situation*

State authorities continued to perpetrate serious violations of human rights in 2017. Human rights abuses and violations included media censorship, harassment and detention of human rights defenders, curtailment of activities of civil society organisations and restrictions on freedom of religion. The National Intelligence and Security Service (NISS) continued to make use of its extended powers to further restrict political and civil rights, including by intimidation, detention and torture. The situation of freedom of expression and media freedoms remained of concern with the security authorities seizing print-runs, suspending newspapers indefinitely, and detaining and trialling journalists for critical writing. The civil society organisations faced a shrinking space with many organisations, including EU beneficiaries, experiencing unjustified delays or denial of their attempts to renew their registrations. In 2017, planned amendments to the Press and Publications Act and the Voluntary Organizations Act surfaced, threatening to impose further restrictions to the current legislation.

While the security situation in conflict areas of Darfur, Blue Nile and South Kordofan showed signs of improvement, sexual and gender-based violence remained of concern. In December 2016, the Government announced a ceasefire, which to a large extent held throughout 2017 and was unilaterally renewed, contributing to a decrease in fighting and civilian casualties. In 2017, Sudan received more than 190,000 refugees from South Sudan and also agreed to the opening of further humanitarian corridors to South Sudan. Sudan's adherence to international and human rights law in its protection of refugees and asylum seekers remains, however, a concern. In this regard, Head of EU Delegation to Sudan voiced EU's concerns to the Sudanese interlocutors on the forcible return of Eritrean migrants to Eritrea by the Sudanese authorities in August.

Both national and international humanitarian partners continued to experience difficulties accessing people affected by crises in Sudan due to an overall restrictive operating environment and denial of access by armed groups in conflict-affected areas. While some procedures linked to travel were eased, implementation still needs to be closely monitored. The decision by UN Security Council in June to downsize the African Union-United Nations Hybrid operation in Darfur (UNAMID) raised concerns about the negative impact on the protection of civilians as well as on the access, protection and delivery of humanitarian assistance in Darfur.

Domestic laws and administrative decisions discriminated, often indirectly, against religious minorities and kept them in a state of uncertainty about their protection. In particular, the demolition of churches in the wider Khartoum area was a concern. In July 2017, Church schools in Khartoum state were asked for the first time since independence to remain open on Sundays. Lack of clarity on licensing for new church construction and also confiscations of religious properties continued.

### *EU action - key focus area*

The EU's priority remained to encourage greater respect for international humanitarian law and for human rights, in particular for freedom of association, expression and assembly.

### *EU bilateral political engagements*

The EU adopted several statements condemning human rights violations in Sudan. The EU also monitored a number of trials in Sudan, and raised several individual cases with the Sudanese authorities. The EU Delegation remained in close touch with human rights defenders. The EU implemented a number of European Instrument for Democracy and Human Rights (EIDHR) projects, including one supporting the National Human Rights Commission. The EU also supported the extension of the mandate of the UN Independent Expert for Human Rights in Sudan in the UN Human Rights Council.

In March 2017, Jan Figel, Special Envoy of Freedom of Religion or Belief outside the EU, visited Khartoum. Mr Figel raised several human rights concerns with the authorities and was granted access to then detained Dr Mudawi Ibrahim, a prominent human rights defender. Dr Mudawi was charged in May 2017, after 6 months of detention without charge, on 6 different articles of the Sudanese Criminal Law, including those which potentially carry the death penalty. The EU interlocutors raised the cases of Dr Mudawi and other human rights activists in meetings with the Sudanese authorities at all levels as well as attended the court in Khartoum to observe the trial. On 29 August, Dr Mudawi and 5 other human rights activists were granted a presidential pardon. Human rights concerns were also raised by Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides during his visit to Sudan in October.

### *EU financial engagements*

The EU is also an important provider of assistance in Sudan, notably through the EU Emergency Trust Fund for Africa. All EU funded projects in Sudan are carried out with a human rights-based approach. These projects focus on tackling the root causes of migration by contributing to food security and improved livelihoods, stimulating employment, and supporting basic services for refugees, internally displaced people and host communities as well as on protection and on curbing trafficking and smuggling of people. Moreover, the EU continued to be instrumental in supplying humanitarian aid to people in need.

### *Multilateral context*

The UN Independent Expert for Human Rights in Sudan visited Sudan in February and May 2017. He concluded that the realisation of human rights remained a challenge in Sudan and stressed the need to bring the powers of NISS in line with international standards. The UN Human Rights Council extended the Independent Expert's mandate for one year in September.



In December 2017, European Parliament's Subcommittee on Human Rights visited Sudan to assess the human rights situation in the country. The delegation called the Sudanese government to bring its national legislation into conformity with Sudan's international human rights commitments and to ratify the UN Convention against Torture (CAT) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Concerning cooperation with the International Criminal Court (ICC), President al-Bashir remained subject to two arrest warrants issued by the court on charges of crimes against humanity, war crimes and genocide. During a UN Security Council hearing in December, ICC prosecutor Fatou Bensouda regretted the continuing antagonistic posture of Sudan towards the ICC and its refusal to provide any cooperation to the Court.

## **Kingdom of Swaziland**

### *Overall human rights situation*

In 2017, Swaziland achieved some progress in addressing the democracy, rule of law and human rights situation in the country, particularly in the protection of internationally recognized workers and civil rights. However, a number of human rights issues still remain to be fully addressed, notably women's rights, protection of vulnerable people (children, people living with albinism or disabilities), freedom of assembly and association as well as freedom of expression and access to media. Other areas of concern include the rule of law and judicial independence, persistent corruption as well the limitations to the political parties' participation in the political system.

### *EU action – key focus areas*

The EU's priority actions in the area of democracy and human rights for the period 2016-2020 focus on supporting advocacy and awareness to bring about full respect for democratic principles, rights and freedoms as enshrined in the 2005 Constitution and in international agreements. They refer to support the country's initiatives with a view to ensuring, inter alia, gender equality, empowerment of women and the promotion of children's rights. Furthermore particular emphasis is given to support capacity strengthening of the judiciary, the rule of law and access to justice and to encourage the de jure abolition of the death penalty, an area where a de facto moratorium exists.

In 2017, the EU and other stakeholders actively lobbied and advocated for the reform of various pieces of legislation. This impacted in the passage of the amendments to the Industrial Relations Act allowing for the registration of trade unions and employers' federations and facilitating their activities. In addition, amendments to the Suppression of Terrorism Act (STA), allowing for greater recognition of freedoms of association, assembly and speech, deserve recognition, as well as the new Public Order Act, which allows for removal of several restrictions and administrative hindrances on public gatherings, elimination of the requirements for police permission to hold public meetings and removal of the wide discretion of security forces to intervene in public gatherings, was also passed into law.

As a result of these legislative reforms, the country achieved the required ILO benchmarks and was removed from the special paragraph. Furthermore, the country was re-admitted under the Africa Growth and Opportunity Act (AGOA).



Despite the progress achieved in 2017, there are still important challenges such as child labour and women's protection. Violence against women is endemic. The government is yet to enact the Sexual Offences and Domestic Violence Bill developed in 2009 to protect women's rights and the EU has been actively lobbying for its enactment into law. Women are under-represented in leadership and decision-making positions in the public and private sectors. Out of 95 members of parliament in the two chambers (Assembly and Senate), only 14 members are women which represents only 15 % of the parliamentarians. The country is currently drafting the Election of Women Members of Parliament Bill, which seeks to add four more women into parliament as provided for by section 86 of the constitution. The enactment of this law is important as Swaziland will be holding Parliamentary elections in the second half of 2018.

Despite the fact that the Constitution provides for freedom of speech and freedom of the press, the law empowers the government to ban publications it deems "pre-judicial or has the potential of prejudicial to the public defense or public order". This tends to provoke self-censorship and the EU will follow up on these matters with the Swaziland authorities and other concerned stakeholders.

In 2018, the EU will continue to actively participate and engage with all relevant stakeholders to ensure that progress achieved in 2017 is sustained and it further advocate and support the completion of outstanding issues including the enactment of the Sexual Offences and Domestic Violence Bill into law.

### *EU bilateral political engagements*

In this context, the EU continued to play an active role in supporting reforms and promoting a dialogue with the government on all issues relating to human rights and democracy. Bilateral meetings were held throughout the year with the King, the Prime Minister, senior Government officials and various members of the civil society. Through specific projects, in particular the EIDHR, the EU is supporting the capacity of CSOs to play an active role in promoting and defending human rights, including follow-up to the Universal Periodic Review (UPR) process held in 2016.

### *EU financial engagement*

A total of five grants under the EIDHR thematic budget line were implemented in 2017 focusing on cultural rights, children's and women's rights, and access to justice and information. An additional two contracts were also signed in late 2017 and are due to start implementation in 2018 and these are focusing on supporting women empowerment for the upcoming 2018 election and also civil society monitoring of the country's reporting on international treaties and conventions.

### *Multilateral context*

In July 2017 Swaziland appeared before the Human Rights Committee to present progress on the implementation of the International Convention on Civil and Political Rights (ICCPR) since it was ratified in 2004. In the absence of a state report, the CCPR-Centre visited Swaziland to facilitate a consultation with civil society organisations and to meet with key stakeholders, including the EU on the state of the ICCPR implementation. Further, the EU supported civil society organisations in preparing a shadow report on the convention which was submitted to the human rights committee in Geneva. Four issues remain of concern to the Human Rights Committee and these are (i) violence against women (ii) freedom of expression, assembly and association (iii) participation in public affairs and (iv) corruption.

## Tanzania

### *Overall human rights situation*

Tanzania complies with most international human rights conventions and formal democracy standards. Progress has been steady in the past few years on socio-economic rights and on public participation. Tanzania is also recognised as a peaceful multi-ethnic, religiously-tolerant country. While the country still faces many socio-political challenges, there have been positive developments in terms of increased perception that corruption has been reduced in the country. The country has made positive strides towards abolishing the death penalty through the President's refusal to approve any executions.

However, during 2017, concerns about respect of human rights have grown, notably regarding freedom of expression, political space, civil society and the LGBTI's rights. Specific events that have given cause for concern during 2017 include the attempt on the life of opposition leader Tundu Lissu, the banning of teenage mothers from attending school and the arrests of LGBTI activists. Political climate remains a challenge, including the space for free debate. The number of political arrest cases increased throughout the year. In September 2017, bodies were found washed up along beaches in Dar es Salaam raising the fears of extrajudicial killings. These events occur in a socio-political context that is characterised by long term structural constraints including weaknesses in the educational system, chronic long term unemployment, limited institutional capacity as well as harmful practices and traditions embedded in some aspects of particularly rural society. For example, female genital mutilation is illegal, but continued to be widely practiced across the country.

Tanzania remains a challenging country for the media to operate in. In 2017, 4 newspapers were banned and a journalist, who had been reporting on a string of murders in the Kibiti region, has been missing since November 2017. This has contributed to an atmosphere of fear among media.

In such a climate, representatives of the press, civil society and opposition parties report that self-censorship is increasing, thus affecting the quality of public debate in the country.

In the field of human rights and democracy, the promotion of an inclusive and pluralist democracy, the full protection of the rights of minorities, the strict adherence to the rule of law and the respect for human rights, continued to orientate the European Union's actions.

### *EU action – key focus areas*

In 2017, the EU Delegation and EU Member States have reflected on the need for a more continued collective debate and action around shared concerns related to the democratic process in Tanzania. This joined-up approach aims at combining dialogue, advocacy and technical interventions.

The key focus areas include: i) support to a more inclusive political system with particular attention to women and to freedom of expression; ii) increased and improved accountability and fight against corruption; and iii) promotion of peace and political stability as a basic guarantee for economic and social development.

Throughout 2017, the EU used opportunities to convey public messages on the occasion of human rights and democracy related international days. On December 8th, 2017, to celebrate Human Rights Day, the EU Delegation in Tanzania and the Embassy of the Kingdom of the Netherlands

screened the documentary "Tickling Giants" which was followed by an informal reception. The focus of the film was to promote freedom of expression.

### *EU bilateral political engagements*

The EU continued to use diplomatic channels to table concerns and promote positive action. In 2017, two Article 8 dialogues were held between the government and the EU, on March 7th and December 15th. During the March meeting, EU Heads of Missions underlined their support for the President's fight against corruption but also raised concerns in terms of shrinking freedom of expression. This includes the contraction of space for political parties, civil society and the media. Similarly, the often arbitrary arrest of members of the opposition, seeming disregard for gender – including the curtailment of rights to education for teenage mothers - and attacks on the LGBTI community have been noted. During the December meeting, the Heads of Mission indicated the preparedness of the EU and its Member States to work constructively with the government in promoting respect for human rights including access to health and education. At the same time, the EU continues to liaise and coordinate with international and Tanzanian CSOs for various advocacy initiatives to address these issues.

On November 23rd, the EU hosted a media stakeholder lunch to exchange perspectives on the upcoming AU-EU summit, EU policies and civil space including freedom of expression, in Tanzania.

### *EU Financial engagements*

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR). Nine projects of an overall funding 6.3 M€ focused on reinforcing the capacity of civil society on human rights, supporting the fight against gender-based violence (female genital mutilation and child marriage), promoting women empowerment and children's rights. A 2 M€ project supporting legal sector reform in Zanzibar included a specific component on juvenile justice.

Through the Emergency Facility of the EIDHR, the EU Delegation provided support to Human Rights Defenders and provided small grants for legal support and protection.

### *Multi-lateral context*

It is noteworthy that whilst civil society remains the sole advocate on the matter, continuing to lobby the Attorney General's office, the Government continues to reject several recommendations in the 2016 Universal Periodic Review relating to the abolition of death penalty, and corporal punishment, the minimum legal age of marriage, marital rape, media freedom, the rights of indigenous people and LGBTI. Tanzania refused to amend marriage law in order to increase the minimum age for marriage at 18 years, for both girls and boys. Marital rape is not criminalized. Tanzania has not yet acted on its commitment to ratify the UN Convention against Torture. Impunity for violence by security services remained tolerated by the judicial system.

## **The Gambia**

### *Overall Human Rights Situation*

In 2017, the first democratic change of leadership since independence in 1965 ended 22 years of authoritarian rule under President Yahya Jammeh. Adama Barrow won the presidential elections on 1 December 2016 and took office in January 2017 after weeks of political stalemate. Under the rule

of President Jammeh, the situation concerning human rights, democracy and the rule of law increasingly worsened. Areas of specific concern included press freedom, the death penalty, prison conditions, rights of LGBTI persons, arbitrary arrests, detentions beyond the constitutional limit of 72 hours, and judicial independence. The new government is committed to democratic reforms, respect of human rights and the rule of law and has made good progress addressing the issues at stake. Parliamentary elections in April gave a strong mandate to President Barrow to pursue the reform agenda. However, the financial, economic and political legacy of former President constitutes a challenge, and the country remains politically divided. Civil society is gradually strengthening its capacities and level of organisation in order to fully play its role in the new political context.

Achievements in 2017 concerned a.o. the immediate release of all political prisoners, de facto re-establishment of press freedom, curtailing of the competences of the Intelligence Service, improvement of prison conditions, and an end to arbitrary arrests and forced disappearances. While detentions without trial beyond the legally allowed 72 hours still occurred, they were limited to members of the armed forces and based on their specific status, which has been criticised. The process of transitional justice, addressing human rights abuses and other crimes committed under the previous government, has started with a commission of inquiry looking into the former government's assets. A law on Truth, Reconciliation and Reparation Commissions (TRRC) and a law on a Constitutional Review Committee (CRC) were adopted in December. The government is reviewing repressive legislation on press freedom and is preparing a thorough security sector reform. Independence of the judiciary has been strengthened through appointments of judges including to high courts, thus containing the former practice of temporary contracts.

Changes in The Gambian legislation already adopted under the previous government reflect an increasing commitment of the authorities towards gender issues with progress on: Gender parity in lower basic education, bills banning female genital mutilation and child marriage are clear examples of this commitment. Despite the government's commitment to sensitisation and enforcement of the law of 2015 banning FGM/C, the practice is still widespread. An amendment to the criminal code including a law on "aggravated homosexuality", imposing life imprisonment for the same-sex acts specified therein, and another law sanctioning "unnatural behaviour" are still valid. There were no reports of LGBTI prosecution since the handover of power, however the subject remains sensitive.

### *EU Action – key focus areas*

The EU is committed to supporting the current democratic transition with the aim of strengthening democratic institutions in full respect of human rights and the rule of law. The EU's positions in this area match to a large extent the new government's agenda. During 2017, EU activities focussed on supporting, encouraging and accompanying the implementation of this agenda, as well as helping to provide the necessary fiscal space to implement the corresponding reforms.

### *EU Bilateral political engagements*

The EU's political support to the new Gambian government resulted in a continuous and productive dialogue, also at presidential level. As a member of several steering committees for sectoral reforms, the EU promoted its positions on specific human rights issues and the rule of law. On the occasion of the AU-EU Human Rights dialogue, hosted by the African Commission on Human and People's Rights in Banjul on 31 October, the EU Special Representative for Human Rights, Stavros Lambrinidis, met with Gambian stakeholders, and President Barrow confirmed his determination to place The Gambia

at the forefront of human rights. The first Art. 8 political dialogue with the new government took place in December and was an occasion for in-depth exchanges on human rights, good governance, the rule of law, security, elections and democratic reforms.

The EU deployed the first ever fully-fledged Election Observation Mission (EOM) to the Gambia for parliamentary elections on 12 April 2017. The EOM concluded that the elections were conducted in a peaceful atmosphere, commending the electoral authorities for delivering a well-administered process. The European Parliament will host members and staff of the new National Assembly in early 2018 in the framework of capacity building to strengthen democratic oversight. The establishment of a National Human Rights Commission (HRC) in The Gambia, which had been a key EU request for years, has made significant progress with the adoption of a corresponding law in December. Furthermore, the EU's Media4Democracy service is carrying out an analysis of the Gambia's media landscape in order to support the EU delegation in its efforts to accompany the process of drafting new media regulations.

### *EU financial engagements*

In 2017, the EU has stepped up its support to sustainable development, remaining the main donor of The Gambia. The second phase of the National Indicative Programme (2017-2020) under the 11th EDF includes "governance/security/rule of law" as its first focal sector (70 MEUR). The first ever budget support was released to The Gambia in August 2017, combined with technical assistance in the areas of good governance and democratic reforms. Support under the Instrument contributing to Stability and Peace (IcSP) contributed to the organisation of peaceful and transparent parliamentary elections in April. A second component of this project will support the security sector reform in 2018, following EU technical assistance to the assessment of the security sector in 2017. The European Instrument for Democracy and Human Rights (EIDHR) (400 000 EUR) will focus on capacity building for the parliamentary committee on human rights, supporting the victims of human rights violations and the enactment of the disability rights Act. Until July 2017, the project "Technical Assistance for Access to Justice and Legal Education in The Gambia" continued a Civic Awareness Campaign. The project sensitised 250 village leaders and made major contributions to the drafting and finalization of a revised curriculum for the University of The Gambia Faculty of Law (UTGFL). The Project completed a Judicial Training Plan and Curriculum and completed a publication of the Modern Law and Sharia' Law jurisprudence of The Gambia.

### *Multilateral context*

In May, The Gambia issued two international arrest warrants against suspected perpetrators of an extrajudicial killing of a well-known opposition journalist in 2004, after the previous government refused to comply with the decision of ECOWAS Court of Justice of 2014, which stated that the government had failed to properly investigate the case. In November 2017, the government announced its willingness to comply with this ruling.

In September, President Barrow signed five UN-treaties, three of which will have a major impact on the human rights situation, once ratified by the National Assembly: Abolition of the Death Penalty; Protection of the Rights of All Migrant Workers and Members of their Families; Protection of All Persons from Enforced Disappearance.

## Togo

### *Overall human rights situation*

The human rights situation is shaped by the country's recent past and its political and socio-economic context. Togo is a poor country (poverty affects 55% of the population), with sharp social inequalities. It is struggling to overcome its authoritarian legacy from the past and consolidate democracy and the rule of law. This implies numerous weak points concerning economic and social rights, but also in other areas, due to the weakness of the state's institutions.

The human rights situation in Togo has deteriorated in 2017, a year marked by massive opposition protests against the rule of President Faure Gnassingbé. The opposition, disappointed with the lack of follow-up to earlier agreements and in light of a missing consensus on the constitutional reform, called for massive manifestations. The protests occasionally led to a violent reaction of security forces (police and military). Observers noted the presence of armed pro-government militias and there were worrying reports of intimidation and ill-treatment of detainees. As a security measure, the Government intermittently restricted access to internet and mobile telecoms. Freedom of expression and assembly were severely violated. From August till November, at least 12 persons died in clashes and dozens were wounded. About 70 participants of manifestations were arrested, but most of them were released later on as a token of good-will from the government towards the opposition. Fearing repressions, several hundreds of Togolese fled to neighbouring Ghana. There are still no reliable figures on the number of casualties and no independent investigation has been set up, something exacerbating the perception of impunity.

As tension rose, the EU, together with the locally represented DE, FR, USA and UN, issued three joint local statements (22/9, 20/10 and 7/11) deploring the violence and encouraging dialogue. The announced dialogue between the ruling majority and the opposition has not yet materialized despite the mediation and facilitation efforts of several leaders from the West African region.

Besides the situation above, challenges of a more structural nature remain, namely the weakness of the judiciary system and situation of women's and children's rights. The overcrowding of prisons is a continued cause of concern. In 2017, the number of inmates reached for the first time more than 5,000. Despite the legal framework providing for equal treatment between men and women, including inheritance and access to land ownership, women in practice face obstacles in applying these rights. Due to the precarious living condition of rural population, the Global Slavery Index 2016 believes that Togo is affected by some of the most typical modern forms of slavery. Poverty and lack of education often push parents to entrust their children to trafficking intermediaries. Once in their care, the children are subject to exploitation: for girls, this typically involves forced domestic work and sexual exploitation; for boys, this typically involves forced labour in the agriculture industry.

### *EU action key focus areas*

EU priorities for 2016-2020: strengthening of the justice sector (including improvement of the access to justice and penitentiary conditions), support of the national reconciliation, support for the civil society, strengthening the efficiency of the security forces (including capacity building and human rights training), and women's rights (including strengthening of the participation of women in the public life and improvement of the maternal health).

### *EU bilateral political engagements*

Development cooperation helps maintain political contacts and facilitates exchanges with the authorities through various channels on human rights issues. Human rights were on the agenda of the last bilateral EU-Togo political dialogue meeting held under Art.8 of the Cotonou Agreement (Lomé, December 4th 2017). Among other issues, the recent developments in the country and the role of the civil society were discussed.

The EU also carries out permanent dialogue with political parties of all affiliations, as well as CSOs defending human rights and NGOs in Togo.

### *EU financial engagements*

The new programme PROCEMA (11th EDF) benefiting civil society organisations is currently being implemented. The EU (as the only donor) provides substantial support to the Togolese justice system, both on infrastructure and on assisting domestic reform efforts. Despite some results, progress remains slow, especially because the state budget allocation to this sector is below 1%. In addition, there appears to be insufficient political will to ensure a genuinely independent judiciary.

### *Multilateral context*

The last Universal Periodic Review (UPR) of Togo took place on 31 October 2016 at the UN Human Rights Council. Togo was commended on several developments since the last UPR in 2011, above all improvements introduced by the new 2015 Criminal Code. Challenges highlighted included the freedom of assembly and expression of human rights defenders and journalists, the lack of birth registration, prison overcrowding, prison conditions and genital mutilation. Togo rejected the recommendation on accession to the Rome Statute on the International Criminal Court and on fully implementing LGBTI rights.

## **Uganda**

### *Overall human rights situation*

Human rights in Uganda have become an area of increased EU concern, with three local statements issued by the EU Delegation and EU Member States represented in Uganda, notably on the infringements on the civil and political rights, particularly surrounding the constitutional amendment debate, and on non-compliance with ICC, following the state visit of President Omar Al-Bashir of Sudan to Uganda in November 2017.

Uganda Human Rights Commission issued several critical statements, mostly focussed on increasing Human Rights violations by the Ugandan Police Force. Police brutality has been especially noteworthy when dealing with political demonstrations and consultations held by the opposition party. The lack of accountability by the police and security forces is also problematic regarding the still unresolved and under-investigated killings by security forces of 151 citizens in Kasese in November 2016, of which 15 children were presumed victims. More recently, in September 2016 the Parliament was raided by plain-clothed security operatives, with some MPs being arrested and manhandled, calling into question the independence of the police.

Shrinking democratic space has also been observed through the red lines put to media reporting in Uganda, particularly with regards to reporting on the incident of the raid on Parliament in



September 2017, which later also extended into an interdiction to report media coverage on opposition political rallies on the change of the Ugandan constitution.

### *EU action - key focus area*

In 2017, the EU Delegation and EU Member States continued their strong joint public outreach on key areas of human rights and democracy. They have had key focus areas ranging across freedom of expression and freedom of the press, anticorruption, transitional justice, and protection of human rights defenders and abolition of the death penalty. Throughout 2017, the EU used opportunities to convey public messages on the occasion of human rights and democracy related international days including the World Free Press Day (May 3), International Democracy Day (September 15) and the International Day on Universal Access to Information (September 28) and Human Rights Day (December 10). For instance, the EU and its Member States carried out advocacy for the abolition of capital punishment. This included the visit of the Head of the EU Delegation along with seven EU Member State Ambassadors to inmates on death row in Kampala's Luzira maximum security prison. The EU Delegation and Member States also continued discussions with the Government the possibility of a gradual phasing out of the death penalty. The EU Delegation, as requested by EU Member States, visited the affected region in Rwenzori to assess whether current EU projects on reconciliation were still sufficiently targeted, after the November 26 drama, and met with the communities.

### *EU bilateral political engagements*

During the last Article 8 dialogue held in July 2017 between the government and the EU, the EU Delegation and EU Member States voiced their concerns about the shrinking of political space. In response to concerning political developments, on 21 September 2017 the EU Delegation and Member States issued a joint local statement warning against the infringement of the fundamental freedoms of citizens as well as damages to Uganda's international reputation. The EU Delegation and its Member States continued to engage with key interlocutors in the Government, civil society and the media throughout the year to exchange perspectives and promote the importance of the government of Uganda's commitment to the safeguard of fundamental freedoms, particularly with respect to the freedom of assembly, association, expression.

### *EU financial engagements*

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR). 10 projects with an overall funding 6.3 MEURO focused on a range of areas including combatting violence against women and children, promoting the justice and accountability sector, peace building and inclusion, and capacity building of local community governance.

The Democratic Governance Facility (DGF), a pool fund (EU, AT, DK, IE, NL, SE, UK and NO) in support of both state and non-state actors with the aim of strengthening democratic process, in 2017 has acted as a unique joint initiative in support of the governance sector and in promoting the right to democracy in Uganda. It reinforces the principles of aid effectiveness and donor coordination which is in line with the interests of the Government of Uganda as well as those of the EU, its Member States and Norway.



### *Multilateral context*

Uganda went through the Universal Periodic Review (UPR) review in November 2016, and received a total of 226 recommendations. Of these, 143 were accepted, 18 noted for further examination and 65 rejected. In the debate, Uganda was commended by some delegations for the progress made on recommendations accepted during the past UPR in 2011. In particular, States welcomed the draft National Action Plan on Human Rights, the adoption of the Prevention of Torture Act 2012 and Uganda's hospitality towards refugees. However many speakers highlighted a number of concerns, especially regarding the rights of members of LGBTI communities; freedoms of expression, association and assembly; women's and girls' rights, torture; and the death penalty. The UPR process led to some tensions between the government of Uganda and the UNOHCHR's country office.

## **Zambia**

### *Overall human rights situation*

The political environment in 2017 in Zambia was dominated by the arrest of the main opposition leader in April and his subsequent detention for four months on non-bailable treason charges until the discontinuation of the Court case in August. Incidents that limited the fundamental freedoms of assembly, association and expression were reported throughout the year. However, and despite initial concerns, no increase in human rights violations was reported during the 90-day "Threatened State of Emergency" that was declared in July. Corruption was reportedly on the increase in 2017, and a number of high-level public procurement cases featured in the public debate. The government continued to champion women's and girls' rights, including the fight against gender-based violence and early marriages, expanded social protection programmes for vulnerable households, and continued to promote prisoners' rights. While commemorating the 20 years since Zambia's last execution in 1997, the government has shown openness to work towards an eventual de jure abolition of the death penalty.

### *EU action - key focus areas*

In line with the EU Human Rights and Democracy Country Strategy for Zambia for 2016-2020, the EU focuses its action on the advancement of women's and girls' rights, including sexual and reproductive rights and the fight against gender-based violence; on the promotion of economic, social and cultural rights, including children and their right to good education and good health; on the enhancement of transparent governance, including the fight against corruption, improved access to information, and freedom of expression, assembly and association; on the promotion of a fair and efficient justice system, including the right to a fair trial, the rights of persons in detention, and the abolition of the death penalty; as well as the cultivation of an environment of non-discrimination, with a focus on the rights of marginalized groups.

The EU also works to implement relevant recommendations of the EU Election Observation Mission 2016, as well as the objectives of the locally agreed EU CSO Roadmap and EU Gender Action Plan.

### *EU bilateral political engagements*

The EU and the eight resident EU Member States advocated EU human rights priorities and agreed objectives throughout the year in their regular bilateral contacts with Ministries and relevant government authorities, as well as at the "Article 8" Zambia-EU political dialogue that took place in March 2017. The EU engaged civil society organisations, human rights defenders and the private

sector in a systematic manner to inform its dialogue on human rights and democracy with government.

The EU also organized and participated in a number of relevant high-level events on human rights with the government and other stakeholders, including in the context of International Women's Day, the Symposium on legal and administrative reforms to address congestion in correctional facilities, the National Consultative Forum on the Political Parties Bill, the World Day against the Death Penalty, the 16 Days of Activism against Gender-Based Violence, and Human Rights Day.

### *EU financial engagements*

The EU and the EU MS together are major development partners for Zambia. They currently support human rights and democracy via grant support to civil society organisations, to government authorities and the National Assembly, as well as via technical assistance. The areas of support with the highest numbers of combined EU/EU MS projects in 2017 were in the areas of women's and girls' rights and the fight against Gender-Based Violence; Economic, Social and Cultural Rights (health, education, social cash transfers); transparent governance; and anti-corruption.

The EU Delegation supports human rights and democracy in Zambia via the European Instrument for Democracy and Human Rights (EIDHR) as well as via the National Indicative Programme under the 11th European Development Fund. In 2017, EU programmes supported in particular increased access to justice, prisoner's rights, women's rights and the fight against Gender-Based Violence, the rights of marginalized groups, access to health, education and nutrition, transparent governance, and public financial management.

### *Multilateral context*

The third Universal Periodic Review process for Zambia took place in November 2017. The Zambian delegation was spearheaded by the Minister of Justice, while the Zambian Human Rights Commission (with support by the EU and Germany) as well as a number of Zambian civil society organisations were also present for the session at the UN in Geneva. Zambia received a total of 203 recommendations, 90 of which were accepted, two will be examined with responses provided no later than March 2018, and 111 were noted.

On 11 December, in the context of Human Rights Day celebrations, the EU organised a public debriefing session on Zambia's Universal Periodic Review (UPR) process that was attended by the Minister of Justice, the Chairperson of the Human Rights Commission, senior government officials as well as civil society organisations.

## **Zimbabwe**

### *Overall Human Rights Situation*

In 2017, the human rights situation in Zimbabwe continued to be concerning, primarily in relation to politically-motivated intimidation, harassment and assault as well as forced evictions from residential and agricultural areas leading to displacement and loss of properties. However, the political environment changed significantly in November 2017, as the Zimbabwean Defence forces intervened and forced the resignation of former President Mugabe. Although many Zimbabweans celebrated the fall of President Mugabe and experienced immediately afterwards a noticeable improvement of their fundamental rights, in particular regarding freedom of expression (right to

petition and to demonstrate), the military intervention exposed the entrenched militarism in Zimbabwean politics. It is therefore too early to assess whether the political transition will change the human rights situation in a lasting way. The pre-military intervention period had been characterised by persecution of activists, hate speech and intimidation and harassment of those with divergent political views to the ruling party ZANU PF. Although the authorities allowed non-government actors to protest, they imposed stringent conditions on opposition parties such as imposing specific locations for demonstrations.

The human rights environment ahead of the 2018 harmonised elections continued to be worrying. Both the Zimbabwe Human Rights Commission and civil society expressed their concern over the use of intimidation and violence in various by-elections in the course of 2017. Human rights violations, including vote buying, intimidation and harassment have also been reported as well as the politicisation of food aid, notably in regions where food aid is distributed by the Government continued in 2017.

### *EU action – key focus areas*

Throughout 2017, EU priorities in the area of Human Rights and Democracy continued to focus on the institutions and civil society organisations engaged in the implementation of the new Constitution, particularly the new Declaration of Rights, as well as socio-economic and cultural rights. Additional attention was provided to the strengthening of the rule of law, promotion and protection of human rights defenders, women's and children's rights, and rights of minorities.

The EU Delegation, the Heads of Mission of EU Member States and the Head of Mission of Switzerland issued two joint local statements (19 January and 9 March) voicing concerns over a) intimidation and violence against political candidates in the run up to a parliamentary by-election and b) the abduction of missing activist Itai Dzamara (two years on). A statement of the HRVP Spokesperson on the situation in Zimbabwe, calling for the respect of rule of law and fundamental rights was issued on 15 November. The HRVP made a statement on the transition in Zimbabwe on 21 November, calling for genuine democratic elections, the consolidation of the constitutional order and respect for fundamental rights and freedoms. On 16 March 2017, the European Parliament adopted a resolution (2017/2608) condemning the arrest of political opponent Pastor Evan Mawarire and denouncing Government's responsibility for the worrying situation of Human Rights and democracy.

### *EU bilateral political engagements*

EU Heads of Mission (HoMs) held 3 informal political dialogues on 7 April, 28 July and 20 October. Human rights related issues figured prominently on the agenda as Zimbabwe's Universal Period Review (UPR) of November 2016, was discussed on 7 April and again on 28 July. EU HoMs also held a structured dialogue with civil society on 11 May focusing on the New European Consensus on Development, Sustainable Development Goals, 5th AU-EU Summit, Electoral process, and the Humanitarian situation.

### *EU financial engagements*

In 2017, the EU continued to provide support through projects funded under the European Development Fund (EDF), the Development Cooperation Instrument (DCI), the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument for Stability and Peace (IFS). Twenty-five projects, for an overall planned amount of €29.4 million (of which €2.1 million under EIDHR),

focused on civil and political rights. In particular, seven projects (€7.2 million Euro) focused on constitutional rights, three project (€12.8 million) on electoral issues including support to the Zimbabwe Electoral Commission, one project (€1.5 million) on supporting the Zimbabwe Human Rights Commission. Among other important activities, the EU provided legal support to human rights defenders and contributed to building safer spaces for those asserting and defending constitutional rights.

### *Multilateral context*

The follow up of November 2016's Universal Periodic Review of Zimbabwe took place at the Human Rights Council in Geneva on 16 March 2017. Out of a total of 260 recommendations, the Government of Zimbabwe accepted 151, 103 were noted (effectively rejected), and the 6 remaining were supported in part. The government explained that the noted recommendations were either inconsistent with national policies and values or that they had already put in place measures to address the issues raised. In June, the Ministry of Justice held a stakeholder consultative workshop to provide feedback on the process and solicit advice on issues raised during the 16 March UPR. Participants had been invited to contribute to a draft national plan of action in follow-up to the UPR.

## **Arabian Peninsula**

### **Iraq**

#### *Overall human rights situation*

In 2017 the overall human rights situation in the country remained severely challenging. The military offensive against Da'esh concluded on 10 December 2017 and the humanitarian emergency continues with 2.6 million people still internally displaced. The situation for ethnic and religious minorities is still of grave concern.

Critical human rights problems persist especially in the fields of forced disappearances, impeded or forced returns and property destructions of internally displaced persons (IDPs), lack of due process and fair trial standards as well as sexual conflict-related violence. Use of the death penalty continues, and the EU led a demarche in December 2017 to reiterate the EU's strong stance on this issue. Torture remains widespread in police detention centres, interrogation cells and prisons. Journalists have been harassed and killed particularly in Da'esh controlled areas. Accusations of corruption are frequent and impunity is prevalent. Government forces have been seriously stretched and depleted, particularly senior and elite ranks. There remain concerns about inconsistencies in the command and control of the state-sponsored popular mobilisation forces (comprised of over 60 militias). Lack of governmental transparency, information and access made it difficult to assess the magnitude of many reported human rights problems.

#### *EU Action*

The EU's human rights policy in Iraq remains focussed on the protection of civilians in areas of conflict, the protection of ethnic/religious minorities, national and social reconciliation, the independence of the Iraq High Commission for Human Rights (IHCHR), fair and transparent application of law and elimination of gender-based violence. The EU regularly renews its calls on Iraq to adhere to the core tenets of international law on human rights and sign the Rome Statute.

### *EU bilateral political engagements*

Throughout the year, the EU continued to support Prime Minister Al-Abadi in implementing his reform programmes addressing wide-spread corruption and deficient public service delivery. It called on the government to reach out to all components of Iraqi society and to make progress on national reconciliation. EU Foreign Affairs Council Conclusions of 19 June 2017 condemned the brutality of Da'esh and its flagrant violations of human rights and international humanitarian law, including indiscriminate attacks, killings and conflict-related sexual violence.

The Iraqi Government has strongly supported the protection of civilians in the military campaign to retake areas from Da'esh, and the Prime Minister continues to emphasise the need for IDP returns to be safe, voluntary, informed and dignified. Government engagement with civil society organisations and local NGOs on drafting laws such as on Family Violence Protection can be seen as steps in the right direction, as are rejecting changes to the personal status law that would have lowered the marital age for women following lobbying from the EU and partners. The EU funded activities to strengthen the IHCHR, which finally voted in a new board of commissioners including a president and deputy on 9 December 2017, though concerns remain on the organisation's effectiveness.

### *EU financial engagements*

In 2017, the EU continued to provide financial support to projects funded through the Development Cooperation Instrument (DCI), the EU Trust Fund in Response to the Syrian Crisis ("Madad"), the Instrument contributing to Stability and Peace (IcSP), the European Instrument for Democracy and Human Rights (EIDHR), Civil Society Organisations and Local Authorities (CSO-LA). The EU also funded local NGOs to build their capacity in legislative work.

Human rights-related projects focussed i.a. on:

- (a) Reconciliation: support to dialogue, conflict reduction between internally displaced persons and host communities, concerns related to missing persons and sectarian violence, protect cultural heritage and diversity;
- (b) Education: capacity-building for primary and secondary education;
- (c) Capacity building of civil society and freedom of media
- (d) Security: rule of law, developing human-rights compliant counter terrorism legislation.

The EU supported humanitarian partners in Iraq with EUR 82.5 million in 2017, targeting its principled, strategic, multi-sector humanitarian support to all populations most affected by the conflict, solely on the basis of needs.

### *Multilateral context*

Iraq is party to a number of international human rights conventions and many of them have not been yet ratified. The following fundamental treaties have yet not been acceded to: the 1951 UN Convention Relating to the Status of Refugees, the Convention on the non-applicability of Statutory Limitations to War Crimes. In addition, Iraq has not signed the Optional Protocols to CAT and CEDAW, regarding the complaint procedures, neither Iraq has acceded to the Statue of the International Criminal Court (ICC).

In September 2017, the UN Security Council unanimously adopted Resolution 2379, creating an independent investigating body to support Iraq-led investigations into Da'esh war crimes, crimes against humanity and genocide. Apart from promoting accountability, the resolution aims at supporting evidence-gathering.

## **Yemen**

### ***Overall Human Rights situation in the country***

2017 was characterised by a continuous war situation, widespread insecurity and the atrocities that go with it. Civilians, institutions and installations suffered heavily from being (deliberately) targeted by warring parties. The government in exile in Riyadh (notwithstanding redeployment to Aden of part of it) has only very limited control over the country including in the so-called "liberated areas". Following the killing of ex-President Saleh in December, the stance of the Houthi rebels in the north of the country has toughened.

### ***EU Action***

The EU's priority is to stop the conflict and improve the overall situation in Yemen, by focussing on the political process and the promotion of inclusive dialogue, security and stabilisation, increasing the humanitarian response also by ensuring access, seeking ways to continue cooperation and post-conflict recovery in the whole country.

War-related human rights issues including violation of the humanitarian law (indiscriminate airstrikes on non-military targets, use of banned cluster munitions, banned antipersonnel landmines, mistreating detainees), arbitrary detention, torture, enforced disappearances, violation of women's rights remained high on the EU agenda. Such violations worsen the already very poor human rights record prior to the conflict. The increasing role of extremist/terrorist organisations (AQAP, IS) filling the security gap will need specific attention and action. Pockets of territory are now under the control of terrorists who are also recruiting and training, reportedly with presence of foreign fighters. The recruitment of children for military purposes and their use in hostilities is of growing concern as the conflict protracts measures must be taken to prevent such recruitment and use. None of the parties to the conflict carried out meaningful investigations into their forces' alleged violations, notwithstanding the setting up of an international group of experts.

### ***EU bilateral political engagements***

The political process in Yemen concentrates around UN efforts to engage parties to the conflict in peace negotiations, preceded by a sustainable cessation of hostilities. This process remained however stalled for the entire year. The EU, through the ERMES programme, has been supporting it through track-II activities, notably de-escalation, a tribal and a local dialogue session. The lack of a political process has increased the fragmentation in the country and the withering of trust amongst parties. The killing of ex-President Saleh provoked negative repercussions on the structure of the General People's Congress (GPC) the largest secular party in the country.

The EU strongly supports efforts for rapid and unimpeded passage of humanitarian relief for civilians in need. To that end it contributed politically and financially to the United Nations Verification Inspection Mechanism (UNVIM). Due to the toughened stance of the Coalition's war efforts in Yemen, such support was not renewed. The EU has not hesitated to voice concerns against violations and abuses of International Human Rights Law and violations of International

Humanitarian Law, more specifically against the targeting of civilians. This was done through statements, formal and informal contacts with all parties to the conflict.

### *EU financial engagements*

The EU is actively supporting Yemen Human Rights and civil society through four main sources; the Development and Cooperation Instrument (DCI); the European Initiative for Democracy and Human Rights (EIDHR), the Instrument contributing to Stability and Peace (IcSP) and the Civil Society Organisations and Local Authorities (CSO-LA) thematic allocation. During 2017 the projects financed through the DCI and EIDHR mainly focussed on human rights defenders, children's rights, women's rights, youth, abolition of death penalty. Most implementing partners are local NGOs – e.g. the Mwatana Organisation for Human Rights, the Yemen Polling Center Foundation, DeepRoot, the Sana'a Center for Strategic Studies – and some international NGOs, among which Saferworld, ACTED, the Equal Rights Trust and UNICEF.

Recently a new contract for Civil Society Organisations and Local Authorities was signed with a consortium of international and local NGO for a total amount of EUR 5.65M. Activities will start in 2018.

### *Multilateral context*

The UN Human Rights Council Resolution 30/18 "Situation of human rights in Yemen" foresees further technical support to the Yemen National Commission of Inquiry. Following the September Human Rights Council session, a Group of eminent international and regional experts (GEE) on Yemen was established. This has been the most significant advancement in 2017 which has brought about increasing scrutiny on the actions of all parties; with a view to holding them accountable. These were appointed early December and will be looking throughout 2018 into violations in the whole of Yemen, by all parties.

