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ANNUAL REPORT 2015





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Cover: Thousands of people participate in an Indigneous Movement demonstration demanding the resignation of Honduran President Juan Orlando Hernandez in Tegucigalpa on June 26, 2015. The Indigenous Movement is also demanding the installation of the International Commission against Impunity in Honduras © AFP PHOTO/Orlando SIERRA.



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Our Fundamentals

Our mandate: Protect all rights

The International Federation for Human Rights (FIDH) is an international NGO. It defends all human rights – civil, political, economic, social and cultural – as contained in the Universal Declaration of Human Rights.

Our commitment: Three pillars of action

FIDH acts in conjunction with its member and partner organisations. Its actions are founded on three strategic pillars: securing the freedom and capacity to act for human rights defenders, the universality of rights and their effectiveness.

Guiding principle: The accountability of all

FIDH's work is directed at States as primary human rights guarantors. However, it also addresses non State actors such as armed groups and multinational corporations. FIDH is committed to holding individual perpetrators of international crimes to account through the international criminal justice system.

Ethics: Independence and objectivity

FIDH is a non partisan, non sectarian, apolitical and not for profit organisation. Its secretariat is headquartered in France, where

FIDH is a recognised NGO. FIDH's independence, expertise and objectivity are the hallmarks of its credibility. It maintains this by acting with complete transparency.

Interaction: Local presence - global action

As a federal movement, FIDH operates on the basis of interaction with its member organisations. It ensures that FIDH merges on-the-ground experience and knowledge with expertise in international law, mechanisms of protection and intergovernmental bodies. This unique combination translates through joint actions between FIDH and its member organisations at national, regional and international levels to remedy human rights violations and consolidate processes of democratisation. It makes FIDH highly representational and legitimate.

A system of governance: Universality and transparency

FIDH's structure and operations place its member organisations at the heart of the decision making process, and reflect its principles of governance.



Vigil organized by Pakistani civil society calling for justice for the religiously-motivated murder of a Christian couple (Karachi, 7 November 2014) © AFP.

A Universal Federal Movement

The Congress

- Is composed of the 178 member organisations of FIDH since the end of the FIDH Congress in Turkey in 2013;
- Meets every three years;
- Discusses the FIDH thematic and geographical priorities and decides on the policy orientations of FIDH.

The International Board

- Comprises 22 volunteers from FIDH member organisations. The Board is elected by the Congress and consists of the President, the Treasurer, 15 Vice-Presidents and 5 Secretaries-General;
- Determines FIDH's main strategic goals and orientations, according to the policy orientations set by the Congress and approves the annual accounts;
- Meets three times a year and reports to the Congress.

The Executive Board

- Is composed of the President, the Treasurer, 5 Secretaries General and 5 Deputy Secretaries General;
- Prepares and organises the meetings of the International Board;
- Meets once a month and reports to the International Board.

The International Secretariat

- Based in Paris, it is composed of a team of professionals managed by a Chief Executive Officer and an Executive Director, who sit as non-voting advisory members of the International and the Executive Boards. The team is structured by regions, action priorities, and delegations. The International Secretariat has permanent delegations at the United Nations in New York and Geneva, at the European Union in Brussels, before the International Criminal Court in The Hague; regional offices in Tunis and Pretoria; and offices in conjunction with member organisations in Conakry, Abidjan, and Bamako. It also comprises a Communications and Public Relations department, and an Administrative and Financial Support department.
- In permanent contact with the actors in the field, the International Secretariat implements the decisions of the FIDH policy-making bodies in conjunction with the member organisations, the chargés de mission, and members of the International and Executive Boards.