## **Saudi Arabia**

### *Overall Human Rights situation in the country*

As to the overall Human Rights situation in KSA, key concerns stem principally from the widespread use of the death penalty, although executions slightly decreased in 2017. Cases of special concern are those of minors on the death row. A Draft Law on Minimum Criminal Responsibility was discussed at the Shoura and passed to the Human Rights Commission for revision. It is expected to be signed by the King in 2018. This will allow KSA to comply with the 1989 Convention of the Rights of the Child.

There are persisting concerns on freedom of religion and belief as all religions but Islam are banned in KSA (although private practice of other religions is de facto tolerated). The visit in November 2017 of the Patriarch of Lebanon was a turning on engagement with another religion. On the progressive side the Committee for the Promotion of Virtue and the Prevention of Vice (Religious Police also called Mutawa), whose powers were curtailed over recent years, is less present in everyday life.

As part of the reform drive launched by Crown Prince Mohammed bin Salman decisions regarding women's empowerment have been adopted in 2017, such as the lifting of the driving ban on women, the issuing of the Law on Harassment as well as the implementation of the gradual opening of more professions to women. In 2017 various high level managerial appointments of women



occurred on par with the introduction of physical education for girls in Saudi public schools. Despite this the male guardianship system remains the main barrier to achieve full rights for women in the country and concerns remain on the marriage of minors, especially in rural areas, which are acceptable under Sharia law. A Law on the Minimum Age for Marriage is expected to be issued in 2018.

KSA adopted in November 2017, a new law on counterterrorism and terrorism financing, which further limits judicial powers in favour of public prosecution's Office, consolidating the prerogatives of the Ministry of the Interior. For these reasons the implementation of the new law will need to be followed. There are persisting concerns on freedom of expression, association and assembly as the 2015 Law on Associations and Foundations imposes formal stricter registration requirements, de facto restraining the registration of NGOs and allegedly limiting their guarantees.

KSA adopted a national anti-trafficking action plan for 2017-2020 and substantially increased the budget for the Permanent Committee on combating Trafficking in Persons. The conditions of migrant workers subject to the Kafala system remain precarious, notwithstanding reforms to the labour Law in 2016.

### *EU bilateral political engagements*

KSA is an important partner of the EU and there is an on-going political dialogue at many different levels, also on sectorial issues.

EU Delegation in Riyadh is in constant contact with the Human Rights Commission, in a constructive spirit of dialogue, to exchange, discuss and explain EU on-going concerns. Among these several priority topics are discussed such as minors on the death row and cases of Human Rights Defenders. The HRC produces a thorough and comprehensive report on the domestic human rights situation to be presented to the King with concrete recommendations and an assessment of the implementation of previous recommendations. The Delegation has proposed an institutionalised comprehensive and frank Human Rights dialogue in order to discuss issues relevant for both the EU and KSA. There is also an on-going, continuous dialogue with the Human Rights department of the MOFA and the European Parliament (including the Human Rights sub-committee) is seized and engaged with the Human Rights Commission.

### *Multilateral context*

On 6 February 2017, the United Nations Working Group on Arbitrary Detention (WGAD) released an official Opinion determining that Saudi Arabia's ongoing treatment of Ali al-Nimr, Dawood Hussein al-Marhoon, and Abdullah Hasan al-Zaher constitutes arbitrary detention and violates a number of international legal principles.

In May 2017, Ben Emmerson, the United Nations Special Rapporteur on the promotion and protection of human rights while countering terrorism, released his preliminary observations, following a five day visit to KSA. While he noted that the Saudi government was engaging in some positive steps to promote human rights while countering terrorism, he also expressed deep concern over violations of core human rights.

KSA will have the third Universal Periodic Review (UPR) Review in November 2018. The second was in 2013 where 184 recommendations were accepted by KSA and 38 noted. Until now, some of the



recommendations have been followed (such as implementing measures of protections to prevent domestic violence against Women and Children) but none of the recommendation regarding the signing of international instruments such as the two International Covenants have been implemented.

## **United Arab Emirates**

### ***Overall Human Rights situation in the country***

The overall situation of Human Rights in the United Arab Emirates has not fundamentally changed since 2016.

Under the positive developments to be noted, is the approval by the UAE President of Federal Law No. 10 of 2017 on support service workers. The law, also known as Domestic Labour Law, strengthens domestic workers protection by ensuring essential working conditions, including a weekly day off, 30 days of paid annual leave and the right to retain personal documents. The new law also provides for a daily rest of at least 12 hours, including at least 8 consecutive hours. After the nomination of a minister of Tolerance in February 2017, a National Tolerance Programme has been approved in June 2017 by the UAE Government with the establishment of a certain number of related institutions and follow-up policies. There has been an increase in the representation of women in leading and decisions-making positions (including at ministerial level)

Unfortunately, a certain number of issues of concern remain, notably related to the exercise of Freedom of Expression (online and offline) and Freedom of Association. In June 2017, as a result of the growing tensions with Qatar, and making use of the Federal Penal Code and the 2012 Federal law decree on Cybercrime, the UAE Federal Public Prosecution announced that anyone who "shows sympathy or any form of bias towards Qatar, or against anyone who objects to the position of the United Arab Emirates", would face a jail term from three to 15 years, and a fine.

The arrest in February 2017 of Ahmed Mansour, recipient of the 2015 Martin Ennals Award for Human Rights Defenders, and his incommunicado detention pending a possible trial, remain a source of concern. Further, with a death sentence being carried out in November 2017 and the expansion over the last years through legislative provisions of the number of crimes where death penalty can be imposed, fears are high that the UAE is further moving away from the 2014 presidential decree that ordered a stay on all executions.

### ***EU Action***

The EU Delegation's action concentrated on monitoring the follow-up to various laws and legal instruments implemented in the country that could impact the human rights situation, in close coordination with EU Member States and like-minded embassies. The EU Delegation continued its regular outreach at the UAE Ministry of Foreign Affairs and International Cooperation level, notably ahead of the Human Rights Council and UNGA Third Committee sessions. The main discussions on human rights matters took place within the framework of the UAE-EU Human Rights Informal Working Group.

### ***EU bilateral political engagements***

The 7th meeting of the EU-UAE informal working group on human rights was successfully held on 10 May 2017 in Brussels with the participation from the EEAS, the UAE Ministry of Foreign Affairs and

UAE line ministries (Justice, Interior, Education, Tolerance). The meeting addressed a wide range of EU concerns, including fair trial, due process and administration of justice, Freedom of Religion or Belief, Freedom of Expression, Right to education, Death Penalty. The ongoing war in Yemen, in which the UAE actively takes part in the coalition lead by Saudi Arabia, has prompted the EU to reiterate the need for all warring parties to respect International Humanitarian Law, which was tackled under a specific point during the meeting

EEAS Principal Advisor on Gender and on the implementation of UNSCR 1325 on Women, Peace and Security (WPS) Amb. Mara Marinaki seized her invitation as a keynote speaker at the Conference 'Gender Dimensions of International Peace and Security: Keys to Prosperity and Peace' held in Abu Dhabi in December 2017 to engage with the UAE authorities. Positive discussions took place around ways to enhance forms of cooperation on Gender/WPS issues especially in areas of common interest such as the post conflict situations in Afghanistan, Syria, Libya, and Iraq, as well as on the possibility to work closer with the EU on the formation of a proper National Action Plan for the UAE, as recommended by the UNSC Resolution 1325.

### *Multilateral context*

During the 7th Informal Working Group on Human Rights, the EU invited the UAE to collaborate with UN Special Rapporteurs and Special Procedures and to continue their Universal Periodic Review engagement. In the run up to the 3rd Universal Periodic Review (UPR), due to take place in January 2018, the UAE put together an ad hoc Committee to follow up on the recommendations of the previous UPR. It has also been tasked to organise a national NGO consultation which took place locally with a number of civil society bodies.

## **Oman**

### *Overall Human Rights situation in the country*

Socio-economic rights are well respected in the Sultanate, especially for Omani nationals. While expatriate workers benefit from better conditions than elsewhere in the region Oman's Kafala (sponsorship) immigrant labour system and lack of labour law protections (despite the 2016 reforms) leaves the country's more than 140,000 migrant domestic workers exposed to abuse and exploitation by employers, whose consent they need to change jobs. Those who flee abuse— including beatings, sexual abuse, unpaid wages, and excessive working hours— have little avenue for redress and can face legal penalties for "absconding."

Sultan Qaboos has given special attention to the emancipation of women, an area where Oman has made significant progress in the past years but where reforms are still needed to adapt domestic legislation to the UN Convention on Elimination of Discrimination against Women.

Main human rights concerns stem principally from the shrinking space for freedom of expression, even if the situation is considered among the most favourable compared to regional standards. Travel bans have been imposed on some Human Rights Defenders, with some of them arrested and facing charges.

The Public Prosecution convened in March its annual conference during which Internet activists residing outside the country were threatened with "Criminal Extradition Law" procedures set forth in bilateral and international agreements. There are also concerns on freedom of the press since the

definitive closing (following a Supreme Court ruling in October 2017) of the newspaper Azamn regarded as an independent organ.

Reports received by the Gulf Centre for Human Rights (GCHR) confirmed that on World Press Freedom Day (3 May 2017), the Internal Security Service (ISS) ordered the closure of the website of "Mowaten" -an independent news magazine -throughout the country. It is currently being published from the United Kingdom.

Oman adopted a "whole-of-government" approach to countering trafficking in Oman. It prosecuted human traffickers in 2017 and conducted trainings for law enforcement and prosecutorial and judicial personnel. It identified an increasing number of victims and provided them with basic care and an all-purpose shelter. Despite this fewer investigations and prosecutions were conducted compared to 2016 and convictions remained disproportionately low compared to the known magnitude of trafficking in Oman also due to the processing of potential labour trafficking cases through mediation in labour courts rather than criminal investigation and prosecution. Officials remained without standardized mechanisms for the proactive identification of trafficking victims among vulnerable groups, and they relied on victims to self-identify. The government only referred victims to protective services if they filed cases with the public prosecutor.

#### *EU bilateral political engagements*

Oman is an important partner to the EU and there is an on-going political dialogue at many different level, also on sectorial issues.

EUDEL is in constant contact with the EU Member States liaising with the authorities on a regular basis. During working and high level visits the EU continued to raise as priorities Freedom of Expression and of the Press and the situation of Human Rights Defenders.

#### *Multilateral context*

Last Universal Periodic Review (UPR) was in November 2015. Oman accepted a number of recommendations -among others- to improve women's rights, to implement the Child Law, to strengthen awareness-raising for children's rights, to reinforce expatriate workers protection, increase efforts in protecting migrant workers' human rights and combatting human trafficking. Nevertheless it rejected others, including abolition of the death penalty and bringing freedoms of expression and assembly in line with international standards. Next UPR Review will be in November 2020.

The UN Committee on the Elimination of Discrimination against Women in its Concluding observations on the combined second and third periodic reports of Oman (November 2017) welcomed progress achieved since 2011 through legislative reforms to ensure equal pay for work of equal value in the civil service and to grant women equal legal capacity in respect of all civil transactions.

Oman's efforts to improve its institutional and policy framework to accelerate the elimination of discrimination against women and promoting gender equality (e.g. adoption of the Social action strategy of the Ministry of Social Development in 2016, were welcomed. But the Committee recommended that Oman amend its Constitution plus introduce and implement comprehensive anti-discrimination legislation.

## Qatar

### *Overall human rights situation*

In previous years, the primary human rights concern for Qatar has been the working and living conditions of migrant workers, bearing in mind that 90% of the 2.6m population of Qatar is non-Qatari. Foreign workers used to be entirely dependent on their employer for residency rights. After some substantial improvements in 2014 and 2015 (such as the obligation of employers to pay salaries through electronic transfers, complaints system, labour inspections, black listing of companies violating the law etc) and the entry into force of the new law 21 on entry exit and residence in 2016, in 2017 the Qatari Government committed to further reforms. A complaint by the International Labour Organisation against Qatar was dropped in November 2017, after the country reassured it would protect basic rights of its migrant workers.

In August 2017, Emir Sheikh Tamim issued Law No. 15/2017, which regulates the relationship between domestic workers and their employers. The law advances the rights of domestic workers, defines their contractual obligations and sets out a clear path to justice if the law is violated, in accordance with the provisions of the International Labour Organisation's Convention No. 189 on working conditions for domestic workers.

The law establishes a cap on a maximum of 10 working hours a day, including overtime, foresees intervals for prayer, rest and the taking of meals. Workers must also receive paid weekly rest for no less than 24 consecutive hours. The law obliges employers to provide food and fair living conditions, in addition to medical care and medicine in case of illness or injury. In addition the law stipulates that workers will be compensated for work injuries in accordance with the provisions of the labour law.

In October 2017, the Cabinet ratified a draft law on the establishment of a fund for workers' support and insurance, and approved an amendment of Article 7 of Law No. 21/2015 on the regulation of the entry and departure of expats, whereby exit visas will be adopted by a government committee in lieu of employers. The Ministry of Administrative Development, Labour and Social Affairs also announced plans to implement a minimum wage for workers. Other planned reforms foresee that employment contracts would be lodged with a government authority, that workers' committees would be created as well as a disputes resolution process for dealing with complaints and grievances.

In August, Qatar approved landmark legislation for Gulf standards, by granting permanent residency to some foreigners. Under the new law, permanent residents will be provided increased benefits, previously reserved to nationals and might benefit from elements of the state's generous welfare system, including education and health-care services. They will also be given priority, after locals, for military and civilian public jobs and would be allowed to own property and run certain commercial activities without a local partner. Those eligible for the card include children of Qatari women married to foreigners, people with special talents "needed by the state," and others who have extended notable services to the country. This new law does not have any citizenship provisions. The Wage Protection System (WPS) now covers over two million workers and substantial progress has been made towards implementing a new electronic contracting system and new labour dispute

panels designed to greatly accelerate resolution of labour cases although it did not prosecute any Qatari employers or recruitment agencies for forced labour.

The government often did not investigate for trafficking cases that manifest indicators such as passport retention, labour violations, and complaints of abuse, and authorities regularly arrested, detained, and deported potential trafficking victims for immigration violations or for fleeing their employers or sponsors. The government did not provide data on the number of victims it identified or assisted, and it did not hold complicit officials criminally accountable.

The Government of Qatar does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated this by establishing a coordinating body to oversee and facilitate anti-trafficking initiatives (in March 2017, the government issues ministerial decision No. 15 of 2017 on establishing the National Committee for Combating Human Trafficking to act as the national coordinator for monitoring, preventing and combating human trafficking, and finalising the national strategy to combat human trafficking.) and enacting a law that reforms the sponsorship system to significantly reduce vulnerability to forced labour.

Political and civil liberties such as freedom of speech and press, assembly and association continue to be subject to certain restrictions. Dr. Al-Nuaimi, a well-known human rights lawyer who voluntarily defended prisoners of conscience in Qatar including poet Mohamed Rashid Al-Ajami, was banned from travelling in the summer 2017 without being informed about any possible reasons.

Since November 2016, Doha News's website, a popular English-language news website with a history of covering sensitive political topics has been blocked by the authorities, and this continued through 2017. The former editor-at-large of Doha News, accused Qatar of silencing journalists at home while preaching freedom of press to the international community in November.

### ***EU Action***

EUDEL is in constant contact with the EU Member States liaising with the authorities on a regular basis. During working and high level visits the EU continued to raise as priorities Migrant's Workers Rights and Conditions and Freedom of Expression. There is also an on-going, continuous dialogue with the Human Rights department of the MOFA.

### ***EU bilateral political engagements***

Qatar is an important partner to the EU and there is an on-going political dialogue at many different levels, also on sectorial issues.

### ***Multilateral context***

Last Universal Periodic Review (UPR) was in 2014. Qatar accepted 145 out of 183 recommendations including women's rights, implementing the National Strategy against Human Trafficking, promoting the protection of Migrant Workers as well as improving their situation and strengthening the judicial framework, including due process, freedom of expression and freedom of association.

It took note of the remaining 38 recommendations (including granting Qatari nationality to the children of Qatari women married to foreign nationals, amending the relevant national legislation, including the Law on Associations and Institutions, to reduce restrictions on procedures for establishing associations and revising Law No. 18 of 2004 in order to remove restricting conditions

for acquiring permission for a public demonstration, and taking other steps to guarantee the full enjoyment of the right to freedom of assembly and the right of association). Next UPR Review is in May 2019.

The United Nations General Assembly, at its 72nd session in October 2017, re-elected Qatar to the United Nations Human Rights Council (it sat at the HRC from 2014-2017) for a fourth round in the term for 2018-2020.

Following regulatory improvements in relation to job transfer and exit visa through the implementation of law no. 21 and law n°1 of 2017 the International Labour Organisation (ILO) Governing body in November 2017 closed the 2014 complaint concerning non observance by Qatar of the Forced Labour Convention and the Labour Inspection Convention. The ensuing agreement between Qatar and the Office of the ILO Governing Body on a technical cooperation project shall help address critical underlying issues in the complaint, and notably assist the Qatari authorities in setting up a minimum wage- putting an end to all discriminatory practices related to the Kafala (sponsorship) system- strengthening labour inspection and establishing representative joint committees.

The UN Committee on the Rights of the Child in its Concluding observations on the combined third and fourth periodic reports of Qatar( June 2017) welcomed the progress achieved by Qatar in some areas, including the legislative, institutional and policy measures adopted to implement the Convention, in particular Act No. 15 of 2011 on combating trafficking in persons. It further welcomed the establishment of a unit for the rights of women, children and persons with disabilities in the National Human Rights Committee. It however urged Qatar to follow recommendations as to child marriage; non-discrimination nationality, corporal punishment, children in situations of migration and the administration of juvenile justice.

## **Kuwait**

### ***Overall Human Rights situation in the country***

Human rights concerns in Kuwait stem principally from the resuming of the use of death penalty. Kuwait carried out seven executions by hanging on 25 January 2017, the first time the Gulf state carried out the death penalty in four years. The country maintains the death penalty for non-violent offenses, including drug-related charges.

Among the positive developments occurred in 2017, the Constitutional Court's decision of October 2017 to overturn Kuwait's overly broad DNA law. The decision is a positive step for the right to privacy in the country since the 2015 law had required all Kuwaiti citizens, residents, and visitors to provide DNA samples to authorities in violation of their right to personal privacy. Kuwait was the only country to require nationwide compulsory DNA testing.

A new law lowering the age of minors from 18 to 16 years approved by the National Assembly of Kuwait on 31 December 2015 that was supposed to enter into force in January 2017(anyone arrested at the age of 16 or 17 would be tried as an adult, and in some cases could face the death penalty) was finally revised by the National Assembly and changed again to the minimum age of 18.

In 2017, Kuwait continued to discriminate against a significant proportion of its population, made up by the Bedoon community. Despite its ratification of international conventions and repeated calls by the international human rights community it fails in its obligations towards the Bedoon. Bedoon rights' activists face on-going targeting by the authorities.

Kuwaiti women married to non-Kuwaitis, unlike Kuwaiti men, cannot pass citizenship to their children or spouses. Adultery and extramarital intercourse are criminalized, and same-sex relations between men are punishable by up to seven years in prison. Transgender people can be arrested under a 2007 penal code provision that prohibits "imitating the opposite sex in any way." Crimes of Honours are still stipulated by art 153 of the Kuwaiti Constitutions but thanks to the efforts of NGO Abolish Campaign 153, a bill will pass into the National Kuwait to fully abolish the article from the Constitution.

Concerns remain on freedom of expression and the situation of Human Rights Defenders. On 27 November 2017, the Court of Appeal in Kuwait sentenced 67 people to prison for allegedly storming Parliament in 2011, including prominent opposition leader, current and former members of parliament as well as a human rights defender. Most of the sentences ranged from one to seven years for allegedly storming the building, the trial is still ongoing.

Moreover, according to NGO Gulf Centre for Human Rights (GCHR), a female human rights defender, as well as other participants in the "Walking for Her" campaign, were threatened by telephone, e-mail and social media websites after joining the campaign aimed at solidarity with Saudi women and calling for the overthrow of the Guardianship System. On 5 April 2017, the "Walking for Her" campaign organised a peaceful march of solidarity with Saudi women in Kuwait City, involving about 30 human rights defenders and other activists.

While the Government of Kuwait does not yet fully meet the minimum standards for the elimination of trafficking it is making significant efforts in that direction. The government made significant efforts during 2017 by passing by-laws to implement the 2015 domestic labour law, and co-sponsoring the future establishment of a centralized recruitment company, that, once operational, will reduce recruitment costs and serve to combat illegal recruiting fees. Officials also referred 39 cases of illegal recruitment for criminal investigation under the 2015 domestic labour law, and prosecuted 15 individuals under the 2013 anti-trafficking law, which resulted in nine convictions. However, many officials continued to use arbitration and administrative penalties as the main avenues of resolving grievances filed by domestic workers, instead of investigating such cases as human trafficking crimes, and protracted litigation and subsequent appeals processes led most workers to decline to file court cases.

Corruption at all levels dissuaded workers from reporting trafficking cases to law enforcement. The government did not regularly use formal established procedures for identifying victims, and foreign workers who quit their jobs without permission were often subjected to criminal penalties, detention, and deportation.

### *EU bilateral political engagement*

Kuwait is an important partner to the EU and there is an on-going political dialogue at many different levels, also on sectorial issues.



EUDEL is in constant contact with the Human Rights institutions such as the Kuwait Society for Human Rights and Human Rights Defenders, in a constructive spirit of cooperation, to exchange, discuss concerns. In this context several topics are discussed such as the situation of Bidoons and Freedom of Expression. There is also an on-going, continuous dialogue with the Human Rights department of the MOFA.

NGO Kuwait Society for Human Rights, in collaboration with the Embassy of Netherlands in Kuwait, launched an hotline service in July 2017. The Kuwait Society for Human Rights receives calls of migrant workers in Kuwait at the hotline both in Arabic and English in order to respond to their complaints and inquiries about labour laws,. The hotline contributes to the identification of labor-related problems faced by migrant workers in Kuwait and also to the reduction of these problems by providing periodic recommendations to the competent authorities and working together with the government to protect the rights of migrant workers.

### *Multilateral context*

Kuwait's first Universal Periodic Review (UPR) cycle was in May 2010, the second was in January 2015. Kuwait accepted 178 recommendations made by the council and rejected 71, due to their apparent "incompliance with the Kuwaiti constitution and the Islamic Sharia" – including all recommendations relative to the abolition of the death penalty or to the naturalisation of the Bidouns (stateless people). Kuwait accepted notably recommendations to guarantee freedom of expression and to review legislations to protect human rights defenders, journalists and bloggers. Kuwait had its UPR Mid-term reporting in July 2017. Next UPR Cycle will be in January 2020.

In 2017 Kuwait resumed the use of Death Penalty after a moratorium of 4 years. Moreover, as to freedom of Expression, Kuwait invoked several provisions in the constitution, penal code, Printing and Publication Law, Misuse of Telephone Communications and Bugging Devices Law, Public Gatherings Law, and National Unity Law to prosecute activists, bloggers and politicians for criticizing the emir, the government, religion, and rulers of neighbouring countries in blogs or social media.

In 2016, Kuwait amended the election law to bar all those convicted for “insulting” God, the prophets, or the emir from running for office or voting in elections. The Cybercrime Law, which came into effect in 2016, includes far-reaching restrictions on internet-based speech, such as prison sentences, and fines for insulting religion, religious figures, and the emir.

The UN Committee on the Elimination of Racial Discrimination in its concluding observations on the combined twenty-first to twenty-fourth periodic reports of Kuwait in September 2017 took note of positive developments such as the text of article 1 of Legislative Decree No. 19 (2012), prohibiting, inter alia, advocacy or incitement of hatred for any social group and promotion of racial superiority ideology, Kuwait's efforts to amend its policies, programmes and administrative measures to ensure increasing protection of human rights and implementation of the Convention, including the adoption of Law No. 68 (2015) regarding domestic workers, giving such workers certain labour rights, and the establishment in 2014 of a shelter for female workers fleeing abusive employees and Law No. 91 (2013) on trafficking in persons and smuggling of migrants as well as the establishment of the Kuwait Central Agency for Regularization of the Status of Illegal Residents, in 2010.

The Committee reiterated its recommendation that Kuwait abolish the sponsorship (kafala) system for the employment of migrant workers and replace it with a system of residency permits for such

workers, issued and overseen by the Government, to prevent exploitation and abuse. The Committee also recommended that Kuwait guarantee foreign workers the right to family reunification.

The Committee on the Elimination of Discrimination against Women in its Concluding observations on the fifth periodic report of Kuwait (November 2017) welcomed positive developments such as strengthening the rights of women domestic workers and providing them with social and legal protection and health care. But it also recommended to include in its legislation a definition of discrimination against women, covering direct and indirect discrimination in the public and private spheres, to include sex and gender among the prohibited grounds for discrimination in its Constitution and any other legislation and to review/amend its laws to remove discriminating provisions against women and girls.

## **Bahrain**

### *Overall Human Rights situation*

Main human rights concerns stem principally from the resumption of the use of death penalty. On 15 January 2017 three men were executed on terrorism-related charges, suspending a six year execution moratorium.

There are also serious concerns on freedom of expression, association and assembly. During 2017, the situation of Human Rights Defenders (HRDs) has deteriorated, due to frequent travel bans and other coercive measures. Several human rights associations have denounced the use of intimidation and interrogation by authorities against human rights defenders.

The Bahrain's National Security Agency (NSA) was given back in late January 2017, the power to arrest and detain people suspected of being involved in terrorism offences (while a 2011 decision had deprived the agency of such prerogative). Female HRD Ebtisam Al Ayegh is the first known case in which the NSA has been solely responsible of criminal investigation. Intimidation and stripping of citizenship from high-profile activists and clerics seem to be continuing.

King Hamad approved in April 2017 a constitutional amendment that allows military courts to try civilians, accused of threatening the security of the state. Prior to the amendment military courts were reserved for members of the armed and security forces and could only try civilians during state of emergency. According to the new amendment, civilians accused of terrorist acts and violent crimes are prosecuted by military courts, being their acts considered armed assault. On this basis in December 2017 a High Military Court delivered a verdict on 18 members of a terrorist cell, charged of attempted assassination of the country's top military chief, inflicting six death sentences.

As to freedom of the press, in June 2017 Bahraini authorities ordered the immediate indefinite suspension of the independent newspaper Al Wasat for having "created discord and damaged Bahrain's relations with other countries."

Improvements in labour market regulations need to be noted. The Labour Market Regulatory Authority (LMRA) announced in January major reforms allowing women to join the labour force. Other changes include- for the sake of transparency and contractual obligations- new legislation rendering mandatory for employers the deposit in bank accounts of salaries for domestic and unskilled workers. Such changes should be implemented within 2018.

While Bahraini authorities took some concrete steps to amend specific elements of the sponsorship system minimum standards in several key areas still have to be met. Fewer traffickers were however convicted and efforts to proactively identify potential forced labour victims were minimal. Reports of official complicity persisted, and enforcement of curbing the “free visa” scheme—labourers who work for a non-sponsor employer and subsequently have illegal working status—remained weak throughout the reporting period.

Bahrain, despite its significant efforts (national referral mechanism, outreach to stakeholders) still faces challenges in meeting the minimum standards for the elimination of trafficking. It investigated potential trafficking cases and continued its anti-trafficking training for various officials during the year.

### *EU Action*

EUDEL is in constant contact with the Human Rights institutions such as the National Institution for Human Rights and the Ombudsman's Office, in a cooperative spirit to exchange, discuss and explain on-going concerns. Within this context key topics such as Freedom of Expression and the situation of Human Rights Defenders are discussed.

An informal working Group on Human Rights between the Ministry of Foreign Affairs of Bahrain and the EEAS exists since 2016 and its second session was held in Brussels in April 2017, allowing to address a wide range of EU concerns, including fair trial, due process and administration of justice, Freedom of Religion or Belief, Freedom of Expression and Death Penalty.

### *EU bilateral political engagements*

Bahrain is an important partner to the EU and there is an on-going political dialogue at many different levels, also on sectorial issues including on Human Rights, as described in the previous section.

### *Multilateral context*

In September 2017, the Government of Bahrain formally adopted the outcome of its third Universal Periodic Review (UPR) cycle at the United Nations (UN) Human Rights Council (HRC) in Geneva, fully or partially accepting 139 out of the total 175 recommendations relating among others to the need to improve religious freedom, to halt executions, strengthen women’s rights, protect freedom of assembly/ association, eliminate torture and the practice of citizenship revocation. The reasons put forward by Bahrain for rejecting 36 recommendations were their confliction with Bahraini laws, Sharia, or need for further study. While the government advocated that some recommendations had already been followed (women’s rights, migrant worker’s rights and the right to development) civil society contended that effective implementation of these reforms had yet to happen.

During the debate NGOs and civil society organizations raised wide-ranging concerns relating to the limitation of free expression and assembly, political prisoners, torture in detention and acts of reprisals against civil society and political opposition. Next Universal Periodic Review (UPR) will be in May 2022.

The UN Committee against Torture in its concluding observations on the second and third periodic reports of Bahrain (May 2017) welcomed the ratification/accession by Bahrain to relevant international instruments. But it urged Bahrain to proclaim at the highest level that torture will not

be tolerated. Bahrain was also invited to take the necessary measures to narrow the gap between the legislative/institutional frameworks and their implementation in practice as to prompt investigations and prosecutions against perpetrators of torture.

On 13 June 2017, the International Labour Organization (ILO) reviewed progress made by Bahrain toward rectifying outstanding complaints of labour discrimination, implementing the two associated Tripartite Agreements of 2012 and 2014, and generally adhering to international standards for protecting the rights of workers. ILO found that the Bahraini authorities largely failed to address key labour issues, such as not providing evidence of worker reinstatements (in line with the 2014 deal); not extending equal worker protection to public sector employees; not having undertaken measures to eliminate direct or indirect discrimination and harassment in the workplace in accordance with ILO conventions.

## Asia

### Afghanistan

The human rights situation remained fragile and worrying in Afghanistan in 2017. There were positive achievements in adopting Human Rights legislation such as: the finalised Penal Code and Child Rights Protection Law; anti-torture legislation; a National Action Plan to Eliminate Early and Child Marriages; the adoption of the Women's Economic Empowerment National Priority Programme (WEE-NPP); the finalisation of the National Action Plan for socially vulnerable persons and persons with disabilities and the efforts made by the Government to consult with civil society on improving the draft Law on Gatherings, Strikes and Demonstrations. This took place against a difficult background, where problems and challenges continue to exist in several areas, such as women's rights, children's rights and education access, prevention of torture and ill treatment, protection of human rights defenders (HRD's), etc. Afghanistan continued to face a high level of civilian casualties due to the conflict, with almost one third being children and a 13% increase in overall women casualties.

The new EU Strategy on Afghanistan adopted in October 2017 includes "strengthening democracy, the rule of law and human rights and promoting good governance and women empowerment" among the EU's four main priorities. Main areas of the EU's action in 2017 continued to be: women's rights, rights of the child, HRD's, torture and ill-treatment, death penalty, civilian casualties, access to justice, freedom of expression, socially vulnerable and/or persons with disabilities, returnees and Internally Displaced Persons (IDP's), the fight against corruption and promoting continued democratisation in Afghanistan.

In 2017, the EU and Afghanistan continued their human rights dialogue, with the third EU-Afghanistan High Level Human Rights Meeting held on 14 August 2017 in Kabul. Human rights are part of the structured dialogue in the framework of the Cooperation Agreement on Partnership and Development (CAPD) provisional application of which started on 1st December 2017.

The EU gave priority to the area of women's rights and gender equality by promoting and supporting the enhanced implementation of the National Action Plan on the UN Security Council Resolution 1325 (NAP 1325), the adoption of the anti-harassment law and actions to combat violence against women. More needs to be done to ensure practical implementation of the adopted legislation and

succeed in increasing women's participation in the public life and their economic empowerment. The EU was among the sponsors of the Kabul Symposium on women organised in May 2017, which aimed at promoting women's increased participation in peacebuilding, peacemaking, conflict resolution and reconciliation.

The EU followed the developments in the justice sector, including the right to a fair trial, combatting torture, ill treatment and poor detention. A new Penal Code, which incorporates changes consistent with international human rights and criminal law principles, will enter into force in mid-February 2018. Lack of capacity, legal knowledge, institutional facilities and attorneys, as well as political interference in the justice sector remain among top concerns in relation to the right to a fair trial. The EU has raised concerns about the culture of impunity, promoting the right to a fair trial and the need to respect the relevant legislation.

In the electoral field, particular concerns were raised with regards to women and the so far insufficient security measures and plans in place for women voters, candidates and staff. General monitoring on human rights and the protection of electoral rights will be needed for the parliamentary (2018) and presidential (2019) elections. The EU actively participated in all relevant discussions on electoral developments; several measures in support of enhanced capacity building ahead of the elections are on-going or foreseen.

The death penalty remained a topic of discussion during the human rights dialogue, with the EU and its MS repeating the call for a moratorium. In November 5 persons were hanged after a speedy trial. On the positive side, in the new Penal Code, the number of crimes where capital punishment applies has been considerably reduced.

Human rights defenders (HRD's) continued to raise credible concerns over increased levels of threats and intimidation; killings of journalists remain high in Afghanistan. There are signs of shrinking space in society with regards to freedom of speech and expression with journalists resorting to self-censorship. On a positive note the media plurality continued. The EU continued the bi-monthly meetings with HRD's and the HRD Committee.

The fight against corruption remained high on EU's agenda; the EU organised its third annual Anti-Corruption campaign, which culminated in a high level Anti-Corruption Conference in May 2017. Afghanistan has adopted an Anti-Corruption Strategy whose implementation is now essential alongside strengthening of transparency in civil service and equality before the law from a prosecution perspective, coupled with public accountability and communication on the progress made.

The EU continued to stress the important role of the Afghanistan Independent Human Rights Commission (AIHRC) for reporting and monitoring of Human Rights in the country. Media outreach was used systematically to support human rights activities driven by EU and its Member States.

The EU continued to be among the key donors in Afghanistan, championing human rights through its different instruments and thematic programmes. The EU Delegation in Kabul implemented 17 and signed 5 new contracts in support of civil society, human rights, gender, media and social protection. Seven contracts were implemented and two new contracts were signed under the European Instrument for Democracy and Human Rights (EIDHR). In 2017, the EU additionally started a project

addressing vulnerable children and women in conflict with the law, supporting their rehabilitation and successful reintegration into society.

The State Building Contract (2016-2018) provides important leverage to monitor and advocate for sustained progress on all aspects of human rights and democracy, as well as reform in the area of anti-corruption. In addition, the EU supports the implementation of the NAP 1325, ministries' anti-corruption plans, the Justice Sector reform plan and the Child Act, linked with progress on specific achievements in the 'Self-Reliance through Mutual Accountability Framework' (SMAF). The EU also promotes effective gender mainstreaming across all programmes, with support to the WEE-NPP being envisaged for 2018.

Afghanistan was elected to the Human Rights Council for the term 2018-2020. An official invitation to the International Criminal Court (ICC) to visit Afghanistan was sent in August. In November, the Prosecutor of the ICC requested the authorisation to initiate an investigation into alleged war crimes and crimes against humanity in relation to the armed conflict in Afghanistan since May 2003. Afghanistan expressed the commitment to sign the Optional Protocol to the Convention against Torture (CAT); a Cabinet decision has been made, yet the formal steps with the UN remain to be taken. Afghanistan has not signed the 2nd Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) regarding the abolishment of the death penalty.

## **People's Republic of Bangladesh**

Bangladesh's high economic growth and incremental poverty reduction have not been accompanied by comparable progress in the area of human rights and respect for the rule of law. Bangladesh has ratified most of the international treaties and covenants including the ICCPR. The political situation in Bangladesh has been characterized by a dominant role of the ruling party, with the main opposition parties (Bangladesh Nationalist Party and Jamaat-e-Islami) out of the parliament with practically very limited influence on the political process. Radicalization is intensifying and Bangladeshi authorities have significantly increased operations by security forces against suspect groups but have no comprehensive strategy to counter radicalisation. Violence on religious grounds continued in a sporadic manner in 2017.

Shrinking democratic space and the continuous deterioration of civil and political rights, including extrajudicial killings, enforced disappearances and restrictive actions against human rights activists, as well as independence of judiciary and access to justice remain areas of grave concern. Human rights NGOs documented at least 139 cases of extrajudicial killings and 86 cases of enforced disappearances in 2017. Law enforcement agencies are mostly unsuccessful in tracking down the perpetrators. The death penalty is maintained in Bangladesh. The trial courts sentenced 410 persons to death and six people were executed in Bangladesh in 2017. On 27 November, the High Court upheld the death sentences of 139 men convicted for killing 57 army officers and 17 others during the 2009 mutiny. Appeals are planned to be filed at the Supreme Court.

Progress is needed in the field of freedom of expression and of the media, Bangladesh ranked 146th among 180 countries on the World Press Freedom Index in 2017. There are several legislative acts in place that restrict the freedom of expression, most notably the Information and Communication Technology Act. The rights of persons belonging to minorities should be improved. Gender equality, women's and children's rights, fundamental labour rights, freedom of assembly freedom of

association (trade union registration) and fair labour practices, also remain of concern, as is the situation of the Rohingyas, despite appreciated constructive humanitarian role played by Bangladesh in welcoming the Rohingya refugees who have arrived as a result of violence in Northern Rakhine State, Myanmar on 25 August 2017. Despite some progress as regards work place safety registered in the framework of the Sustainability Compact, the Bangladesh Labour Act and the Export Processing Zone Law maintain high thresholds for forming trade unions and so far failed to comply with key ILO Conventions which Bangladesh ratified. There are persisting problems in relation to child labour. Violence against women remains widespread. Bangladesh continues to have one of the highest child marriage rates worldwide.

In 2017, the EU's main priorities remained the rule of law and access to justice, promoting freedom of expression, fundamental economic and social rights, gender equality, women's human rights and preventing gender-based violence; protection of minorities (religious, ethnic, work and descent-based) and refugees, abolishing the death penalty. The EU Delegation and the EU Heads of Mission adopted a Local Implementation Strategy for the European Union Guidelines on Human Rights Defenders, aiming at enhancing cooperation with and provide support to human rights defenders in Bangladesh.

The EU closely followed the human rights situation in the country through political dialogue, public diplomacy, development cooperation activities, engaging with civil society representatives and human rights organisations and defenders. The EU regularly called on Bangladesh to make progress on the issues of human rights and democracy at all meetings with Bangladeshi partners. The EU regularly underlines that the respect of human rights and democracy, including free, fair and inclusive elections due end 2018, in accordance with international standards for democratic elections, are essential for creating a more prosperous Bangladesh. The EU raised concerns on enforced disappearances, extra-judicial killings, judicial independence, freedom of expression, labour rights and freedom of association, child labour and the death penalty at the 8th EU-Bangladesh Joint Commission meeting in Brussels in July 2017. The EU has also underlined the urgent need for aligning labour legislation with ILO standards and allowing for the full freedom of association at the 3rd Sustainability Compact Review meeting in Dhaka in May 2017.

In 2017, EU human rights projects were being implemented by different organisations focussing on access to justice, protection of minorities (religious, ethnic, work and descent-based) and refugees, economic and social rights, including labour rights, gender equality, women's human rights, gender-based violence and rights of sexual minorities, freedom of expression.

## **Kingdom of Bhutan**

Bhutan has made significant progress in building democratic institutions in what is considered a smooth democratisation process.

In 2017, bilateral political relations developed further through visits to Bhutan of EU senior officials and MEPs, as well as visits to Brussels of Bhutanese Parliamentarians and officials, culminating with the Biennial EU Bhutan consultations which took place in Brussels on 23rd November 2017, during which it was discussed a number of matters in the area of human rights and the country's focus on democratic consolidation and rule of law.



Bhutan's constitution and laws are overall in line with international standards and no incidents of serious human right violation or abuses were reported.

Bhutan has taken noteworthy steps in strengthening its democratic institutions and the rule of law, most recently with the adoption by the Parliament in December 2017 of two important bills that should fight corruption (Bhutan was ranked 27th out of 176 countries in 2016 in the Corruption Perception Index) and promote and protect freedom and independence of the media. Bhutan's press freedom ranking climbed further 10 places in 2017 according to the World Press Freedom Index as it was ranked 84th among 180 countries.

Bhutan also continued to progress on the empowerment of local authorities and the creation of a vibrant civil society, on fighting poverty and improving access to social services to vulnerable populations, as well as on safeguarding women's and children's rights and promoting gender equality. A large part of EU's development cooperation in Bhutan supports these efforts, in particular through the implementation of a project on decentralization and the launching in 2017 of a project of support of civil society organisations and community based organisations.

Reported restrictions of freedom of assembly and association as well as of freedom of religion and belief are rare, although some concerns are still raised on the situation of the Nepali-speaking Lhotsampa minority still living in Bhutan. The implementation of the resettlement process for the Lhotsampa refugees in the UN-administered camps in Eastern Nepal was not completed at the end of 2017, and the fate of the remaining refugees is still unclear. The EU is following the situation in Nepal and regularly outreaches to the Royal Government of Bhutan in this regard.

Bhutan's progress in signing, ratifying and implementing core international Human Rights instruments remains slow, although some positive steps have been observed in 2017 for Bhutan to fulfil its international obligations, notably the government launched an initiative to adopt guidelines with the aim of ratifying some key human rights instruments.

Despite the increased efforts to fight gender inequalities and gender-based violence (the Government of Bhutan adopted in 2017 a Gender Equality Policy), the country is still ranked very low in the Global Gender Gap Index (124th out of 144 countries in 2017). All EU development projects in Bhutan are gender-sensitive and some directly aim at improving gender equalities and empower women in vulnerable situations.

## **Brunei Darussalam**

Brunei Darussalam is an absolute monarchy, been ruled by the Sultan Haji Hassanal Bolkiah for the past 50 years. The Legislative Council, whose members are appointed by the Sultan, meets annually to approve the budget and recommend legislation. Formally, Brunei remains under a state of emergency since 1962. English common law forms the basis of the legal system, but with important exclusions – there is no judicial review or habeas corpus. The country retains the death penalty in law but can be considered abolitionist de facto as no known executions have occurred in Brunei since 1957.

In 2017, like in previous years, the most serious human rights issues have been the restrictions on religious freedom and on civil and political rights, most notably the absence of free and fair elections.

In an otherwise tolerant society, in which Sunday and Friday are the weekend, and Christmas Day is a public holiday, Brunei has become more conservative in its approach to Islam over recent years, which it seeks to develop further under the Malay Islamic Monarchy (MIB) concept. After the introduction of Phase one in 2014, the Government is working on Standard Operating Procedures to further roll out the Sharia Penal Code, including physical punishments. However, there have been no precise indications when further phases of the Code would be introduced. Full enactment of the Sharia Penal Code would undermine Brunei's long-standing international human rights commitments. Although the government claimed that it would operate alongside the existing common law, there is no clarity yet on how that would take place.

The EU consistently uses bilateral meetings with Brunei's authorities to raise human rights issues and has regularly urged Brunei to accede to further core UN human rights conventions. There is no dialogue on human rights with Brunei but these issues are discussed regularly by the EU local representation and during the annual visit of the non-resident Head of Delegation.

Brunei has ratified and acceded to UN Human Rights Conventions which apply to women (CEDAW), children (CRC and the two optional protocols) and people with disabilities (CPRD). Brunei signed the Convention against Torture in September 2015, but has not yet ratified. It has not signed the other key UN Human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR).

## **Kingdom of Cambodia**

In 2017, the government took significant steps to restrict the operating space of the opposition, civil society and independent media. The dissolution of the main opposition party in particular is a significant step away from the path of pluralism and democracy enshrined in Cambodia's constitution and supported over more than two decades by Cambodia's international partners including the European Union.

Cambodia held local elections on 4 June in 1,646 commune councils across the 24 provinces and the municipality of Phnom Penh. While the election campaign was uneven and marred by some intimidation, there was a peaceful environment and a high turnout on Election Day. The counting and publication of results appeared to take place largely in accordance with the legislation. The EU supported the voter registration process conducted by the National Election Committee, provided technical support to the NEC on legal and civic education aspects, and supported domestic election observation and election violence monitoring.

Kem Sokha, President of Cambodia's main opposition party, was arrested on 3 September and accused of being part of a conspiracy to topple the government in collusion with a foreign power. On the same day, an HRVP Spokesperson statement noted that the arrest breached Kem Sokha's parliamentary immunity and called for his immediate release.

Following a complaint by the Ministry of Interior, on 16 November the Supreme Court ordered the dissolution of the Cambodia National Rescue Party (CNRP) and the banning from politics of 118 opposition politicians. The HRVP Spokesperson statement issued later that day noted that the decision led to the disenfranchisement of the voters who had given their support to the CNRP and that an electoral process from which the main opposition party has been arbitrarily excluded is not legitimate.

The operating environment for civil society organisations has become more restrictive and the provisions of the Law on Associations and NGOs appear to have been applied more strictly to NGOs critical of the government, especially on civil and political rights, electoral, land and environmental issues. On 23 August, the American organisation National Democratic Institute was given seven days to leave Cambodia on grounds of failure to register.

The media have also been the object of restrictive measures. On 4 September the Cambodia Daily shut down after having been given a very short ultimatum to pay a very large tax bill. A radio station rebroadcasting opposition party programmes was closed, as were a number of radio stations broadcasting Voice of America and Radio Free Asia, also expelled from Cambodia. The HRVP Spokesperson said on 25 August that while organisations operating in Cambodia need to abide by Cambodian law, the European Union expects the Cambodian authorities to apply the law in a reasonable and equitable way. A local HoMs statement was issued on the closure of the Cambodia Daily a few days later.

On 29 June, 427 days after their arrest, four members of the human rights organisation ADHOC and the deputy secretary general of the NEC (a former ADHOC employee), collectively known as the ADHOC 5, were released on bail from pre-trial detention. The five still potentially face trial on charges of bribing a witness. The EU, which had asked for their release on several occasions, welcomed this development by a local statement issued on 30 June.

The resolution of land disputes continues to be a significant issue in Cambodia. On 30 August, after a meeting with the Ministers of Commerce, Agriculture and Environment, the Ministry of Land Management issued a press release in which it gave local authorities in Koh Kong, Kampong Speu and Preah Vihear provinces instructions to facilitate applications by people involved in long-standing land disputes linked to economic land concessions.

The EU Delegation was active in 2017 on the implementation of human rights initiatives that the EU considers crucial for Cambodia, including environmental and land rights, freedom of association, the independence of the judiciary and democracy (including transparent, credible and inclusive elections). Major actions undertaken by the EU Delegation were the organisation of a Human Rights Day speakers' corner event and the provision of financial support to projects related to the promotion of human rights. The EU Delegation held regular meetings with key government actors on good governance and democracy issues, such as the fairness and independence of the judiciary and due process, a level playing field for elections and land rights. The arrest of the opposition leader and the dissolution of the CNRP were regularly raised with the authorities. These matters were also discussed with opposition and civil society leaders.

Through the EIDHR thematic budget line, the EU provides support to civil society organisations working to train and strengthen human rights defenders. The EU also supports civil society organisations working on land reform with a focus on supporting poor rural communities who have been evicted from their land, supporting indigenous people's land rights and forest rights, and supporting the urban poor in getting recognition for their right to secure land tenure; other projects focus on women's empowerment and human trafficking.

The EU is a major financial contributor to the Extraordinary Chambers in the Courts of Cambodia (ECCC). In addition to its support for the Court Chambers, the EU assists civil society organisations implementing non-repetition and communal reparation projects recognised by the court.

## People's Republic of China

The human rights situation in the People's Republic of China continued to be a matter of significant concern during 2017. While the authorities concentrated on improving people's standards of living, including in some spheres of social and economic rights, in the spheres of civil and political rights there has been very little progress.

As in previous years, in 2017 the EU pursued its commitment to promoting the universality of human rights and to helping improve the human rights situation in China, following the speech delivered by President Xi at the World Economic Forum in Davos on 17 January 2017, where he underlined China's commitment and call to others to "adhere to multilateralism to uphold the authority and efficacy of multilateral institutions (...) honour promises and abide by rules (...) not to select or bend rules as one sees fit"; the EU continued to remind China of its obligations under the UN Charter and international law, which are also reflected in China's Constitution, as well as urging China to implement policies in line with these obligations and President Xi's calls.

The EU's main priorities regarding the human rights situation in China remained constant in 2017: underlining the universality, indivisibility and interdependence of human rights; supporting freedom of expression; providing support to civil society, human rights defenders and persons belonging to ethnic and religious minorities, in particular Uighurs and Tibetans, and promoting genuine progress towards China's expressed ambition of establishing the rule of law. The EU also continued to urge China to ratify the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998 and committed to ratifying during the two Universal Periodic Review processes (in 2009 and 2013). Under the EU's global campaign against the death penalty, and given the reported estimates that China executes more people every year than all other countries combined, despite some commitments to bring down the number of executions, the EU also continued to voice its concerns regarding the use of the death penalty in China.

The Chinese authorities continued to implement a number of reforms to improve the living standards of China's citizens, gradually improving access to basic social services such as healthcare and education, and eradicating poverty. This continued to reflect the progress that China has registered over the past years in improving social and economic rights, although specific categories of the population such as migrant workers remained deprived of such rights. However, in the sphere of civil and political rights, despite the rhetoric, progress remained very limited. China continued its efforts to reform and professionalise its judiciary, and made commitments to ensure legal representation for greater numbers of criminal defendants. The draft law on National Supervision marked the end of the extra-judicial system known as "shuanggui", used to investigate violations of discipline (usually a euphemism for corruption) in the Party. This practice had previously been beyond the reach of the Chinese judicial system, where basic rights of detained individuals were not guaranteed. On the other hand, when it came to ensuring the right to a fair trial and rights of detainees, the situation continued to be problematic owing to the inconsistent and arbitrary application of legislation and lack of procedural guarantees for detainees, especially in cases of

individuals detained for exercising fundamental human rights or while seeking to protect the human rights of others.

The situation of human rights defenders continued to deteriorate significantly. By the end of 2017, there were still a number of lawyers and human rights defenders, out of the approximately 300 targeted in the 9 July 2015 crack-down, who were still being detained, awaiting trial or under surveillance. There was a significant lack of transparency and consistent lack of procedural guarantees in the detention and trials of the so-called '709 group', especially the difficulty of gaining access to their family members and to lawyers of their own choosing. Other human rights defenders subjected to 'residential surveillance at a designated location' continued to be kept incommunicado, and there were accounts of physical and psychological mistreatment, including torture, by detainees and their lawyers. This was reported by a number of international NGOs and news agencies and several individuals offered first-hand testimony. Family members of those detained continued to live under very difficult conditions, experiencing deprivations of their basic rights on a regular basis (such as the right to education for their children) and other forms of harassment by the authorities.

Liu Xiaobo, laureate of the Nobel Peace Prize in 2010, died while still in custody on 13 July 2017. In late June, the Chinese authorities had confirmed that Mr. Liu was suffering from a very serious form of liver cancer. Despite numerous calls from the international community, requests by Mr. Liu and his wife, Liu Xia, to allow him to receive treatment outside of China were ignored by the Chinese authorities. After Liu Xiaobo's death, Liu Xia and other members of their family continued to be kept under strict surveillance.

In 2017, the EU continued to follow closely the human rights situation of persons belonging to ethnic and religious minorities in China, especially in Tibet and Xinjiang. The Tibetan language campaigner Tashi Wangchuk, who was detained in January 2016, was put on trial in January 2017 for "inciting separatism". He continues to face up to 15 years in prison for having given an interview to the New York Times, advocating the rights of Tibetans to learn and study in their mother tongue while stating explicitly that he was not calling for Tibetan independence. The demolitions at and relocations from the Larung Gar Buddhist Academy, which caused much distress in the Tibetan community, continued in 2017.

In Xinjiang, there were continued reports of social unrest and repression connected to restrictions on Uighurs' economic, social and cultural rights, especially on the practice of Islam. Thousands of Uighurs and other Muslim ethnic minorities were reportedly sent to re-education camps or so-called "Counter-extremism Training Schools", and were deprived of any contact with their families. There were also reports that Uyghur students enrolled in schools outside China being ordered by the Chinese authorities to return to their home towns in order to be re-educated. In some cases, family members were held hostage to force their return. The Chinese authorities also increased their surveillance in Xinjiang, including road blocks, strip searches, forced surrender of passports of Uighurs, mandatory GPS trackers, and collection of DNA samples, fingerprints, eye scans and blood types of Uighurs aged 12 to 65. Uighur academic Ilham Tohti, who worked peacefully within China's laws to promote equality and understanding between different ethnic groups, continues to serve the life-sentence handed down against him in 2014.

In the legislative sphere, the Foreign NGO Activity Management Law (adopted on 28 April 2016) entered into force on 1 January 2017 and the new Cybersecurity law (adopted in November 2016)

entered into force on 1 June 2017. The EU and its Member States had participated in public consultations on these laws and regulations in order to encourage China to avoid restrictions on human rights and to refrain from creating provisions that are not in line with China's obligations under international law, but relatively few of the EU's comments were reflected in the outcome. At year's end, while more than 250 foreign NGOs had registered representative offices under the new law, many others remained in search of a supervisory unit. Concerns also remained regarding the implications of the Cybersecurity Law, in particular on the right to privacy.

The EU continued to engage on human rights issues with China at all levels. Most notably, President Tusk voiced the EU's concerns both bilaterally with Chinese Premier Li and publicly at his press conference after the EU-China Summit in Brussels on 1-2 June 2017. He underlined the importance that the EU attaches to human rights as an integral part of its relations with China, especially underlining concerns regarding freedom of expression and association in China, the detention of human rights lawyers and defenders, and the situation of minorities such as Tibetans and Uighurs.

In 2017, the EU made several public statements regarding the human rights situation in China. On 28 January, a statement by the spokesperson reacted to reports of serious mistreatment of detained human rights lawyers Li Heping, Wang Quanzhang and Xie Yang. The statement called upon the competent authorities in China to investigate the accounts of torture, and, if confirmed, to punish the responsible persons in line with Chinese law. On 30 June, in view of the deteriorating health and serious condition of Nobel Peace Prize winner Liu Xiaobo, HR/VP Mogherini called upon China immediately to grant him parole on humanitarian grounds and to allow him to receive medical assistance at a place of his choosing in China or overseas. She also outlined the EU's expectation that China remove all limitations on the movements of Mr Liu's wife and family members. On 14 July, following the death of Liu Xiaobo, the Presidents of the European Commission and Council made a joint statement underlining their sadness in hearing the news and reiterating the EU's appeal to remove all restrictions on the movement and communications of Mr. Liu's family members, including his wife Liu Xia. They also renewed the EU's call for all prisoners of conscience in China to be released. On 8 December, on the occasion of the International Human Rights Day celebrated every year on 10 December, the EU Delegation in Beijing published a local statement, underlining China's success in improving the lives of its citizens but expressing deep concern about the deterioration of the situation with respect to freedom of information and freedom of expression and association, including with respect to online activity. The statement underlined the cases of human rights lawyer Jiang Tianyong, who had recently been convicted, and those of detained human rights defenders Ilham Tohti, Wang Quanzhang, Wu Gan, Tashi Wangchuk, Li Yuhuan and Huang Qi. On 27 December 2017, the EEAS reacted with a spokesperson's statement to the convictions of Chinese human rights lawyer Xie Yang and human rights defender Wu Gan on 'subversion of state power' and related charges, and the sentencing of Mr. Wu to 8 years' imprisonment, which raised serious concerns of due process and respect for the rule of law.

The 35th round of the EU-China Human Rights Dialogue was held in Brussels on 22-23 June. As outlined in the press statement published by the EU on 23 June, the meeting allowed for candid discussions on the deteriorating situation for civil and political rights in China, which has been accompanied by the detention and conviction of a significant number of Chinese human rights defenders and lawyers. Restrictions on the freedom of expression in China, and systemic issues in the criminal justice system, including cases of arbitrary detention and allegations of torture, were

also raised by the EU. In addition, the two sides discussed migration and the rights of refugees, the freedom of religion and belief, the rights of persons belonging to minorities, especially in Tibet and Xinjiang, and the freedom of peaceful assembly and association, including the implementation of China's Foreign NGO Activity Management Law.

The EU also referred to the human rights situation in China in its item 4 statements issued during the March and September sessions of the UN Human Rights Council (HRC).

The EU also contributed to the improvement of human rights in China through official cooperation with the government under the EIDHR and Non-State-Actors (NSA) instruments. Through these instruments, the EU financed projects in domains such as access to justice for vulnerable groups, procedural safeguards in pre-trial detention, support for reforms concerning capital punishment, promotion and protection of the rights of women, disabled persons, vulnerable children and other groups, and combating discrimination based on gender and sexual orientation.

### **Hong Kong Special Administrative Region of the People's Republic of China**

Within the framework of the 'one country, two systems', enshrined in the Basic Law of Hong Kong, the rights and fundamental freedoms of the people of Hong Kong continued to be generally respected and the rule of law was upheld in 2017. However, the principle of "one country, two systems" has come under increasing pressure. The rule of law and the independence of the judiciary in Hong Kong have been questioned. The implementation of the electoral reform has been postponed.

Hong Kong residents continue to enjoy freedom of speech, of the press and of publication; freedom of association, of assembly, of procession, of demonstration, of communication, of movement, of conscience, of religious belief, and of marriage; and the right and freedom to form and join trade unions, and to strike. The media, including the digital media, continued to be largely free and to give voice to a range of views. However, there are ever more reports of pressure on journalists and increased self-censorship.

There is no comprehensive legal framework dedicated to the issue of human trafficking which makes combatting and prosecution difficult. Certain minorities remain without any legal recourse when facing discrimination. In 2017, the LGBTI community remains without legal protection against discrimination. The situation of Foreign Domestic Workers continues to be a concern.

The EU continued to support civil society in Hong Kong through regular contacts with human rights defenders, NGOs and the media, and the organisation of human rights campaigns. The EU also supported women's rights and the human rights of LGBTI persons through various campaigns and events.

In July the EU organised a workshop on preventing and combating trafficking in human beings and protecting its victims, in cooperation with the Hong Kong Office of the Secretary for Security.

China, and within it Hong Kong, will be subject to Universal Periodic Review (UPR) for the third time in 2018.



## **Macao Special Administrative Region of the People's Republic of China**

Within the framework of 'one country, two systems', enshrined in the Basic Law of Macao, the rights and fundamental freedoms of the people of Macao continued to be respected and the rule of law upheld.

Macao enjoys a high level of civil liberties and respect of human rights and fundamental freedoms. However, the government rejects a suggestion by the UN Committee against Torture (UN CAT) to establish an independent human rights body, saying that this recommendation is not applicable in the Macao Special Administrative Region, as an administrative region of the People's Republic of China. The major issues challenging human rights in Macao are human trafficking, lack of a framework for greater democratic participation, and the failure to enforce laws regarding collective bargaining.

In 2017 the EU continued to support the activities of, exchange information with and strengthen the capacity of local human rights defenders and NGOs through seminars and online campaigns.

China, and within it Macao, will be subject to Universal Periodic Review (UPR) for the third time in 2018.

## **Taiwan**

Taiwan's overall human rights situation is very good. The death penalty remains in force, but 2017 was the first execution-free year since 2010. No execution has been carried out since the DPP government assumed office in May 2016 and a de facto moratorium on executions can be considered installed. However, Taiwan still holds 44 inmates on death row. The EU has initiated training for civil dialogues on alternatives to the death penalty in order to promote greater understanding of the EU's position on the death penalty and to find alternatives. The EU also supported the production of a documentary on the different actors involved in death penalty executions, aimed at conveying to the public the real effects of death penalty on the people directly affected. In its annual consultations on non-trade issues with Taiwan, the EU also raised its concerns over the death penalty.

There are concerns over migrant workers' rights in Taiwan. Even though the majority of migrant workers (with the exception of domestic helpers and fisheries workers) fall under the protection of the Labour Standards Act, the rights of migrant fisheries workers on Taiwanese fishing boats are defined only by article 26 of the 2016 Act for Distant Water Fisheries and the 2017 administrative regulation on the authorisation and management of overseas employment of foreign crew members. However, the government is unable to enforce the new regulations owing to a shortage of labour inspectors, and appalling working conditions still exist for many migrant fisheries workers. Taiwan has focused attention on combating sexual discrimination, enhancing gender equality and upholding cultural and linguistic pluralism (including for indigenous people). The EU engages with Taiwan on gender equality and the rights of LGBTI persons, where Taiwan is seen as a positive example for the Asia-Pacific region. Following the ruling of the Constitutional Court which declared on 24 May 2017 that same-sex couples have the right to legally marry, Taiwan is set to become the first in Asia to legalise same sex marriage.

## Iran

### *Overall human rights situation*

The situation of human rights in Iran remained concerning in 2017. An encouraging development was the adoption of the amendment to the Anti-Narcotics law which could significantly lower the application of death penalty in the country. Some reforms aimed at combating violence against women were also undertaken. At the same time, restrictions to civil freedoms persisted, notably lack of guarantees of free and fair trial, violations of freedom of expression, religion or belief and of women's and girls' rights. Abuse and torture in prison and the detention of dual nationals remained a matter of concern. The end of the year was marked by nationwide protests mainly driven by economic grievances. On 2 January 2018 the High Representative Mogherini issued a declaration on behalf of the EU on the situation in Iran.

### *EU action - key focus areas*

The EU continued to closely follow the situation of human rights in Iran and voiced concerns using a variety of formal and informal, bilateral and multilateral tools. As in previous years, the EU supported the resolution on the human rights situation in Iran tabled by Canada during the United Nations General Assembly in New York. In its bilateral contacts the EU focused on issues of particular concern such as individual cases, the use of death penalty and issued statements in particular on the execution of juvenile offenders.

### *EU bilateral political engagements*

The EU held the second round of informal discussions with Iran on human rights issues in the context of the High Level Dialogue. Both sides agreed to continue the discussion in a constructive spirit and to focus on tangible results. Through this channel of communication and engagement at political level the EU will progressively address its concerns. Human Rights are part of a broad and comprehensive agenda of cooperation with Iran which is based on the Joint Statement agreed on 16 April 2016.

### *Multilateral context*

The Government of Iran accepted 189 of the 291 recommendations based on the universal periodic review in 2014 and asserted that most of the recommendations had been implemented. However, Iran still failed to implement its legal obligations stemming from international human rights conventions to which it is a party.

## Republic of Korea

In 2017, the constitutional order and the rule of law were observed in the Republic of Korea, with a peaceful transfer of power following the impeachment of President Park. The new President Moon Jae-in was elected in May 2017 and vowed to place human rights at the centre of his policy and to possibly revise the Republic's Constitution. The government has wide scale plans to improve the overall framework for human rights, in particularly in the area of economic and social rights. Improvements were also noted in the field of freedom of assembly.

EU actions throughout 2017 focussed on supporting the new government's prioritisation of human rights, and sharing experiences on areas such as gender equality and anti-discrimination, and on moving from the de-facto moratorium on executions to the formal abolition of capital punishment.

In order to ensure sustainable solutions to longstanding problems, the government will need to develop the legal framework and encourage positive practices. These problems include restrictions on freedom of expression, as a result of the National Security Law and some aspects of the Online Information Regulation, the system for authorising public demonstrations, certain restrictions on the establishment of trade unions and the right to strike, the imprisonment of conscientious objectors to military service, the absence of a general anti-discrimination law to protect minorities and LGBTI persons, and the need to formally abolish the death penalty.

The EU maintained regular contact with individuals and civil society organisations from all sides of the political spectrum working on a range of human right issues. At the same time, cooperation with government bodies, including the National Human Rights Commission, was enhanced. The EU also cooperated with organisations working on gender equality and the eradication of violence against women, including conferences on participation in the labour market and a seminar on countering gender-based violence.

The EU and many EU Member States cooperated with civil society organisations promoting LGBTI rights and participated, including at Ambassadorial level, in the Seoul LGBTI Pride Festival.

The EU also worked with human rights defenders on issues relating to the protection of human rights in North Korea. The Domestic Advisory Group (DAG) formed under the Sustainable Development chapter of the EU-Republic of Korea Free Trade Agreement also included Korean and European Human Rights Defenders.

The EU Partnership Instrument and Technical Assistance and Information Exchange instrument (TAIEX) were used to fund a seminar on countering online, gender based violence. The seminar received widespread media attention, and six months after the seminar, the government published a comprehensive set of measures to address the problem.

The Republic of Korea underwent its Third Periodic Review under the UN Universal Periodic Review (UPR) cycle in 2017. The government immediately accepted 85 of the recommendations and committed to report on 130 further recommendations in March 2018. The Republic of Korea was also reviewed by the Committee on Economic and Social Rights and by the Committee on Torture. All of the reviews included the key issues described above. In June 2017, the UN Working Group on Business and Human Rights presented its report from its 2016 visit to the UN Human Rights Council.

The government cooperated closely with the UN Special Rapporteur for Human Rights in the DPRK on his visits to the Republic of Korea. In February 2017, the Republic of Korea also hosted the annual meeting of the Working Group on Enforced or Involuntary Disappearances.

The fourth Annual EU-Republic of Korea Human Rights Consultations took place in Brussels. The bilateral dialogue reaffirmed the commonality of views regarding multilateral and thematic issues, as well as the joint will to enhance cooperation on a range of human rights initiatives.

In December 2017, the EU Special Representative for Human Rights, Stavros Lambrinidis visited the Republic of Korea, with a view to exploring the possible participation of the country in his "Good Human Rights Stories Initiative".

## Democratic People's Republic of Korea (DPRK)

In 2017 the overall human rights situation in the country remained dire, with continuing reports about grave and systematic violations. Serious concerns remained with regard to the areas of the right to life, liberty and security of the person, right to a fair trial, freedom of movement and freedom of expression, food security, health-care, etc. Clear assessment was difficult given the lack of a credible accountability mechanism and limitations on access to independent human rights monitors.

The EU's priority remains securing improvements on the ground in all areas affected. However, the restricted contacts of the EU and Member States with DPRK officials, which became even more limited as a consequence of the increasing amount of missile and nuclear tests conducted by Pyongyang, have had an impact on the areas that can be positively addressed in cooperation with the country's Government. This year the EU has also drawn attention to reports on abuses and violations committed against non DPRK citizens, inside and outside the country.

There are multiple, structural problems in all fields pertaining to human rights and democracy, as documented by the final report of the UN Commission of Inquiry on Human Rights in the DPRK (2014). According to the report, some of the abuses may amount to crimes against humanity.

Still, there were some positive steps in 2017, notably the visit of the Special Rapporteur on the rights of persons with disabilities to the DPRK in May 2017. The country also submitted national reports to the UN Committees on the rights of women and children.

Due to unfavourable political circumstances the latest (14th) round of the EU-DPRK Political Dialogue where Human Rights issues were raised was held in May 2015.

A limited number of national organisations deal with issues of human rights in the country, as an integral part of the governmental structure. Some of them have obtained support from abroad for activities that benefit the most vulnerable groups within society. The EU maintained close contact with CSOs based in the Republic of Korea working on human rights in the DPRK and continued cooperation with the OHCHR Seoul Office.

Over the past decades, the European Union has been providing humanitarian assistance to DPRK in the area of food security and, to a lesser extent, health and water & sanitation. This assistance is part of the European Union's policy of critical engagement towards DPRK. Human rights are raised indirectly under this assistance (e.g. people's right to food, livelihood). Some of the EU-funded projects also support DPRK organisations addressing social inclusion of the disabled and the elderly. EU-funded projects are targeting the most vulnerable people in society (including children, elderly, vulnerable farming communities or groups).

The EU together with Japan, have tabled again in 2017 two resolutions on the situation of human rights in the DPRK at the UN Human Rights Council and the Third Committee of the UN General Assembly respectively.

There is no Delegation of the EU to the DPRK. EU MS with Embassies there take turn every 6 months to represent the EU at local level.

## India

India is a democratic and plural country where the 1950 Constitution, relevant legislation and robust institutions warrant its citizens' rights, along the core principles of secularism and equality. While India has an active and robust civil society and many relevant policy schemes, structural issues such as institutional capacities, unequal distribution of/or access to services and procedural hurdles can at times be impediments towards the implementation of legislations and policies in place. In this context, national human rights institutions such as the National Human Rights Commission (NHRC) and the State Human Rights Commissions will continue to play an important role. The National Commission for Minorities and the National Commission for Women, the National Commission for the Protection of Child Rights as well as States Human Rights Commissions will continue to be key players towards achieving the ambitious 2030 SDGs. Difficulties faced by an increasing number of NGOs in the context of the enforcement of the Foreign Contribution Regulation Act (FCRA) since 2011 has led to a slowdown of activities of large numbers of organisations and human rights defenders. Many are seeking to reobtain their licences in lengthy court proceedings.

There has been significant progress in the field of women and child rights. Recent efforts to change the cultural mind-set through official programmes for the empowerment of the girl child, such as "Save the Girl, Educate the Girl" have to be credited. The issue of child marriage is increasingly being addressed with successful awareness programmes including in Rajasthan. Despite increased awareness on the issue, sexual abuse of children remains an important concern of the authorities and public opinion. Notwithstanding this progress and existing legislations to combat violence against women in any form, including acts of sexual violence continue to be perpetrated including in insurgency-affected areas. Women from vulnerable communities, in particular those at the bottom of the caste hierarchy or Dalits and indigenous people are still most vulnerable to human trafficking. Police reforms and administrative reforms are under way with new structures to tackle this situation.

In 2017, the EU activities and events regularly addressed Human rights issues. The EU has been interacting with stakeholders in India in various formats and at various levels, including officials, dedicated human rights institutions, civil society representatives and the broader public. The EU has increasingly been using social media to interact on Human Rights issues with general public.

The EU continued to focus on efforts to combat discrimination and inequality, promoting gender equality and children's rights and defending the integrity of the person. The EU also supported Human Rights Defenders, interacting with the human rights defenders network, including during field trips. The EU Delegation to India maintained regular contacts with the National Human Rights Commission and established contacts to address difficulties faced by human rights defenders

The EU has been promoting establishment of a moratorium on the death penalty in India with a view of the abolition of the capital punishment. Regardless no execution was carried out in 2017, the death penalty remains on India's Statute Book, being awarded only in the "rarest of the rare cases".

The EU also afforded practical support to the realisation of human rights and the work of civil society actors through its programmes and projects. The EU is supporting CSO involvement in policy making with a view to improving governance in priority sectors of the EU-India strategic partnership (water, clean energy, climate change mitigation and adaptation).

In its activities the EU joined forces with other stakeholders active in India, for example UN Women India, Plan India realising joint activities, for example the campaign #GirlsTakeOver to fight gender stereotypes and gender discriminatory behaviours or #SpotlightEndViolence.

The EU has been engaging with Indian political representatives during visits, including European Parliament Delegations' visit to India in February 2017 or High Representative/Vice President F. Mogherini visit to India in April 2017. At the EU - India Summit, held in October 2017, the leaders highlighted shared principles and values of democracy, freedom, rule of law and respect for human rights, and reiterated the importance India and the EU attach to human rights cooperation, including on gender equality and women empowerment in all spheres of life. In this regard, they looked forward to the next session of their dialogue to be held in New Delhi and supported enhancing interaction in international fora, in particular the UN General Assembly and the UN Human Rights Council.

In 2017 the EU has supported, through the European Instrument for Democracy and Human Rights (EIDHR), projects for approximately 6 million Euros. Given the scope of India the EU interventions were mostly limited to specific Indian states or its parts focusing also on most vulnerable communities with difficult access to government support schemes, excluded communities facilitating social inclusion, etc. The projects were addressing discrimination and violence against women, women and child rights, particularly to eliminate sex-selection (female infanticide), disability rights, promoting diversity in the workplace, gender wage parity and non-discrimination in the work environment, abolition of death penalty, inclusive policing in India, addressing police accountability and reforms, as well as support to Human Rights Defenders.

In December 2017 the EU Delegation launched another 10 projects financed under the EIDHR of overall value nearly 5.5 mil EURO to support local civil society organisations in their efforts to promote human rights based on the principles of equality, inclusion and non-discrimination, support to the implementation of the laws relating to caste discrimination, with a special focus on socially disadvantaged groups (Dalit women, Dalit persons with disabilities, LGBTQ, manual scavengers), as well as the children.

India is also a party to major international human rights instruments and committed to United Nations human rights bodies such as the UN Human Rights Council (HRC). In connection with its membership in the HRC until 31 December 2017. In the context of its third Universal Periodic Review (UPR) in May 2017, with strong participation of the EU Member States, it has pledged further action to improve the human rights situation and to fulfil its human rights obligations, with a particular emphasis on socio-economic development and the eradication of poverty.

The UPR was an opportunity to take stock of progress on a broad array of human rights and emerging trends. No less than 250 recommendations were made, many a reiteration of past recommendations, related to UN conventions, death penalty, financing of NGOs, women, children and LGBT rights. India accepted 152 recommendations. It was interesting to note that India accepted a large number of recommendations pertaining to Dalits. The ratification of the UN Convention against Torture (signed by India in 1997, but ratification still awaited), was also raised by many states at the third UPR.

With regard to child labour, a new benchmark was reached with the ratification in June 2017 of ILO conventions (138 and 182).

## Indonesia

Indonesia is a stable democracy with free and fair elections, a diverse and active media and a vibrant civil society. Basic human rights are guaranteed by law and the institutional human rights framework includes a National Commission on Human Rights, a National Commission on Violence against Women, and the Commission for Child Protection. In 2017 Indonesia held local elections in 7 provinces and 94 districts and cities.

In 2017, the top human rights priority for the EU in Indonesia has been the promotion of the abolition of the death penalty, starting with the introduction of a moratorium on executions. The EU has also been working on the issue of non-discrimination, in particular to enhance protection of vulnerable minority groups. Other priority areas include business and human rights, access to justice and women's enjoyment of human rights. The EU-Indonesia Partnership and Cooperation Agreement (PCA) provides the framework for bilateral cooperation. The PCA is based on shared values and includes joint commitments to the safeguarding and promotion of human rights. Since 2010, the EU and Indonesia have held six sessions of the bilateral Human Rights Dialogue.

Indonesia went through its third Universal Periodic Review (UPR) in May 2017. It supported 167 out of 225 recommendations, including considerations to establish a moratorium on executions as well as prioritising "progress on equality and non-discrimination" for LGBTI persons. Other recommendations supported included finalising investigations of "all human rights cases in Papua", ratification of OPCAT and the establishment of a National Preventive Mechanism, and the adoption of measures to eliminate female genital mutilation (FGM) and combat violence against women.

Indonesia did not carry out any executions in 2017 (18 people were executed in 2016, all for drug-related offences). Human Rights groups estimate that at least 130 prisoners, could possibly be more than 200, remain on death row. The revised Criminal Code, expected to be passed in 2018, is expected to introduce positive changes as the death penalty will be defined as an "alternative punishment", whereby convicts sentenced to death will be given a 10-year probation period with the possibility of commuting the death sentence to 20 years in prison. The EU issued a local statement on the occasion of the 2017 World Day Against the Death Penalty encouraging Indonesia to re-establish a de-facto moratorium.

2017 saw an increased number of incidences of fatal police shootings of drug suspects. The National Anti-Narcotics Agency, BNN, reported that 79 suspects were shot dead in 2017, compared to 16 in 2016. The EU is engaging with the Indonesian government on the issue of drug policy. A workshop was organised in collaboration with the Ministry of Foreign Affairs in March 2017 for sharing European experiences and best practices.

Lack of adequate protection for and discrimination against minorities (including religious groups such as Ahmadiyah and Shiites, or the LGBTI community) remains an issue. Police have repeatedly raided saunas or gyms arresting gay men for violating the 2008 Anti-Pornography Law. A court in the autonomous province of Aceh (North Sumatra) sentenced two young men to 85 lashes for same-sex relations under the provincial Sharia law. The government has closed websites pertaining to LGBTI matters and LGBTI persons have faced discrimination in the education sector. In December, the

Constitutional Court rejected a petition that sought changes to the Criminal Code that would have made consensual sex outside marriage and same-sex relations illegal. Some political parties have nevertheless vowed to insert provisions into the Criminal Code that would outlaw same-sex relations.

Authorities continue to frequently apply blasphemy laws. At least 20 people were prosecuted in 2017, including the imprisonment of Jakarta's Governor, Basuki Tjahaja Purnama "Ahok". Following the sentencing, the EU issued a local statement underlining the inhibiting effect of blasphemy laws on freedom of expression and freedom of religion or belief.

The Law on Societal Organisations was amended considerably through a Presidential Regulation in lieu-of-law. The changes allow the government to ban any societal organisation without going through a legal process. In July 2017, the government disbanded the Islamic organisation Hizb ut-Tahrir Indonesia, which promoted the establishment of a caliphate and application of Sharia law. In October, the parliament approved the regulation but under the condition that it should be reviewed to reinsert legal procedures, including the judicial review.

There continues to be concerns with regard to restrictions on freedom of expression and freedom of peaceful assembly in the provinces of Papua and West Papua, with frequent arrests of peaceful protesters and application of treason laws. Investigations into past human rights violations have progressed slowly.

The EU Delegation held regular meetings with minority groups and victims of intolerance, including with representatives of religious minority groups and LGBTI organisations. The EU Delegation continued its cooperation with Nahdlatul Ulama, the country's largest Muslim organisation espousing tolerance and pluralism. The EU also followed closely the developments in the provinces of Papua and West Papua and held meetings with Papuan human rights defenders.

The EU provided financial support to various human rights projects through the European Instrument for Democracy and Human Rights (EIDHR). The EIDHR supported 11 projects in 2017, covering a broad spectrum of issues including conflict resolution and mediation, freedom of religion, the rights of people with disabilities, support for human rights defenders, business and human rights, and accountability for human rights violations. The EU has agreed with the National Human Rights Commission to support the Commission's work in the area of torture prevention over a three-year period starting in February 2018.

## Japan

Japan remains an established and well-functioning democracy which overall ensures a high level of respect for human rights. Over the past 70 years, it has placed importance on fundamental values such as democracy, freedom, human rights, and the rule of law. In 2017, the situation has remained stable, with little change in comparison to 2016. Overall, Japan serves an example for other countries in its embrace of and advocacy for the observance of international human rights obligations, although the continued application of death penalty remains a major concern.

EU action in Japan focuses on the following priorities: i) the death penalty; ii) the criminal justice system and prisoners' rights; iii) gender equality, women's empowerment and non-discrimination and iv) promotion of an open society.



As one of the key focus areas, the EU remains firmly committed to the abolition of the death penalty in Japan. Consistent with EU guidelines on this issue, the main policy goal remains to obtain from Japan a moratorium on executions, while examining alternatives to the death penalty, with a view to its eventual abolition.

Despite strong commitment by the Japanese government to address gender discrimination and inequalities, progress in this area is slower than it could be, notably in the workplace, where problems of wage gap and lack of access to management positions persist.

The EU engaged in human rights discussions with Japan in various formats, which includes high-level meetings as well as specific thematic dialogues.

In 2017 specific emphasis was placed on the issue of the death penalty, calling for an in-depth public debate and pressing for a moratorium. In 2017, four executions took place (two in July and two in December). On both occasions, EU Delegation in Tokyo issued local statements, both with participation of likeminded partners such as Iceland, Norway and Switzerland. Furthermore, on the occasion of the European and World Day against the Death Penalty, the EU, together with Norway, Iceland and Switzerland, signed a letter which was delivered to Justice Minister Kamikawa inviting the Japanese Government to promote an open debate on death penalty in Japan. At a press conference on 7 October, the EU Delegation in Tokyo raised awareness on the death penalty issue and shared our experiences in abolishing the death penalty in European countries. Furthermore, the EU continued to cooperate closely with Japan Federation of Bar Associations for mutual support of the goal of abolition of death penalty in Japan, actively participating in several public events.

With regard to gender equality and women's empowerment, EU Delegation in Tokyo organized a social media campaign in March 2017 to raise awareness on gender equality, attracting over 5000 views. It also organized a meeting between Commissioner Jourova and the Japanese Parliamentary League, in order to exchange best practices for the promotion of women's participation in politics.

With regard to the promotion of an open society and with the aim of strengthening the Japanese civil society, the Human Rights Task Force (HRTF) continued to play an important role in engaging with NGOs, for instance at its annual networking event for NGOs in December hosted by the Belgian Embassy, to celebrate the International Human Rights Day.

In 2017 the EU continued to provide some financial support to projects in the field of human rights. Specifically, EU Delegation in Tokyo has been actively participating in steering and advising on an FPI funded project on death penalty advocacy, which will be implemented in 2018 and 2019. The objective of the project is to create a series of textbooks on criminal justice system and death penalty, which could be used as a basis for university classes for law students in some of the key Japanese universities.

2017 marked a third cycle of the Universal Periodic Review (UPR) of Japan. EU Delegation in Tokyo, jointly with Member States, was active in following the information sessions organised by civil society organisations and Ministry of Foreign Affairs on this topic. The Human Rights Task Force held several information sessions, inviting, among others, Japan's Federation of Bar Associations and Amnesty International Japan to give presentations on the human rights situation in Japan and their key priorities for the UPR. Overall, recommendations were addressed to the government of Japan as

part of the UPR review, which Japan will seek to respond to no later than the thirty-seventh session of the Human Rights Council in March 2018.

On 7 May 2017, ahead of the International Day against Homophobia, Transphobia and Biphobia on 17 May, EU Delegation in Tokyo, together with some Member States, participated in the 5th edition of Tokyo Rainbow Pride under the common slogan "Together for Equality and Diversity". Materials related to EU policy on sexual orientation and gender identity issues and broader human rights issues were promoted. The event attracted nearly 100.000 visitors. For the first time, European Ambassadors, including the Deputy Chief of Mission of the EU Delegation, took part in the parade under a common banner.

### **Lao People's Democratic Republic (Lao PDR)**

In 2017, Lao PDR has made some progress towards the national objective of establishing the rule of law by 2020. A firm political commitment was taken by Prime Minister Thongloun Sisoulith to tackle corruption, as it jeopardises Lao PDR's economic development and the legitimacy of the Party. In November 2017, the Governor of Attapeu province has been sacked for his embezzlement in illegal logging activities. However, continued involvement of government officials in illegal activities in timber, wildlife and drug trafficking still hampers any substantial progress.

Lao also faced some serious setback on allowing space for the functioning of civil society. Despite some encouraging announcements and signs of openness made by Lao authorities, the space given to civil organisations is further limited, legally constrained and overall confined to the role of basic service provider, following the entry into force of the Not for Profit Associations (NPAs) decree n. 238 in November 2017. A separate decree relating to Official Development Assistance, which is still under a drafting process, could further impede EU leverage to operate with local NPAs and INGOs.

Following Sombath Somphone's disappearance in 2012, self-censorship and fear are now deeply embedded in the minds of civil society members, as reflected by the quite harsh sentences on political grounds of three young Lao people. Challenges still remain for ethnic minorities, but the government is committed to improving their situation. LGBTI persons are tolerated without necessarily being protected.

In terms of International Conventions, Laos has ratified 7 out of the 9 core Human Rights Conventions and continues to pledge the ratification of the International Convention on Enforced Disappearance by 2019. The National Assembly (NA) adopted the Law on Treaties in May 2017, providing legal grounds for the domestication of Laos' international obligations by recognizing the precedence of international legislation over the national one. Although the new Penal code adopted by the NA in May 2017 has yet to enter into force, the revised version better complies with international standards. However, major concerns loom large on the horizon with regards to the deletion from the previous draft of the article dedicated to enforced disappearances and to the absence of major concepts such as cruel and degrading treatments, crimes against humanity and war crimes.

The Death Penalty still applies despite a de facto moratorium since 1989. If a de jure moratorium on the death penalty is still far from being considered, some abolitionist voices have been heard in the plenary session of the NA and the number of crimes punishable by the capital sentence has been reduced from 18 to 12.

The National Assembly (along with the newly established People's Provincial Assemblies - PPAs) can be regarded as the main (potential) game changers in the future, allowing for people to participate (debates, hotlines, closer representation) and showing more accountability through its oversight function as reflected during the 4th NA Session in November 2017.

The EU financial and operational support to Lao's governance has been shaped within the new 'Citizen Engagement for Good Governance, Accountability and the Rule of Law (CEGGA)', co-funded by the EU together with Switzerland and Germany, and implemented by Germany's Development Agency, GIZ. Several meetings have been held throughout the year to agree on activities to support the representative, legislative and oversight functions of the NA and of the PPAs at the local level.

The EU continued to engage very actively both with Lao authorities and civil society, often back to back with EU Member States. The scope of work included outreach to the authorities regarding persons of concern, including Bounthanh Thammavong, a Polish citizen, who in 2015 was sentenced to five years' imprisonment for propaganda against Laos. In terms of public diplomacy the Delegation continued to organise social media campaigns and to celebrate key events, such as Human Rights Day, the International Day against Homophobia and World Autism Awareness Day. On the date of the fifth anniversary of the disappearance of Sombath, the EU Head of Delegation wrote on behalf of the EU and the Member states a letter to the Foreign Minister asking for a humanitarian gesture of the government which would consist of the recognition of the disappearance and the restitution of the family book to the family.

In 2017, the EU undertook a wide range of political dialogues through various demarches (3 young people arrested, Foreign Media Decree, loopholes in the penal code, Sombath's case, UNGA71, Civil society environment and NPA Decree, Country resolutions and Death penalty Moratorium, etc.). The EU-Laos human rights dialogue that took place in February 2017 provided an important opportunity to take stock of the progress made, discuss point by point the list of deliverables, and identify ways on how to turn the government's commitments into feasible action. The Round Table Implementation Meeting, held on 24-25 November 2017, gave the EU another occasion to convey its views.

The EU has also followed the developments in connection with the Universal Periodic Review (UPR) process and tried to push for the (long-awaited) UPR national Action Plan to be issued; but despite some preparatory work, no comprehensive document has been released and Lao PDR may miss the UPR mid-term deadline in 2018. The UPR recommendations will be the basis for discussions in the next 8th EU-Laos Human Rights Dialogue to be held in March 2018 in Brussels.

## Malaysia

Malaysia removed the mandatory death sentence for drug offences with the passing of the Dangerous Drugs (Amendment) Bill 2017 in December. However, four executions were carried out in 2017. Malaysia has been upgraded to "Tier 2" in the 2017 U.S. State Department's Trafficking in Persons (TIP) Report. Detention without trial remained a concern. According to Malaysian civil society organisations, the number of deaths in custody increased with 15 known cases in 2017. The new phenomenon of disappearances is also a cause for concern - four individuals have disappeared during 2017 of whom two Christian pastors and a social activist. The internet and the social media remain largely free but are heavily monitored. While Malaysia climbed two notches to 144 out of

180 in the World Press Freedom Index in 2017, press freedom in the country continues to face restrictions. Publications continue to be banned under the Printing Presses and Publications Act 1984 (PPPA). Land rights abuses remain the main challenge for Indigenous Peoples in Malaysia.

EU's priorities throughout the year focused on the abolition of the death penalty, promoting gender equality, as well as promoting freedom of expression.