Key activities 2015



178 Member Organisations

AFGHANISTAN, ARMANSHAHR/OPEN ASIA / **ALBANIA**, ALBANIAN HUMAN RIGHTS GROUP (AHRG) / **ALGERIA**, COLLECTIF DES FAMILLES DE DISPARU(E)S EN ALGÉRIE (CFDA) / **ALGERIA**, LIGUE ALGÉRIENNE DE DÉFENSE DES DROITS DE L'HOMME (LADDH) / **ANGOLA**, ASSOCIAÇÃO JUSTIÇA PAZ E DEMOCRACIA (AJPD) / **ARGENTINA**, LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE (LADH) / **ARGENTINA**, COMITÉ DE ACCIÓN JURÍDICA (CAJ) / **ARGENTINA**, CENTRO DE ESTUDIOS LEGALES Y SOCIALES (CELS) / **ARMENIA**, CIVIL SOCIETY INSTITUTE (CSI) / **AUSTRIA**, ÖSTERREICHISCHE LIGA FÜR MENSCHENRECHTE (OLFM) / **AZERBAIJAN**, HUMAN RIGHTS CENTER OF AZERBAIJAN (HRCA) / **BAHRAIN**, BAHRAIN HUMAN RIGHTS SOCIETY (BHRS) / **BAHRAIN**, BAHRAIN CENTER FOR HUMAN RIGHTS (BCHR) / **BANGLADESH**, ODHAKAR / **BELARUS**, HUMAN RIGHTS CENTER VIASNA / **BELGIUM**, LIGA VOOR MENSCHENRECHTEN (LVM) / **BELGIUM**, LIGUE DES DROITS DE L'HOMME - BELGIQUE / **BENIN**, LIGUE POUR LA DÉFENSE DES DROITS DE L'HOMME AU BÉNIN (LDDHB) / **BOLIVIA**, ASAMBLEA PERMANENTE DE DERECHOS HUMANOS DE BOLIVIA (APDHB) / **BOTSWANA**, THE BOTSWANA CENTRE FOR HUMAN RIGHTS – DITSHWANELO / **BRAZIL**, MOVIMENTO NACIONAL DE DIREITOS HUMANOS (MNDH) / **BRAZIL**, JUSTIÇA GLOBAL (JGJ) / **BURKINA FASO**, MOUVEMENT BURKINABÉ DES DROITS DE L'HOMME ET DES PEUPLES (MBDHP) / **BURMA**, ALTSEAN BURMA / **BURUNDI**, LIGUE BURUNDAISE DES DROITS DE L'HOMME (ITEKA) / **CAMBODIA**, CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION (ADHOC) / **CAMBODIA**, LIGUE CAMBODGIENNE DE DÉFENSE DES DROITS DE L'HOMME (LICADHO) / **CAMEROON**, MAISON DES DROITS DE L'HOMME (MDH) / **CANADA**, LIGUE DES DROITS ET DES LIBERTÉS DU QUÉBEC (LDL) / **CENTRAL AFRICAN REPUBLIC**, LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME (LCDH) / **CENTRAL AFRICAN REPUBLIC**, ORGANISATION POUR LA COMPASSION DES FAMILLES EN DÉTRESSE (OCODEFAD) / **CHAD**, LIGUE TCHADIENNE DES DROITS DE L'HOMME (LTDH) / **CHAD**, ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DÉFENSE DES DROITS DE L'HOMME (ATPDH) / **CHILE**, OBSERVATORIO CUIDADANO / **CHILE**, CORPORACION DE PROMOCION Y DEFENSA DE LOS DERECHOS DEL PUEBLO (CODEPU) / **CHINA**, CHINA LABOUR BULLETIN (CLB) / **CHINA**, HUMAN RIGHTS IN CHINA / **CHINA (TIBET)**, INTERNATIONAL CAMPAIGN FOR TIBET (ICT) / **COLOMBIA**, CORPORACION COLECTIVO DE ABOGADOS JOSÉ ALVEAR RESTREPO CCAJAR / **COLOMBIA**, INSTITUTO LATINOAMERICANO DE SERVICIOS LEGALES ALTERNATIVOS (ILSA) / **COLOMBIA**, ORGANIZACIÓN FEMENINA POPULAR (OFF) / **COLOMBIA**, COMITÉ PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS (CPDH) / **CONGO**, OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME (OCDH) / **COSTA RICA (ASEPROLA)**, ASOCIACIÓN DE SERVICIOS DE PROMOCIÓN LABORAL (ASEPROLA) / **IVORY COAST**, MOUVEMENT IVOIRIEN DES DROITS HUMAINS (MIDH) / **IVORY COAST**, LIGUE IVOIRIENNE DES DROITS DE L'HOMME (LIDHO) / **CROATIA**, CIVIC COMMITTEE FOR HUMAN RIGHTS (CCHR) / **CUBA**, COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NACIONAL (CCDHN) / **CZECH REPUBLIC**, HUMAN RIGHTS LEAGUE (HRL) - LIGA LIDSKÝCH