Local EU Statements were published (in March and in May) condemning the execution of four individuals by Malaysia. In July, the Parliamentarians for Global Action (PGA) and Ensemble Contre La Peine de Mort (ECPM) (Together against the death Penalty) co-organised a "Parliamentary Roundtable on the abolition of the death penalty in Malaysia and in Asia" at the Parliament of Malaysia in the framework of an EIDHR project. The Roundtable was attended by a number of Members of Parliament and the de facto Law Minister. In December, the Malaysian Parliament passed an amendment removing the mandatory death sentence for drug offences. The EU published a Local EU Statement welcoming the abolition of the mandatory death sentence by Malaysia and will monitor the implementation of the amendments.

In July, the EU delivered a demarche to the Attorney General of Malaysia to promote the universality of the Rome Statute. In October, the EU delivered a demarche to the Ministry of Foreign Affairs of Malaysia on the EU's priorities and initiatives at the UN General Assembly Third Committee.

The EU also discussed the ratification of the remaining core human rights treaties by Malaysia, as well as the rights of refugees and asylum seekers at the EU-Malaysia Senior Officials Meeting in Brussels in October, as well as in regular meetings with the UNHCR and civil society.

The EU provided financial support to 3 projects - working towards the abolition of Death Penalty in Malaysia, promoting women's rights and preventing detention of children – under the European Initiative for Democracy and Human Rights (EIDHR).

In 2017, Malaysia put forward its candidacy as a member of the United Nations' Human Rights Council for the term 2018-2020 but it lost its bid (16 countries were vying for 15 seats worldwide).

Since 2011, the EU, together with the Malaysian Bar Council and the National Human Rights Commission of Malaysia, has embarked on a public campaign to abolish the death penalty in Malaysia. In July 2017, the Parliamentarians for Global Action (PGA) and Ensemble Contre La Peine de Mort (ECPM) (Together against the death Penalty) co-organised a "Parliamentary Roundtable on the abolition of the death penalty in Malaysia and in Asia" at the Parliament of Malaysia in the framework of an EIDHR project. The Roundtable was attended by a number of Members of Parliament and the de facto Law Minister. In December, Malaysia removed the mandatory death sentence for drug offences with the passing of the Dangerous Drugs (Amendment) Bill 2017. The amendments give the judges a limited discretion and do not have retroactive effect. The EU will monitor the implementation of the amendments.

The EU supported the Art for Grabs Festival in December 2017. The Festival featured 20 human rights causes presented by Malaysian civil society organisations (CSOs), as well as 12 talks, forums and workshops. The EU backed 3 events, including a forum on the rights of Rohingyas. The Festival was widely covered by Malaysia's mainstream media and on social media. The Festival allowed to present EU and Member States' work on human rights to a large audience (predominantly young

educated people), as well as to provide a safe space for NGOs to present their work ranging from LGBT and electoral rights to training children against bullying and sexual grooming.

## Maldives

2017 saw a deterioration in political and press freedom and in the respect for civil and political rights in the Maldives. Opposition leaders were imprisoned or restricted in their movements. A number of civil society actors, journalists and media faced intimidation and harassment, including heavy fines levied under the Defamation Act (2016). In September 2017, 54 lawyers were suspended for submitting a petition highlighting concerns with the judiciary.

Radicalisation and criminality are on the rise in the Maldives, testified by the brutal murder of blogger and human rights activist Yameen Rasheed in April. Yameen Rasheed had been a target of multiple death threats for his satirical comments on socio-political issues, as well as for his advocacy for secularism.

Despite a de-facto moratorium on the death penalty for more than 60 years, there were several public reaffirmations by leading politicians, including the President, of carrying out the death penalty.

Presidential elections are expected in August 2018. The EU will continue to monitor the human rights and political situation in the country.

Maldives was included in the 2016 list of countries in crisis situation which allows the use of flexible procedures for contracting. Given the continued deterioration of fundamental freedoms and heightening political tensions the Delegation has applied for it also to be included in the crisis listing for 2017.

An Electoral Follow-up Mission (EFM) to monitor the implementation of the recommendations of the EU Electoral Observation Mission (EOM) for the Parliamentary elections in 2014 took place in September 2017 and January 2018. The follow-up mission was led by Mr Eduard Kukan, Member of the European Parliament (MEP) from Slovakia and the Chief Observer of the EU EOM to the 2014 parliamentary elections. The EFM was tasked to assess the implementation of the 22 EOM recommendations, within the context of the current political developments and the next electoral cycle. The EFM held meetings with representatives of the authorities, political parties, media and civil society. The EFM also met representatives of the international community.

For the past 3 years, an annual dialogue to exchange on issues of concern and areas of common interest has been established. The last annual EU-Maldives Policy Dialogue was hosted by the Ministry of Foreign Affairs in Male' in May 2017.

From 29-31 October, MEPs from the European Parliament's South Asia Delegation visited the Maldives, led by Chair Jean Lambert, weeks after EP adopted a resolution on the political and human rights situation in the Maldives. The MEPs met with the President, ministers, opposition figures, and civil society; raising concerns about political freedoms and respect for human rights, while stressing continued interest in cooperating on areas of mutual interest, including climate change and countering radicalisation.

As an upper middle income country, the Maldives have graduated from EU's bilateral development assistance but can benefit from other financial instruments. The Maldives benefits from a project on climate change (EUR 10.5 million) where gender issues are mainstreamed and equal access for women to participate in governance processes, education and economic opportunities is promoted.

## Mongolia

In 2017 the overall human rights situation remained positive with a competitive presidential election, the entry into force of the new Criminal Code, the new law on domestic violence and positive developments in some areas such as rights of children and rights to a healthy environment. However, there were also negative trends, notably the proposal by the President of Mongolia to re-introduce the death penalty. In 2017, economic growth was positive (estimated 5% GDP growth in 2017) and overall economic prospects are good following the acute economic and financial crisis in 2016. As part of the IMF package the government adopted a plan to reduce the deficit every year with an objective to halve it in 2018 and 2019. According to estimation, made jointly by NSO and the World Bank, the poverty rate in Mongolia reached 29.6% in 2016 – up 8% from the 2014 level.

In their cooperation on human rights with Mongolia, the EU and its Member States have concentrated on issues such as promoting the rule of law, assisting in the development of civil society and human rights defenders, providing the means to empower vulnerable groups at national level and in remote areas and providing access to effective mechanisms for redress and to public services relevant to the promotion of economic, social and cultural rights.

In March 2017, both sides held their first EU-Mongolia Human Rights Dialogue with discussions focused on possible cooperation between Mongolia and the EU in multilateral fora, implementation of the recommendations that Mongolia accepted during the second cycle of the Universal Periodic Review on the human rights situation as well as the implementation of the human rights conventions related to GSP+. In November 2017, the EU established a Delegation to Mongolia. The EU Delegation will be instrumental in implementing the EU-Mongolia Partnership and Cooperation Agreement (PCA), which includes concrete actions regarding the cooperation on human rights (art. 35).

Mongolia continues to benefit from the European Union's GSP+ trade preferences arrangement. The report from the European Commission to the European Parliament and the Council on GSP+ covering 2016-2017 takes note of the progress in fulfilling requirements under GSP+. At the same time, it contains recommendations such as need to adopt executive decisions on adequate resources, training and capacities to ensure actual implementation of legislation and full implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Mongolia's authorities should also address shortcomings identified by the International Election Observation Missions both in 2016 and 2017, in particular those related to the right to stand for elections, the right to vote and the rights to have the freedom to campaign as well as a predictable and stable electoral legislative framework.

The EU continues to engage on human rights and democracy with Mongolia within the context of the EU-Mongolia Joint Committee, the EU-Mongolia Human Rights Dialogue and the GSP+ monitoring process. Besides mainstreaming of human rights and equal opportunities principles into development assistance, some of the projects have specific human rights topics or frameworks.

Examples include: two projects aimed at protecting the rights of vulnerable migrants and victims of trafficking and promote environmental rights (EIDHR, 0.5m€); two projects to support Civil Society Organisations with a focus on rural areas (1.5m€); a project to improve the implementation of human rights conventions in the criminal justice system and strengthening the capacity of the General Prosecutor's Office to effectively implement the new Criminal Code. In the area of labour rights, the EU continues its engagement with a project to support the employment creation in Mongolia (€8.2m) and a project on technical vocational education and training (€7m). Both projects aim at increasing the employability of jobseekers and workers as well as to diversify the economy beyond the mining sector. The EU is also implementing a multi-country GSP+ related project with the ILO on strengthening Mongolia's capacity to report on progress in realising fundamental principles and rights at work, specifically in relation to child labour, force labour and human trafficking.

The impact of the economic and financial crisis on the society, institutional capacities, especially regarding the law enforcement structures and corruption, remain serious issues of concerns. The EU, in support of the IMF package, will finance a project on strengthening governance for inclusive and sustainable development (5m€).

By adopting the National Action Plan on Implementation of the Universal Periodic Review (UPR) Recommendations (UPR Action Plan 2016-2019) Mongolia confirmed its commitment to the protection and promotion of universal human rights standards. In addition, together with the EU and Argentina, Mongolia launched the Alliance for Torture-Free Trade which aims to end trade in goods used for capital punishment and torture.

## Myanmar/Burma

Myanmar/Burma's democratic transition during the first full year under the democratically elected civilian government was undermined by the crisis in Rakhine State. An already dire situation escalated in August 2017 following coordinated attacks on 30 police stations and an army camp by armed assailants representing the Arakan Rohingya Salvation Army (ARSA). These attacks followed the release of the final report of the Advisory Commission on Rakhine State, set up by State Counsellor Aung San Suu Kyi and led by former UN Secretary General Kofi Annan. The Advisory Commission was mandated to examine the complex challenges facing Rakhine State and to propose responses to those challenges.

In response to these events, the Myanmar army (Tatmadaw) and security forces launched excessive security operations against suspected ARSA sympathisers. During these interventions hundreds of Rohingya villages were burnt to the ground and more than 688,000 Rohingya have fled to Bangladesh. Some 20,000 Rakhine and other ethnic communities were internally displaced. No credible investigations into alleged serious and systematic human rights violations as reported by various UN agencies and international human rights organisations were carried out by the authorities. As a result, members of the security services continued to enjoy near total impunity. Humanitarian access to Rakhine State, including to 120,000 IDPs in central areas, remained severely restricted.

The situation in Rakhine State has overshadowed addressing other challenges of the democratic transition. The second session of the "21st century Panglong Union Peace Conference" convened in May 2017 and there was progress towards agreeing on the principles of a future democratic federal

union. However with new clashes between the Myanmar army and ethnic armed groups in Kachin, Shan and Rakhine States resulting in further human suffering and population displacement, peace and national reconciliation remained elusive.

According to the Assistance Association for Political Prisoners (Burma) there were 236 political prisoners in Myanmar/Burma as of December 2017. Several legal cases were brought against prominent investigative journalists. In July 2017 Myanmar Now's U Swe Win was arrested and charged with defamation for an online article criticising a radical Buddhist monk. In December 2017 two Reuters journalists were detained under the Official Secrets Act (1923) because they "illegally acquired information with the intention to share it with foreign media". The case has received considerable international attention.

In 2017 work has started on a "Law on International Non-Governmental Organisations" ("INGO law"). The EU has advocated that the law recognises the fundamental role of civil society in the protection of the rule of law and fundamental rights and called for further consultations.

The four general priority areas for EU action on human rights are i) non-discrimination; ii) fundamental freedoms; iii) economic and social rights and iv) strengthening democracy and the rule of law. The EU's main concerns in Myanmar/Burma include civil and political rights, specifically freedom of expression both online and offline, media, association and assembly. Moreover, special attention is being given to the rights of women and children, including in situation of conflict and persons belonging to ethnic and religious minorities (not only the Rohingya), the latter as a result of a growing ideology of Buddhist nationalism and xenophobia in the country. Regarding the Rohingya, the EU continued advocating during 2017 to eliminate statelessness and address the issue of discrimination, access to basic services, freedom of movement and citizenship.

The EU deployed an Election Expert Mission to observe the by-election on 1 April 2017.

It placed particular importance on human rights in the political dialogue with Myanmar/Burma, including the State Counsellor's visit to Brussels on 2 May, a visit of the Chairman of the EU Military Committee to Myanmar end of May and meetings of the EUSR for Human Rights. It also continued attending court hearings of human rights defenders and journalists

Following the Rohingya crisis the EU expressed deep concern about the situation in Rakhine State and called on the government of Myanmar/Burma to bring an end to the violence, ensure full humanitarian access, start a process for safe, voluntary and dignified return, and implement the recommendations of the Advisory Commission on Rakhine State. On 16 October 2017, the Foreign Affairs Council adopted conclusions on the situation in Rakhine State, confirming the applicable arms embargo and embargo on equipment which could be used for internal repression and decided to suspend invitations to the Commander-in-Chief of the Myanmar armed forces and senior military officers.

At the initiative of the EU, a specific meeting on Rakhine State took place in Nay Pyi Taw on 20 November in the margins of the ASEM Foreign Ministerial Meeting. At this meeting the State Counsellor reconfirmed the support of her government to the implementation of the above mentioned report and committed to the repatriation of refugees in Bangladesh who had to flee following the October 2016 and August 2017 attacks. The EU welcomed the subsequent signature of



an arrangement on repatriation of displaced persons from Rakhine State between the two countries on 23 November 2017 but expressed the expectation that Myanmar/Burma must now create the appropriate framework conditions to facilitate return to Rakhine State. In December 2017, the EU condemned the arrest of two Reuters journalists who investigated on events in Rakhine State.

In 2017 under the European Instrument for Democracy and Human Rights two new projects were launched promoting active citizenship and rights of marginalized and vulnerable groups as well as fundamental freedoms and in particular the work of human rights defenders in ethnic states. Over 220 Human Rights Defenders were identified and trained on Human Rights, Advocacy and Leadership. Under the Development Cooperation Instrument, activities included an EU Rule of Law programme contributing to improving access to justice and legal aid for the poor and vulnerable groups of the population and developing legal capacity for justice sector professionals and a programme "Investing in People" promoting intercommunal dialogue, human rights and the diversity of cultural expression. In the area of democratic governance, the EU continued to provide technical support for the Union Election Commission in the lead-up to the 2017 by-elections and in preparations to reform the legal framework for elections. Additional projects under the Non State Actors /Local Authorities thematic instrument focus on enhancing capacity of civil society organisations and local authorities to improve governance on thematic issues and strengthen service delivery (areas: civil society and citizen's participation in public life and development programmes, environment and waste management, protection of youth, women, disabled and elderly).

Myanmar/Burma ratified the International Covenant on Economic, Social and Cultural Rights in October 2017; apart from this there was no progress to be noted as follow-up to the last Universal Periodic Review (UPR) review (2015) and its recommendations.

An EU sponsored Human Rights Council (HRC) Resolution on the situation of human rights in Myanmar of 22 March 2017 decided to dispatch an independent international fact-finding mission to establish facts and circumstances of alleged human rights abuses and violations by military and security forces in Myanmar/Burma, in particular Rakhine State. The government has yet to cooperate with this fact-finding mission or allow it access to the country. Subsequent EU supported resolutions at the UNGA Third Committee (16 November 2017) and at the Special session of the UN Human Rights Council (5 December 2017) reiterated the request to carry out investigations into alleged serious and systematic human rights abuses in the context of the ongoing Rohingya crisis and to cooperate with the HRC's fact-finding mission. On 20 December 2017, Myanmar/Burma announced that it would discontinue cooperation with the UN Special Rapporteur for Human Rights in Myanmar.

### **Federal Democratic Republic of Nepal**

2017 was a crucial year for Nepal as it held its first local, provincial and federal elections under the new Constitution promulgated in 2015.

Following an invitation from the Government and the Election Commission of Nepal (ECN), the EU deployed an Election Observation Mission (EU EOM) to observe the elections to the House of Representatives and the seven provincial assemblies held in two phases on 26 November and 7 December. The Mission had to assess the entire electoral process in accordance with international and regional commitments for elections, as well as the laws of Nepal.

The EU EOM released on 9th December a preliminary statement acknowledging that the "legal framework offers a good basis for the conduct of elections which comply with the international standards subscribed to by Nepal .... Political freedoms, including association, assembly, expression, were well-respected in the law and in practice with no restrictions on the right to stand for election. Political freedom was, however, disrupted by a series of violent attacks on candidates and campaign events."

The preliminary statement also identified a number of shortcomings such as the lack of transparency in the work of the ECN, absence of mechanism for regular consultations with political parties, civil society and observers at the central level.

In August, the Parliament adopted the criminal and civil codes replacing the over 160 years old "Muluki Ain" (Civil Code). The relevant bill will enter into force on in August 2018. The new Criminal Code protects human rights, and criminalises torture, enforced disappearances, forced labour and slavery. A number of international and domestic NGOs expressed concern about some provisions of the new Criminal Code with regards to freedom of religion or belief, as they might limit people's rights to express their religion and, potentially, their right to choose their religion.

The actual enforcement of the Constitution's provisions regarding the promotion and protection of human rights remains a key challenge for Nepal.

In this respect, the priority areas of the EU action in the country cover the implementation of human and civil rights, access to justice, non-discrimination and the fight against impunity as well as the protection of the most vulnerable.

EU Delegation actively participated in the work of the EU Human Rights Defenders Working Group and Human Rights Core Group throughout the year – both looking into the human rights situation, including the transitional justice matters.

The EU pursued its support for the implementation of the national action plan on UNSC resolutions 1325 and 1820 on Women, Peace and Security and Violence against Women through funding activities via the Nepal Peace Trust Fund. Although the constitution includes provisions aimed at promoting women and marginalised groups in the political process, their actual participation still remains limited.

The EU financed four projects under the EIDHR and Non-State Actors and Local Authorities programme (for an overall amount of € 1.7 million) on "active citizens for accountable local governments' initiatives"; enhancing access to education of the marginalized adolescent girls and children; fighting caste-based discriminations; and empowering marginalized communities to exercise their economic rights.

The mandates of the transitional justice commissions (the "Truth and Reconciliation Commission" (TRC) and the "Commission on Investigation of enforced disappeared persons") were extended by one year in February 2017. The international community called on the government to ensure an internationally compliant transitional justice process, with special regard to the victims' rights to transparency, truth and an effective remedy. It recalled its commitment to amend the TRC Act and pass a Special Courts Act in line with the judgements of the Nepal Supreme Court and Nepal's international legal commitments.

The UNHCR reiterated its call for lasting solutions for the remaining refugees from Bhutan in Nepal following the conclusion of the group resettlement programme at the end of 2017.

According to the 2017 World Press Freedom Index, Nepal was ranked 100th out of 180 countries.

In October, Nepal was elected by the UN General Assembly as one of 15 new members of the UN Human Rights Council for the period 2018/2020.

## Pakistan

In 2017, some progress has been noted in the field of Democracy and Human Rights in Pakistan, for example the passing of the Electoral Reform Bill, the development of the Treaty Implementation Cells at Provincial level, a more active role of Parliament and the Ministry of Human Rights (including a new Minister and Secretary), Government efforts on implementation of the National Action Plan on Human Rights and increasingly independent oversight bodies (the National Commission of Human Rights and the Commission of the Status of Women). There have also been developments in legislation on the rights of women and children, most notably on violence against women (anti-rape and anti-honour killing laws) and establishment of the National Commission on the Rights of the Child.

However, effective implementation continues to be a concern and widespread incidents of violence against women, girls and transgender people continued to be reported in 2017. There are serious concerns as regards the shrinking space for civil society as manifested by restrictions imposed on INGOs, including through registration and the signature of MoUs, prompting some to close their operations in Pakistan, while others are appealing a refusal to be registered. Restrictions on freedom of expression, through enforced disappearances, extrajudicial killings, torture and persecution of human rights defenders and journalists, government's inability to combat religious intolerance, human rights abuses in the wake of Counter-Terrorism operations, as well blasphemy-related cases and discrimination of minorities were also reported. A total of 44 people were executed in 2017 (as compared to 87 in 2017) and the military courts' jurisdiction over civilians was extended for a period of two more years.

The key EU's priorities in 2017 were: a) Freedom of Religion or Belief b) Women's rights and gender equality c) Death Penalty d) Rule of Law and Access to Justice e) Freedom of Expression.

The GSP+ scheme has contributed to an increased focus on human rights by the Government, in its legislative and policy efforts and in the public debate. In general, progress has been made on the legislative side, but effective implementation remains elusive. Beyond legislation and treaty body reporting, adjustments are needed to ensure that domestic legislation is compatible with treaty obligations, including strengthening of relevant human rights institutions and reforming the neglected criminal justice system. In December 2017, the mid-term review of GSP+ to Pakistan took place. The Biennial GSP+ Report was issued on 19 January. The EU Delegation and EU MS took part during the year in numerous public diplomacy initiatives to promote Human Rights, also relayed on social media and in the local press, generating widespread debate on human rights.

The 8th meeting of EU-Pakistan Joint Commission and Subgroup on Governance and Human Rights, which took place in October 2017, provided an opportunity to discuss the human rights situation and both sides noted challenges that required continued attention. The EU side acknowledged efforts

made in accordance with the Human Rights Plan of Action adopted by the Government of Pakistan in 2016 and the strengthening of human rights institutions. The EU reiterated its concerns in several areas of protection for human rights, inter alia the application of the death penalty and the blasphemy laws, freedom of religion or belief and the freedom of expression. Jan Figel, Special Envoy on Freedom of Religion or Belief outside the European Union, visited Pakistan for the first time from 10 to 16 December 2017. The visit of the Special Envoy provided opportunities to pass messages on FoRB, and to discuss the prospects for enhancing EU-Pakistan exchanges on interfaith harmony and reform in the religious domain.

Governance, Human Rights and Rule of Law is the third focal sector in the Multi-Annual Indicative Programme (MIP) 2014-2020. In December 2017, Pakistan and the European Union signed a Financing Agreement under the AAP 2016 on the Promotion of Human Rights in Pakistan for a total amount of 9.6 million Euros. The agreement will provide technical assistance to the Government of Pakistan at federal and provincial level as well as the Independent Human Rights Institutions.

The EU in addition supported in 2017 under the European Instrument for Democracy and Human Rights (EIDHR) eleven Civil Society Organisations with an overall budget of 5.5 million Euros in Human Rights projects in line with the thematic priorities of the Human Rights and Democracy Country Strategy.

In 2017, Pakistan faced three UN Treaty Body Reviews. In April 2017 the United Nations Committee against Torture (CAT) reviewed Pakistan for its compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, for the first-time since Pakistan signed and ratified the Convention in 2008 and 2010 respectively. In July, 2017 Pakistan was reviewed by the United Nations Human Rights Committee for its compliance with the International Covenant on Civil and Political Rights (ICCPR). On 16 October 2017, the UN General Assembly elected Pakistan to serve on the Human Rights Council as of 1 January 2018. Pakistan underwent its 3rd Universal Periodic Review (UPR) on 13 November 2017, where 117 delegations took the floor raising concerns relating to, inter alia, the death penalty, freedom of religion or belief, freedom of opinion and expression and issues of discrimination and violence against women and minorities. Pakistan received 289 recommendations to which it should respond by March 2018.

The shrinking space for civil society, restrictions on freedom of expression, the situation of minorities and vulnerable persons are the main challenges. Twenty-one INGOs received in November 2017 a rejection letter requesting them to leave the country. These INGOs have been given the possibility to appeal this decision. Pakistan has to step up its efforts and take more proactive, sustained and forceful action to address problematic areas, such as on torture and enforced disappearances/extra judicial killings, the use of the blasphemy laws and the death penalty. In this context, it is important that Pakistan follows-up on the recommendations provided by the UN Human Rights Treaty Bodies.

## Philippines

In 2017, the way the Philippines authorities conducted the campaign against illegal drugs remained a matter of grave concern. The significant increase in the number of drug-related killings since the election of President Duterte, in particular during law-enforcement operations, the apparent lack of due process and restraint during these operations, and the fact that these deaths are not investigated in a transparent, impartial and effective manner (thus allowing to bring perpetrators to

justice) raised serious concerns regarding the right to life. Together with statements by President Duterte, which can be seen as incitement to killings and fostering a culture of impunity, the conduct of the 'war on drugs' raised serious questions about the government's commitment to human rights. The possible re-introduction of the death penalty would be a major step backwards and raise questions regarding the Philippines' international commitments.

The human rights framework in the Philippines remained fragile in 2017, with the threat over the Commission on Human Rights and other oversight bodies. A systematic problem of the Philippines regarding the culture of impunity as cases of grave human rights abuses, including extra-judicial killings, including that of human rights activists and media workers, and torture, remain largely unresolved. The situation of indigenous people and of human rights defenders also was a matter of concern for the EU throughout the year. Bringing peace to long-standing conflict-affected areas in the country (in particular in Mindanao) would improve the human rights situation.

Improvements that have been noted in the implementation of human rights in 2017 have largely been a result of the Philippines' socio-economic development. Economic growth and reforms are contributing to raising living standards in the country, as does the Philippines' agenda on universal health care and job creation as part of inclusive economic growth. Improvements of children's access to education and health continued, while action was being taken to combat trafficking and support its victims, as well as sheltering children in armed conflict. Juvenile justice is also being improved; however, the possible lowering of the age for criminal responsibility would be contrary to the Philippines' obligations under the Convention on the Rights of the Child (CRC).

The EU's priorities regarding human rights in Philippines in 2017 were fighting impunity and promoting rule of law; prevention and eradication of torture and other cruel, inhuman and degrading treatment or punishment, including death penalty; support an evidence-based approach to the fight against illegal drugs; support human rights defenders and journalists; promote the rights of Indigenous Peoples, Internally Displaced People, women and children, and fight against human trafficking.

In 2017, there were an exceptional number of high-level visits from the EU institutions to Manila (President of the European Council, HR/VP, Trade Commissioner, EU Special Representative for Human Rights, EEAS Managing Director for the Asia-Pacific; a delegation from the EP Subcommittee on Human Rights) which provided opportunities to raise human rights concerns with the authorities. This included the holding, in July 2017, of the 9th EU-Philippines Senior Official's meeting during which the sides had a candid exchange of views on the human rights situation in the Philippines and in the EU, raising their respective concerns. Following a Generalised Scheme of Preferences (GSP+) monitoring mission in January 2017, the Report on the Generalised Scheme of Preferences covering the period 2016-2017 covering inter alia the Philippines was published in January 2018.

In March 2017, the European Parliament adopted a human rights resolution on the Philippines, pointing at the personal case of Senator De Lima. The resolution called for her immediate release and for her to be provided with adequate security whilst in detention; called on the authorities of the Philippines to ensure a fair trial, recalling the right to the presumption of innocence, to drop all politically motivated charges against her and to end any further acts of harassment against her. The resolution also expressed concern about the war on drugs and the prospect of reintroduction of the death penalty by the House of Representatives.

In December 2017, the Senate Foreign Affairs Committee gave its support for Senate concurrence with President Duterte's ratification of the EU-Philippines Partnership and Cooperation Agreement that took place in January 2018. Ratification of the PCA is expected to enable the establishment of a Human Rights Dialogue.

EU financial engagements in the Philippines in the field of human rights remained in line with the EU's priorities for the year. They included financing agreements with the government in the area of justice reform (GOJUST programme) and health (including a Dangerous Drug Abuse and Prevention Programme) under the Development Cooperation Instrument; support to CSOs through calls for proposals under the EIDHR and CSO/LA instruments; and support to the Mindanao Peace Process through the Instrument contributing to Stability and Peace.

In 2017, the EU was involved in several public diplomacy initiatives in the Philippines, such as: participation to the "Annual Dialogue on Sexual and Reproductive Health and Rights"; to the 3rd International Dialogue on Human Trafficking and to a national conference on the fight to end impunity; activities linked to an EU-funded regional campaign to end death penalty; as well as organisation of a public forum on Children's Rights and of a National "yoEUth" debate for young people on the relevance of human rights for business. In relation with the celebration of the Human Rights Day, the EU Delegation arranged a special screening of the film 'Sunday Beauty Queen' that features the lives of Filipino domestic workers in Hong Kong.

The Philippines is a member of the Human Rights Council (HRC) for the period 2016-2018. The EU28 raised the situation in the Philippines in the HRC sessions in March and September under item 4. On 8 May 2017, the Philippines underwent its third Universal Periodic Review (UPR) under the auspices of the HRC, with nearly 100 countries taking the floor. On 22 September 2017, the HRC adopted the outcomes of the UPR. Of the 257 recommendations received, the Philippines supported 103 recommendations, and noted (i.e. de facto rejected) 154 recommendations.

In June 2017 and September 2017, Iceland made statements regarding the human rights situation in the Philippines at the Human Rights Council raising concern about the 'war on drugs' and the climate of impunity. These statements were supported by 27 Member States

2017 marked the 50th anniversary of ASEAN and it was celebrated under PH Chairmanship. There were several human-rights-related initiatives.

In February 2017, the Philippines ratified the ASEAN convention against trafficking in persons. In August 2017, the ASEAN Regional Forum (ARF) adopted in Manila a ministerial statement on Enhancing Cooperation in Addressing and Countering the Drug Problem co-sponsored by the Philippines and China. In November, ASEAN Heads of States/Governments signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. The 2nd ASEAN-EU Policy Dialogue on Human Rights took place in the Philippines in November.

In 2017, the constitutional order and the rule of law were observed in the Republic of Korea, with a peaceful transfer of power following the impeachment of President Park. The new President Moon Jae-in was elected in May 2017 and vowed to place human rights at the centre of his policy and to possibly revise the Republic's Constitution. The government has wide scale plans to improve the

overall framework for human rights, in particularly in the area of economic and social rights. Improvements were also noted in the field of freedom of assembly.

EU actions throughout 2017 focussed on supporting the new government's prioritisation of human rights, and sharing experiences on areas such as gender equality and anti-discrimination, and on moving from the de-facto moratorium on executions to the formal abolition of capital punishment.

In order to ensure sustainable solutions to longstanding problems, the government will need to develop the legal framework and encourage positive practices. These problems include restrictions on freedom of expression, as a result of the National Security Law and some aspects of the Online Information Regulation, the system for authorising public demonstrations, certain restrictions on the establishment of trade unions and the right to strike, the imprisonment of conscientious objectors to military service, the absence of a general anti-discrimination law to protect minorities and LGBTI persons, and the need to formally abolish the death penalty.

The EU maintained regular contact with individuals and civil society organisations from all sides of the political spectrum working on a range of human right issues. At the same time, cooperation with government bodies, including the National Human Rights Commission, was enhanced. The EU also cooperated with organisations working on gender equality and the eradication of violence against women, including conferences on participation in the labour market and a seminar on countering gender-based violence.

The EU and many EU Member States cooperated with civil society organisations promoting LGBTI rights and participated, including at Ambassadorial level, in the Seoul LGBTI Pride Festival.

The EU also worked with human rights defenders on issues relating to the protection of human rights in North Korea. The Domestic Advisory Group (DAG) formed under the Sustainable Development chapter of the EU-Republic of Korea Free Trade Agreement also included Korean and European Human Rights Defenders.

The EU Partnership Instrument and Technical Assistance and Information Exchange instrument (TAIEX) were used to fund a seminar on countering online, gender based violence. The seminar received widespread media attention, and six months after the seminar, the government published a comprehensive set of measures to address the problem.

The Republic of Korea underwent its Third Periodic Review under the UN Universal Periodic Review (UPR) cycle in 2017. The government immediately accepted 85 of the recommendations and committed to report on 130 further recommendations in March 2018. The Republic of Korea was also reviewed by the Committee on Economic and Social Rights and by the Committee on Torture. All of the reviews included the key issues described above. In June 2017, the UN Working Group on Business and Human Rights presented its report from its 2016 visit to the UN Human Rights Council.

The government cooperated closely with the UN Special Rapporteur for Human Rights in the DPRK on his visits to the Republic of Korea. In February 2017, the Republic of Korea also hosted the annual meeting of the Working Group on Enforced or Involuntary Disappearances.

The fourth Annual EU-Republic of Korea Human Rights Consultations took place in Brussels. The bilateral dialogue reaffirmed the commonality of views regarding multilateral and thematic issues, as well as the joint will to enhance cooperation on a range of human rights initiatives.

In December 2017, the EU Special Representative for Human Rights, Stavros Lambrinidis visited the Republic of Korea, with a view to exploring the possible participation of the country in his "Good Human Rights Stories Initiative".

## Singapore

Singapore made small steps of progress on human rights over the course of 2017, especially in the field of migrant workers' rights. Nevertheless, lack of transparency and data remain a common concern across most areas related to human rights. In addition, signs of backsliding can be observed in terms of freedom of association.

The key focus areas of EU actions in 2017 for Singapore were ratification of the core international human rights agreements that it is not party to; freedom of expression, freedom of the media and political participation; moratorium on the death penalty, while making available better statistics about its use beyond an annual total; protection of migrants' rights; decriminalisation of homosexuality. In order to help fulfil these priorities, the EU aimed at strengthening and supporting the Singaporean civil society in their long term objectives. The EU's room for manoeuvre continues to be limited in this regard as financing NGOs by foreign entities remains prohibited in Singapore. The Delegation was however able to establish a specific partnership with UN WOMEN Singapore and to provide direct financial support to some of their activities.

In 2017, Civil Society Organisations (CSOs) were involved in the organisation of the key events of the year and continue to be regularly consulted on the EU's key focus areas. The Delegation organised an annual gathering for Singaporean CSOs in its premises in February. The EU Delegation also organised its annual panel discussion on the death penalty in Singapore on 27 October 2017 to commemorate the European and World Death Penalty Day. This was the fourth time in Singapore that such an event could be held outside Delegation premises, at the National University of Singapore. The EU delegation is the only embassy to carry out such an event in Singapore due to the sensitivity of the topic. The theme of the discussion this year was "Just Punishment: Conversations on the Death Penalty" and gathered students, academics, diplomats and activists.

The EU held its yearly Human Rights Day seminar in Singapore on 8 December 2017, tackling this year "Business and Human Rights". The seminar featured three panels covering "Private Sector Perspective: Beyond Philanthropy to Responsible Business Conduct", "CSR Practices in Asia and Europe: Government Measures to Support Business", and "Labour Issues in Business Practices: Asia and Beyond". Building on previous years' practice, the theme of the seminar was agreed jointly with the Singapore's Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR), Ambassador Barry Desker. This event is considered by many CSOs their only opportunity to meet with government representatives.

The EU Delegation also regularly followed human rights developments at ASEAN level with meetings with Singapore's AICHR Representative, Ambassador Barry Desker, and ASEAN CSR Network head Mr. Thomas Thomas.



After the 2016 UPR, the Delegation followed-up on a number of recommendations, with the CSOs and in the margins of demarches to the MFA. We carried out specific demarches on UNGA 3rd Committee resolutions in October and on the state of play of Singapore's possible accession to the Rome Statute of the International Criminal Court in December.

## Sri Lanka

In 2017, the human rights situation in Sri Lanka has improved but the progresses expected such as the repeal of the Prevention of Terrorism Act and alignment of the Code of criminal procedure with international standards were not yet made

On 19 May 2017, Sri Lanka was readmitted to the Generalised System of Preferences Plus (GSP+) scheme, giving the country preferential access to the European market. The ratification of both the Optional Protocol on the Convention Against Torture and the Ottawa Convention were positive developments. Other commitments, including the replacement of the Prevention of Terrorism Act with legislation that meets international standards and amending the Code of Criminal Procedure to allow suspects to have access to a lawyer from the time of arrest are yet to be implemented.

In November 2017, the Government launched a National Action Plan for the Protection and Promotion of Human Rights focusing on a five year period from 2017-2021.

Incidents of violence targeting Muslim and Evangelical Christian communities continued in 2017. The President and the Prime Minister publicly condemned incidents of anti-Muslim violence which occurred earlier in the year and ordered the police to enforce the law against the perpetrators. In November, homes and businesses were attacked and several properties damaged as a result of Buddhist-Muslim violence which required riot police interference and imposition of a curfew to bring the situation under control. The anti-Muslim sentiment spread, to include Rohingya refugees whose safe house was attacked by a mob led by Buddhist clergy.

There continued to be multiple challenges to the promotion and protection of women's rights, including deep-rooted and widespread violence against women and girls, discriminatory customary laws, and increased vulnerability of female heads of households in the post-conflict areas resulting in sexual exploitation and bribery, as well as their exclusion from welfare, resettlement, and other state programmes.

Women remained seriously underrepresented in the public and private sectors. In 2017, Sri Lanka adopted a 25% quota for women representatives in local and provincial council elections. The quota will be implemented for the first time during local elections scheduled for February 2018.

The EU continued to support the government's agenda for reform, including constitutional reform, to strengthen the protection of human rights, democracy, rule of law, and the process of national reconciliation. In addition, Sri Lanka's renewed commitment to respecting international law and upholding its international human rights obligations, labour rights and environmental obligations contributed to the European Commission's recommendation to reinstate the GSP+.

The 2nd EU-Sri Lanka Working Group on Governance, Rule of Law, and Human Rights meeting took place in Colombo from 13-14 March 2017. Both sides recognized the need for further progress on reconciliation and agreed that the full implementation of the UNHRC resolution remained a priority. Discussions also extended to progress and remaining challenges on issues such as freedom of

expression and media; strengthening of civil society; rights of women, children and minorities; labour rights; migration; implementation of treaty obligations; and the rule of law. The EU stressed the importance of addressing areas of concern, especially the alignment of Prevention of Terrorism Act (PTA) and Code of Criminal Procedure (CCP) with international standards on torture, violence against women, and the need to combat corruption.

The EU allocated EUR 80 million for Democratic Governance and Reconciliation, of which EUR 22 million has been committed. A EUR 40 million programme titled 'Strengthening Transformation to Inclusive Democratic Engagement (STRIDE)' which aims to improve the capacity of elected institutions for development, service delivery and reconciliation, as well as strengthen citizens' participation in local governance through partnership, dialogue, and mediation was also under development. The EU also provided catalytic support to peacebuilding through IcSP project worth EUR 8.1 million.

Sri Lanka continued to engage with the UN system in 2017: three special mandate holders undertook visits to Sri Lanka—the Special Rapporteur (SR) on the promotion and protection of human rights while countering terrorism, the SR on the promotion of truth, justice, reparation, and guarantees of non-recurrence, as well as the Working Group on Arbitrary Detention. A resolution at the Human Rights Council in March 2017 gave Sri Lanka a further two years to show progress on its national reconciliation commitments.

At the Universal Periodic Review (UPR) in November 2017, Sri Lanka accepted 177 out of 230 recommendations and undertook 12 voluntary pledges including to fulfil commitments contained in UNHRC resolution 30/1 towards the operationalisation of the Office on Missing Persons, and the establishment of a truth seeking commission, an office for reparations, and a judicial mechanism with a special counsel.

## 2017 COUNTRY REPORT ON THE HUMAN RIGHTS AND DEMOCRACY

### Thailand

Thailand's new Constitution was promulgated in April 2017. Under the new Constitution, general elections are required to take place within 150 days following the entry into force of four election-related organic laws. On 10 October 2017, the Prime Minister and Head of the National Council for Peace and Order (NCPO), General Prayut Chan-ocha stated that the general election would be held in November 2018.

Freedom of expression and assembly in Thailand remained restricted, in particular through a number of laws and Orders of the NCPO. Furthermore, civil society activists and human rights defenders (HRD) continue to face judicial harassment. *Lèse-majesté*, sedition, and computer crime charges have been widely used to curtail free speech and restrict the activities of HRD. NCPO orders No. 7/2014 and 3/2015, prohibiting political gatherings of more than five people, remain in effect. The NCPO has announced the phasing out of the practice of prosecuting civilians before military courts for a number of offences as of 12 September 2016. However, military trials continue for cases in which the alleged offences were committed before September 2016.

Despite shortcomings and challenges, the Thai Government and the Ministry of Labour remain committed to suppressing forced labour, child labour, and the trafficking and exploitations of

migrant workers in fishing and seafood processing sectors through a series of inspections, the establishment of a framework to regulate labour in the fishing industry, the investigation, arrest and punishment of those involved in human trafficking, and the identification and protection of victims. The Government has pledged to ratify the ILO Convention No. 188 (Work in Fishing) the Protocol of 2014 to the Forced Labour Convention (Protocol 29), and the ILO Convention No 98 (Collective Bargaining).

The EU Delegation and EU Member States have continued their engagement with HRDs. The EU Delegation has maintained excellent cooperation with the Rights and Liberties Protection Department of the Thai Ministry of Justice.

On several occasions, representatives from the EU Delegation and Member States Embassies observed indictment hearings and trials of human rights defenders.

In March 2017, the EU Delegation co-organised a field mission to visit local communities who risk being affected by development projects that are being planned for the Satun and Songkhla provinces. In August 2017, the EU Delegation co-organised a workshop with the Department of Rights and Liberties Protection of the Ministry of Justice, to review legal provisions which contain the death penalty in Thailand and to discuss the possibilities of abolishing it. On the occasion of the European and World Day Against the Death Penalty (10 October) the EU Delegation co-organised a second workshop with the Ministry of Justice to support the Ministry in moving towards the abolition of the death penalty as foreseen in the 3rd National Human Rights Action Plan of 2014.

On the occasion of the International Human Rights Day (10 December), the EU Delegation organised, jointly with the Thai government, a Human Rights run entitled "Run4Rights: Where Every Step Matters", which drew more than 1,000 participants. This event aimed at raising awareness and promoting respect for human rights.

Through the EU's Aid to Uprooted People (AUP), the EU Delegation supported IOM's project "Promoting stability, well-being and harmony for Myanmar Muslim and host communities in Thailand". The 48-month project (2016 – 2020) aims at promoting stability, well-being and harmony for marginalised Myanmar Muslims (including Rohingyas living outside the IDCs and shelters) in Tak, Ranong and Phang Nga provinces through improved living conditions, access to services and livelihood opportunities.

Throughout 2017, the EU continued implementing a project (initiated in 2015) with the UN High Commissioner Office for Human Rights (OHCHR) designed to widen democratic space and to promote respect for and protect human rights in Thailand. This project also contributed to strengthening human rights reporting from areas outside Bangkok, and continuously advocated for improved legal protection and representation of human right defenders in Thailand.

Through the European Instrument for Democracy and Human Rights (EIDHR), the EU Delegation supported a project (MIG-RIGHTS) aiming to contribute to the improvement of human rights for Cambodian workers in Thailand by reducing abuse, working exploitation and trafficking cases. The project also sees to prevent and eradicate human rights violations against migrants in Cambodia and Thailand through the empowerment of CSOs as well as through increased awareness of the risks linked to irregular migration pathways among migrants.

A programme, entitled "Combatting Unacceptable Forms of Work in the Thai Fishing and Seafood Industry" was initiated in February 2016 with an overall objective to prevent and reduce forced labour, child labour and other unacceptable forms of work in the Thai fishing and seafood processing sectors,

Finally, the EU Delegation is supporting a five-year regional project entitled "Strengthening NSAs' voices for improved forest governance in the Mekong region". This project is being implemented by the Regional Community Forestry Training Center for Asia and the Pacific (RECOFTC) in collaboration with eight CSOs partners. It is designed to support an enabling environment that advances good governance in forestry, especially in relation to FLEGT and REDD+ processes.

## Timor-Leste

In 2017, Timor-Leste demonstrated significant maturity in its democratic process in presidential and legislative elections, and improvements in the promotion of human rights. However, women's and children's rights and fight against gender-based and domestic violence are still an issue. The justice system is stretched beyond its limits due to weak technical and financial capacity.

Despite Constitutional guarantees, women continue to face serious marginalisation issues as traditional patriarchal social structures persist (e.g. cases of fewer years of school attendance or forced marriages). Sexual and domestic violence cases reported are often resolved through traditional dispute resolution mechanisms, which seldom provide full redress to victims. In February 2017, the Government approved the 'National Action Plan Against Gender Based Violence 2017-2021' (GBV) centred on the 2010 law against domestic violence. Parliamentary elections 2017 resulted in Timor-Leste having one of the highest percentages of female Parliamentary representation in the Asia Pacific region (37%).

Children often lack education, suffer abuse and sexual violence. The majority of incidents of violence against children are not formally reported and there are inadequate judicial remedies. High levels of child malnutrition and infant and child mortality are addressed by the 'National nutrition strategy' and the 'National Commission on Child Rights'.

Although the national Ombudsman, the "Provedor de Direitos Humanos e Justiça" (PDHJ) has a key role in protecting rights against violations, maladministration and corruption, the institution is challenged by capacity constraints and limited budgets.

June 2017, the 'Special regime for the ownership of immovable property', commonly known as the "Land Law", came into force aiming at clarifying the legal status of land ownership inherited by differing historical legal regimes, at providing criteria for the resolution of ownership disputes, and at creating a Land registry to manage property titles.

The EU Delegation carried out Human Rights demarches and engaged with the government throughout the year. Human rights issues were addressed in wide-ranging public diplomacy campaigns, press conferences, and advocacy campaigns. In November 2017, the Delegations organised consultations in the framework of the 2016-2020 Roadmap for Engagement with Civil Society.

In 2017, the EU continued to provide financial support for projects through the European Development Fund (EDF) and the European Instrument for Democracy and Human Rights (EIDHR).

An EU Election Observation Mission (EOM) was present in both Presidential and Parliamentary elections, and characterised these elections as "well organised, well administered, transparent and inclusive elections in a peaceful environment".

The EU financed a popular television series (telenova) to raise awareness about democracy and human rights in TL and to increase the impact of the Ombudsman for Human Rights and Justice. The "Say NO to Gender-based Violence in Timor-Leste" financed through a call for proposals of 2017, will start mid-2018.

The EU Delegation participated in the EU4Democracy campaign that promoted EU values of democracy and human rights in the country and contributed to the implementation of the Democracy Action Plan.

The 10th EDF Project Supporting the Consolidation of the Rule of Law of PALOP and Timor-Leste continued to train judges and criminal investigators in areas such as corruption, money laundering and drug trafficking.

The last Universal Periodic Review (UPR) of Timor-Leste from November 2016 to March 2017, led to 154 recommendations (of which 146 were accepted) addressing needs to strengthen the judicial institutions and expand the use of mobile courts; increase investment in education; effectively implement laws on sexual and gender-based violence; strengthen the implementation of policies fighting domestic violence; allocate sufficient resources and adopt effective measures to further establish and implement the national action plan on gender-based violence; combat all forms of violence against and exploitation of children; and continue efforts to increase training courses on human rights for members of the police and the defence forces; and land issues.

## Vietnam

Despite continuous economic growth and improving socio-economic conditions, civil and political rights continued to be violated in 2017. While reducing the cases where death penalty is applied, Vietnam continued to conduct executions.

The Socialist Republic of Vietnam is ruled by a single party, the Communist Party of Vietnam. Opposition parties remain illegal and individuals who peacefully criticise the government risk imprisonment. 2017 was marked by a worrying increase of arrests, trials, convictions, attacks, temporary detentions, threats and intimidation of activists engaged in peaceful activities of promotion of human rights, environmental protection, labour rights, land rights and the rights of indigenous peoples.

Vietnam has increased its efforts in child protection, and the new Law on Children, taking effect in 2017, is the most comprehensive articulation on child rights in Vietnamese legislation. However, under the law a child is defined as a person under the age of 16 years.

The 2016 Law on Belief and Religion enters into force in January 2018. While achieving progress in some areas, allowing religious groups to own property, open bank accounts, giving them legal personality and allowing the provision of social services, other aspects of the law don't tackle the effective right to exercise religious freedom and contain vague language.

The EU's main concerns in Vietnam include civil and political rights, specifically freedom of expression both online and offline, association, assembly, freedom of the media and freedom of religion or belief. Moreover, the abolition of the death penalty is one of the main priorities of the EU and its Member States in the framework of activities to promote respect for human rights. The EU also focuses on the implementation of the rule of law and supports a rules-based approach in its bilateral relations with Vietnam.

Throughout the year human rights were mainstreamed in bilateral discussions with the Government of Vietnam. The EU expressed serious concerns about the extensive application of the national security provisions in Vietnam's penal code and noted the increase in the number of detentions, arrests and sentencing of Vietnamese citizens related to the expression of their opinions. The EU indicated a number of individual cases, reiterating its request for all the Vietnamese citizens detained for peacefully exercising their freedom of expression to be released. Moreover the EU insisted on ensuring access to lawyers, family and medical visits for prisoners.

The EU participated in several meetings with civil society, human rights activists and their families. The EU highlighted the crucial role of civil society in mobilising public and private sectors to improve support to vulnerable groups, in fostering innovation and prosperity, and in enhancing public service delivery and sustainable governance. The EU also continued to call on the Government to publish statistics on the execution of the death penalty and to observe a de facto moratorium on the capital punishment.

In 2017 the European Instrument for Democracy and Human Rights supported several projects covering a broad range of issues, including LGBTI, ethnic minorities and religious freedom. Additional projects under the Non State Actors-Local Authorities thematic instrument targeted in particular the strengthening of civil society's capacity (areas: health care, rural communities, sustainable agriculture, female migrant workers, local governance). Finally the EU promoted activities in the areas of anti-corruption, rights of persons belonging to ethnic minorities, freedom of religion or belief, governance and migration.

Regarding the multilateral context, Vietnam ratified the UN Convention against Torture in 2015 and submitted its initial report to the Committee in 2017. The EU noted the progress and called on Vietnam to step up efforts in this area and offered support in this direction.

Moreover in 2017 Vietnam welcomed the UN Special Rapporteur on the right to food. The EU encouraged Vietnam to issue standing invitations to all UN Special procedures.

Vietnam had accepted the vast majority of the 2nd cycle Universal Periodic Review (UPR) recommendations and submitted its first implementation report in 2017. The next UPR review is expected in 2019. At the EU Human Rights Dialogue the EU reiterated the importance of cooperation in international fora, implementation of recommendations from international bodies and international labour standards.

## Oceania

### Australia

Australia continues to have a positive human rights record and is very engaged in advocating human rights in the Indo-Pacific region, as well as internationally. In 2017, Australia was elected to the UN Human Rights Council for a three-year term starting from 2018. Shortcomings regarding the treatment of asylum seekers and refugees, and the rights of indigenous people remain.

The EU's priorities in 2017 concentrated on cooperating with Australia in the Indo-Pacific region and internationally as well as engaging at domestic level on ratification of international human rights instruments, on detention and asylum, indigenous affairs, counter-terrorism legislation and on civil liberties.

Social indicators show that indigenous peoples lag far behind their non-indigenous counterparts, and have higher numbers of incarceration and deaths in custody. The situation of asylum seekers based in Papua New Guinea and Nauru remains unresolved. Violence against women remains of concern.

In 2017, the EU closely followed developments within Australia and had several exchanges with relevant NGOs. The EU also continued to encourage Australia to ratify a number of Human Rights international legal instruments such as the International Convention for the Protection of All Persons from Enforced Disappearance and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In December 2017, Australia ratified the Optional Protocol to the Convention against Torture (OPCAT).

Australia and the EU signed a Framework Agreement on 8 August 2017. This Agreement includes the commitment to democratic principles, human rights and the rule of law, and commitment to cooperate on these issues under the framework of the joint committee. The EU and Australia concretely cooperate in the field of development and also address human rights issues in this context. Both sides strongly advocate for human rights in Asia and the Pacific, and for the abolition of the death penalty globally.

In July 2017, UN Economic and Social Council issued its 5th periodic report on Australia. The report noted some positive developments, most notably via the Youth Employment Strategy and the National Plan to Reduce Violence Against Women and Children. Various subjects of concern were also mentioned in the report, including the lack of a regulatory framework to ensure companies' full respect for economic, social and cultural rights or constitutional recognition of indigenous peoples.

Australia's 2nd Universal Periodic Review (UPR) took place in November 2015. The Australian Government made a voluntary commitment to improve the monitoring of UPR recommendations. An inter-departmental body has been set up to coordinate and strengthen Australian government overall engagement with UN human rights reporting.

## Fiji

Fiji has made some progress in consolidating democratic rule, but further efforts are needed to guarantee human rights in practice and to enhance open and inclusive dialogue among government, opposition, civil society, media, private sector, and trade unions, particularly in view of the general elections in 2018. The restrictive media framework risks hindering full and transparent democratic debate.

In 2017, the EU's key focus areas were inter alia to follow up to the 2nd EU-Fiji High-level Political Dialogue under Article 8 of the ACP-EU Partnership Agreement of December 2016 and support to Fiji's prominent role on the international stage, in particular its Presidency of COP23 and co-organisation of the first high-level UN conference on oceans.

In early February 2017, the Fijian parliament passed an amendment to the Public Order Act, relaxing permit requirements for some public meetings. However, permits continue to be required for activities held in a park or on a road (e.g. marches). The legislation still allows the police to stop a meeting or march if it was in the interest of law and order.

The government is currently involved in many awareness-raising campaigns on violence against women and children; however, police protection is reportedly inadequate to protect women at risk. As a result of the fifth periodic report on the implementation of CEDAW, a list of issues was published in July 2017 which Fiji should address urgently.

The Media Industry Development Decree 2010 is still in place, prohibiting all publications that are "against public interest or order" and authorising the Ministry of Information to censor all news before broadcast or publication.

To follow up on the last High Level Political Dialogue of December 2016, the EU engaged in discussions with Fijian authorities on the priority steps to be taken in the area of human rights and democracy as well as preparations for the 2018 elections. Fiji's decision to ratify the Convention on the Rights of Persons with Disabilities was welcomed by an EU local statement in March 2017.

During the year, the EU Delegation for the Pacific carried out demarches and outreach activities inviting Fiji to support EU human rights initiatives and priorities at the UN level.

The 11th EDF funded 'Access to Justice' Programme aims at enhancing institutional capacity of the Legal Aid Commission and Fiji's Human Rights and Anti-Discrimination Commission (HRADC) as well as specific training and peer exchange for judges and magistrates (both in Fiji and outside). Four interactive dialogue events were organised between the HRADC and 30 CSOs/Community based organisations. Further, a 5-day workshop was organised with the HRADC in order to train human rights community advocates throughout Fiji Islands. A specific Criminal Justice Workshop was organised for judges with the aim to improve handling of cases. A first hour video recording Pilot exercise (jointly supported by the UK and UNDP) allowed for deployment of officers from the Legal Aid Commission to suspects in detention at the police station.

Under the project 'Fiji in Transition: Towards a Sustainable Constitutional Democracy', the implementing organisation Citizen Constitutional Forum organised a month long moot court competition on "The Police First Hour Procedure on the Right of Detainees" in September 2017 with the participation of all three universities of Fiji.



Further support to CSOs was based on the 2014-2017 Fiji roadmap for engagement with civil society; new contracts have been signed at the end of the year with the aim to promote a culture of constructive and inclusive dialogue and decision making, provide capacity building, support the preparation of general elections in 2018 or strengthen the rule of law.

Fiji was last reviewed under the Universal Periodic Review (UPR) in October 2014; it accepted 112 recommendations and noted 26 out of a total of 138 recommendations.

Fiji is party to a number of international human rights conventions. However, it has not yet ratified the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights despite accepting UPR recommendations in this regard. Fiji's decision to ratify the Convention on the Rights of Persons with Disabilities was welcomed by an EU local statement in March 2017.

In 2016, Fiji had announced its candidacy for a seat at the UN Human Rights Council for the 2018-2020 term. However, due to other international commitments, Fiji decided to defer its bid by one year.

### **The Federated States of Micronesia**

In 2017, basic human rights continued to be respected in The Federated States of Micronesia (FSM), notably on the right to assembly and on freedom of speech, while no gross human rights' abuses were identified. There are, however, persisting human rights concerns, including on domestic violence and human trafficking, which demand attention.

The FSM held general elections in March 2015 which were considered free and fair. However, women's representation in government and politics remain limited. While women are well represented in the middle and lower ranks of the government, at both the Federal and State level, they are scarcer in the upper ranks. No female candidates participated at the last election and all of the 14 members of Congress are men. FSM remains one of the few countries in the world with no women in the legislature.

Legal rights of women are protected under the FSM National Constitution and the constitutions of the four states, all of which prohibit discrimination on the grounds of sex. Women enjoy equal rights regarding property ownership and employment; however, socio-economic discrimination and violence against women continue to be the most prevalent human rights problem in the country. There is no national legislation criminalising sexual assault, but each state has identical legislation criminalising sexual assault against, and sexual relations with, girls under the age of 13. Cases of domestic violence often go unreported because of family pressure or inaction by the authorities. Offenders rarely face trial, and those found guilty usually receive light sentences.

There are no laws criminalising consensual same-sex sexual conduct between adults. There are no known reports of violence, official or societal discrimination, or workplace discrimination against LGBTI persons. However, public acknowledgement or discussion of certain sexual matters including sexual orientation and gender identity remain stigmatized.

In spite of the Human Trafficking Act of 2012, FSM remains a source country for forced labour and sex trafficking. Many sex trafficking cases remain unreported due to victims' fear of shame and

embarrassment in FSM's insular communities. As part of a larger awareness campaign, the government implemented a National Action Plan to Combat Trafficking.

Despite the fact that there are no laws against their formation, no labour unions exist in FSM. The rights to strike and collective bargaining are not legally recognised.

Human rights were discussed at the EU-FSM Informal Political Dialogue held in March 2017. Through the dialogue, and through different financial instruments, the EU promoted human rights, notably in the fields of gender equality and increased participation of women in decision making. In 2017, the EU Delegation for the Pacific carried out demarches and outreach activities inviting the Pacific Island States to support EU human rights initiatives and priorities at the UN level.

In September 2017, the EU and Samoa hosted the Pacific EU Gender Conference in Apia. Pacific Leaders, development partners and CSOs discussed the roles of women in Pacific societies, political and decision-making processes. On the same day, the EU and Pacific Islands Forum Secretariat signed a Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific. This 11th EDF program will support activities at the regional level as well as in the Republic of Marshall Islands.

Awareness-raising and support to civil society and non-state actors were essential elements for the implementation of the regional roadmap for CSOs in the Pacific. To this purpose, the EU also worked closely with the government, regional organisations, civil society and other donors. In the National Indicative Programme designed under the 11th EDF, a specific financial allocation has been set aside for CSOs (EUR 1 million).

In December 2016, with the support of an EU funded project, FSM ratified the Convention on the Rights of Persons with Disabilities and is working on its Disability Policy. However, a large number of the core international Human Rights Conventions remain to be ratified by FSM. Furthermore, the country has a number of overdue reports. With the support of the EU funded project, FSM organised consultations and prepared a Convention on the Rights of the Child (CRC) report.

FSM underwent its second Universal Periodic Review (UPR) in November 2015. During the review, progress was noted in some areas since the first review in 2010, such as FSM's ratification of the Optional Protocol to the Convention on the Rights of the Child as well as steps taken to improve gender equality, to reduce children mortality, and to reduce the impact of climate change on human rights. At the same time, a number of ongoing concerns were raised by delegations, such as FSM's high rate of trafficking in persons, the issue of domestic violence, FSM's reservations to the CEDAW, and challenges linked to discrimination against LGBTI people.

In October 2015 FSM had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. No visits have yet been made under the Special Procedures during the years under scrutiny and FSM has not extended a standing invitation. FSM has not acceded to the Rome Statute of the International Criminal Court. FSM does not have a National Human Rights Institution.

FSM is in the process of developing a national gender policy. Gender focal points from the national government and NGOs received training in June 2015 on gender mainstreaming in order to strengthen their capacity and enable them to jointly construct this policy. Among the

recommendations received in FSM's second Universal Periodic Review (UPR) was the prioritisation of the national gender strategy.

## Republic of Kiribati

In 2017, the overall human rights situation in the country has improved and there are no systematic abuses of human rights. Kiribati's biggest challenge remains climate change. The country is at risk of becoming uninhabitable by the end of the century, which will lead to migration issues. Gender based violence is deeply rooted in traditional behavioural norms.

Discrimination on the basis of race or origin is prohibited by the constitution. However, only native I-Kiribati may own land. Gender discrimination is prohibited by law when it comes to employment, though the law does not prohibit discrimination on the basis of disability, sexual orientation, gender identity or social status. Consensual sex between males is criminalised but there were no reports of prosecutions.

Sexual and gender-based violence continues to be prevalent throughout Kiribati - 68% of women reported experiencing physical and/or sexual violence. Violence against children (42% of the population) and child malnutrition remain serious concerns. Although children have been legally protected from sexual exploitation since 2013, Kiribati remains a source country for girls subjected to sex trafficking. Prosecution of trafficking offenders remains an issue, as does physical punishment of children. Over 70% of young offenders are re-directed from the official justice system into schools or community service.

Kiribati has yet to establish a National Human Rights Institution in compliance with the Paris Principles, but human rights are gradually being mainstreamed into national legislation. The Kiribati Development Plan 2016-2019 recommends continued monitoring of the implementation and reporting of Kiribati's obligations under ratified international conventions.

The government has not established a formal system for granting asylum or refugee status. Women's participation in political life is relatively low. Following the 2016 election, only three of the 46 members of the national legislature are women, one less than in the previous period.

Human rights were discussed during the informal political dialogue with the new government of Kiribati in 2016 and then at the Enhanced Political Dialogue in January 2018.

During 2017, the EU Delegation for the Pacific carried out demarches and outreach activities inviting the Pacific Island States to support EU human rights initiatives and priorities at the UN level. In September 2017, the EU and Samoa hosted the Pacific EU Gender Conference in Apia. Pacific Leaders, development partners and CSOs discussed the roles of women in Pacific societies, political and decision-making processes.

EU and Pacific Islands Forum Secretariat in 2017 signed a Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific.

Awareness-raising and support to civil society and non-state actors were essential elements for the implementation of the regional roadmap for CSOs in the Pacific. To this end, the EU also worked closely with the government, regional organisations, civil society and other donors. In the National

Indicative Programmes designed under the 11th European Development Fund (EDF), a specific financial allocation has been set aside for CSOs (EUR 0.5 million).

The EU also funds the Pacific Islands Forum Secretariat (PIFS) and the Pacific Community Regional Rights Resource Team (SPC RRRT) project, which aims to increase the rate of the Pacific Islands' ratification and implementation of human rights treaties.

Kiribati underwent its second Universal Periodic Review in January 2015. It resulted in 115 recommendations out of which 70 were accepted by Kiribati.

Kiribati has not signed or ratified most of the core international Human Rights Conventions, including the ICCPR and the CESC. Kiribati has not acceded to the Rome Statute of the International Criminal Court. However, with the support of an EU funded project Kiribati acceded to the Optional Protocols to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict and on the sale of children, child prostitution, and child pornography in 2015. However, Kiribati has yet to withdraw reservations to the CRC. Kiribati has overdue reports for CRPD since 2015, CRC since 2011 and CEDAW since 2005.

The country has not extended any standing invitation to the UN Special Procedures, but the Special Rapporteur on water and sanitation visited Kiribati in July 2012.

## Nauru

In 2107, Nauru had a mixed track record with regard to democracy, rule of law and human rights. The government continued its battle in court against several former MPs whom it has accused of rioting outside parliament in 2015. The overall situation for refugees and asylum seekers in the regional Offshore Processing Centre (OPC) slightly improved, given the government's "open door camp" policy. Many refugees now live in town or are free to move and work during the day and use the OPC as a residence. Several commercial activities and restaurants have been opened by the refugees. Although the situation remains difficult for many refugees and asylum seekers, cases of depression and self-harming decreased consistently following the easing of the detention conditions. Nauru is hoping to get some of the refugees from the recently shut camp on Manus Island in Papua New Guinea (PNG).

Through an EU funded project, the EU promoted human rights and gender equality in particular with regard to drafting the new Family Protection Bill. The EU holds regular political and policy dialogues with the authorities.

During the year, the EU Delegation for the Pacific carried out demarches and outreach activities inviting the Pacific Island States including Nauru to support EU human rights initiatives and priorities at the UN level. The last informal Political Dialogue took place in March 2017, focussing inter alia on the political situation after the elections in 2016, human rights, sustainable and inclusive development in Nauru as well as the situation of refugees and asylum seekers in the OPCs.

With funding of the EU channelled through the Pacific Islands Forum Secretariat, the Regional Rights Resources Team (RRRT) completed the first draft of the Nauru Domestic Violence and Family Protection Bill and presented it to the Ministry of Internal Affairs for nation-wide consultations. The Bill entered into force mid 2017 after its approval by the Parliament in April same year.

The 2nd Universal Periodic Review (UPR) of Nauru took place in November 2015 and pointed to challenges in the areas of freedom of expression, access of journalists to the country, physical conditions of asylum seekers, and ratification of certain international instruments. On a positive note, Nauru was commended for its efforts to improve women and children's rights and for the ratification of Convention Against Torture and the Convention on the Rights of Persons with Disabilities.

Despite the fact that Nauru signed and ratified a good number of the core International Human Rights Treaties, legal protection of human rights in the country remains weak. This is primarily due to poor incorporation of human rights treaties into domestic law and lack of domestic legislative provisions for human rights protection. Nauru's capacity to implement international human rights treaties is constrained by financial considerations as well as by the reporting burden.

The review of the Constitution, which was frequently cited by Nauruan representatives during the previous UPR, has not been completed.

Nauru is to host the Pacific Islands Forum summit in 2018 but questions remain about access for journalists given that the government has effectively banned them since 2014 by charging a huge non-refundable visa application fee.

## New Zealand

New Zealand (NZ) has the necessary human rights protections under national law and in accordance with international standards. The New Zealand government has a robust institutional framework to promote and protect human rights. Some longstanding problematic situations that need to be improved include child poverty, family violence and socio-economic issues related with the Māori and Pasifika communities.

Main issues under scrutiny in 2017 have been domestic violence, Māori situation, privacy, rights of the child, rights of the persons with disabilities, suicide rates (highest rate of teen suicides), LGBTQI, Gender pay-gap (numbers of women as corporate directors are falling), combatting torture and ill treatment, NZ citizens deportations from Australia.

In 2017, the main issues that the EU concentrated on were domestic violence, including violence against women, and the situation of the Māori population.

The EU Delegation in New Zealand met with the independent Human Rights Commission on 3 occasions to discuss the overall situation in New Zealand, as well as operational tools. Contacts between the Delegation and the Commission are on-going and relations are excellent. In September 2017, EU Delegation also met with the NZ Refugee Council to discuss immigration policies and the situation in New Zealand and the EU respectively. Both sides were highly appreciative of the meeting and the information provided. In March 2017 the Government introduced the Family and Whānau

Violence Legislation bill which was adopted into the new Government's agenda after the general elections in September 2017.

The EU - New Zealand Partnership Agreement for Relations and Cooperation (PARC) has been provisionally applied since January 2017, and it includes human rights and gender issues as areas of cooperation.

The EU has regular contacts with relevant stakeholders in NZ, including the NZ Human Rights Commission and the Refugee Council. The EU Delegation and Member States' diplomatic missions regularly organize awareness raising activities on topics such as gender equality or women's rights. The EU is also active through its online outreach tools highlighting important advocacy days, such as the Human Rights Day, the International Day for the Elimination of Violence against Women and the World AIDS Day.

The previous NZ Government accepted 121 out of the 155 recommendations from the last Universal Periodic Review (UPR) in 2014. Based on these, 100 government actions are being implemented. Department of Corrections launched the 'Change Lives Shape Futures Strategic Plan' in 2016 to reduce Maori reoffending and presence in correctional facilities. Their target is to reduce Maori reoffending by 25% by 2025.

2017 Child Poverty Monitor revealed a drop in child poverty of 1% between 2016 and 2017. Under the new Government, childhood poverty and welfare is a priority for the Prime Minister as self-appointed Minister of Child Poverty Reduction. A Child Poverty Reduction Bill is expected to be discussed in the Parliament. Prime Minister Jacinda Ardern announced there will be an independent inquiry into historical claims of abuse of children in State care, though the timing for such an inquiry was not announced.

Domestic violence and Māori situation will remain the main issues to be tackled in the coming years. Maori indeed make up over 50% of New Zealand prison population (60% for women) and domestic violence is a problem pertinent to the whole Pacific region.

## Palau

Basic human rights are respected in Palau, such as right to assembly and freedom of speech; and no gross human rights' abuses were identified in 2017. 2017 saw some improvement such as prosecution of sexual crimes; however there are human rights concerns that demand attention, such as the rights of children, gender based violence, abuse of foreign workers, and human trafficking including due care for trafficked persons, migrants and asylum seekers, as well as the establishment of a National Human Right Institution.

Palau's legislation does not provide for the granting of asylum or refugee status and the government has not established a formal system for providing protection to refugees. The government nevertheless provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Children born to non-citizens inherit their parents' citizenship.

The EU raised human rights issues at the Informal Political Dialogue held in February 2017. Through dialogue and different financial instruments, the EU promoted human rights, gender equality and the increased participation of women in decision making. In 2017, the EU Delegation for the Pacific

carried out demarches and outreach activities inviting the Pacific Island States to support EU human rights initiatives and priorities at the UN level.

In September 2017, the EU and Samoa hosted the Pacific EU Gender Conference in Apia. Pacific Leaders, development partners and CSOs discussed the roles of women in Pacific societies, political and decision-making processes. On the same day, the EU and Pacific Islands Forum Secretariat signed a Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific. A Gender Mainstreaming Policy is currently being drafted in Palau and would essentially mainstream gender within the National and State government policies and programs.

Awareness-raising and support to civil society and non-state actors were essential elements for the implementation of the regional roadmap for CSOs in the Pacific. To this purpose, the EU also worked closely with the government, regional organisations, civil society and other donors. In the National Indicative Programme designed under the 11th EDF, a specific financial allocation has been set aside for CSOs (EUR 0.2 million)

Palau still does not have a National Human Rights Institution (NHRI) though the Government expressed its intention to establish one, noting during its second Universal Periodic Review (UPR) that the country would be seeking the assistance of its partners to acquire the specialised resources to do so. Palau has a Reporting Committee on UN Conventions on Human Rights.

As a result of more awareness following the first UPR and related reports on human trafficking issues, more cases have been filed and pursued for prosecution. Palau has adopted legal measures and enforcement strategies to combat human trafficking. The laws include protections in the areas of employment and the unlawful detention of travel documents. However more efforts are needed in enforcing national legislation as Palau continues to be a destination country for women subjected to sex trafficking and for women and men subjected to forced labour.

Regulations that make it extremely difficult for foreign workers to change employers once they arrive in Palau place foreign workers at increased risk of involuntary servitude and debt bondage. As a result, foreign workers are subject to discrimination and are targets of petty and sometimes violent crimes, as well as other harmful acts against persons and property. High-ranking public officials have faced corruption charges in recent years, and several have been convicted.

## **Independent State of Papua New Guinea**

In 2017, Papua New Guinea (PNG) continued its societal transformation while coping with a wide range of human rights challenges. Despite the good effort on policy development over the last couple of years, policy implementation and institutional capacities leave room for improvement. Adequate responses and implementation by government agencies are still limited and slow.

The EU's key human rights priorities in the country in 2017 were gender-based violence, violence against children, and sorcery-related torture and killings. The number of incidents of rape and intimate-partner violence remains one of the highest in the world. Many cases are still unreported and few of those reported are adequately followed up. Three years since the Family Protection Act (FPA) was passed, its implementation shows strong deficits.

However, the National Strategy Paper on Gender Based Violence (GBV) 2016-2030 was approved by the National Executive Council on 13 December 2016 and the Ministry for Religion, Youth and Community Development established the GBV Secretariat Desk and appropriated PGK 10 million (EUR 2.8 million) for the implementation of the Strategy. 2017, being the first year of the strategy's implementation, saw non-state actors taking active roles in awareness raising and advocacy activities. The trend of increased reporting and awareness in the media on GBV, first noticeable in 2016, continued in 2017.

Although under the Criminal Code Act (Amendment Bill 2013) killings connected with alleged sorcery are being treated as willful murder, implementation of the Act still remains a very big challenge. In 2017, Sorcery-related killing continued to increase, which prompted the government to allocate a substantial budget (PGK 10 million/EUR 2.2 million) for 2018 to address the problem. Human smuggling and trafficking continue to be of great concern in PNG.

Cultural and religious reasons prevent PNG from using the death penalty, however it is maintained in law to act as a deterrent (the last execution took place in 1954). Public opinion remains divided over its abolition. Introduced through law in 1902, three crimes carried the death penalty at the time of PNG's independence in 1975, however since 2013 there have been six (treason, piracy, attempted piracy with violence, sorcery-related killing, aggravated rape and aggravated robbery). By the end of the year 2017 no steps had been taken to concretely prepare for a resumption of the death penalty. The reason for this inaction may be attributed to strong opposition from a number of PNG politicians, civil society and international partners, not least the EU.

In terms of prosecution of offenders, court orders are sometimes not respected or not enforced by law enforcement agencies. Instances of evidence 'lost' or tampered with, especially when it involves controversial or high-profile cases, have been reported. The Human Rights Commission which the government already committed to create in 1997 still does not exist.

The level of institutionalised cooperation between State Actors and Civil Society Organisations (CSOs) in PNG is rather low and underdeveloped, especially in terms of lack of a national CSOs platform and comprehensive CSOs' engagement in policy formulation and political reforms, as well as CSOs' ability to utilise government funding mechanisms. However, the Government has gradually recognised the role of CSOs as partners in the development process of the country and the need to partner with these organisations in the delivery of vital services, specifically in the areas of basic health, education, water and sanitation, law and order, politics and governance, human rights and economic empowerment.

Throughout the year, Human Rights were discussed at various fora, notably in meetings with government ministers, at the Human Rights Forum, co-hosted by the UN and PNG Government Department of Justice & Attorney General, and at the Gender Forum, co-hosted by the UN and the PNG Government Department for Youth, Religion and Community Development. Meetings are held quarterly and provide a platform to bring together government representatives, development partners and civil society. Participation by the civil society is increasingly becoming more dynamic.

To combat human smuggling and trafficking, the EU has been providing direct funding and technical support to the International Organisation for Migration, the Department of Justice and the Attorney-General, and the Family and Sexual Violence Action Committee.



EU financial support continues for women's and children's rights, for human right defenders and advocates, against gender-based violence and trafficking in human beings and, last not least, to strengthen prosecution efforts.

The EU deployed independent election observers for the general elections in June/July 2017.

Recommendations at the last Universal Periodic Review (UPR) report to the UN Human Rights Council in May 2016 included the fight against gender- based violence and sorcery-related violence, the strengthening of gender equality, the establishment of an independent human rights institution, the ratification of key international conventions and compliance with reporting obligations, the improvement of access to education and health services, accountability for businesses, the decriminalisation of LGBT persons, the abolishment of the death penalty, police brutality and the lack of dignified correctional services. The common denominator was the slow progress in the implementation of the recommendations from the previous review.

## **Republic of Marshall Islands**

Basic human rights are respected in Republic of Marshall Islands (RMI), however some concerns remain in the fields of gender-based violence, human trafficking and organ trafficking. Women remain underrepresented in all areas of political life.

Human rights were discussed between the EU and RMI at the Informal Political Dialogue held in March 2017. Through this dialogue and different financial instruments, the EU promoted human rights, gender equality and the increased participation of women in decision making.

In 2017, the EU Delegation for the Pacific carried out demarches and outreach activities inviting the Pacific Island States to support EU human rights initiatives and priorities at the UN level.

In September 2017, the EU and Samoa hosted the Pacific EU Gender Conference in Apia. Pacific Leaders, development partners and CSOs discussed the roles of women in Pacific societies, political and decision-making processes. On the same day, the EU and Pacific Islands Forum Secretariat signed a Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific. This 11th EDF program will support activities at the regional level as well as in the Republic of Marshall Islands.

Awareness-raising and support to civil society and non-state actors were essential element for the implementation of the regional roadmap for CSOs in the Pacific. To this purpose, the EU also worked closely with the government, regional organisations, civil society and other donors. In the National Indicative Programme designed under the 11th EDF, a specific financial allocation has been set aside for CSOs (EUR 0.4 million

While RMI passed the Child Rights Protection Act in 2015 there is a low awareness of issues pertaining to children's rights. Corporal punishment is illegal in schools but is still permitted at home. There is no minimum age for employment for children which has raised concerns that children are not attending compulsory education. Only 80% of students who attend primary school reach eighth grade and only 70%-75% of those enter high school. There are few services for the protection of children, and the Human Rights Office in the Ministry of Internal Affairs is poorly staffed.

With the support of an EU funded project, the newly elected Members of Parliament held a Dialogue on Human Rights in February 2016. The Outcomes Document among other things recommended that the Government of the RMI develops a National Human Rights Action Plan and works towards the establishment of a National Human Rights Institution. During the Dialogue, the Government made a commitment to an annual allocation of resources to RMI's national women's movement, to provide services to survivors of domestic violence.

RMI underwent its second cycle of the Universal Periodic Review in May 2015. The review found that since its first Universal Periodic Review (UPR) RMI has undertaken efforts to adhere to the principles of human rights treaties. The positive achievements noted during the UPR included: the enactment of the Domestic Violence Prevention and Protection Act in 2011; the development of the National Gender Policy; the ratification of the Convention on the Rights of Persons with Disabilities in March 2015; the adoption of the Disability Inclusive Development Policy, aimed at improving the life of persons with disabilities; the National Strategic Plan of 2014 and the National Youth Policy. RMI also passed into law the Human Rights Committee Act 2015, the Child Protection Act 2015 and the Rights of Persons with Disabilities Act 2015. Legislation has been adopted for the establishment of a Human Rights Committee. This will ensure follow up of agreed UPR recommendations.

## Samoa

In 2017, the overall human rights situation in the country remained positive and human rights in Samoa continue to be protected by law. There are however human rights' concerns such as potential pressure on freedom of religion and gender-related violence. Generally, the government is open to dialogue and remains committed to improving human rights.

Through dialogue with the government and non-state actors in conjunction with various financial instruments, the EU has promoted human rights, gender equality and increased participation of women in decision making.

The 2017 Samoa Family Safety Study confirmed a high level of gender-based violence in the country and efforts to address the issue need to continue. Violence against children remains an issue and is often tolerated as a form of discipline. A related issue is that of child sex abuse, especially within the family, but measuring the extent of the issue is complicated by insufficient data and possible under-reporting of abuse in Samoa.

In June 2017, the Samoan Parliament amended the Constitution to transform the country from a secular to a Christian state. The change seems to be driven by a fear of Islam and resistance to modern cultural change within Samoa but could potentially affect freedom of religion.

Bilateral meetings at various levels were used as a platform to promote respect for human rights and gender equality in the Pacific region including Samoa. Policy dialogue also served to follow up on issues discussed in the last enhanced EU-Samoa Political Dialogue under Article 8 of the Cotonou Agreement, held in Apia in October 2016. On that occasion, The EU recommended the ratification of a number of international human rights treaties and invited Samoa to examine the possibility of decriminalising male homosexuality.

The EU provides funding to civil society under the 11th European Development Fund Civil Society Support Programme. Among the goals of this is a strengthening of the voice and monitoring role of

Civil Society in Samoa in order to enhance greater respect for human rights and in particular women's rights, with a specific focus on reducing violence and discrimination against women.

Samoa underwent its second Universal Periodic Review (UPR) in May 2016. The recommendations included ratification of the Convention on the Rights of Persons with Disabilities, the Convention against Torture, and the International Covenant on Economic, Social and Cultural Rights. Following its first UPR (2011), Samoa mandated the Office of the Ombudsman to handle human rights' issues in 2013, thereby fulfilling its commitment to create a National Human Rights Institution (NHRI). The Office of the Ombudsman is considered effective and operates free from interference by the Government or political parties, and in July 2016 it was accredited as an "A status" NHRI by the Global Alliance of National Human Rights Institutions – a significant achievement in the regional context. In line with the recommendations in the UPR 2016, Samoa ratified Convention on the Rights of Persons with Disabilities in the same year.

## Solomon Islands

In 2017 the overall human rights situation in the Solomon Islands improved. However, gender inequalities, including gender-based violence and violence against children remained a concern.

The Solomon Islands (SI) still have to enact a comprehensive human rights policy. The implementing regulations of the Family Protection Act 2014 were adopted and formally launched in April 2016 operationalising the fight against domestic violence, protecting survivors, and empowering the courts, police and healthcare professionals to assist survivors' access to services such as medical attention and justice. However, there is currently no legislation to legally prohibit corporal punishment of children.

The Solomon Islands government's work on a legislative package of reforms (aiming at improving political stability; access of women to parliament; fight against corruption and protection of whistle-blowers) has seen little progress. The anti-corruption bill which would provide for the creation of an independent anti-corruption entity tabled in Parliament in early 2016, was withdrawn in 2017, reportedly due to resistance by certain members of the government. In his inaugural speech on 15 November 2017, newly-elected PM Rick Hou assured Solomon islanders that his administration would "deliver this important [anti-corruption] legislation" and expressed his commitment "...in ensuring its implementation before the end of the 10th Parliament" (NB December 2018).

Domestic violence remains an issue of national concern. According to studies, around two thirds of women aged 15–49 who have been in a relationship reported experiencing physical and/or sexual violence by an intimate partner.

There were no reports of politically motivated disappearances or arbitrary, nor of unlawful killings by the government or its agents, nor of political prisoners or detainees.

Limited rearmament of the Royal Solomon Islands Police following withdrawal of RAMSI has been accompanied by community consultations and public campaigns related to the need for limited rearmament and control of weapon use. The police service has an inspection unit to monitor police discipline and performance.

Legal aid is officially available in criminal, family and civil matters through the Public Solicitor's Office, however it has been noted that the Office is routinely overburdened and under-resourced.

Much effort has been put into improving access to justice for women victims of domestic violence, particularly since the start of implementation of the Family Protection Act (2014) in April 2016.

A national plan of action against trafficking in human beings and people smuggling has been finalised, and operational guidelines for law enforcement on the Immigration Act drafted. The government has demonstrated increasing efforts by amending its legal framework to prohibit all forms of trafficking, implementing new victim identification procedures and dedicating resources for the provision of food and shelter for victims. However, the government has not met the minimum standards in key areas: Although there were only two human trafficking cases reported in 2016, both cases have failed to date to reach court, due to lack of judicial resources. Moreover, the government has not conducted any anti-trafficking training, and awareness among officials is low. Solomon Islands is not party to the 2000 UN Trafficking in Persons (TIP) Protocol.

In the next political dialogue to be held in 2018 the EU will urge the government to sign and ratify important human rights instruments, including the ratification of the Rome Statute of the International Criminal Court.

The EU has invited the country to legally protect the rights of the LGBTI community, although there were no reports of violence or discrimination against persons based on sexual orientation or gender identity.

The EU is committed to supporting government and non-state actor efforts to reduce gender-based violence. The EU Delegation has continued a dialogue with civil society organisations such as Solomon Transparency International on corruption, and with the Ombudsman on human rights issues.

A Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific was signed in the margins of the Pacific Islands Forum Leaders' Meeting in Apia in September 2017.

The EU is currently financing an action on 'Support to initiatives and actions on the protection of children against sexual exploitation and sexual abuse'. The EU has also funded projects on women's rights, violence against women, women's empowerment and women's participation. The EU Delegation has taken a leading role since 2016 in convening dialogue on a CSO roadmap, which has been followed by thematic budget lines (EUR 0.6 million from the EIDHR and EUR 1.5 million from the CSO-LA) under calls for proposals in 2017. There are 68 non-governmental organisations (NGOs) currently registered with the Pacific Islands Association of Non-Governmental Organisations.

The SI accepted at the Universal Periodic Review (UPR) in January 2016 the recommendation to ratify the International Convention on the Rights of Persons with Disabilities it had signed in 2008, as well as recommendations related to child protection, corporal punishment, trafficking in human beings, education and criminalisation of sexual violence, and to establish a national human rights institution. The SIG is also committed to establishing a national monitoring, reporting and follow-up mechanism within five years.

## **Tonga**

In 2017, the overall human rights situation in Tonga remained positive. The successful elections in November 2017 are an indicator that Tonga's system of democracy is relatively stable and resilient.

However, there is no full equality of suffrage and not all the seats of the Parliament are directly elected. This is not in line with the Universal Declaration of Human Rights, the ICCPR, and other international standards.

Ratification of CEDAW is stalled, but domestic violence is now publicly recognised as a major problem. Female participation in Tongan politics remains limited. But in 2017, 15 women stood for elections with two of them being successfully elected.

EU actions in 2017 focussed inter alia at sustaining Tonga's transition to a more representative democracy; supporting the ratification of or accession to the remaining seven core Human Rights Conventions; promoting gender equality and women rights, including ratification of CEDAW as well as enhanced engagement with civil society.

In April 2017, the EU and Tonga held the first Enhanced High Level Political Dialogue under Article 8 of the Cotonou Agreement in Nuku'alofa. In the area of human rights, the EU urged Tonga to abolish the death penalty, to ratify (or accede to) the Rome Statute and core Human Rights Conventions, and to decriminalise same sex relations. The EU welcomed that Tonga has a de facto moratorium on the death penalty, it has not agreed any formal undertakings in these areas.

The EU carried out demarches and outreach activities inviting Tonga to support human rights initiatives and priorities at the UN level.

Tonga is covered under a regional roadmap for CSOs in the Pacific, with the purpose of ensuring a more structured and effective dialogue with CSOs as well as to intensify the linkages between CSOs, local authorities and the government. EU financial support was devoted to capacity building of CSOs and gender equality. With support from donors, many Tongan CSOs which were traditionally community-based have evolved into registered organisations with an established organisational structure and improved access to donor funding.

Tonga will be reviewed under the Universal Periodic Review (UPR) in early 2018. Tonga demonstrated a mixed progress in implementing the recommendations of its last UPR in 2013. The country is not a very active member in the international human rights fora and so far has only ratified two of the core UN Human Rights Conventions (the ICERD and the CRC). Tonga has yet to submit its initial CRC report due since 1997.

## **Tuvalu**

In 2017, the overall human rights situation in Tuvalu improved. While there are no systematic violations or abuses of human rights, gender-based violence is deep-rooted in traditional behavioural norms.

The EU's human rights activities and concerns in 2017 in Tuvalu largely focussed on gender based violence. Tuvalu also faces very substantial human rights' risks relating to climate change, such as those resulting from loss of land and displacement or access to safe water and sanitation. Tuvalu is at risk of becoming uninhabitable by the end of the century, which will lead to migration issues.

There is limited potential for administrative capacity due to the low population (10 000), and this creates particular constraints with regard to the supplying of regular reports under UN instruments (e.g. CEDAW), which results in insufficient data for assessing the situation.

The first enhanced EU-Tuvalu Political Dialogue under Article 8 of the Cotonou Agreement was held in Funafuti on 31 May 2017. The parties discussed progress and remaining human rights challenges in Tuvalu.

To address the remaining challenges, Tuvalu launched Pacific's first Human Rights National Action Plan 2016-2020 in January 2017. The National Action Plan was developed with co-funding from the European Union.

In September 2017, the EU and Samoa hosted the Pacific EU Gender Conference in Apia. Pacific Leaders, development partners and CSOs discussed the roles of women in Pacific societies, political and decision-making processes. EU and Pacific Islands Forum Secretariat also signed a Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific.

Awareness-raising and support to civil society and non-state actors were essential elements for the implementation of the regional roadmap for CSOs in the Pacific. To this end, the EU also worked closely with the government, regional organisations, civil society and other donors. In the National Indicative Programmes designed under the 11th European Development Fund (EDF), a specific financial allocation has been set aside for CSOs (EUR 0.3 million).