PRÁV / **DEMOCRATIC REPUBLIC OF CONGO**, LIGUE DES ÉLECTEURS (LE) / **DEMOCRATIC REPUBLIC OF CONGO**, GROUPE LOTUS / **DEMOCRATIC REPUBLIC OF CONGO**, ASSOCIATION AFRICAINE DES DROITS DE L'HOMME (ASADHO) / **DJIBOUTI**, LIGUE DJIBOUTIENNE DES DROITS HUMAINS (LDDH) / **DOMINICAN REPUBLIC**, CND COMISIÓN NACIONAL DE LOS DERECHOS HUMANOS, INC / **ECUADOR**, FUNDACIÓN REGIONAL DE ASESORIA EN DERECHOS HUMANOS (INREDH) / **ECUADOR**, CENTRO DE DERECHOS ECONOMICOS Y SOCIALES (CDES) / **ECUADOR**, COMISIÓN ECUMÉNICA DE DERECHOS HUMANOS (CEDHU) / **EGYPT**, CAIRO INSTITUTE FOR HUMAN RIGHTS STUDIES (CIHRS) / **EGYPT**, HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONERS (HRAAP) / **EGYPT**, EGYPTIAN INITIATIVE FOR PERSONAL RIGHTS (EIPR) / **EGYPT**, EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS (EOHR) / **EL SALVADOR**, COMISION DE DERECHOS HUMANOS DEL SALVADOR (CDHES) / **ETHIOPIA**, HUMAN RIGHTS COUNCIL (HRCO) / **EUROPE**, ASSOCIATION EUROPÉENNE POUR LA DÉFENSE DES DROITS DE L'HOMME (AEDH) / **FINLAND**, FINNISH LEAGUE FOR HUMAN RIGHTS (FLHR) - IHMISOIKEUSLIITTO / **FRANCE**, LIGUE DES DROITS DE L'HOMME ET DU CITOYEN (LDH) / **FRANCE (NEW CALEDONIA)**, LIGUE DES DROITS ET DU CITOYEN DE NOUVELLE CALÉDONIE (LDHNC) / **FRANCE (FRENCH POLYNESIA)**, LIGUE POLYNÉSIEENNE DES DROITS HUMAINS (LPDH) / **GEORGIA**, HUMAN RIGHTS CENTER (HRICO) / **GERMANY**, INTERNATIONALE LIGA FÜR MENSCHENRECHTE (ILMR) / **GREECE**, HELLENIC LEAGUE FOR HUMAN RIGHTS (HLHR) / **GUATEMALA**, COMISION DE DERECHOS HUMANOS DE GUATEMALA (CDHG) / **GUATEMALA**, CENTRO DE ACCIÓN LEGAL EN DERECHOS HUMANOS (CALDH) / **GUINEA-BISSAU**, LIGA GUINEENSE DOS DIREITOS HUMANOS (LGDH) / **GUINEA-CONAKRY**, ORGANISATION GUINÉENNE DE DÉFENSE DES DROITS DE L'HOMME ET DU CITOYEN (OGDH) / **GULF**, GULF CENTER FOR HUMAN RIGHTS (GCHR) / **HAITI**, CENTRE OECUMENIQUE DES DROITS HUMAINS (CEDH) / **HAITI**, RÉSEAU NATIONAL DE DÉFENSE DES DROITS DE L'HOMME (RNDDH) / **HONDURAS**, CENTRO DE INVESTIGACIÓN Y PROMOCIÓN DE LOS DERECHOS HUMANOS (CIPRODEH) / **HONDURAS**, COMITÉ DE FAMILIARES DE DETENIDOS-DESAPARECIDOS EN HONDURAS (COFADEH) / **INDIA**, COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI) / **INDONESIA**, KONTRAS / **IRAN**, DEFENDERS OF HUMAN RIGHTS CENTER IN IRAN (DHRC) / **IRAN**, LIGUE POUR LA DÉFENSE DES DROITS DE L'HOMME EN IRAN (LDDHI) / **IRELAND**, FREE LEGAL ADVICE CENTRES LIMITED (FLAC) / **IRELAND**, IRISH COUNCIL FOR CIVIL LIBERTIES (ICCL) / **ISRAEL**, B'TSELEM / **ISRAEL**, ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL (ACRI) / **ISRAEL**, PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL (PCATI) / **ISRAEL**, ADALAH / **ITALY**, LEGA ITALIANA DEI DIRITTI DELL'UOMO (LIDU) / **ITALY**, UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO (UFTDU) / **JAPAN**, CENTER FOR PRISONERS' RIGHTS (CPR) / **JORDAN**, AMMAN CENTER FOR HUMAN RIGHTS STUDIES (ACHRS) / **KAZAKHSTAN**, KAZAKSTAN INTERNATIONAL BUREAU FOR HUMAN RIGHTS AND RULE OF LAW (KIBHR) / **KENYA**, KENYA HUMAN RIGHTS 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Monetary Community
of Central African States

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before the Organization
of American States (OAS)

International Secretariat

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Delphine CARLENS
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Hugo GABBERO
Programme Officer, Observatory for the Protection of Human Rights Defenders

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					<p>Willy NETH Deputy Coordinator, MDH/LIDHO/FIDH joint programme</p>
					<p>Mathilde CHIFFERT Coordinator Guinea Programme</p>
					<p>Amadou BARRY Programme Officer, OGDH/FIDH joint programme</p>
					<p>Mamadou Boussouriou DIALLO Programme Officer, OGDH/FIDH joint programme</p>
					<p>Aboubacar SYLLA Accountant Secretary, OGDH/FIDH joint programme</p>
					<p>Drissa TRAORE Programme Officer, AMDH/FIDH joint programme</p>
					<p>Lalla TOURE Programme Officer, AMDH/FIDH joint programme</p>

Priority 1

Supporting Human Rights Defenders

Context and challenges

Human rights defenders (hereinafter ‘defenders’) are architects of progress, builders of peace, and consolidators of the rule of law and of freedom. They shepherd states toward respect for their international human rights commitments. Because their actions upset the political, economic or religious elites, who are unable to tolerate criticism, they find themselves in the firing line, as was the case again in 2015.

Using political, economic, cultural, religious or security pretexts, incessant attacks by states and non-state elements on human rights (including their universality and protection mechanisms) have increased, making the protectors of human rights increasingly weak. Thus, the space for action and expression of human rights defenders is being markedly reduced throughout the world. They are depicted as obstacles to development, enemies and traitors to the nation, criminals, and targets to be brought down, thereby encouraging repression and justifying their criminalisation.

In extreme cases, in totalitarian countries such as North Korea, Eritrea and Turkmenistan, the defence of human rights is almost impossible, forcing defenders into hiding or exile.

Human rights defenders who worked in countries governed by authoritarian regimes or characterised by authoritarian trends were also subjected to intense repression. In these countries, authorities severely restrict the freedoms of civil society by unhesitatingly overriding the law with the support of judicial orders, or by enacting more draconian laws, in particular relating to access to NGO financing, reporting conditions, monitoring associations’ activities, criminalisation of dissenting voices or holding public gatherings, including peaceful assembly. This legislative-arsenal model is exported from one country to another with the goal of stifling any form of denunciation of human rights violations.

This was the case in Angola, Azerbaijan, Bahrain, Bangladesh, Burundi, Cambodia, China, the Democratic Republic of Congo (DRC), Egypt, Ethiopia, India, Iran, Morocco, Russia, Turkey, Vietnam, and other countries.

The position of human rights defenders was also particularly precarious where conflicts exist and violent non-state groups are present. In such instances, defenders who document violations and fight against impunity may be the target of attacks, kidnappings or assassinations, and are considered by the parties in conflict as supporting one side or the other. (Libya, DRC, Syria, Chechnya / Russian Federation, Turkey, Yemen, etc.)