The EU also funds the Pacific Islands Forum Secretariat (PIFS) and the Pacific Community Regional Rights Resource Team (SPC RRRT) project, which aims to increase the rate of the Pacific Islands' ratification and implementation of human rights treaties.

Tuvalu is a party to three core Human Rights Conventions: CEDAW, CRC and CRPD. Tuvalu underwent its second Universal Periodic Review in 2013. Out of 97 recommendations it accepted 70 and rejected 27. The rejected recommendations mostly concerned the ratification of the main international human rights instruments, creation of the national human rights institution and decriminalisation of homosexuality.

The first comprehensive disability study was conducted in February 2017. In October 2017, Parliament of Tuvalu passed legislation establishing an independent national human rights' institution. Under the legislation, Tuvalu's Ombudsman will be given additional powers to receive complaints and initiate inquiries into human rights issues, as well as undertake activities to promote awareness of fundamental human rights.

In 2017, Tuvalu proposed a UN Resolution to create a legal framework for people displaced by climate change.

## **Vanuatu**

In 2017, in Vanuatu, discrimination and violence against women remained the most significant human rights abuses. Other human rights problems included police violence, poor prison conditions, an extremely slow judicial process, lengthy pre-trial detention, government corruption, commercial sexual exploitation of children, discrimination against persons with disabilities, discrimination and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and violence against marginalized persons.

The right to education is not respected, especially for girls. Early pregnancy often keeps them off school. Domestic and sexual violence on women and children are a major concern. Cases of incest are common even with very young children.

The EU's priority for the year was the establishment of a fully-fledged National Human Rights Institution in accordance with the Paris Principles (to guarantee equality of women and girls and persons with disabilities) and the ratification of the Optional Protocol to the Convention Against Torture (OPCAT).

Although Vanuatu ratified the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) in 1995, the Convention has not yet been fully incorporated into domestic legislation.

Traditional attitudes regarding male dominance and customary familial roles have hampered women's participation in political life. While the percentage of women in Pacific parliaments currently hovers at 7.2% as of November 2017, no women serve in Vanuatu's 52-member parliament. Provincial elections in March 2017 were contested by female candidates.

The EU Ambassador accredited to Vanuatu and based in Honiara (Solomon Islands) has maintained a regular and effective EU political and operational presence in Vanuatu. At the 4th Enhanced Political Dialogue under Article 8 of the Cotonou Agreement held in Brussels on 24 January 2017, the situation of human rights, gender equality and good governance in the country was discussed. During the dialogue, Prime Minister Salwai presented the Sustainable Development Plan 2030 which supports inter alia the protection of human rights through legislation and institutions.

In 2017, the EU continued to provide financial support to projects funded through the European Development Fund (EDF), the focal sector of which is rural development. Agricultural activities can play an important role in stimulating growth, creating jobs and improving livelihoods in rural areas. They can help fight poverty in Vanuatu and limit urban drift and other undesirable consequences, such as urban unemployment, drugs use and violence.

In July 2017, during the Gender and Human Rights Peer review funded by the EU through the 10th European Development Fund (EDF), the ni-Vanuatu Ministries in charge of Climate Change, Education, Land, Agriculture and Local Authorities were mandated to incorporate Gender Responsive Budgeting in their budgets for 2018. Other ministries will follow suit in the 2019 budget.

A Financing Agreement worth EUR 13 million to tackle the root causes of gender inequality and violence against women and girls in the Pacific was signed in the margins of the Pacific Islands Forum Leaders' Meeting in Apia in September 2017.

Vanuatu has completed successfully the second cycle review under the Human Rights Council Universal Periodic Review and developed a national framework under which the recommendations will be mainstreamed into government planning and development programmes.

In September 2017, the Committee on the Rights of the Child welcomed the progress achieved by the State party in various areas, including the ratification of or accession to international instruments and in particular the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on children in armed conflict. The

Committee also noted with appreciation the legislative, institutional and policy measures adopted to implement the Convention.

Despite progress, challenges remain regarding the implementation of human rights, especially in the outer lying remote islands. They include access to justice, in particular for vulnerable groups, as well as strengthening of constitutional and legislative guarantees.

Vanuatu has supported the resolution for a moratorium on the use of the death penalty both at the UN General Assembly's (UNGA) 3rd Committee and at the UNGA plenary in December. It also voted in favour of other EU-sponsored/supported country or thematic human rights resolutions at the 3rd Committee in 2017.

## **The Americas**

### **Belize**

#### *Overall human rights situation*

In 2017 Belize continued its commitment to implement the National Gender Policy and a National Gender Based Violence plan of action to end violence against (mainly) women. Work on the establishment of a National Human Rights Institution also continued, as did work on adopting legislation to prohibit racial discrimination. Corruption in a number of government services remains as a major challenge as recognised by the Belize Foreign Minister. In order to address concerns related to excessive force by security forces and lengthy pre-trial detentions, the Ombudsman recommended inter alia that the Professional Standards Branch be made more independent of the Belize Police Department in order to build public trust and to offer continued training and capacity building for the police in crime scene preservation protocols. The border dispute between Belize and Guatemala remained a potential threat to the human rights environment in Belize, particularly because of the potential for flare-up of violence. Both Belize and Guatemala announced in 2017 that they will hold a referendum in 2018/early 2019 to decide whether to take their territorial dispute to the International Court of Justice. Belize retained a tier three ranking in the US State Department's Trafficking in Persons report for 2017. While acknowledging that some steps were taken to address trafficking, the report says government did not begin any new prosecutions or convict any traffickers, nor did it investigate or prosecute any public officials for alleged complicity in human trafficking-related offenses. Concerns remain about the government's continued failure to recognise and respect Maya land rights.

#### *EU action – Key focus areas*

In 2017 the EU's key focus areas continued to include the support for peace keeping operations on the Belize-Guatemalan border, as well as good governance, the promotion of transparent financial management, the fight against gender-based violence, and the protection of vulnerable groups, such as indigenous peoples and children victims of abuse.

#### *EU bilateral political engagements*

Belize and the EU held their third political dialogue in September 2017. The dialogue offered a platform for consultation on a broad range of bilateral, regional and multilateral issues, as well as an opportunity to take stock of progress made concerning 'essential elements' of the Cotonou



Agreement, including respect for human rights, democratic principles and good governance. High on the agenda were developments in the process to resolve the Guatemalan Claim to Belizean Territory. The EU expressed its continued support for the resolution process through the International Court of Justice and confirmed its ongoing support for the work of the Organization of American States in the Adjacency Zone. As highlighted by Belize Foreign Minister Elrington during his visit to Brussels in December 2017, the EU support for peace-keeping and confidence building at the Belize-Guatemalan border has been crucial to keep the situation stable.

In addition to bi-lateral political engagements, the EU continues to raise its voice about human rights concerns through speeches, statements and also via social media, including on special days and events and through joint campaigns with other international development partners and civil society organisations.

Extensive talks with civil society organisations in December 2016 resulted in improved uptake of EU Call for Proposals among civil society organisations under the European Instrument for Democracy and Human Rights in 2017. Two new contracts were signed to facilitate human rights advocacy work in favour of vulnerable groups, including indigenous persons and women who are incarcerated to aid in their rehabilitation. The EU Delegation is also continuing to support UNICEF to help children to identify abuse and seek redress in instances of abuse. Additionally, the EU Delegation partnered with the Special Envoy for Women and Children, First Lady of Belize, Kim Simplis Barrow on initiatives to advance gender equality and raise awareness of gender based violence in Belize. Activities were built around special days including International Women's Day.

### *EU financial engagements*

In 2017 the EU provided funding valued at € 12 Million to Belize under the European Development Fund. Under the EIDHR Belize benefitted from a total of € 446,170.93 to support work with vulnerable groups including indigenous people and women. The EU is also the major contributor to a new project titled "Implementation of the Confidence-Building Measures in the Belize-Guatemala Adjacency Zone," which was signed in July 2017. This project supports the operation of the OAS/Adjacency Zone Office, which serves as a mediator for any incidents that arise. The value of EU support to the Adjacency Zone Office is € 1.2 million.

### *Multilateral context*

The next UN Universal Periodic Review is scheduled for November 2018.

## **United States of America**

### *Overall human rights situation*

In 2017, the main human rights related issues in the US included death penalty, detainees in Guantanamo, women's rights and LGBTI rights and the protection of rights of migrants and refugees.

The death penalty continued to be applied, with 23 executions in 2017 (up from 20 in 2016) and 39 new death sentences (up from 31), though these remain historically-low numbers and public support for the death penalty declined to 55%. On police violence, Attorney General Sessions ordered a review of existing police accountability mechanisms and President Trump revoked the Executive Order 13688 (2015) restricting the use of military equipment by local law enforcement. The US

prison system has an estimated 2.3m detainees, the highest per capita incarceration rate for any developed country.

At the end of 2017 41 inmates remain detained at Guantanamo. The US Administration no longer supports its closure and the mandates of the two Special Envoys for the Closure of Guantanamo Bay have been discontinued. On labour rights, there are continuing concerns on child labour in the agricultural sector (esp. tobacco farms), and discrimination against and exploitation of migrant workers. On women's rights, the Administration announced it would end a rule on collecting gender gap wage data, reinstated the so-called Mexico-City Policy prohibiting the funding of foreign NGOs involved in abortion counseling and the President signed legislation stopping the federal funding of groups that perform abortions. The Department of Justice revoked guidance to public schools letting transgender students use the bathroom of their choice. The White House reversed guidance allowing transgender people to serve openly in the military, though this was over-ruled by the courts. The US government argued before the Supreme Court that US citizens have the constitutional right to deny services to customers citing religious beliefs.

On immigration, there have been attempts to enact travel bans for so-called "high-risk" countries though this continues to be challenged in the courts. New refugee vetting procedures took effect with a historically-low annual cap of 45,000 imposed (down from 110,000). The Administration ended Deferred Action for Childhood Arrivals (DACA) which shielded young undocumented immigrants ("dreamers") from deportation. The President also retracted the temporary protected status for c. 120,000 Haitians, Hondurans and Nicaraguans. At the multilateral level, the US has threatened to leave the UN Human Rights Council and has disengaged from the UN Global Compact on Migration.

### *EU action and impact - key focus areas*

On abolition of the death penalty, the EU has remained very engaged throughout the reporting period. The EU export ban on drugs for execution remains in place and continues to have a significant effect on the death penalty landscape, providing a rallying point for civil society organisations to help them push for change at the State level. The ban has also been a focus for media coverage, which has reflected the gradual change in public opinion against the death penalty and positively influenced this trend. The EU also made 6 demarches in death penalty cases (up from 4 in 2016) for 13 individuals. In 6 of these cases the execution was halted and the EU continues to monitor these cases. On World Day Against the Death Penalty, EUDEL organised 3 events in Washington and Pennsylvania (incl. the first "out of the beltway" death penalty event) and the EU Head of Delegation also published an op-ed. On Guantanamo, the EU position remains unchanged. The EU Special Representative for Human Rights Stavros Lambrinidis met with the defence team of some detainees on 31 August. On women's rights, the EU continued to support the Equal Futures Partnership (with Croatia chairing in 2017). On criminal justice reform, police violence, detention and the human rights of LGBTI persons, the EU has been consulting with relevant stakeholders and is monitoring developments closely. A resumption of the EU-US Human Rights Consultations would allow the EU to discuss all of its key focus areas more directly with the Administration.

## Antigua and Barbuda

In September 2017, Barbuda was completely devastated by Hurricane Irma and its population of approx. 1,700 persons had to be evacuated to Antigua. By the end of the year only a couple of hundred individuals had returned.

Antigua and Barbuda's main challenges as regards Human Rights are domestic violence, discrimination against LGBTI people and child abuse as well as prison conditions and justice backlogs.

According to the findings of the periodic review on the implementation of the Covenant on the Rights of the Child, several cases of domestic abuse were reported in 2017, including physical and sexual abuse. Corporal punishment is still administered in schools. Antigua and Barbuda has made efforts to combat the trafficking of people. Regarding LGBTI issues, a public discussion on the possibility of repealing the criminalisation of homosexuality was initiated, supported by the country's Minister of Social Transformation. This would be an important development to eliminate discrimination and stigmatisation of LGBTI persons throughout society, enabling them access to regular health and education services. Antigua and Barbuda retains the death penalty although no executions have occurred since 1991. The country's only prison suffers from extreme overcrowding, with the number of inmates duplicating the capacity. Necessary infrastructure investments are not taking place.

EU priorities include women and children rights, LGBTI as well as the abolition of the death penalty and other improvements in the area of the rule of law, in particular the need to address prison overcrowding and judicial backlogs. Antigua and Barbuda benefits from EU assistance in the area of Human Rights under the European Instrument for Democracy and Human Rights and the Civil Society Organisations programme. In 2017, it benefitted from two projects. The first project is targeted at fighting domestic violence and carried out research, training and awareness raising activities to root out biases, promote behavioural changes and reduce gender based violence in the island. The project has collected data, built the capacities of civil society organisations (CSOs) and other key stakeholders in justice, health and other departments, and launched communication campaigns. The second project was launched in early 2017 with the objective of increasing employment opportunities for at-risk & incarcerated youth in Antigua and Barbuda, and reducing recidivism among them. This project has already involved a number of key stakeholders, including the Ministry of Social Transformation, the Ministry of Legal Affairs, Probation and Community Development, Gender Affairs, and the Superintendent of Her Majesty's Prison and staff. Specific activities were vocational training, job placements, diversion and re-entry programmes. 68 youths were enrolled in the first batches of training in several vocational skills of the youth-at-risk programme, though 12 of them subsequently dropped out.

The Country's Universal Periodic Review (UPR) took place in June 2016. Antigua and Barbuda accepted 37 recommendations formulated during the interactive dialogue and rejected 78. The UPR recommendations concerned mainly the promotion and protection of the human rights of the most vulnerable groups, especially of women and children; the need to ensure national legislation prohibiting discrimination on the grounds of disability, sexual orientation, gender identity and social status; the problem of prisons overcrowding; the assistance to victims of human trafficking and domestic violence.

## Canada

Canada has committed itself to placing a strong emphasis on human rights, both in its domestic and foreign policy. All Cabinet Ministers and diplomats have been mandated to include the promotion of "human rights, freedoms and inclusion" as part of their core objectives. The overall human rights priorities of Canada, as well as its feminist foreign policy, focus on the promotion of diversity and pluralism, reworking the relationship with indigenous people domestically, work on Freedom of Religion and Belief, and advancing gender equality and women's empowerment. Progress has been made in many of these areas, but Human Rights Advocacy groups continue to highlight the following problematic areas in Canada: the situation of indigenous peoples, violence against indigenous women and girls, children in immigration detention, and the treatment of refugees.

Since the provisional application of the EU-Canada Strategic Partnership Agreement in April 2017, its provisions on the Human Rights and Democracy guide EU-Canada relations in this area. At the Joint EU-Canada Ministerial Committee (JMC) held in December 2017, the EU and Canada confirmed their readiness to cooperate on advancing gender equality and the empowerment of women and girls. They will share experiences and build on each other's successes in advancing women's increased participation and enhanced roles in peace operations. The JMC agreed that the EU and Canada will co-chair a Women Foreign Ministers Meeting in 2018 within the context of Canada's G7 Presidency. The EU and Canada also committed to continue to actively engage and coordinate at UN level, working together to shape the development of the Global Compacts on Migration and Refugees towards their adoption before the end of 2018.

EU-Canada joint consultations on Human Rights issues were held in March 2017. Discussions focused on Multilateral human rights issues, enabling and protecting civil society space, women's rights, LGBTI rights, Human rights defenders, Freedom of religion and belief, indigenous rights, rights of the child and digital inclusion.

The EU Delegation continued regular publication on the Delegation's website and via social media platforms (Facebook and Twitter) of EU Human Rights policies, priorities, news releases and statements and recognition of special days such as International Human Rights Day and Pride events in Ottawa. The EU Delegation marched, with an EU Flag, in the 2017 Ottawa Pride Parade.

Specifically on gender, in April, the Head of Delegation gave a speech during the 2017 Gender Equality Forum to inform about the EU's gender policy, the legal framework protecting women's rights within the EU and in EU External policy.

## Commonwealth of Dominica

In September 2017, Dominica was ravaged by Hurricane Maria, a Category Five storm with maximum sustained winds of nearly 160 miles per hour. Officials in Dominica said the hurricane left 27 people dead and more than 50 people missing. About 90% of the structures on the island were either damaged or destroyed. The agriculture sector, the main industry for Dominica, was totally destroyed. Food distribution continues to be necessary in vulnerable settlements. Amidst severe shortages of food and water, the number of thefts across the capital city of Roseau began to rise, prompting the government to impose a nationwide curfew from 4pm to 8am that was lifted only in December..

Gender-based violence, child abuse and discrimination against LGBTI individuals remain serious concerns. There are also some challenges with the rule of law and the protection of the indigenous Kalinago population. Child abuse continues to be a pervasive problem. The Ministry for Social Services, Family and Gender Affairs reported that the abuse of boys is on the increase. Civil society representatives indicate that the process for reporting child abuse to the authorities is too complicated and not victim-focused. Corporal punishment is still legal but the government continues to promote alternative disciplinary practices through its Child-Friendly Schools initiative. With respect to gender-based violence, the new Sexual Offences Act entered into force on 24 November 2016, bringing far-reaching changes to the previous legislation, such as the introduction of stiffer penalties, including a life sentence for rape, and a definition of marital rape. However, strong ties to abusers and a lack of financial independence often make survivors reluctant to press domestic violence charges. As with most of the other Caribbean islands, consensual same-sex activity is illegal in Dominica. Strong societal and employment discrimination against persons due to their real or perceived sexual orientation or gender identity is common in the socially conservative society, and no laws prohibit discrimination against a person on the basis of sexual orientation or gender identity in employment. The death penalty remains on the books, even though the last execution occurred as far back as 1986 and the country could be considered as having a 'de facto moratorium' on the death penalty. Inadequate prosecutorial and police staffing, outdated legislation, and a lack of magistrates contribute to severe backlogs and other problems in the judicial system.

Dominica is the only Eastern Caribbean country with an indigenous Kalinago population, who are estimated at 3 000 persons and are living in the 3 782-acre specially designated "Carib Territory". Their rights are protected by law and Kalinago actively participate in decision-making that directly affects them, their land, and their resources. However, despite improvements, the Kalinago people, continue to experience some societal discrimination, unemployment in the territory is higher than in the rest of the country, and Kalinago average income is below the national one. One of the major issues facing the Kalinago is the continuing encroachment on their territory by farmers.

The country benefits indirectly from regional outreach and best practices developed by EU projects implemented in the region and under specialised instruments.

## **The Bahamas**

Constitutional provisions which allow discrimination on the basis of gender and sexual orientation, retention of the death penalty and the treatment of migrants remain major issues of concern. Other challenges include children rights, prison conditions and police abuse and judicial delays. The impact of the failed Constitutional Referendum held in June 2016 on gender equality held in June 2016 was still being felt in 2017. Women still are treated differently in respect of the transfer of nationality from parent to children and of the award of nationality to foreign born spouses of Bahamian citizens. A constitutional referendum is required to effect the necessary changes. On May 10, 2017 within a context of rising crime rates, high unemployment and allegations of corruption among high ranking officials general elections were held, which resulted in a change in government. The OAS and CARICOM observed the election proceedings and assessed them as smooth and peaceful, while making a number of recommendations to improve the level playing field and transparency in the electoral process.

Notable developments in 2017 included the country's positive tier one rating on the US State Department's classification for Trafficking in Persons. In addition, the government carried out a comprehensive public awareness campaign on the issue in 2017. To expand access to justice, especially for the poor, in January 2017, the Bahamas opened the Office of the Public Defender, a non-profit independent entity dedicated to defending the accused, providing equal access to justice and reducing delays caused by the inability of defendants to secure counsel. Migration remains a thorny issue in the Bahamas and in October 2017 Prime Minister Minnis issued a warning on all undocumented migrants in The Bahamas to regularize their stay or leave the country by December 31, 2017. He also reportedly warned that failure to comply would result in aggressive pursuit and deportation. Bahamians employing illegal migrants were also given the same timeline to regularize them, cease their employment or face prosecution. The warning from the government reignited fears about police excesses and other human rights violations associated with implementation of the immigration policy, which was first introduced in November 2014. There are growing concerns that Haitian migrants are specially targeted and will be greatly affected by the announced tougher stance on illegal migration. An estimated 30,000 to 50,000 persons of Haitian origin and their children, some born in Bahamas, are denied citizenship, which in practice leaves them stateless. The government indicated it had appointed a Human Rights lawyer in the Ministry of Foreign Affairs to guide management of such issues and that representatives of both governments were in dialogue at the Ministerial level.

EU focus areas of action have included the promotion of gender equality, respect in the treatment of migrants, improvements in the conditions of detention in prisons and abolition of the death penalty.

The EU and The Bahamas held their third Article 8 Political Dialogue in November 2017, during which the human rights situation was discussed. This was the first meeting with the new government, which had taken office following a landslide victory in the May 2017 general elections. The EU raised concerns about the much-publicised announcements regarding undocumented migrants.

The Bahamas does not qualify for bilateral assistance under the 11th EDF, however, discussions continue with the government on possible application for project funding through various EU regional envelopes.

## **Barbados**

Positive developments include legislative steps that were taken to address sexual harassment at the workplace, to rehabilitate offenders and concerning disabled persons. The country committed itself to the elimination of child labour by 2025 by signing the relevant ILO Regional Initiative. Challenges continue in the areas of domestic violence, child abuse, homophobia, a high number of remand prisoners, a slow justice system and incidence of police brutality.

Barbados retains the mandatory death penalty although no executions have taken place since 1984. The parliamentary procedure to abolish the mandatory aspect of DP was left suspended. As of 18 December, there were eleven persons on death row. At the end of December 2017, 58.24% of the local prison population are on remand, awaiting trial. Judicial authorities in the country have admitted that procedures are too long, with some civil cases lasting over ten years. In February 2017, the Criminal Records (Rehabilitation of Offenders) Amendment Act 2017 was passed aiming at facilitating expungement of records. Members of the Police continue to be accused of acts of

brutality. In July 2017, eight officers were charged of assaulting a man in custody. There is a police complaints authority. On 15 December 2017, government laid in Parliament a Police Amendment Act to increase the powers of the police.

Whilst the country has still not adopted its long envisaged juvenile justice reform, it has set up a drug treatment court and it is promoting alternative dispute resolution. Sex related crime decreased overall, but rape was up. Police are generally responsive to complaints, but shame and fear of reprisal often deter victims. Police and human rights groups reported that perpetrators commonly made payoffs to victims in exchange for discontinuing cases. In October 2017, Barbados became the first CARICOM country to launch the Model Guidelines for Sexual Offences, which offer a rights-based approach to the treatment of victims and vulnerable witnesses.

Child abuse remains a prevalent problem. Although corporal punishment was outlawed for prisons, it continues to be legal in schools. Its use as a disciplinary policy has been restrained, as the Ministry of Education, with support from UNICEF, disseminated in all public schools guidelines promoting a positive behaviour management programme. Homophobia is still a major concern. Sexual intercourse between same-sex persons remains an offence, and is liable on conviction to imprisonment for life – the harshest penalty for such an offence in the Western hemisphere. While these legal provisions are not (strictly) enforced, they render consensual same-sex activity illegal, and drive the LGBTI community underground. On the positive side the LGBTI community has better organised and got a louder voice. In November 2017, the Employment Sexual Harassment Prevention Act 2017 was passed into law. Barbados has not managed to establish a fully-fledged National Human Rights Institution due to lack of resources. The government set up a National Human Rights Coordination Committee. Although Barbados ratified the Convention on Rights of Persons with Disabilities (CPRD) in 2013, implementing legislation is still pending. Persons with disabilities generally experience discrimination and other challenges

Barbados, as part of the Eastern Caribbean sub-region, benefits from EU assistance in the area of Human Rights under the European Instrument for Democracy and Human Rights and the Civil Society Organisations programme. In 2017 it mainly benefitted from two projects that specifically target domestic violence, inter alia, through qualitative and quantitative research, data collection, guidelines for Domestic Violence Acts and/or Action Plans, harmonised protocols for reporting, cultural exhibitions, social media campaigns and – last but not least – a serious, pro-social video game intervention for use across education settings to facilitate attitude and behaviour change and enhance emotional intelligence among young people. Another project is fostering the inclusion of persons with intellectual disabilities in employment, inter alia through vocational training, job placements, and a public outreach/awareness campaign. These projects have provided for excellent visibility – both of the human rights priorities concerned as well as of the EU, and one of them has already won a number of awards for its ground-breaking work. Moreover, a significant number of those new projects selected and contracted at the end of 2017 will target Barbados in the future (inter alia, to fight the exclusion of persons with disabilities, LGBTI citizens, youth, the elderly and economically/socially disadvantaged groups, and to promote the abolition of the death penalty).

Barbados' Universal Periodic Review (UPR) took place on 19 January 2018.



## Republic of Costa Rica

Costa Rica is a consolidated democracy, enjoying a relatively high level of political and social welfare, and has a strong tradition and a solid record in the formal protection and promotion of public policies in the field of human rights (notably with the 2015 constitutional reform declaring Costa Rica to be a 'multi-ethnic and multicultural state').

However, the country still faces a number of challenges, in particular on socioeconomic rights, citizens' security, and discrimination against vulnerable groups, gender issues and prison conditions, often associated with the weak implementation of some of the existing legislation. In this regard, the draft bill Framework Law for the Prevention and Sanction of all Forms of Discrimination, Racism and Intolerance, currently under discussion in the Legislative Assembly, is a very important initiative. Concerning vulnerable groups, despite significant progress, the LGBTI community still faces social prejudice, abuse and discrimination. Costa Rica continues to defend the human rights approach to migration, both externally with an active participation in the Global Compact for Migrants (GCM), and internally, launching the Framework for Protection and Solutions to the Situation of Migrant Persons (MINARE). While Costa Rica is one of the most like-minded countries in Latin America on gender issues – the President of Costa Rica ended his term as co-chair of the UN High-Level Panel on Women's Economic Empowerment this year – the gap between the letter of the law and its implementation remains the most important challenge. Significant levels of violence against women, informal labour, an important pay gap and very high levels of women's unemployment persist. With regard to reproductive rights, Costa Rica's legislation allows only therapeutic abortion (when the mother's life is in danger). A Presidential Decree allowing IVF (in vitro-fertilisation) was endorsed in December 2016 by the Inter-American Court of Human Rights and a conciliation agreement was reached in a related legal dispute. Also, a Law sanctioning 'improper' sexual relations between adults and minors and prohibiting marriages with minors and between adopted children and their guardians or descendants came into force in 2017. With regard to the implementation of public policies directed to combatting violence against women, Costa Rica launched the National Plan for Attention and Prevention of Family Violence (PLANOVI), as well as the Violence Observatory, inaugurated by the Judicial Power.

The Human Rights Strategy priorities for Costa Rica, as agreed by the EU and Member States present in the country, include supporting the fight against poverty and inequality, the strengthening of citizens' security (through a human rights-based approach) and the improvement of prison conditions, promoting anti-discrimination against vulnerable groups and encouraging their participation in society, promoting gender equality, and strengthening Costa Rica's role as a key human rights partner in international fora.

Along with the regular dialogue with the authorities and the Ombudsperson, the EU promotes a structured dialogue with all relevant stakeholders. The preferred platform is 'The Donors/Human Rights Roundtable', which holds regular meetings with civil society and HRDs. In addition to specific demarches, the EU and its Member States participated in public events and outreach activities on human rights, with a particular gender equality focus throughout 2017. The EU continued to implement a significant number of cooperation projects with a strong human rights component. The EU programme PROSEC ('Sector support to security sector reform in Costa Rica'), supporting police force training and organisation, ended in 2017. PROEDUCA supported educational capacities to fight against secondary school dropouts. Emprede contributed to increasing the economic independence



of economically vulnerable women. In addition, a number of technical workshops on Human Rights were organized in 2017 with civil society. Ongoing projects funded by the EIDHR tackle discrimination against vulnerable persons deprived of liberty, with a special focus on double discrimination: young and adult women, migrants and LGBTI inmates. Following the 2018 presidential (second round on 1st April) and legislative elections a new President and Government took office. It remains to be seen whether they will take forward an active policy of promotion and protection of human rights, both internally and externally, with a focus on the effective implementation of the existing policies and legislation.

Costa Rica is a very constructive partner on multilateral human rights issues, with one of the latest examples being the adherence and support for the EU-initiated Global Alliance to end trade of goods used for capital punishment and torture. The headquarters of the Inter-American Court of Human Rights, the Inter-American Institute of human rights and the UN University for Peace are all located in Costa Rica. Costa Rica remains a leading advocate of multilateralism and an active participant in multilateral fora. It has ratified all UN conventions (with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families). Costa Rica is a strong partner for the EU in the UN Third Committee.

Costa Rica's Universal Periodic Review (UPR) is scheduled in 2019.

## **Republic of Cuba**

The situation remained stable without major changes in 2017. Continuation of positive measures on women, children and LGBTI rights was combined with stagnation or even setbacks in other areas.

Economic freedoms decreased during 2017, and so did the expansion of the private sector and the social empowerment it brings along. New restrictions on private sector activities started in July 2017, with the suspension of the issuance of new licences for self-employed and cooperatives in a number of key sectors, ostensibly to better regulate them. The move was followed in December by the announcement of overall tighter regulations as part of a review of market reforms stemming from complaints about excess accumulation of wealth, tax evasion and other practices. The effect of these measures will be further compounded by the prohibition, by the new US administration, of individual self-directed travel between the US and Cuba, since the private sector had benefitted the most from such individual visits.

A number of civil society organisations reported lack of progress regarding freedom of expression, freedom of the press, and freedom of association. Limitations were reported in the activities of opposition, human rights defenders and activists ahead of the autumn 2017 elections. This translated in several of mostly short-term, but also a number of long-term arrests.

Municipal elections took place in November 2017, the first step towards the election of a new President by mid-April 2018. However, single independent candidates did not manage to enter the list of eligible nominees.

On the other hand, Cuba maintains its positive measures in addressing the rights of the child, women and of the LGBTI community, as well as the rights of people with disabilities. While the Constitution guarantees in theory a wide range of human rights, in practice there is an emphasis on

protection of social and collective rights in Cuba. In this context, universal health and education continued in 2017 despite economic setbacks and a shortage of medicines linked to the US embargo.

EU key focus areas in Cuba include freedom of association, assembly and expression, promoting equal opportunities (with a view on gender, LGBTBI, racism, functional diversity), promotion of economic rights, freedom of press and access to information, and empowering human rights defenders.

On 22 May, the EU and Cuba held their third high-level discussion on human rights in Brussels.

They included the subject of citizen's participation in public affairs, notably in view of the 2017/2018 elections in Cuba. The EU and Cuba reaffirmed their commitment under the EU-Cuba Agreement on Political Dialogue and Cooperation. The provisional application of the Agreement started on 1 November, officially establishing a legal framework to formalise the political dialogue between the EU and Cuba, and reinforcing cooperation in a wide range of areas, including in the area of human rights.

A number of successful EU projects have been implemented in 2017. They involve a total assignation of EUR 3,710,200, including projects addressing youth, people with disabilities, sexual health, healthy aging and a gender approach for the care of the elderly and people with intellectual disabilities. A new centre in Old Havana was opened in November, in partnership with UNICEF, for the social and participative development of adolescents.

The moratorium on the death penalty remained in place in 2017, no new death sentences were pronounced and Cuba continued to abstain in the annual vote at UNGA. The EU engaged in constructive dialogue with the Cuban government on the subject, both in Havana and New York.

The next Universal Periodic Review (UPR) for Cuba is scheduled in April-May 2018.

## **Dominican Republic**

Human Rights and fundamental freedoms are formally respected, but there is often a lack of implementation in practice, and in this respect major problems continue unabated. Rule of law generally prevails and most relevant conventions have been ratified, except for those on migrant workers and their families, on the prevention of statelessness, and on the protection of persons from enforced disappearance. However, serious challenges remain, including a very high number of extra-judiciary killings, torture and mistreatment; conduct of security forces; corruption, collusion and impunity; prison conditions and pre-trial detention; chronic violence against women and children; rights of vulnerable minorities, including the rights of migrants and their descendants born in the Dominican Republic; trafficking in human beings. Nevertheless, several positive developments concerning human rights protection are noteworthy. The Attorney General launched a National Plan against domestic violence to reduce the number of femicides and to provide victims with effective care while strengthening prosecution against perpetrators. A comprehensive anti-discrimination bill was drafted in 2017. If adopted, it would be the first legislation of its kind in the Caribbean. A new monitoring system for international recommendations will allow for better follow-up and implementation. Santo Domingo hosted the 3rd Conference of LGBTI Political Leaders of Latin America and the Caribbean. A relevant yet flawed institutional protection framework is in place. A special unit at the Attorney General's Office investigates human rights abuses and discrimination,

but it lacks resources. The independence of the Ombudsman could be very much improved and it has yet to comply with the Paris Principles.

Following the Universal Periodic Review (UPR) 2014 recommendations, the Dominican Republic agreed a 2015-2020 national plan on human rights in a broad consultation process supported by the EU Delegation, but the authorities have yet to launch the plan. The proper functioning of democratic institutions remains a key challenge. Corruption, collusion and impunity and weak rule of law provisions have a wide range of corrosive effects allowing threats to human security to flourish. In 2017, two journalists and a university professor known for his anti-corruption stance were murdered in relation to different cases of corruption. The National Commission of Human Rights also denounced several cases of collusion among judicial authorities and police with organised crime. The Green March movement against corruption and impunity gained support but it also faced increasing pressure. The implementation of police reform and the regulation on the use of force are necessary steps but stricter controls and sanctions for misdeeds are urgently needed after some 180 extrajudicial killings took place in 2017. Moreover, overcrowded and dangerously substandard prison conditions with lengthy pre-trial detention are common and discrimination against persons based on disabilities, sexual orientation, or HIV/AIDS prevalence as well as hate attacks persist. Women and children are also among the most vulnerable. In 2017 the number of femicides continues unabated with over 200 fatal victims. Congress has yet to approve a new Civil Code banning child marriage, whereas 33% of girls marry before the age of 18 and one in ten is married or living with their partner before their 15th anniversary. Despite high maternal mortality rates partly linked to illegal backstreet abortions, the Dominican Republic continues to be among the very few countries where abortion is criminalised in any circumstance.

The Dominican Republic shares the island of Hispaniola with Haiti, the poorest country in the Americas. The enormous development difference has traditionally been a very powerful pull factor for migrants posing numerous and long-lasting challenges to human rights protection. Especially at the border region, despite ongoing efforts, migrants are often victims of exploitation, abuses and human trafficking and are exposed to irregular deportations. As a result of a ruling of the Constitutional Court that retroactively stripped thousands of Dominicans of Haitian descent of their Dominican nationality, the Dominican Republic continues to be home to the largest population of concern to office of the UN High Commissioner for Refugees in the Americas. The government's full implementation of appropriate legislation should contribute to address the issue with the support of the European Union. Indeed, the recognition of all persons' existence before the law will provide them access to all related rights and corresponding duties.

The EU continues to make a significant contribution to strengthening the rule of law and the institutions, preventing impunity and protecting vulnerable population groups, mainstreaming human rights in its cooperation programmes - concerning inclusive productive development and capacity building for quality employment, and Institutional reform of public administration - with initiatives and visibility actions such as the National Human Rights Prize. The Delegation is also actively engaging with the authorities through its different meetings and dialogues, including the biannual Political Dialogue under art.8 of the Cotonou Agreement. In close contact with Dominican authorities, Civil Society Organisations and Human Rights Defenders, the EU has encouraged the government to increase human rights protection and provided it with continuous support through its projects and political advocacy. Through the EIDHR and the Instrument contributing to Stability

and Peace, the European Union has actively supported women's rights, elaborated a Gender Action Plan and raised awareness among members of Parliament with a very positive outcome, and has also actively enhanced protection of migrants and documentation of Dominicans of Haitian descent allowing for increased human rights protection and contributing to appease tensions among both countries.

Important developments have taken place in 2017 under a multilateral perspective. In its annual report on Human Rights, the Inter American Commission on Human Rights (IACHR) included the Dominican Republic in the list of countries where human rights violations need “special attention”. The report notes the "persistent and structural racial discrimination against persons of Haitian descent", particularly concerning the “recognition of nationality, deportations, evictions, immigration operations and collective deportations” and regrets lack of cooperation. The authorities responded by inviting the IACHR to visit the country in November and directly assess the human rights situation of some of the most vulnerable. In addition, the country received the visit of the UN Special Rapporteur on the sale and sexual exploitation of children, the first visit of an independent expert appointed by the UN Human Rights Council since 2007. Among the positive developments the most relevant concerned the fight against poverty, progress in education and efforts against human trafficking. However important recommendations remain unfulfilled including on early or forced marriage, domestic sexual abuse, sexual exploitation in tourism and unaccompanied migrant children. Dominicans continue to be deprived of access to the Inter-American Court of Human Rights, whose competence was rejected by the Dominican Constitutional Court in 2014.

The next Universal Periodic Review (UPR) for the Dominican Republic is scheduled in January-February 2019.

## **El Salvador**

El Salvador struggles with a culture of violence characterised by alarming criminal activity. The Salvadoran government is tackling this situation with a sector-wide policy approach called "Plan El Salvador Seguro" (A Safe El Salvador), which is backed by the UN, the EU and the OAS. Although some progress has been made (slight reduction in homicide and extortion rates, whilst increasing job opportunities for youth), several challenges persist. The Global Report on Internal Displacement mentions 220.000 victims of forced displacement in El Salvador in 2017. Reports on alleged torture and extrajudicial killings of civilians or gang members by police and soldiers have also been on the rise. Prison conditions and overcrowding are a cause for concern. The gender gap in access to basic rights remains significant and respect for women rights is an important challenge, in particular the total ban on abortion. The LGBTI community, and other minorities such as indigenous peoples and persons with disabilities, remain vulnerable groups. Migration and forced repatriation continues to challenge the government, particularly in light of changing immigration laws in third countries where many Salvadoran nationals live. On the occasion of the 25th Anniversary of the Peace Accords the Salvadoran government has renewed its commitment to transitional justice and attention to victims of the armed conflict, whilst stakeholders have been convened to a second generation national agreement to advance institutional strengthening, sustainable development and social cohesion. In August, the National Assembly adopted reform to ban the marriage of minors under 18 years of age.

The EU has successfully engaged with Salvadoran stakeholders on several key policy areas, including initiatives and priorities in the framework of the Human Rights Council, the UNGA Third Committee,

sexual and reproductive rights, migration, water and oceans, etc. Furthermore, the EU has stressed the importance of upholding human rights in all State action, particularly with regards to public security: the EU is an active partner in the National Council of Citizen Security and Coexistence and in the government's Internal Control Monitoring Mechanism for Public Security Institutions in the framework of the "Plan El Salvador Seguro". Furthermore, special attention has been given to the issue of corruption and impunity, and to the follow-up of the objectives of the National Councils on Education and Environmental Sustainability. The results of EU's political dialogue with Salvadoran stakeholders complement its policy and cooperation priorities and objectives.

EU cooperation action in El Salvador focuses on youth and social inclusion as well as on private sector development. Most of the EU bilateral cooperation with El Salvador is implemented through direct support to the national budget of the country. In both areas, EU programmes promote gender equality, women's empowerment, the right to employment, universal access to basic services, and economic and social rights. EU budget-support actions related to youth and social inclusion include the "Pro-Inclusion" programme worth EUR 50m in support of the Government's "Plan Social" which aims at fighting exclusion and eradicating extreme poverty. Moreover, the EU plans in early 2018 to contribute up to EUR 54m to the Government's "Plan El Salvador Seguro". The Plan "A Safe Salvador" aims at preventing violence and promoting a culture of peace through recovery and transformation of public spaces, educational programmes, and technical and vocational training opportunities for youth. Through thematic lines, the EU also complements centralised action with support to Civil Society Organisations (CSOs) and local governments in areas of democracy, strengthening the protection and role of human rights defenders and CSOs, promoting a culture of peace, economic empowerment, and attention to children and youth.

The EU offered support through the EIDHR Emergency Fund for at risk Human Rights Defenders to provide adequate legal representation and assistance during the appeal of a young woman sentenced to 30 years in prison for murder after having a stillbirth. El Salvador criminalises abortion in all cases, while there is a pervasive lack of health and reproductive health programmes for underprivileged women. Although the maximum penalty for an abortion is 8 years in prison, it is commonplace that in these cases the prosecution accuses women of aggravated murder, which can lead to sentences of up to 50 years.

At the multilateral level, El Salvador held the 11th Presidency of the UN Human Rights Council (its term expired in 2017) and was commended for its leadership and commitment to the promotion and protection of human rights across all policy fields. The country's performance within the HRC also mirrored its commitment to human rights issues raised in the framework of the UNGA Third Committee. El Salvador also successfully led the rotating Presidency of the Community of Latin American and Caribbean States (CELAC), where it presided over important regional meetings on Sustainable Development Goals, women's rights, food security, and development cooperation, etc. Finally, the country also held the rotating Presidency of the Regional Conference on Migration, advancing protocols and regional action plans to promote the rights of migrants, particularly women, as well as future initiatives ahead of the Global Compact for Migration.

In 2017, the UN High Commissioner for Human Rights visited El Salvador to address issues related to the high levels of violence in the country arising from gang and organised crime. The UN High Commissioner shed light on many of the concerns shared by the EU and other international partners

in El Salvador. Furthermore, the Special Rapporteur on the Human Rights of Internally Displaced Persons also visited El Salvador and called upon the government to recognise the phenomena of forced displacement that has increased as a result of the public security situation in the country.

El Salvador is not party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of all Persons from Enforced Disappearance. The country has yet to ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

## Grenada

The main Human Rights issues are domestic violence and child abuse, as well as discrimination and violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals as same-sex relations are considered a crime. Implementation of the rule of law, the functioning of the justice system including the right to a fair trial and poor prison conditions are also challenging. Several cases of child sexual abuse and a gang rape shocked public opinion in 2017, prompting measures to deal with this crime. A group of local NGOs organised public marches and the Government appointed a National Committee for the Prevention of Child Sexual Abuse amid reports that several alleged perpetrators were freed on bail. The Committee shared police data indicating 154 reported cases of child sexual abuse in the first Semester. At the annual budget presentation, Prime Minister Keith Mitchell revealed that approx. 60 percent of all cases before the courts were related to child sexual abuse. To fight the increasing number of such crimes, he announced legislation to introduce a sex offender's registry, a special victims unit, as well as a Hot line for advice and information. Corporal punishment remains legal in schools, though the Government supports the UNICEF led initiative of positive behaviour management at schools. Grenada still has the death penalty on its law books though the last execution was carried out in 1978. The justice system is affected by long delays. In early 2017, Prime Minister Keith Mitchell informed that an additional judge would be appointed to deal with the backlog in the judicial system and that the prison population was reduced to 453 at the end of 2016. The overcrowding at the main prison – built to house approx. 200 persons - remains one of the worst in the region. Government has continued its efforts of reforming the juvenile justice system and improving the juvenile rehabilitation centre. In September 2017, Parliament passed the Rehabilitation of Offenders Bill. Cases of domestic violence remained prevalent in Grenada, and they are not always reported due to shame and fear of reprisal. There is also an economic reason as many women struggle to get maintenance obligations and child support.

The EU supports efforts to address the main human rights challenges. Grenada, as part of the Eastern Caribbean sub-region, benefits from EU assistance in the area of Human Rights under the European Instrument for Democracy and Human Rights and the Civil Society Organisations programme. It is the 'centre of gravity' of two projects that specifically target domestic violence, inter alia, through qualitative and quantitative research, data collection, guidelines for Domestic Violence Acts and/or Action Plans, harmonised protocols for reporting, cultural exhibitions, social media campaigns and – last but not least – a serious, pro-social video game intervention for use across education settings to facilitate attitude and behaviour change and enhance emotional intelligence among young people. Moreover, the country is also benefitting from a project which is enhancing sustainable livelihoods amongst (especially female) rural farmers through training in

climate-smart & cost-effective agricultural practices to foster economic empowerment and create social & ecological value.

Grenada did not manage to make much progress on its intention stated at the end of 2016 to set up a Human Rights commission in line with the Paris principles. One of the reasons was the passing of the ombudsman and the appointment of a new ombudsperson in August.

The next Universal Periodic Review (UPR) for Grenada is scheduled in January-February 2020.

## Guatemala

Human Rights and fundamental freedoms are formally respected under the Constitution, but there is often a lack of implementation in practice. 2017 was characterised by the unveiling of additional high-level cases of alleged corruption by the Prosecutor General's Office and the International Commission Against Impunity in Guatemala (known as "CICIG" in its Spanish acronym) involving members of national and local executive powers, the legislative and the judiciary. Threats and pressures against the Prosecutor General, the CICIG Commissioner and high-risk court judges were also reported as being on the rise. As regards transitional justice, the trials for genocide and crimes against humanity of former de facto President Efraín Ríos Montt and former military José Rodríguez Sánchez re-started in October 2017 and are expected to finish in May 2018. Access to justice for victims remains overall difficult, in particular for vulnerable groups such as women, children and indigenous peoples. In 2017, initiatives to re-activate the death penalty have been presented in Congress. The constitutional reforms of the justice sector continue to be under revision in the Congress and have not made any significant progress in 2017. Human right organisations have continued to denounce the criminalisation of Human Rights Defenders (HRDs), as well as the extrajudicial or illegal arrests of some of their members. According to the Unit of Protection to Human Rights Defenders in Guatemala ("UDEFEQUA" in its Spanish acronym), aggressions (including 7 assassinations) against HRDs were on the rise, including for women defenders. The tragedy of the "Hogar Seguro", a young shelter where 44 indigent child-girls locked up in a room died in a fire, has put the spotlight on the dire situation of the social-service system in Guatemala and sparked a wave of international and national reactions. As regards indigenous people's rights, the Constitutional Court has recently granted provisional suspension of a number of licenses for extractive industries, citing violation of indigenous peoples' rights to free, prior and informed consultation in line with ILO Convention 169. To enforce recent judicial sentences, the Ministry of Labour adopted a procedure guide for the implementation of consultations with indigenous peoples. However, this guide was considered by indigenous authorities as not in line with ILO Convention 169 and was rejected.

EU key human rights priorities in Guatemala include fostering a comprehensive agenda to promote economic, social and cultural rights; promoting full implementation of international conventions and ratification of pending conventions; supporting effective implementation of the existing legal framework to prevent and sanction violence against women and children; providing targeted support to the justice system including transitional justice; and providing support to Human Rights Defenders (HRDs).

In 2017, the EU has continued to maintain regular political dialogues with all national stakeholders, including the Executive, Legislative and Judiciary powers, civil society, indigenous communities, private sector and trade unions. The European Parliament joint resolution on the situation of HRDs



in Guatemala adopted on 16 February 2017 informed the political dialogue with the authorities. Several public declarations were issued by the EU in 2017, inter alia on 28 August to support the work of the CICIG and its Commissioner and on 10 December, jointly with EU Member States in Guatemala, the Embassies of Canada, United States and Switzerland, and the United Nations' Office of the High Commissioner for Human Rights (UN OHCHR) in the framework of the International Day of Human Rights. The EU has continued to provide specific support to HRDs through the group called "Grupo Filtro" (Filter Group) where the EU, together with its Member States, the UN OHCHR, and other "like minded" partners, meet to discuss the most problematic cases of threats against HRDs (11 high impact cases monitored) and alert the authorities at the highest level.

In 2017, through the Development Cooperation Instrument (DCI) and the Multiannual Indicative Programme with Guatemala, the EU has renewed its financial support to the CICIG and provided support to programmes dealing with anti-corruption (census of public servants) and prevention of violence against women and children. In addition, the EU continued to financially support projects funded by the European Instrument for Democracy and Human Rights (EIDHR) and the Programme Civil Society Organisations -Local Authorities (CSO-LA) to support local NGOs. Emergency funds have also been mobilised to address the situations of human rights activists in acute danger.

In November 2017, the UN Commissioner for Human Rights visited Guatemala to underline the still high levels of discrimination and marginalization in society, the pernicious effects of corruption and impunity and in this context to convey deep concern as to the "Hogar Seguro" case, which the CICIG is also investigating. The same month, Guatemala also underwent a Universal Periodical Review (UPR) in the UN Human Rights Council. Guatemala received 205 recommendations, of which 150 were accepted and 55 are under review. The recommendations received are similar to those from previous Universal Periodic Review (UPR) exercises and included inter alia abolition of the death penalty, ratification of international conventions, need to enhance women's rights, children rights and indigenous peoples' rights, protection of human rights defenders and journalists, strength the justice system, support to CICIG. The recommendations under reserve are related to sexual and reproductive rights, abolition of the death penalty, decentralization of CICIG, ensuring the rights LGBTI people, recognition of indigenous peoples' rights to their territories and land, and ratification of International Convention for the Protection of all persons from Enforced Disappearance. The EU Delegation is currently working together with civil society to monitor the implementation of these recommendations. The EU has also engaged in labour rights issues in international fora such as the ILO and the World Trade Organisation (WTO) where the EU issued statements recalling the need for Guatemala to do more to comply with core international human rights standards, including in the area of labour rights.

### **Co-operative Republic of Guyana**

The overall human rights and democracy situation in Guyana remains challenging. Positive developments were recorded in certain areas. There were a number of independent and transparent procedures for handling allegations of abuses by security forces. Progress was also recorded in the recognition of indigenous peoples' rights, with the setting up of government entities and funding programmes, formalized relations with the indigenous peoples' council (National Toshios Council) and the decision to establish a Human Rights Commission for Indigenous Peoples. Concerning the promotion and respect of LGBTI people's rights, a referendum was announced but ultimately the Government did not proceed with it.



In April 2017, Guyana celebrated the 'Sexual Awareness Week' under the theme: "Engaging New Voices to End Sexual Violence." The Ministry of Social Protection increased coordination with the National Task Force for the Prevention of Sexual Violence.

The situation remains problematic on the death penalty; discrimination against women and minorities including LGBTI and indigenous communities; gender and domestic violence; child abuse and corporal punishment; early and forced marriage; human trafficking; harsh prison conditions; public corruption; lengthy pre-trial detention and judicial backlogs. The year end was characterised by increased polarization and tensions between the government and the opposition when year-long attempts to find an agreement on the appointment of the Chair of the Guyana Elections Commission ended with a unilateral appointment by the President, which was criticized by the Guyana Human Rights Association.

Death penalty legislation, criminalization of male same-sex relations and laws condoning corporal punishment of children remain unchanged. Several death sentences were issued in 2017. However, there is a de facto moratorium on executions since 1997, which all Presidents have committed to respect.

Following the tragic prison fire in March 2016 in which 17 inmates were killed, there was another fire in 2017 at the central prison in Georgetown, with one death and several injured. The subsequent relocation of 1,000 inmates contributed to the aggravation of the already acute problem of prison over-crowding, in large part due to backlog of pre-trial detainees.

The EU engaged in discussions on human rights and democracy with Guyana in various settings, including during the fifth round of the EU-Guyana political dialogue in the framework of Article 8 of the ACP-EU Cotonou Agreement, held in Georgetown in October. Discussions were held on the death penalty, LGBTI issues, rights of indigenous peoples, domestic violence and children's rights. Priorities also included human trafficking, prison conditions, corruption, pre-trial detention and judicial backlogs. Locally, the EU carried out public diplomacy activities on human rights, including op-eds, letters to the editor, awareness campaigns and public events on issues such as the death penalty, Homophobia, Transphobia and Biphobia and Violence against Women and Children.

In 2017, the EU continued to provide financial support to projects funded through the EIDHR, with a combined allocation of EUR 600,000 for 2016-2017. Key projects included: the Helpline (2017-2020) – Strengthen the scope of at least 20 NGOs to provide and sustain protective services for persons at risk of suicide; the Child Rights Alliance (2016 – 2018) – Strengthen national collaboration for the prevention of violence and abuse against 6,000 children; IGROW (2017-2020) – Promoting Sexual Reproductive Health and Rights and preventing domestic and GBV against vulnerable adolescents; the Forest Peoples Programme (2017-2019) – Promotion of equal rights for and the fight against discrimination: promotion and protection of Indigenous peoples' rights in Guyana. Guyana has still not ratified the Convention on the Rights of Persons with Disabilities.

The Universal Periodic Review (UPR) for Guyana is scheduled in January-February 2020.

## Haiti

In 2017, the challenging human rights situation in Haiti has continued. Haiti is 163rd out of 188 countries on the Human Development Index and one of the most vulnerable countries in the world to natural disasters.

On the positive side, a long period of political and institutional instability was resolved through elections. However the new Government has not yet decisively tackled the various human rights issues of the country. The main problems regarding violence against women, prolonged pre-trial detention, prison conditions, exploitation of children, human trafficking, impunity and discrimination against LGBTI and handicapped people, have not seen any improvement. In 2017 deaths in custody have risen, there was a persisting high proportion of detainees (c. 72%) in pre-trial detention; a human trafficking cases were reported; rates of impunity remain high as well as inefficiencies in the judicial system; and legislation was adopted undermining sexual and gender diversity. Respect for socio-economic rights persists to be in a dire situation.

In 2017, the EU continued to focus on cooperation projects and political dialogue to try to help address the above-mentioned concerns, and operated to ensure, wherever possible, a united position of the European Union and broader international community. Throughout 2017, the EU particularly emphasised the rights of children. The EU also continued to work to strengthen civil society organisations in their ability to hold the authorities to account. Finally, the EU is closely involved in the issue of migration, notably Haitian returnees from the Dominican Republic, with a view to enhancing the respect for their fundamental rights with both human rights and humanitarian actions.

EU political engagement has focused on encouraging the strategic aspects of the human rights framework in Haiti – in other words pushing for permanent nominations to positions (such as the Protector of Citizens, recently nominated), encouraging publically and privately improvements in the justice sector and an end to impunity, encouraging the government to implement the commitments made under the Universal Periodic Review (UPR) process. The EU has also taken a very visible public stand against corruption. The Political Dialogue under Article 8 was postponed twice by the Haitian government, and was finally held in January 2018 after over three years.

Apart from the mainstreaming of gender issues and the protection of women throughout its programming (including relevant indicators), the EU also provided financial support to projects funded through the Instrument for Stability and the European Instrument for Democracy and Human Rights.

More specifically, the EU engaged two projects of 500,000 euros each to support children's rights, building on previous projects in this area. The EU continued to implement projects in the areas of the fight against impunity, resulting in a well-covered and intense seminar on the period of the dictatorship; in favour of LGBTI rights; and in favour of progress in the inclusion into society of handicapped people (including actions taking advantage of the International Day).

The EU also decided to focus its new projects in 2018 on the area of justice and rule of law, with a particular emphasis on detention.

Haiti underwent its UPR in November 2016, accepting finally 188 out of 213 recommendations. However, it did not take any significant steps in 2017 to implement any of these recommendations. In a further worrying development, Haiti decided to not renew the mandate of the UN Independent Expert on the situation of Human Rights in Haiti, declaring that it would ensure that national institutions and structures would take on this role (including a lead Ministry for Human Rights). To date, no such national institution or structure has been named or created.

## Honduras

In Honduras, human rights policies and legal mechanisms to prevent violations are in place in but often not implemented. The situation is precarious and groups such as Human Rights Defenders (HRDs), women, LGBTI persons, indigenous peoples, journalists, and justice operators are particularly concerned. Unresolved land rights claims have triggered localised conflicts involving indigenous peoples and peasant communities, causing human casualties. Whereas arrests were made in the emblematic case of Berta Cáceres, the judicial procedure itself saw little progress in 2017. In February, the approval of reforms of the Penal Code affecting media has raised concerns on the respect for freedom of expression. Although a draft bill to implement ILO Convention 169 and guarantee the right to Free, Prior, and Informed Consent (FPIC) has been developed, legislation has not been passed so far, partly due to disagreement among indigenous peoples' organisations. Excessive use of force extending to torture and inhumane and degrading treatment by state security forces was also registered according to the National Mechanism for the Prevention of Torture. A proposal to revise the abortion ban was rejected by Congress in May.

Positive developments have been recorded in certain areas. The government's efforts to reduce the homicide rate have produced results, even though the homicide rate remains very high. The initial implementation of a key recommendation of the 2013 EU EOM via the application of the Law on Campaign Finance has produced a positive impact, the vetting of the police force has continued with more than 4,400 policemen being discharged since 2016 and the government has decided to re-establish a full-fledged ministry dedicated to human rights as of January 2018. General elections were organised on 26 November. During the electoral campaign freedoms of expression, assembly and movement of political parties were generally respected, even though it was marked by unequal resources and differences in terms of access to media

The election-day was overall peaceful. However, tension rapidly arose during the post-electoral period which resulted in a number of deaths. The Inter-American Court of Human Rights (IACHR) and the UN expressed deep concern and the EU appealed for restraint and avoidance of violence, stressing the need to guarantee the right to peaceful protest.

EU key human rights priorities in Honduras include the protection of HRDs via strengthening the national human rights protection system and by means of the European Instrument for Democracy and Human Rights (EIDHR) emergency fund, supporting rule of law and access to justice in particular through the flagship "EuroJusticia" programme, promoting gender equality, accompanying efforts to address corruption and impunity in Honduras inter alia by creating synergies with and supporting the Organization of American States' (OAS) mission to fight corruption and impunity in Honduras ("MACCIH" in its Spanish acronym).

In 2017, the EU continued its support policy for HRDs and human rights organisations and provided emergency funding in cases where individuals were at serious risk. Political dialogue on human rights with the Honduran government was maintained throughout the year with key institutions such as the Sub-Ministry of Human Rights. Likewise, the EU continued discussions on human rights with the civil society. An EU Election Observation Mission was dispatched to Honduras in 2017 on the occasion of the legislative and presidential elections. Final report will be issued in April 2018.

In 2017, actions under the EU's flagship EuroJusticia (EUR 31m) programme offered targeted support for capacity-building of the judiciary to combat impunity, increase transparency and strengthen accountability in the security and judicial sector. As part of the programme, the EU continues to give support to the most vulnerable members of Honduran society, especially women, LGBTI persons and indigenous people through various actions in order to improve access to justice and protect human rights. The EU further continued the implementation of small and targeted calls for proposals for local action on human rights within the framework of the EIDHR, with a particular focus on women and indigenous peoples. In addition, the EU Programme for Support to Human Rights in Honduras (PADH) (EUR 5.5m) continued to bear fruits in terms of the evolving human rights mechanism in Honduras. To build on the successes of PADH, the EU is developing ProDerechos (EUR 8m), a human rights country programme to further consolidate the national human rights system, to prevent human rights violations and conflicts and to build bridges between the government and civil society for these purposes.

Furthermore, the EU launched a call for proposals under EuroACT (EUR 9.9m), the EU programme to combat corruption and enhance transparency in decision making in Honduras, in particular by strengthening government institutions, civil society and media capacity. Actions foreseen under EuroACT aim to support a civic culture of democratic values, gender equality and respect for human rights. For that purpose, the programme will be aiming to enable the participation of young people, women and vulnerable groups of society in civic life and through political parties. As part of the programme, the EU decided to expand its support to the MACCIH in particular to assist its efforts in the reform of the criminal justice system and its fight against corruption.

Finally, in 2017 the Forest Law Enforcement Governance and Trade (FLEGT) negotiations with the Honduran counterparts were concluded successfully and the Honduras-EU Voluntary Partnership Agreement (VPA) is ready to be launched. The implementation of ILO Convention 169 and in particular Article 6 on Free Prior Informed Consent (FPIC) played a central part in the negotiations. Indigenous peoples succeeded in including legislation on FPIC amongst the legal requirements of the VPA. Thus, the FLEGT negotiations resulted in the drafting of an FPIC bill, an overdue achievement, considering its ratification of the ILO Convention 169 in 1995.

On the multilateral front, UN Special Rapporteur on the Rights of Indigenous Peoples paid a visit to Honduras in April during which the Rapporteur underlined the need to pursue dialogue and a consensual approach on the issue of the FPIC bill.

Universal Periodic Review (UPR) for Honduras is scheduled in April-May 2020.

## **Republic of Argentina**

Overall, the human rights situation in Argentina is positive. The preservation of high human rights standards is deeply enshrined in the Argentine society since the end of the military dictatorship in

1983. All main legislation is in place and in some cases, such as in the field of anti-discrimination, laws are very advanced. However, implementation of laws, regulations and norms sometimes lacks efficiency, mainly as a consequence of institutional weaknesses at federal but also provincial levels and insufficient interaction between government agencies and civil society.

The main concerns related to the protection of human rights in Argentina are linked to: inequality of income distribution and resulting high levels of poverty, gender-based violence and an excessive impunity for violence committed by members of the security institutions, arising from inefficiencies in the judicial system and corruption within the security forces. Some high profile individual cases attracted international attention in 2017, such as the death of Santiago Maldonado on Mapuche territory. In those cases, the behaviour of the security forces or alleged pressure on the judicial institutions have been questioned by part of the Argentine population as well as by the Inter-American Human Rights bodies and international human rights NGOs.

A major commitment by the government of President Macri was the elaboration of the new National Human Rights Plan for 2017-2020, which was adopted and presented on 12 December, a few days after the International Human Rights Day. The action plan is organised around five axes: (1) inclusion, non-discrimination and equality; (2) public security and non-violence; (3) memory, truth, justice and reparation policies; (4) universal access to rights; (5) civic culture and commitment to Human Rights. It contains 243 specific commitments under the responsibility of a lead institution with concrete deliverables and performance indicators.

Human rights continue to be an integral part of the EU's relations with Argentina.

The EU held its regular Human Rights Dialogue with the government on 15 March 2017. Main issues were gender violence, abuse by members of the security institutions and the specific situation of vulnerable groups, as well as possible areas for cooperation. The EU set up a project to support the Plan Syria that aims at receiving 2,000 Syrian refugees. The dialogue was preceded by consultations with civil society. In May 2017, the EU Heads of Mission in Argentina met Claudio Avruj, the Secretary of State for human rights.

The EU Delegation to Argentina has been working for a number of years with various Argentinian human rights NGOs, which are very active and can freely carry out their activities. The Delegation also promotes the active participation of civil society in political decision-making and the organisation and coordination of NGOs. The exchanges with civil society served to nourish the new EU priorities on human rights developed in the course of the year. The EU's priorities of action are the (1) strengthening of human rights related State institutions, (2) sustaining the improvement of the objectivity of information divulged on human rights issues and (3) supporting the struggle against gender violence. The EU is also paying close attention to the situation of indigenous communities in the country and specifically in the poorer Northern provinces through several assistance programmes.

The consultations with NGOs and the EU human rights strategy have furthermore determined the priorities defined under this year's calls for proposals under the Non State Actors budget line and the EIDHR, focusing on gender violence and the role of the press in addressing human rights issues and in the promotion of good governance. The EU is also supporting local NGOs working in the fight against violence by members of the security institutions.

Argentina's firm commitment to human rights is last but not least reflected internationally. The EU and Argentina share very close positions on human rights in global fora. The Universal Periodic Review of Argentina in the UN Human Rights Council on 6 November 2017 demonstrated progress since the last Universal Periodic Review (UPR) in 2012. Violence against women, the situation of indigenous peoples, conditions of detention and police violence were still among the main challenges identified. Argentina committed amongst others to further strengthening its human rights institutions and to deepening the policies to prevent and combat institutional violence. The adoption of the first national Action Plan for Human Rights in December 2017 was an expression of such a commitment.

### **Plurinational State of Bolivia**

Bolivia generally has a good legal framework for human rights protection. The 2009 Constitution guarantees an unprecedented number of human rights. Poverty has diminished and the participation of the indigenous majority in the political system has significantly improved. In 2017, Bolivia took some further steps to strengthen the legal framework for human rights. The protection of women's rights advanced with the adoption of the 2016 implementing Regulation to the 2012 Law against harassment and gender-based political violence. The human rights of LGBTI people were strengthened by the 2016 Gender Identity Law, which allows transsexual and transgender persons to change their name and gender in legal identification documents. More recently the Ombudsman endorsed a bill that would allow same-sex civil marriage and enable LGBTI people to enjoy the same health care and social security rights and guarantees as other couples.

In 2017 the main challenge remained, as in previous years, to ensure that the legislation was implemented systematically and effectively. Human rights civil society organisations reported a deterioration in key areas such as extensive and arbitrary use of pre-trial detention—combined with trial delays, threats to judicial independence, violence against women and child labour (the minimum working age is set at 10 in some cases, which is in breach of ILO Convention 138). Of particular concern is the rise in gender violence. In 2013, a law was passed to prevent intimate-partner violence and punish abusers (femicide is a crime punishable by 30 years in prison), but its enforcement is uneven. In addition, there is no participatory mechanism for consultation of indigenous peoples. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association described the 2013 Law Granting Legal Personality to Civil Society Organisations as a restriction to freedom of association.

In 2016, voters rejected in a national referendum a proposal to reform the Constitution with a view to allowing President Morales—who has served as president since 2005—to run for a fourth term in 2019. On 18 September 2017, a congressional group from the ruling party MAS introduced an appeal to the Supreme Constitutional Tribunal (TCP) with the aim to declare invalid the articles of the Constitution which limit the number of presidential mandates (also including mandates for Governors, Mayors, etc.). The TCP declared the appeal admissible on 29 September and a unanimous decision, accepting the appeal and allowing the President to stand for re-election, was delivered on 28 November 2017.

The EU's priorities are to support Bolivia in strengthening the rule of law, improving access to justice and protecting the rights of indigenous peoples. The EU is also supporting the elimination of violence against women, girls and boys and the strengthening of the rights of members of the LGBTI

community. During 2017, the EU continued to engage in discussions on human rights and democracy with Bolivia in various settings, including in the context of monitoring Bolivia's human rights commitments under the Generalised System of Preferences (GSP+). The EU also continued to engage with civil society organisations.

In 2017, the EU continued to provide financial support to human rights-related initiatives through the Development Cooperation Instrument (DCI) and the European Instrument for Democracy and Human Rights (EIDHR). There are six ongoing contracts under the EIDHR, including a regional one covering Bolivia, Ecuador and Peru. The respective areas of intervention are: investigations on human rights, LGBTI, access to justice, human rights trafficking and capacity building of the National Assembly. In addition, three more EIDHR contracts have just been awarded: one on violence against women, one on civil society platforms on human rights and human rights defenders and the third one on strengthening Parity Democracy within political parties (with a focus on women). Bolivia is also benefitting from three multi-country EIDHR projects as a beneficiary of the GSP+ scheme.

There are also a number of cooperation projects in fields related to human rights outside the EIDHR such as in the area of access to justice, electoral support etc. There are currently two CSO projects related to human rights: a CSO grant focusing on gender-sensitive budgeting and gender fiscal justice, and another one on the promotion of civil society as policy and sustainable development actor.

In the multilateral context, Bolivia has ratified all core international and regional human rights conventions. Bolivia was a member of the UN Human Rights Council in 2015-2017.

In September 2017, the UN Committee on the Rights of Persons with Disabilities released its report on Bolivia. Among its recommendations, the Committee urged Bolivia to improve and adapt mechanisms and proceedings to ensure access to justice for people with disabilities and to abolish the practice of sterilising people with disabilities without their free, prior and informed consent.

## **Federative Republic of Brazil**

Brazil has ratified nearly all major international human rights conventions and is a pioneer in the protection of online civil and political rights, such as freedom of expression and privacy rights. Over the last decade, Brazil has achieved considerable progress in the protection of human rights, however several challenges remain especially at the sub-Federal levels, in the following areas: impunity, corruption, lack of public security, police violence, poor prison conditions, rural violence and land conflict, human trafficking, violence and discrimination against women and LGBTI communities, discrimination and exclusion of Afro-Brazilians and indigenous people.

The severe economic recession in Brazil has forced the administration to significantly reduce the budgets for most ministries and governmental agencies. In this context, the Brazilian institutions dealing with human rights and indigenous people, among others, have also been targeted and most of the government's headline human rights programmes are now working at reduced capacity. The human rights institutions, including the Human Rights Ministry and the National Indian Foundation, FUNAI, have also suffered from deep cuts in financial and human resources that have reduced their ability to perform their mandates effectively.

The EU has five main action priorities in the area of human rights with regard to Brazil: Freedom of Association, Human Right Defenders including indigenous leaders, Non-discrimination, Business and Human Rights, Rule of Law and Good Governance. These strategic areas are also discussed in the regular Human Rights coordination meetings organised with the EU Member States present in Brazil.

In multilateral fora, the EU has aimed to cooperate closely with Brazil (Geneva and New York) especially as regards issues such as the death penalty, racism, sexual and reproductive health and country resolutions to ensure that Brazilian positions are taken into account at an early stage of the decision making process.

Throughout 2017, the EU continued to support human rights through all the available instruments in its bilateral relations with Brazil, including by means of political dialogue, cooperation projects, workshops and visits.

The sixth high-level Human Rights Dialogue between the EU and Brazil took place in April 2017 in Brussels. Specific topics included women rights, human rights defenders, racism and the international decade of people of African Descent and Durban process, business and human rights and the death penalty. The dialogue was preceded by an EU-Brazil Civil Society Seminar that addressed the current situation and best practices related to human rights.

The EU continued to promote an open space for civil society organisations in Brazil, and organised activities to promote gender equality (e.g. with the organisation of a Seminar on domestic violence in November 2017) and awareness of human rights, to support the rights of indigenous peoples and human rights defenders, to improve the conditions of LGBTI people, and to prevent violence against children and adolescents. During 2017, the EU regularly organised meetings with representatives of indigenous communities (e.g. during the visit by Members of the European Parliament in October 2017).

The EU also continued its work on corporate social responsibility and business and human rights to facilitate exchanges between Brazilian and European companies aimed at sharing best practices and to assist the country, through the Partnership Instrument, with its own National Action Plan for Business and Human Rights as per the UN Guiding Principles.

In 2017, one new grant totalling approximately € 1 million was signed with a CSO covering Rule of Law issues (human rights in detention centres). Overall, there are 59 ongoing projects worth € 27.4 million in the following areas: Freedom of association (8 projects on strengthening the capacity of CSOs); Human Rights Defenders (5 projects to support indigenous rights); Non Discrimination (2 projects to support Afro-descendants' rights, 8 projects on gender equality, 2 projects on LGBTI rights and 19 projects to support social inclusion and poverty reduction); Rule of Law (7 projects to support Children and Adolescents rights , 2 projects to support human rights in detention centres); and Good Governance (6 projects to strengthen Local Authorities' capacities). Brazil is also participating in Regional programmes such as EUROsociAL+ (focus on social policies towards minors and youth, gender) and EL PACcTO (working on police and judicial cooperation and on prisons). The EU has funded also projects supporting the fight against Human Trafficking and Smuggling of Migrants and assistance to victims of human trafficking.



Moreover, the EU-Brazil sector dialogues support Facility financed by the Partnership Instrument has allocated € 0.4 million to bilateral projects in the field of Human Rights in addition to the regional projects on Women and Economic Empowerment and Corporate Social Responsibility/Business and Human rights for a total of € 18 million.

Brazil was elected, for the fourth time, to hold a seat in the United Nations Human Rights Council (UNHRC) for the term of 2017-2019. Brazil was subject to the Universal Periodic Review in 2017. It accepted 242 recommendations (out of 246 issued). following a broad consultation process with Congress (public audience in the Chamber of Deputies), the Judiciary as well as online consultations. Brazil has remained active in the Human Rights Council, and during the September 2017 HRC 36th session it launched initiatives on five thematic resolutions: on gender within the implementation on the 2030 Agenda (supported by the CPLP); on human rights and mental health (jointly with Portugal); on education in human rights; on the follow-up of the Universal Periodic Review (UPR) by the countries and on the general cooperation in Human rights in order to prevent more violations. The former Brazilian Secretary of Human Rights, Flávia Cristina Piovesan, was elected in June 2017 (for a four-year term) as new commissioner to the Inter-American Commission on Human Rights. The Inter-American Court of Human Rights is judging Brazil in relation to the right to collective property of the Xucuru indigenous people. This is the first time an indigenous group was able to take Brazil to court for its treatment of indigenous people about an issue of titling, demarcation and delimitation of territory and ancestral lands.

## Republic of Chile

Over the last year the human rights situation in Chile was in general positive and characterised by high standards of promotion and protection. The Under-secretariat for Human Rights within the Ministry of Justice launched the National Action Plan for Human Rights on 10 December 2017. In August 2017, Chile launched its first National Action Plan on Business and Human Rights.

Chile has ratified the main international and regional human rights conventions. There are however a number of topics that come to the fore in discussions with civil society as well as the general political discourse in an electoral year including inequality, effective citizen participation in the formulation of public policies, violence against women and the situation of indigenous populations and the treatment of detainees.

The EU's focus in the area of Human Rights continues to revolve around support for: strengthening the institutional set-up and public policies in the field of human rights and democracy, inclusion and non-discrimination with a particular focus on indigenous rights, and LGBTI persons, economic, social and cultural rights and business and human rights. On 13 December 2017 the EU organised the annual local Human Rights dialogue with the government, covering all areas mentioned above. A preparatory meeting with civil society organisations took place before the dialogue and a debriefing session afterwards.

Under the European Instrument for Democracy and Human Rights (EIDHR) the EU provided support to civil society in order to ensure promotion and protection of human rights, more specifically in the area of inclusion and non-discrimination and strengthening of economic, social, cultural and business enterprise rights. Furthermore, the EU supported the civil society to ensure their full participation in the discussions on Agenda 2030 by means of a programme involving the three main

NGO platforms in Chile. The EU funds the "Indigenous Navigator" which aims at monitoring a number of indicators to be followed in the context of the UN Declaration on the rights of indigenous people, the World Conference on Indigenous people and the SDGs. On gender issues the EU will fund programmes on economic empowerment of women and violence against women.

In November 2017, the EU and Chile held a first round of negotiations for a modernised Association Agreement. The modernised agreement will incorporate strong references to both parties' commitment to the protection of human rights. It will also include specific articles on Human Rights and Gender Equality and Women's Empowerment.

The modernised Association Agreement will also provide for the holding of regular dialogues on Human Rights.

## Republic Of Colombia

In 2017 the FARC disarmed, demobilized, and transitioned to a political party. Levels of violence in the country dropped to a 20-year low, but there were surges in conflict-affected areas, where the Colombian authorities are not yet sufficiently present, thus enabling growth in illicit economic activities and the illegal armed groups that run them. According to the OHCHR, more than 100,000 people were displaced or faced severe mobility restrictions in 2017. Armed combat between the ELN and other armed groups also led to forced displacement and breaches of humanitarian law.

The dramatic increase in attacks against human rights defenders is a serious human rights challenge. According to OHCHR, as of December 2017, 70 leaders have been killed (plus 12 cases pending verification) while in 2016, 64 killings had been registered. The Colombian Ombudsman's Office stated that between 2016 and 2017 more than 200 leaders were killed in Colombia. Land claimants, environmentalists and community leaders were particularly targeted.

Implementation of human rights-related provisions of the peace agreement faced significant challenges in 2017. The Special Jurisdiction for Peace (JEP) legislation was watered down in Congress. The Constitutional Court must now decide on the validity of the changes made.

Some of Colombia's structural human rights challenges are becoming more apparent. In 2017 several major corruption scandals broke, involving even the country's Supreme Court. Impunity rates in the criminal system are still at 80-90%. Violence against women and children, and particularly intra-family violence, is still pervasive: more than 70,000 cases were reported between January and November 2017. On economic social and cultural rights, Colombia is the second most unequal country in Latin America after Haiti according to the World Bank. Inequalities in access to healthcare, water, sanitation and education particularly affect indigenous and Afro-Colombian communities. On business and human rights, Colombia is experiencing a heated debate with a large number of communities and CSOs opposing large-scale mining and energy projects in public consultations while illegal mining thrives in many areas of the country. The Government responds by trying to implement a sustainable energy and extraction policy since Colombia's GDP depends largely on exports of raw materials.

EU action on human rights in Colombia is focused on the following key areas:

- Human rights defenders: in 2017 the EU intensified support for human rights defenders: including more frequent contacts with defenders, high level demarches,

media statements, field visits of the Human Rights Group and the Group of Ambassadors with defenders, trial observation, prison visits, etc.

- Women's rights and gender equality: The EU included Colombia in its program for gender sensitive transitional justice and continued to strengthen women's civil society organizations and their participation in the implementation of the peace agreement. The 2017 EIDHR local call for proposals included a tranche aimed at combating sexual exploitation and fostering women's and LGBTBI rights in this area. It also allocated funds to a project aimed at strengthening networks of women human rights defenders.
- Business and human rights: Colombia joined a regional project under the Partnership Instrument on business and human rights which will start in 2018. EU human rights working group field visits in 2017 had an important business and human rights component. The EU also continued to monitor implementation of the Trade Agreement's trade and sustainable development chapter with special attention to labour rights and violence against trade unionists. These issues are relevant also to Colombia's OECD accession process. In specific cases the EU was asked to play a role as facilitator between CSOs, businesses and local authorities.
- Vulnerable groups: projects funded under the EU Trust Fund (EUTF) in 2017 benefit indigenous and Afro-Colombian communities in different provinces. Special Envoy Eamon Gilmore held meetings with representatives to monitor implementation of the ethnic chapter of the peace agreement. On child rights, the EU launched six projects with a value of over €6 million under its Instrument Contributing to Stability and Peace (ICSP) and EIDHR aimed at the reintegration of child combatants and prevention of recruitment by armed groups.
- Victims and transitional justice: contact with victims associations and the Victims Unit was a pillar of EU support in 2017. Special Envoy Gilmore met with representatives of victims as well as key actors in the transitional justice system, reinforcing the message that victims should be a focus in implementation of the peace agreement with FARC and negotiations with ELN. In 2017, the EU funded under the ICSP a €4.5 million project to support the Commission on Missing Persons, a main component of the transitional justice system. The 2017 CSO call for proposals supports projects to reinforce capacity of victims' organizations.

In 2017 the EU combined political support and a human rights focus in the areas of the peace agreement where the EU is a supporting partner:

- Rural development: the EUTF has developed a human rights strategy and rights-based approach that has to be applied in all projects. Rural women play a key role in several EUTF projects as well as in a project to empower rural women in Cauca.
- Reincorporation: the EU coordinated with the National Reincorporation Council to speed up reincorporation projects. The EUTF's focus expanded to include reincorporation and its geographical scope broadened to cover the 26 zones where former FARC combatants concentrate. An EU ICSP project for reincorporation of FARC minors helped assist more than 100 minors from FARC to transition to civil life.

- Special Unit in the General Prosecutor's Office to fight organized crime, particularly organizations that target human rights defenders. The EU is working with relevant partners to ensure that this project can be launched.

Other human rights-related areas of the peace process to which the EU contributed in 2017 include: 1) Implementation of an IcSP project to support OHCHR Colombia and the Colombian Ombudsman's Office to better monitor the human rights situation in sensitive areas. 2) The end of a project on humanitarian demining and handing over of several hectares of mine-free land to communities in different municipalities.

The EU voiced support for the ELN peace process, calling for an end to all human rights violations and violations of international humanitarian law. The IcSP funded a project to train UN and Catholic Church personnel in ELN ceasefire monitoring.

Throughout 2017 the EU local human rights group met frequently. The group addressed more than 50 individual cases, met with human rights defenders, CSOs and Colombian authorities and carried out field visits. The next EU-Colombia Human Rights Dialogue will take place in 2018.

In the multilateral context, Colombia is active and collaborates in UN human rights fora. No special procedures have visited Colombia for 7 years, although Colombia has issued a standing invitation and there are several pending visit requests. The mandate of OHCHR's office in Colombia was extended by the 2016 Peace agreement. Both CSOs and the Government are preparing for Colombia's next Universal Periodic Review (UPR), due in May 2018.

Colombia is active in the inter-American system with 512 petitions filed before the Inter-American Commission on Human Rights (IACHR) in 2016, second only to Mexico. The IACHR received or granted 285 interim measure requests related to Colombia, more than any other country in Latin America. In 2016, Colombia doubled its contribution to the IACHR to help it overcome its financial crisis. But it has not made any recent voluntary contribution to the Inter-American Court on Human Rights, which in a 2017 decision found the Colombian Government guilty of collusion with paramilitaries which resulted in the enforced disappearance of 12 people in 1996.

The International Criminal Court (ICC) Chief Prosecutor Fatou Bensouda visited Colombia in 2017. The ICC expressed four main concerns over the Special Jurisdiction for Peace (JEP): the definition of command responsibility, the definition of "grave" war crimes, the determination of "active or determinative" participation in the crimes, and the implementation of sentences involving "effective restrictions of freedoms and rights".

## Republic of Ecuador

Ecuador has made good progress on social and economic rights over the past years, nevertheless, developments on fundamental freedoms, independence of the judiciary and shrinking space for media and civil society have been sources of concern since 2013. After President Lenin Moreno took office in May 2017, positive signs have been observed, especially towards civil society and the media. The administration has also made good will gestures towards indigenous populations. Another positive sign is a new law aimed at reducing the high number of femicides in the country.

The main objectives of the EU's action in the area of Human Rights in Ecuador include engaging with the country's authorities and civil society on the promotion of the work of human rights defenders;

on support to civil society's participation in the elaboration and monitoring of public policies; on safeguarding freedom of expression; and improving protection of minorities and vulnerable groups, including indigenous peoples, migrants, women and children.

The EU-Ecuador Trade Agreement, which entered into provisional application on 1 January 2017, also contains an essential clause on the respect for human rights and fundamental freedoms, as well as a chapter on sustainable development and labour and environmental rights, whose first year of implementation seems encouraging.

The EU and Ecuador held their fourth high-level political consultations on 28 November 2017 in Quito. The EU, inter alia, proposed the establishment of a regular dialogue addressing issues related to human rights, democracy and the rule of law.

Locally, the EU Delegation in Ecuador monitors the evolution of the human rights situation throughout the year. Ad hoc meetings are held with government counterparts, human rights defenders and civil society organisations.

The EU Roadmap for engagement with Civil Society, adopted in 2014, has been updated in 2017 with 3 new priorities for the period of 2018-2020. It continues to attract considerable interest from civil society organisations, which are actively participating in its implementation. The roadmap and the work done by the EU and civil society organizations in Ecuador have been chosen as a good example informing EU action in other countries.

The EU Delegation in Ecuador is currently managing 36 contracts funded by 4 EU Development Cooperation Thematic Lines, including support to local authorities, civil society organizations and human rights defenders, totalling almost € 25 million.

Ecuador is a member of the HRC for the period of 2016-2018, and has undergone a Universal Periodic Review (UPR) review in 2017. Many UN members acknowledged Ecuador's positive achievements in the areas of health, education, women's participation in public life and welcomed the ambitious goals set out in the country's development plan. At the same time, the review reflected significant human rights challenges in the country, especially restrictions of fundamental freedoms such as freedom of expression and freedom of assembly, the lack of a fully independent judiciary and the ongoing discrimination against vulnerable groups, including women and girls, children and LGBTI persons. Out of the 182 recommendations, Ecuador accepted 159.

## **Republic of Paraguay**

Paraguay has a good legal framework for the protection of human rights and has been active in international human rights fora. Since 2014, the legal framework for access to information has been improving and in 2016, a new Ombudsman was elected and a law on protection of women against violence was adopted. However, the implementation of the national plan for human rights is lagging behind, often limited by institutional weaknesses and capacities. The challenge remains to ensure that the human rights related legislation is implemented systematically and effectively, also by mobilising the necessary budgetary resources.

Paraguay will hold general and departmental elections on 22 April 2018. Moves to change the constitution to allow President Cartes to stand for re-election sparked riots in March 2017. A member of the opposition liberal party was killed in the party headquarters, and four opposition

activists have sought asylum in Uruguay. On April 26, the Chamber of Deputies rejected a bill to amend the country's Constitution to allow former and current presidents to run again. Mr Cartes' subsequent announcement that he would not stand for re-election defused tensions.

Further to the deployment of an Election Exploratory Mission at the invitation of the Paraguayan Government, the EU is pondering whether to deploy an EU Election Observation Mission for the 2018 elections. Even though only 9 out of the 49 recommendations from the 2013 EOM had been totally implemented by 2015, some positive developments can be noted, in particular the introduction of the law on simultaneity of political party's primary elections and the passing of the law on access to public information. Some progress has also been achieved with the administrative procedures of the Electoral Tribunal for women, youth, indigenous voters and voters with special needs.

Human rights concerns in Paraguay include in particular violence and discrimination against women, child labour, forced labour and the weak functioning of the justice system, including poor conditions in prisons and pre-trial detention and discrimination and violence against indigenous persons, persons with disabilities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, people living with HIV; and trafficking in persons. Widespread corruption continues to be a concern.

The protection of the rights of the indigenous minority needs to be strengthened. Indigenous Peoples continue to be denied their rights to land and to free, prior and informed consent on projects affecting them despite rulings and recommendations by the Inter-American Human Rights Court. In 2017 a group of indigenous groups have launched the first online platform mapping ancestral Indigenous territories in Paraguay which are either formally recognised or for which recognition has been requested.

The fulfilment of the commitment, based on accepted Universal Periodic Review (UPR) recommendations, to adopt a bill to eliminate all forms of discrimination has become less likely since October 2017, when the Minister of Education issued instructions to eliminate from schools materials about sexual education and gender. At least 48 women were reported violently killed in 2017, a significant increase compared to previous years.

General impunity for officials in the police and security forces continued to be widely reported. There were reports of torture and abuse in the Northeast area of the country, where the guerrilla group Ejercito de Pueblo Paraguayo has been kidnapping people, and the Joint Task Force to combat them has not had success in confronting the threats.

The EU continued to engage in discussions on human rights and democracy with Paraguay in various settings, including in the context of monitoring Paraguay's human rights commitments under the Generalised System of Preferences (GSP+).

Over the reporting period, the EU has focused on engaging with local partners on better protection of vulnerable groups, addressing gender issues and discrimination, and support for the consolidation and strengthening of democracy, including through improved electoral processes. Other priorities for the EU are promoting institutionalisation of human rights, judicial reform, improving the penitentiary system, fighting corruption and organised crime, and further enhancing transparency.

The EU continued to provide financial support through the DCI (notably on electoral reform and promoting transparency) and the EIDHR. A total of five contracts under the EIDHR worth over € 1.6 million are ongoing in several fields. Projects targeting the political participation of indigenous people and women have contributed to removing distortions and deficiencies in electoral practices of the indigenous groups in the Chaco area, and raised the visibility in the political agenda of the social and political demands of these groups. A bilateral DCI programme on electoral processes and reform is working to promote democracy through the strengthening of the National Electoral Tribunal and improvement of electoral mechanisms for complaints. In the area of education another initiative is successfully bringing together school authorities, parents, students, local authorities, police, courts, social services and other relevant actors to prevent violence and promote the rights of children and women in vulnerable communities.