In other countries that are plagued by extremist religious movements, those who defend the right to freedom of expression, the right to freedom of religion or women’s rights are victims of particularly serious violence. (Afghanistan, Saudi Arabia, Libya, Pakistan)

The repression of land and environmental rights defenders continued to increase, while the number of conflicts over land rights and natural resources escalates. More and more defenders, rural and indigenous community leaders, journalists and NGO activists working on these issues have become victims of violence and criminalisation campaigns, particularly in Latin America (Brazil, Colombia, Ecuador, Guatemala, Honduras, Mexico, Peru), in Asia (Burma, Indonesia, Malaysia, Philippines, Thailand), and in Africa (Cameroon, Liberia, Uganda, Sierra Leone, etc.).

Finally, defenders of human rights who defend specific groups in the population have been particularly marginalised and repressed. In particular, defenders of women’s rights and of the rights of lesbians, gay, bisexual, transgender and intersex (LGBTI) people, migrants, indigenous peoples and religious minorities are especially vulnerable. They often face discrimination or criminalisation and are sometimes victims of hate crimes.

At the end of 2015, many representatives of FIDH member organisations in Bahrain, Iran and Uzbekistan were still being arbitrarily detained. Defenders subjected to judicial harassment were often faced with expedited trials, or alternatively, made to undergo extremely long trials which, in themselves, become a form of punishment and prevent defenders from continuing their human rights work.

Confronted with this reality, defenders, especially those who are isolated and have few resources, need support. First and foremost they need emergency protective measures when they are threatened, or measures to prevent repression in the first place. The public must be made aware of their situation through the media and social networks. Regional and international mechanisms of protection for defenders must be called upon to react. Instigators of repression must be identified and subject to pressure: all these tools can be used to mitigate threats. In the face of imminent threats, it may also be necessary to secure the offices and homes of defenders, or to assist in their temporary or permanent relocation. Moreover, it has become essential in recent years to train and equip advocates to secure their communications and data, in response to surveillance and hacking tools developed by instigators of repression. Finally, when defenders are judicially harassed, observation of the trials against them is a way to demonstrate the arbitrariness of these trials, and thus to make the case for defenders' release.

Tackling the causes of attacks against defenders, not just the symptoms, is equally essential to providing long-term support for the work of defenders. The fight against impunity for those who violate the human rights of defenders before national courts or regional and international authorities is a major challenge in this regard. Based on inquiries into the working environment of defenders, advocacy with local authorities and intergovernmental organisations, as well as with private stakeholders is also essential to achieve reform of repressive laws and to change attitudes vis-a-vis defenders.

FIDH and its member and partner organisations in action

Pursuant to its multi-year strategic action plan, FIDH, along with its member and partner organisations, implemented numerous activities addressing the objectives of protecting defenders in danger and strengthening their capacity for action. Defender protection activities were carried out as part of the Observatory for the Protection of Human Rights Defenders (the Observatory), a joint programme created by FIDH in 1997 with the World Organisation against Torture (OMCT).

On 2 December 2015, moreover, a consortium of NGOs for the protection of human rights defenders was officially launched in Brussels. Through this consortium, FIDH and 11 other international and regional NGOs for the protection of known defenders decided to tighten their coordination and their complementarity in providing support and emergency aid to defenders under threat throughout the world.

After two years of preparatory work, the 12 participating NGOs created a distinct legal entity, the "International Foundation for

Human Rights Defenders" (FIDDH). The creation of this consortium marks a new stage in the willingness of NGOs for the protection of human rights defenders to work together, to have more influence on emergency situations, and to increase the positive results on the levels of both regulation and protection.

> Protect defenders in situations of insecurity or repression

Establish the facts and provide daily alerts

Urgent interventions are one of the main tools of protection. They consist of mobilizing all levers, state and non-state actors alike, including armed groups and companies, as well as the media and decision-makers, in order to put a stop to or denounce a restriction or an act of harassment against a defender or group of defenders. These interventions describe the attacks suffered by the individual(s) and send a series of recommendations for remedying the violations to the relevant authorities. Each case or situation is discussed with the defender in question, his/her family, and FIDH's local partners and geographical teams, in order to define the most appropriate action strategy.

FIDH thus aims to react as quickly as possible, on the basis of information that is reliable, verified, detailed and crosschecked by its members organisations, in the most useful form and language, and to ensure follow up of the situation's development. In many cases, this has enabled [us] to put a stop to the violation, to improve the situation and working conditions of the defenders in question, or to prevent new violations. These urgent interventions also serve as a base for the development of advocacy actions, targeted mobilisation or emergency aid secondly, if the violation persists or is aggravated.