In the multilateral context, Paraguay has ratified all core international and regional human rights conventions. The country cooperated closely with the January 2016 Universal Periodic Review (UPR) and accepted almost all 140 recommendations. The Human Rights Council UPR made a number of recommendations, including urging Paraguay to approve a bill to eliminate all forms of discrimination on the basis of sexual orientation and gender identity; to develop legal systems to prevent and punish violence against women and girls; to reinforce protection of the rights of Indigenous Peoples; to protect the free exercise of freedom of the press, expression and opinion; to address impunity for human rights violations committed against human rights defenders and journalists, and to investigate independently the reports of human rights abuse in Marina Cue (an incident that led to impeachment of President Lugo in 2012). Paraguay accepted the recommendations except those related to the decriminalisation of abortion, a key issue that needs to be addressed in view of the increase in the number of pregnancies of girls (Ministry of Health reported in November 2017 that 15% of the total pregnancies are of girls under 18 years old).

Paraguay was a member of the UN Human Rights Council in 2015-2017 and has promoted its online model platform (SIMORE) to follow the implementation of international commitments in the area of human rights. Asunción stood firmly by the Venezuelan opposition and has called for a re-count of votes after the elections in Honduras. In 2017, Paraguay was actively involved in the EU-sponsored Alliance to end trade in goods used for capital punishment and torture and the Initiative to Eliminate Violence against Women and Girls.

The UN CERD Committee issued its report and concluding observation based on Paraguay's fourth to sixth periodic reports. It made a number of recommendations, including urging Paraguay to take affirmative action to overcome systemic discrimination against Indigenous Peoples and Afro-Paraguayans. The Committee also highlighted weak state protection of rights to prior consultation and Indigenous Peoples' rights over their lands, territories and resources.

## Republic of Peru

Overall, the legislative framework for protection and promotion of human rights is satisfactory, although implementation lags behind; Peru has ratified the main international human rights treaties but the situation on the ground presents substantial challenges with particular regard to the rights of indigenous people, discrimination against women and environmental rights. The Odebrecht corruption case dominated the political debate throughout 2017 together with the pardon granted to ex-President Fujimori in December.

The EU continued to focus on economic and social rights, supporting actions addressing widespread regional and social disparities, social conflicts, discrimination against women and minorities, in particular indigenous peoples and the LGBTI community, lack of access to justice, protection for human rights defenders, as well as trafficking in human beings and child labour.

The Multiparty Trade Agreement has been in provisional application since 1 March 2013, shortcomings in the implementation of international labour standards and environmental rights continue to be scrutinised.

The EU and Peru hold a regular Human Rights dialogue and the parties signed terms of reference for this format back in 2017.

The EU provided support for the implementation of the recommendations of the successful 2016 Electoral Observation Mission sending a Follow-Up Mission in October 2017. Its purpose was to analyse the state of play of electoral reforms. There have been numerous legislative proposals and debates, although there has been limited progress to date that could apply to the 2018 regional and municipal elections.

EU Special Representative for Human Rights Stavros Lambrinidis visited Peru in July 2017 and had contacts with representatives of the authorities and a variety of stakeholders, with a strong focus on initiatives by the country to improve the human rights situation.

The EU Delegation in Peru has been keeping close contacts with both civil society organisations and representatives of the Peruvian state institutions on the human rights situation, human rights defenders and indigenous peoples. The issues in which the Delegation engaged in more depth within the political dialogue were gender violence and business and human rights.

The EU Roadmap for engagement with Civil Society has been successfully implemented in 2017 and is concentrating mainly on the issues of human rights defenders, gender, the prevailing informality in economic and labour matters, the conditions in detention centres and indigenous rights.

The EU has provided financial support under the EIDHR and other instruments to eleven projects with a total amount of € 5.1 million. The main focal areas were political reform, women's rights, rights of indigenous people, human rights defenders and business and human rights.

Peru is a like-minded partner in international fora and is closely aligned with EU positions. Peru was elected as a member of the HRC for the period 2018-2020 and non-permanent member of the UN SC for 2018-2019. Peru has been undergoing a third Universal Periodic Review (UPR); in November 2017 Peru received 182 recommendations to which the country will respond in 2018.

### **The Oriental Republic of Uruguay**

The overall human rights situation in Uruguay remains positive and stable, yet marked by notable deficiencies in the areas of gender equality (especially gender violence), discrimination against Afro descendants and widespread use of extended pre-trial detention that causes severe overcrowding and harsh conditions in prisons. Uruguay is deeply committed to promoting human rights at home and abroad and supports the Inter-American Human Rights system. Uruguay is also a reliable, like-minded EU partner on human rights issues.



Uruguay is a pioneer on women's right to vote, but women's political participation remains low. In October 2017 the Parliament approved the bill that extends indefinitely the female political quota. The 2016-2019 National Action Plan for a Life Free of Gender Violence presented by the Government aims at reducing gender violence, in general, and the number of deaths resulting from gender violence, in particular. In early 2016, the President sent to the Parliament a draft comprehensive law against Gender Based Violence, which addresses gender violence and its different ramifications

Uruguay has the largest number of detainees in the Americas, after the Caribbean and the United States (330 detainees per 100,000 inhabitants). 70% are awaiting a trial. After several years and delays, on 1 November 2017, the new Criminal Process Code entered into force. The main challenges are: speed up the proceedings and thus reduce the problem of imprisonment without due process.

The EU's main human rights-related priorities in Uruguay include women's rights and the issue of violence against women as well as improvements in criminal justice and penitentiary systems.

On the occasion of the 10th EU-Uruguay Joint Cooperation Committee (Brussels, 31 March 2017), the EU showed its interest in cooperating with Uruguay on human rights from both bilateral and multilateral approaches. Discussions focused in particular on Uruguay's efforts to address gender violence and to develop gender mainstreaming policies.

In addition, in 2017 the EU Delegation to Uruguay carried out various activities on gender as part of the EU's commitment to the promotion of human rights. Three gender discussion panels were organised on (i) "Women Political Participation"; (ii) "Women's economic and social empowerment"; and (iii) "Guaranteeing the physical and psychological integrity of women", all with high-level participation. In order to maintain a mechanism of continuous and constructive dialogue with civil society, the Delegation also organised a meeting with 30 NGOs that are working on gender and non-discrimination issues to know the advances, challenges and problematics they are facing.

The European Commission is also funding a number of projects with civil society organisations that address issues such as human trafficking, gender violence, the promotion of women's social and economic rights and children's rights.

In the multilateral context Uruguay has been a non-permanent Member of the UNSC for the period 2016-17 and is a candidate for the Human Rights Council 2019-2021. Uruguay is also one of the principal promoters of the LGBTI international coalition and has high interest in the protection of sexual and reproductive rights.

## **Republic of Venezuela**

The human rights situation in Venezuela has significantly deteriorated in 2017, as reported by the UN High Commissioner for Human Rights and national and international civil society organisations, largely as a consequence of the political, social and economic crisis affecting the country.

During the protests that took place in the main Venezuelan cities from April to July 2017, following the rulings by the Supreme Court of Justice limiting the National Assembly's powers, the right to peaceful assembly was not respected and numerous human rights violations were reported, including arbitrary detentions, torture, extrajudicial killings, and use of excessive force. According to the UN Human Rights Office, 124 deaths occurred in connection to the protests and more than 5,400 people were detained since 1 April, out of which 609 civilians were brought before military trials, in

breach of Venezuelan and International law. As reported by Foro Penal, the number of political prisoners reached a peak in July, when more than 1,500 people were detained in the context of the protests. Since then this figure has decreased and there were approximately 270 persons still detained by the end of the year in relation to political activities.

There have also been challenges in terms of democracy, as a result of the election in July of a Constituent Assembly under conditions that raise concerns about its legitimacy and representativeness and which have increased division and further de-legitimised Venezuela's democratically elected institutions, in particular by de facto taking over the constitutional prerogatives of the legitimate National Assembly. Other worrying circumstances have included the destitution of the Attorney General, whose replacement did not take place in line with the relevant Constitutional provisions. The regional and municipal elections held respectively in October and in December were marked by numerous reported irregularities: unreasonable deadlines, last minute re-assignment of electoral centres or unpredictability of decisions in breach of the procedures legally foreseen, among others.

A "Law against Hatred" enacted by the Constituent Assembly risks to further restrict the freedom of expression and opinion by imposing heavy prison sentences (up to 18 years) for media posts promoting ill-defined "violence" or "hatred". The right to information is severely limited since no updated official public information and data is available since at least 2015, on important issues such as the economy, security, health, or epidemiology.

The serious worsening of the political, economic, social and security in the country led to a severe deterioration in the enjoyment of social and economic rights, including chronic malnutrition, increasing cases of famine and mortality rates among the most vulnerable groups, such as children, women and elderly and the upsurge of epidemics (e.g. malaria, diphtheria). This is forcing many Venezuelans to leave the country.

In spite of a difficult context, the EU has not spared its efforts to maintain a dialogue with the authorities, in particular to voice its concerns with regard to the human rights situation and the democratic challenges with which the country is currently faced and encourage them to take concrete steps to address these challenges. Even though there is no formal forum for political dialogue several meetings have been held in the course of 2017 either in Brussels or in Venezuela. The EU has also maintained an open dialogue with other political forces and civil society organisations, as it believes that Venezuela's problems, including in the area of human rights, can only be overcome if all stakeholders decide to unite their efforts. The EU's main priorities are to support the strengthening of democracy, rule of law and fundamental freedoms, protection of civil society space and human rights defenders,

As a sign of its preoccupation in the light of recent developments, and in addition to its continued political and diplomatic efforts in support of a peaceful negotiated way out of the political crisis the EU adopted on 13 November 2017 restrictive measures, underscoring its concerns with the situation in the country. These consist of an embargo on arms and on related material that might be used for internal repression, as well as a legal framework for a travel ban and assets freeze. These measures will be used in a gradual and flexible manner and can be expanded, by targeting those involved in the non-respect of democratic principles or the rule of law and the violation of human rights. The measures can be reversed depending on the evolution of the situation in the country, in particular

the holding of credible and meaningful negotiations, the respect for democratic institutions, the adoption of a full electoral calendar and the liberation of all political prisoners. These measures were designed not to harm the Venezuelan population whose plight the EU wishes to alleviate.

In 2017, the EU continued to provide financial support to projects through the European Instrument for Democracy and Human Rights (EIDHR), the Instrument contributing to Stability and Peace (IcSP) and other thematic lines. EU cooperation activities focused on the reinforcement of the capacity of NGOs and human rights defenders, promote gender equality, women empowerment, youth professional training, or the support to democratic institutions' capacity. Moreover, the EUDEL keeps close contact with civil society organisations and human rights defenders (HRDs), as it is the case of the annual consultation with HRDs held in December. Public diplomacy events on the promotion of gender equality and fighting violence against women and reconciliation were also held.

At the multilateral level, Venezuela is currently a member of the Human Rights Council (until end 2018).

## **Jamaica**

In 2017 there have been some notable positive developments in respect of human rights in Jamaica, such as the launch of the National Strategic Action Plan to Eliminate Gender-based Violence; the start of operations of a Joint-Select Committee of Parliament to review the Sexual Offences Act; and the Government's apology delivered by Prime Minister Andrew Holness in Parliament to the people of West Kingston and Jamaica for the excesses of the security forces during the May 2010 'Tivoli incursion'. However, important challenges remain, including with prison conditions, court backlogs, child abuse, gender violence and inequality, discrimination against vulnerable groups and trafficking in human beings, as well as police behaviour and judicial reform, and accountability for extrajudicial killings, unlawful use of force and ill-treatment.

The problem of crime and violence remains a major threat to Jamaica's growth and development agenda. According to official police figures over 1500 persons have been murdered in 2017, representing a substantive increase over the 1,351 that were murdered in 2016. There has also been a worrying upward trend in gender based violence with 150 women murdered, 263 women shot, 530 women raped, 511 girls under 16 reporting experiencing some act of sexual molestation and 370 women experiencing some form of sexual violation. Criminalisation of consensual sex between men and retention of the death penalty remain issues of concern. Jamaica maintained its tier 2 ranking in the US State Department's Trafficking in Persons classification for 2017. According to the report Jamaica has yet to fully meet the minimum standards for the elimination of trafficking, such as holding complicit officials accountable, publish a standard victim protection protocol, or publish an annual report monitoring its efforts. In the meantime, the Cabinet has approved a bill to amend the Trafficking in Persons (Prevention, Suppression and Punishment) Act to have a single judge try human-trafficking offences.

With the aim of ending discrimination against women and girls, the EU supported public education and behaviour change initiatives such as the 'He- For-She Campaign', activities to mark International Women's Day and the '16 days of activism'; as well as through budget support to the Justice sector. In addition to bilateral political engagements, the EU continues to raise its voice about human rights concerns through speeches, statements and also via social media, including on special days and

events and through joint campaigns with other international development partners or independently. Support is being provided to human rights defender J-FLAG to advance its work in protecting the rights of LGBT individuals in Jamaica.

Jamaica and the EU held their 3rd Jamaica-EU Political Dialogue on February 9, 2017, which included in-depth discussions on human rights and a commitment to broaden the EU/Jamaica dialogue on human rights. As a follow-up to these discussions the Head of Delegation was invited to participate in the 10th meeting of the Jamaican Inter-Ministerial Committee on Human Rights, which took place on 14 September 2017. Sixteen officials representing different government Ministries, Departments and Agencies participated in the meeting. The EU is the first international partner that has been invited to address the Committee.

Support to projects was provided under the EDF and EIDHR. The Delegation's latest support to the fight against gender-based-violence (GBV) is a contract, signed during the 16 Days of Activism Against GBV with a local NGO 'Woman Inc.', to train 18 emergency first responders who serve as hotline operators on how to provide the required services to persons (primarily women) who seek immediate or medium term assistance to escape situations of GBV.

The Human Rights situation in Jamaica was reviewed under the Universal Periodic Review on May 13, 2015. The next Universal Periodic Review (UPR) for the country is foreseen for May 2020. Jamaica received 168 recommendations. It accepted 92 recommendations in whole and 2 recommendations in part, including 68 that the Government considers as having already been implemented or as being in the process of implementation.

## Mexico

Over the reporting period, Mexico continued to face considerable challenges in the area of security and human rights. Important efforts have been made to further strengthen the country's legislative framework. Two new laws to Prevent, Investigate and Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and on Disappearances are welcome developments as these have been issues of concern for years. Effective implementation of both laws would now be key in order to witness tangible improvement on the ground.

At the same time serious human rights abuses have been reported, including cases of torture, forced disappearances, extrajudicial killings, threats and attacks against HRDs and journalists, increased violence against women (femicides), high levels of impunity and corruption and infiltration of state institutions by organised crime. Structural deficiencies in the justice system offer little redress to victims of abuses. Impunity stands at a staggering 99% and was recently confirmed by the 2017 Global Impunity Index (IGI).

The situation has deteriorated considerably in the past year in the area of freedom of expression and of the media. Eleven journalists, two indigenous environmental rights defenders, a Human Rights Commissioner and a prosecutor specialised on investigations against crimes and violence against women and children have been killed, despite the existence of the federal government protection mechanism for human rights defenders and journalists (statements by the HRVP Spokesperson and local EU declarations have been issued in all instances). Measures announced by the President to strengthen the Protection Mechanism for HRDs and Journalists and to improve the Prosecutors' Office for crimes against journalists do not seem to have yielded results yet.

Grave concerns were raised including by the UN and international NGOs about the new Law on Interior Security, claiming it would perpetuate the current strategy of 'militarisation' of security, which is blamed for skyrocketing murder rates as well as extrajudicial executions, enforced disappearances, torture and sexual violence, and other human rights violations.

Investigations and judicial proceedings continue to fall short of expectations with no significant progress in emblematic cases such as Iguala. The search for bodies continued but without any concrete progress. The IAHR follow-up mechanism acknowledged the progress in the work of the Attorney General's Office in some areas, but stressed the need and urgency to accelerate the process that would result in establishing the facts and in bringing the perpetrators to justice. Violent deaths reached a new high in 2017, making it the worst year since records started in 1997.

On the other hand, at a multilateral level, Mexico continued to engage constructively in international human rights fora, advancing topics of common EU-Mexico interest, including business and human rights, the fight against terrorism, abolition of the death penalty, and the 2030 Agenda, expressing willingness for furthering cooperation with the EU on human rights at the multilateral level. Mexico will participate in its third Universal Periodic Review (UPR) in November 2018.

The EU's human rights priorities include the fight against enforced disappearances and extra-judicial killings, torture, corruption and impunity; protection of human rights defenders and journalists; women's rights and vulnerable groups; the economic, social, cultural and environmental agenda including business and human rights; and enhancing civil society space. The EU Delegation maintained its active engagement and fruitful interaction both with the Mexican authorities and with non-governmental organisations and civil society organisations on all these issues.

The protection and promotion of human rights remain a priority in EU-Mexico thematic cooperation. Several joint articles and statements were published in the local press and social media on important occasions such as the Human Rights Day and the Day for the Elimination of Violence against Women. Under the EIDHR, 4.1 million euros were allocated to Mexico during 2014-2017.

The seventh EU-Mexico High Level Dialogue (HLD) on Human Rights in October 2017 in Mexico City was characterised by open and constructive discussions, addressing also sensitive issues related to torture, disappearances, extrajudicial killings and protection of HRDs and journalists.

The HLD was preceded by the fifth EU-Mexico civil society seminar which allowed for interactive dialogue and open exchanges on four themes: strengthening the rule of law, migrants and refugees, business and human rights, and protection of human rights defenders and journalists. A series of concrete and substantive conclusions and recommendations were presented by civil society organisations (CSOs) at the beginning of the HLD; these should be taken up during trilateral follow-up meetings both in Brussels and in Mexico City. All participating CSOs were also invited for the first time at the end of the Dialogue for a very substantial debriefing.

In the framework of the HLD on human rights, the EU and Mexico reviewed progress in the following agreed areas of collaboration:

- enforced disappearances (extension of databases to support the implementation of the new law; the EU is also funding projects implemented by Civil Society)

- torture (capacitation and certification of experts for the application of the Istanbul Protocol);
- protection of human rights defenders and journalists (projects focusing on strengthening of the Mechanism for the Protection of HRDs and Journalists and activation of alerts in Chihuahua and Veracruz; the EU is also funding projects implemented by civil society
- human rights of children and adolescents and human rights and business (projects ongoing within the scope of the Social Cohesion Laboratory II; the EU has supported the national mechanism for child protection SIPINNA and other activities).

Urgent progress continues to be needed for the protection of HRDs and citizens against extrajudicial killings, enforced disappearance, torture and mistreatment, the combating of crime, corruption, collusion and impunity, and the prosecution and effective sentencing of those responsible. Other urgent challenges include the conduct of security forces and public officials, judicial process, women and children rights, trafficking in human beings, vulnerable minorities and the adoption and implementation of appropriate legislation.

The next UN Universal Periodic Review for Mexico is scheduled in October-November 2018.

## Nicaragua

2017 was marked by the 3-year agreement on the strengthening of democratic institutions signed between the Government of Nicaragua and the Organisation of American States (OAS) in February and the holding of municipal elections on 5th November. Two new opposition political parties were granted legal standing by the Supreme Electoral Council (SEC) and were able to compete in the elections. Unlike in recent processes, the Government invited the OAS to observe the elections, although requests by national organisations to observe the elections were not taken into account. Post-electoral violence left 7 dead and several injured. Appeals lodged by the two main opposition political parties against the manipulation of results in 7 municipalities were rapidly rejected by the electoral authority on formal grounds. The OAS identified "important advances" and "weaknesses typical of all electoral processes" that had "not affected substantially the popular will expressed through the ballot boxes in the great majority of the country's municipalities." The OAS final report suggested recommendations to improve a number of flaws regarding the electoral system in line with the organisations' and other observers' previous reports. The evolution of the bilateral OAS-Government dialogue, including its openness to include relevant civil society organisations (CSOs) and opposition parties, will reflect the Government's willingness to engage in reform. President Ortega promised electoral reforms for the upcoming regional elections in the Caribbean autonomous regions. Regarding other civil rights, in 2017 allegations of restrictions on freedom of expression continued to be denounced by certain CSOs. They also complained of an increased concentration of the media and excessive use of force by security forces during demonstrations. Indigenous peoples' rights, including property rights, continued to be a matter of concern in relation to the situation of Miskito communities and farmers along the route of the Inter-Oceanic Canal. Citizens' security is continuing to be successfully ensured through a community system based on prevention and dialogue and containment of criminality remains remarkably efficient, particularly when compared to other countries in the region. Significant progress has also been registered on several key socio-economic rights, including health and education. Allegations of excessive and

undue use of force by the Military were revived after 4 adults and 2 children were killed in a recent unclarified event in the South Caribbean region.

The EU's priorities on human rights and democracy in Nicaragua continue to be to support efforts on further improving the rule of law (transparency, efficiency, accountability); to promote gender equality and the human rights of LGBTI persons and fight against gender-based violence and discrimination; to encourage civil society actively on promoting and protecting human rights and engaging in policy discussions on the national development agenda; to further promote the social, education and health rights of the most vulnerable groups through development cooperation; and to support initiatives on capacity building and increasing social awareness among young people and on protection of children's rights.

In 2017, the EU continued to use all possible channels to engage in human rights and democracy dialogues in Nicaragua with Government, including the Human Rights Ombudswoman, and with local and international organisations. Support to human rights defenders has been provided through regular contacts with activists in Nicaragua and in Brussels.

The EU also continued providing financial support for projects financed under the European Instrument for Democracy and Human Rights (EIDHR) and the Development Cooperation Instrument (DCI) thematic programme on non-state actors and local authorities (NSA-LA). A joint EIDHR/NSA-LA call for proposals for a total amount of EUR 4.3m was published in 2017 to select projects related to quality education; education for disable people and gender equality. A total of 14 EIDHR projects for approximately EUR 6.125m overall are on-going and address the following issues: fight against violence and discrimination against women, empowerment of children and women, rehabilitation of minors in conflict with the law, gender equality, citizens' participation, human rights promotion focused in the Caribbean coastal region, rights of women and the LGBTI.

At multilateral level, Nicaragua has signed up to most universal human rights legal instruments, including regional instruments. However, the non-implementation of protective measures granted by the Inter-American Commission on Human Rights (IACHR) to Miskito Communities and the absence of government representation (twice in IACHR hearings in 2017) showed Nicaragua's reticence vis-a-vis that body. In November, the Government's decision not to authorise a promotional visit by the IACHR Rapporteur on the Rights of the Child due to join a local event by a CSO proved that relations with the IACHR continue to be troubled. Nicaragua has not signed, ratified or acceded to the Rome Statute of the International Criminal Court (ICC).

The next Universal Periodic Review (UPR) for Nicaragua is scheduled in April-May 2019.

## **Republic of Panama**

Panama is a fully fledged and solid democracy with an active civil society. Elections are held regularly and are considered free and fair. Challenges remain with respect to the rights of vulnerable groups, socio-economic rights, corruption, judicial delays and prison conditions. As to the letter, a majority of persons deprived of liberty is not being sentenced. This is mainly due to judicial delays and extensive use of pre-trial detention, which in some cases is longer than the maximum sentence for the alleged crime. There is an urgent need to reduce overcrowding and to improve prison conditions. Efforts are made to address the situation (infrastructure investments, a law regulating custodians' career and a new training centre inaugurated). An increased influx of migrants is

representing a challenge for Panama, though the country makes efforts to assure a good treatment to migrants. Approximately 10% of Panamanians belong to indigenous communities. Although there are policies and legislation protecting these communities, there is still work to be done to improve their living standards, their access to public services and equal treatment, especially in the health sector and on land tenure

The EU continues to support such efforts. Priorities include improvement of prison and detention conditions with a specific focus on pre-trial detention; human rights of minors in breach of the law, rehabilitation and reinsertion; gender equality, violence and discrimination; discrimination against vulnerable groups; international labour standards in the public and in the private sector (corporate social responsibility). The EUR 28 million EU-funded project 'Security cooperation in Panama (SECOPA)' will enhance capacities to provide rehabilitation and reintegration, improve the training system for prison staff, and support professionalization of their career; it will finance the completion of an innovative centre for rehabilitation of minors in conflict with the law, and develop a modern penitentiary census. A new centre for youngsters in conflict with the law is under construction thanks to SECOPA. This infrastructure will implement a modern and innovative 360 degrees attention model which addresses health, educational, psychosocial and behavioural issues. Other projects funded under the EIDHR are ongoing, including one to protect and promote human rights, rehabilitation and reintegration of minors and another focusing on the rights and rehabilitation of minors from indigenous communities in conflict with the law. These projects create positive synergies with the Government and favour coordination to better attend youth at risk needs. Gender rights were also addressed through SECOPA, thanks to the improvement of 3 centres attending women victims of violence in Colon, Panama City and San Miguelito, where hundreds of patients have been already treated and helped to protect their rights. Similarly, in Samaria neighbourhood a completely new police station with more than 100 units was supported through SECOPA to implement the Panama community policing model. Panama is also one of the beneficiaries of the EU financed project under the EIDHR on 'Support for trading partners including GSP+ beneficiary countries to effectively implement International Labour Standards and comply with reporting obligations'. Panama benefited from another Partnership Instrument project to pave the way to the creation of a National Corporate Social Responsibility Plan.

Several specific programmes are being implemented to protect the indigenous communities in Panama, for instance through the project EIDHR/2016/380-239 (EC): "Support to the traditional culture of indigenous people juvenile justice in Panama (Aportes de las culturas y prácticas de la justicia juvenil indígena ancestral a la rehabilitación y reinserción de los menores indígenas en conflicto con la ley en Panamá)". The EU financed the first ever national meeting of seven Panama's indigenous communities: Buglé, Bribri, Emberá, Guna, Naso, Ngöbe and Wounaan. The EU supported this seminar between national authorities, ancestral people and civil society to discuss best practices of juvenile justice and methodologies to address the issue of youngsters in conflict with the law. Similarly, the EU financed a nationwide study that recollects all ancestral practices in this field so as to understand the cultural background and impact linked to them, with the aim of preserving and protecting indigenous people youth's human rights.

At the International Labour Organisation, shortcomings in freedom of association continued to be scrutinised by standard supervisory bodies and were highlighted. Challenges and areas for further progress include the fight against corruption, improving prison conditions and pre-trial detention,



socio-economic rights and guaranteeing the rights of vulnerable minorities, indigenous peoples, women and children.

The next Universal Periodic Review (UPR) for Panama is scheduled in April-May 2020.

### **Saint Kitts and Nevis**

Important challenges include citizen security, children and women rights, LGBTI, and prison conditions. The country retains the death penalty, under a de facto moratorium, the most recent execution dating back to 2008. Other challenges are prison conditions and the long delays in the justice system. However, in 2017 positive steps were taken with the establishment of a new High Court to deal with civil and criminal matters and the nomination of new magistrates. Alternative sentencing for non-violent offenders is theoretically available, but in practice there is concern about effectiveness. Conditions at the main Prison Facility, built in 1840 for less than 100 people, remain dire with a current number of 210 inmates. A Committee was set up to offer clemency in order to reduce overcrowding. In December plans were announced for the construction of a new facility, but without financing details. In the meantime, some renovation was undertaken. The security situation remained difficult, although there were signs of improvement, as for example the number of homicides decreased from 30 in 2016 to 22 in 2017. The government took measures including training of police, more police presence and installation of CCTVs, and proposed stiffer penalties for gun related crimes. A special advisor was appointed, and forces from the Regional Security System stationed for some months in St Kitts. Violence against women continued to be a pervasive problem. Victims are often hesitant to take action against the perpetrators because of economic dependency and fear. There is no government-operated shelter for battered women, nor are there plans to establish it. The Ministry of Social Services worked with several entities to find alternate housing for such victims. Same-sex acts are still a crime in the country, and although legislation is not strictly enforced, it continues to fuel stigma and discrimination by society, drives the LGBTI community underground and obstructs access to health education. On the positive side, LGBTI awareness trainings have been conducted for law enforcement officers although there is some resistance from the ranks. Efforts to strengthen child protection systems continued, with the implementation of a Child Protection. There is a Special Victims Unit which is working with Social Services to address the needs of abused children, victims of rape and domestic violence. The government is committed to improve rehabilitation. Corporal punishment remained legal in the country as a disciplinary measure in schools. However, the Government discouraged its use. The Ministry of Education adopted the UNICEF Effective Child Friendly Schools framework. It has also sponsored advertisements on radio to target education at home. A workshop was held with UNICEF to finalise the National Child Protection Policy. In November 2017, the Education Ministry launched the Education Sector Plan 2017-2021 "Education for All: Embracing Change, Securing the Future". The Government worked towards becoming a State Party to the Convention on the Rights of People with Disabilities in early 2018. It held a number of consultations with stakeholders, and carried out works on sidewalks and improved the accessibility to government buildings.

The EU funded the development of a National Special Needs Policy and Action Plan. One of the results was a workshop held in December 2017 aimed towards the accession of the country to the International Convention on the Rights of Persons with Disabilities. At that instance, Ministerial representatives signed a related Memorandum of Understanding. Under its Security Improvement Programme, the EU financed a youth-at-risk facility to combat youth involvement in criminal

activities. Trainings were targeted at (life & job) skills development, accompanied by personal development, anger management & counselling services, as well as education assistance and mentoring. Furthermore, equipment, tools and supplies were procured. Youth offenders were housed at the New Horizons Co-ed Juvenile Rehabilitation Centre which was financed through the EU Accompanying Measures Sugar Protocol (at present, it has 3 males and 3 females as residents).

St. Kitts and Nevis has also shown an interest in participating in a multi-country justice sector reform programme under the 11th EDF Regional Programme that will be formulated in 2018. The country benefits indirectly from regional outreach and best practices developed by EU projects implemented in other countries under specialised instruments, especially in the area of domestic violence.

The next Universal Periodic Review (UPR) for Saint Kitts and Nevis is scheduled in October-November 2020.

### **St Vincent and the Grenadines**

In 2017 there were continued challenges and progress in some areas. The death penalty remains in force, although the last execution was carried out as far back as 1995 and the country could be considered as having a 'de facto moratorium' on the death penalty. Other challenges include domestic violence; discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals; mental, physical and sexual abuse of children; the right to a fair trial and poor prison conditions.

As regards the democracy situation, the court case initiated by the opposition National Democratic Party after the 2015 general elections challenging the results in two constituencies continued for a second year. After being rejected by the Court in 2016 for being filed improperly, in 2017 the High Court ruled that the election petitions should be heard. The case will continue into 2018.

The country experienced another year of high criminality with the number of homicides reaching 42 for the whole of 2017, bypassing the record of 40 registered the year before. Despite the adoption of the Domestic Violence Act in 2016, the country has yet to adopt guidelines for its implementation. Rape and violence against women remain a serious and pervasive problem with victims hesitating to report such violence because often they depend financially on the perpetrators and they have nowhere to go. The constitution of Saint Vincent and the Grenadines prohibits discrimination on the basis of sex, race, place of origin, political opinions, colour, creed or disabilities, but this is not always translated into protection by specific laws and regulations. Although not strictly enforced, consensual same-sex activity for both sexes, whether in public or in private, remains illegal. Members of the LGBTI community continue to experience social stigma. Child abuse often takes the form of neglect and sexual abuse including incest and unlawful sexual intercourse. Cases are often difficult to prosecute, since witnesses are reluctant to testify, and the issue remains taboo. Corporal punishment remains a legal disciplinary tool at schools. Key prison problems include endemic violence, gang activity, uncontrolled contraband, weapons and drugs, and unhygienic conditions. Authorities hold young offenders (16 to 21 years of age), with adult convicted prisoners. However, conditions in the newer Belle Isle facility represent a significant improvement.

The country made progress in the implementation of its 2011 Anti Trafficking Act and the related action plan, notably in the areas of assistance to victims; anti-trafficking training to relevant government officials and NGOs; public awareness campaigns; and a baseline assessment of its

overall efforts. However, deficiencies remain in investigations and guidelines for the referral, and more specialised services for victims of human trafficking are needed. Several stakeholders benefitted from training throughout the year, for example a course for female police officers was held in December 2017 on how to prove sexual offences, statement-taking, crime scene management, human trafficking, domestic violence and other offences, as well as victim care. The country benefits indirectly from regional outreach and best practices developed by EU projects implemented in the region and under specialised instruments

At the UPR in 2016, the government had announced that it would draft a national Human Rights Implementation Plan and it would look for technical assistance in the implementation of its Human Rights Agenda. A National Mechanism for Reporting and Follow-Up (NMRF) was set up and continued to function in 2017. The Mechanism is used in the preparation of Human Rights Treaty Body Reports and in the follow-up of the implementation of recommendations from the UPR.

## St Lucia

Significant human rights challenges in St Lucia include high incidence of crime, domestic violence, homophobia and child abuse. The death penalty remains in force and the legal system is plagued by judicial backlogs, delays in investigating reports of unlawful police killings, and prison overcrowding.

In 2017, homicides in St. Lucia reached an all-time annual record of 60, doubling the previous year's figure. Most were gang and drug related, but there has also been an increase in cases of domestic violence. Sexual offences in particular went up by 17 percent. St Lucia retains the death penalty although there have been no executions since 1995 and the country could be considered as having a 'de facto moratorium'. Concern was raised by statements from the National Security Ministry supporting the resumption of hanging and the death penalty in general to deal with rampant crime. Consensual same-sex sexual activity is illegal in St Lucia although the law is not strictly enforced. In 2017, statements against LGBTI by senior government officials raised concern. During the Fifth World Conference of Families, held in St. Lucia, authorities expressed opposition to the proposed reform of LGBTI discriminatory laws. In June 2017, St. Lucia was one of three members of the Organisation of American States, which chose not to support a resolution condemning violence against the LGBTI community, and strongly rejected decriminalisation. Civil society groups reported that LGBTI persons were denied jobs due to a hostile work environment. The police investigation of the 2015 killing of 18-year-old Marvin Anthony Augustin, the circumstances of which suggested a hate crime against a gay male, has been very slow. Children in St Lucia can still be legally subject to corporal punishment, although schools are trying to move away from this type of measures. Domestic violence remains a pervasive phenomenon. Often victims are reluctant to press charges for fear of reprisal and financial dependence, and perpetrators commonly make payoffs in exchange for not pressing charges. A case against an 18-year old female accused of attempting to blackmail a Minister is still pending, while media and opposition figures consider this an attempt to use the court system to protect a Minister criticised for allegedly soliciting sex from a then teenager. Lack of adequate staffing in the criminal justice system, significant delays, the reluctance of witnesses to testify and the lack of a witness or victim protection program, contribute to the overall inability to address allegations of police impunity. The general judicial backlog was reduced but there is still a high percentage of inmates on remand. Prison conditions meet international standards in general. However the Bordelais Correctional Facility continues to be overcrowded. As of June 2017, there were 525 prisoners for a 450-person capacity. Despite assurances by the Government elected in

2016 to ensure proper follow-up to recommendations about 12 alleged police extrajudicial killings in 2010-11, no visible progress was achieved. The recommendations were issued in 2015 by the CARICOM Implementing Agency for Crime and Security (IMPACS). Government reinforced the Office of the Director of Public Prosecution (DPP). However, there are still no charges laid.

The country made some progress in investigating cases of Human Trafficking, approving a national action plan, and anti-trafficking training to relevant officials and NGOs, supported by the ACP-EU Migration Action, and opened by the EU Delegation. However, deficiencies remain in standard operating procedures for victim identification and referral, implementation of the action plan, and amendments of shortcomings in the law. The Women's Support Centre provides shelter for victims of domestic abuse as well as counselling, residential services, a hotline, and assistance in finding employment. Various NGOs also provide counselling, referral, education, and empowerment services.

St Lucia, as part of the Eastern Caribbean sub-region, benefits from EU assistance in the area of Human Rights under the European Instrument for Democracy and Human Rights and the Civil Society Organisations programme. In 2017 it benefitted from a project that specifically targets domestic violence, inter alia, through qualitative and quantitative research, data collection, guidelines against domestic violence, harmonised protocols for reporting, and cultural exhibitions. In the future, it will benefit significantly from projects in the area of LGBTI rights, by St Lucian NGOs selected at the end of the reporting period. One of them will include a combination of a weekly serial drama broadcast, talk shows and community mobilisation to tackle the sensitive subject in a respectful manner that stimulates discussion in communities and promotes constructive debate and change.

## Republic of Suriname

In 2017, Suriname saw some advances in the human rights and democracy situation. Continuing problems include poor conditions in detention centres; self-censorship by media organizations and journalists; widespread public sector corruption; violence and abuse against women and children; trafficking in persons; continued lack of recognition of land rights for indigenous and tribal peoples; discrimination against LGBTI persons and other minorities; and child labour in the informal sector. The EU concentrates its action on these issues. Developments regarding the trial of President Bouterse and 21 co-defendants for the 1982 extrajudicial killings of 15 political opponents took a new impulse. The High Court of Justice ruled that the trial will continue, despite requests made by the Prosecutor General to stop the trial for reasons of national security, and Suriname's military prosecutor demanded a 20-year jail term for the President. The trial is still pending. This sequence of events in a politically very sensitive trial is an indication of the strength of rule of law in Suriname. The Government took steps to investigate, prosecute, and punish officials who committed violations of the law, whether in the security forces or elsewhere in the Government. The Parliament also adopted an anti-corruption law at the end of August, which is a positive step. Observers nonetheless expressed concern that high public officials and security officers had de facto impunity from law enforcement. The mass protests against the Government's austerity measures during the first half of April involved excessively violent interventions by the police, for which it offered apologies. The State has yet to implement legal recognition of the collective rights of indigenous people in the Marowijne region, in conformity with the Kali'na and Lokono verdict of the Inter-American Court of Human Rights of November 2015, served to the parties involved in January 2016. As to LGBTI rights,

following a long legal battle the courts decided that transgender Yvanna Hilton has the right to register as a female. This decision led to protests by the Evangelic and Pentecostal church, which underlines the continued sensitivity of the issue. It remains to be seen if the impulse granted to LGBTI rights by the former minister of Justice and Police will continue under her successors.

The EU continued to engage in human rights and democracy discussions with Suriname in various settings. The EU-Suriname Article 8 Political Dialogue was postponed until the first quarter of 2018, but a meeting with newly appointed Foreign Minister Pollack-Beighle in October offered an opportunity to raise Human Rights, including the above mentioned trial. The EU Delegation also engaged with opposition figures and representatives of local NGOs. It further carried out numerous public diplomacy activities on human rights, including public awareness campaigns on issues such as gender-based violence, Homophobia, Transphobia and Biphobia, and the importance of human rights in general on the occasion of International Human Rights' Day.

The EU provides financial support to three programmes funded by the EIDHR: Gender Plus (2017-2018); Awareness and advocacy on the rights of the indigenous peoples in Suriname (2016-2017); Building the Suriname Civil Society Accountability Mechanism for Human Rights and Good Governance (2014 – 2017).

The next Universal Periodic Review (UPR) for Suriname is scheduled in April-May 2021.

## **Trinidad and Tobago**

In 2017, the overall human rights situation in Trinidad and Tobago was marked by continued important challenges including on women and children rights, LGBTI, prison conditions, and death penalty, but also by some progress, especially with regards to children's rights, women's rights and gender equality. On the legislative level, in June 2017 the Marriage Act was amended, raising the legal age for marriage to 18 for all girls regardless of their religion. On the institutional level, this progress was expressed by the active presence of the Children's Authority and increased advocacy efforts from non-state actors. However, the numbers show that protection of children and gender-based violence need further attention, both on the government and on the community level. Prisoner's rights and LGBTI rights, as well as the abolition of the death penalty, remain pressing issues.

The EU prioritises the following five areas of human rights, as the most challenging for the Country: promoting women's rights and tackling gender-based violence (GBV); safeguarding children's rights; the abolition of the death penalty; improving prison conditions and respect for prisoners' rights; combatting discrimination against LGBTI persons.

The EU Delegation pursued those priorities through different means.

The EU Delegation engaged in the promotion of women's rights and the end of GBV through its Let's Talk TT campaign, which was launched jointly with the British High Commission in March 2017. The campaign included the Head of Delegation's participation in a panel discussion in the Morning Brew, a well-known morning show, to promote the campaign; an interactive panel discussion on GBV in Trinidad and Tobago, broadcast via Facebook Live; and an event featuring a spoken word performance by the youth-led organisation The 2 Cents Movement followed by an interactive discussion on how to tackle GBV, also broadcast via Facebook Live. The two latter events brought

together state actors, civil society actors, representatives from international organisations and the diplomatic community and received the attention of the media.

Additionally, a number of demarches delivered throughout the year permitted the EU to address certain issues connected to human rights, namely a local demarche promoting the abolition of the death penalty as well as a demarche encouraging Trinidad and Tobago to vote on a number of resolutions dealing with human rights presented before the 72nd General Assembly of the UN.

The Political Dialogue (Article 8 of the Cotonou Agreement), held on 8th November 2017, presented another opportunity to directly engage with the government on the topic of human rights. The EU enquired about the status of the draft National Gender Policy, encouraged the government to ratify the Convention against Torture and the optional protocols to the Convention on the Rights of the Child and to review legislation discriminating against the LGBTI community; and commended the ratification of the Convention on the Rights of Persons with Disabilities as well as the adoption of the Trafficking in Persons Act and the adoption of Children's Act.

The EU continued its dialogue with key stakeholders on human rights issues throughout the year.

The EU continued to support Trinidad & Tobago's Civil Society Organisations (CSOs) through the 11th EDF National Indicative Programme and thematic budget allocations (CSO/Local Authorities, and the European Instrument for Democracy and Human Rights). The EIDHR has notably financed a project promoting the respect of human rights in accordance to international standards, undertaken by the University of the West Indies (UWI), expected to result in the publication of a book on the death penalty, as well as a project to support single fathers struggling to maintain care and contact with their children due to perceived inequalities in the court system. The latter has now caught the attention of Parliament, under the form of an Examination of the Inequality Faced by Single Fathers in Trinidad and Tobago with Specific Focus on Custody Matters, Policies and Access to Programmes and Services to be held on 5th January 2018.

Apart from these two ongoing projects initiated in 2016, two new projects were launched in 2017 to support civil society in their efforts to promote human rights and gender equality: a collaboration led by UWI and other CSOs seeking to mitigate violence, legal discrimination, bullying and homelessness related to sexual orientation; and a project with focus on promoting cultural changes in society and enhancing the capacity of CSOs with regards to GBV and LGBTI discrimination. Additionally, the EUD is planning on addressing the issue of prisoner's rights through an upcoming small project for 2018.

In addition, a gender analysis was carried out for the EU Delegation in 2017, to pinpoint inequalities and thus to improve EU efforts to tackle these inequalities, although its potential is limited by the lack of gender-disaggregated data.

Trinidad and Tobago has continued the implementation of the recommendations from the Universal Periodic Review in 2016. The focus of these recommendations lies on women's rights and Gender Based Violence (GBV), repealing the laws discriminating against LGBTI persons; abolishing the death penalty; reinforcing the combat against trafficking in persons regarding prevention, protection and prosecution; signing and/or ratifying various international conventions including the Convention Against Torture and the optional protocols to the Convention on the Rights of the Child; and the problematic prison conditions. With regards to the protection of children against abuse and

mistreatment, the Office of the Prime Minister announced in May 2017 a number of initiatives, notably the development of a National Child Policy, the establishment of a National Child Registry, and engaging the community in various ways.

In close cooperation with the EU Heads of Missions, the EU Delegation will continue its efforts to promote human rights in Trinidad and Tobago, notably through dialogue with public authorities, with key stakeholders and through continued public diplomacy activities.

The next Universal Periodic Review (UPR) for Trinidad and Tobago is scheduled in April-May 2021.