In 2015 FIDH broadcast **362 urgent interventions** (urgent appeals, press releases and open letters to authorities), concerning **56 countries**, with special attention to target countries (Angola, Azerbaijan, Bahrain, Burma, Burundi, Cameroon, Cambodia, Egypt, Iran, Kirgizstan, Morocco, Mexico, Democratic Republic of Congo, Russia, Rwanda, Syria, and Thailand) where violations have been especially serious or systematic in contexts of conflict, crisis or political transition.

Throughout the year, FIDH was also particularly attentive to the situation of **land and environmental rights defenders**, through the distribution of 58 urgent alerts on the subject (Angola, Burma, Brazil, Cameroon, Cambodia, Colombia, Ecuador, Guatemala, Honduras, Mexico, Uganda, Uzbekistan, the Philippines, Sierra Leone, Chad and Thailand), as well as that of LGBTI rights defenders.

FOCUS

Egypt: the arrest and subsequent release of Hossam Bahgat, founder and member of the Executive Committee of the Egyptian Initiative for Personal Rights (EIPR)

On 10 November 2015, following intense international pressure, to which the Observatory actively contributed through its urgent appeals and tweets, Hossam Bahgat was released from the military intelligence building [where he had been held] in Cairo. Mr Bahgat had been arrested on 8 November, then brought before the military prosecutor, interrogated and threatened with prosecution for articles critical of the current government. Hossam Bahgat is still under prosecution.

Message of thanks from an EIPR representative: “Thank you, we are very, very happy that Hossam is now free :). Thank you for your support, and give our best to everyone who worked on this urgent appeal.”

FIDH also strengthened the Observatory’s presence on **Twitter**, developing a dedicated account aimed at alerting and mobilising as quickly as possible concerning the most alarming cases of repression.

To alert and mobilise the actors of change to the special plight of defenders who have been arbitrarily detained, FIDH intensified its **international campaign on this theme** titled “#ForFreedom: The more we talk about it, the sooner they will get out”, formulated around emblematic cases of human rights defenders who have been deprived of liberty worldwide.

FOCUS

FIDH’s campaign to free defenders

In 2015, eleven defenders whose cases of arbitrary detention were specifically treated in the #ForFreedom campaign were freed. These are:

- Yara Sallam, a member of the Egyptian Initiative for Personal Rights (Egypt)
- Hani Al Zaitani, a member of the Syrian Center for Media and Freedom of Expression (Syria)
- Hussain Ghrer, a member of the Syrian Center for Media and Freedom of Expression (Syria)
- Mazen Darwish, President of the Syrian Center for Media and Freedom of Expression (Syria)
- Nasim Isakov, a member of the Human Rights Society of Uzbekistan
- Nabeel Rajab, President of the Bahrain Center for Human Rights and Adjunct Secretary General of FIDH (Bahrain)
- Juan Carlos Flores, a law student (Mexico)
- Javier Ramirez, a farmer (Ecuador)
- Amin Mekki Medani, a human rights expert (Sudan)
- Leyla Yunus, Director of the Institute for Peace and Democracy (Azerbaijan)
- Arif Yunus, a member of IPD (Azerbaijan)

“I am very happy to be back in touch with you, this time out of prison, thanks to your vital efforts and your continued support throughout my detention. There are no words to express my gratitude and thanks for all you have done. Thanks to your efforts, I am still alive. The information that I received all throughout my detention was an ongoing source of hope and hope for freedom. I am now fully ready to resume my work for human rights”.

Message from Mazen Darwish, President of the Syrian Center for Media and Freedom of Expression (SCM), released in August 2015 after three and a half years of arbitrary detention.

Strengthening the protective capacity of intergovernmental organisations

In 2015 all urgent interventions by the Observatory continued to be systematically sent to international and regional mechanisms for the protection of human rights defenders (UN Special Procedures, the African Commission on Human and Peoples’ Rights (ACH-PR), the Inter-American Commission on Human Rights (IACHR), the Commissioner for Human Rights of the Council of Europe, the focal point of the OSCE Office for Democratic Institutions and Human Rights, and European Union mechanisms). These appeals elicit their intervention and questioning of the relevant authorities.

FIDH also appealed to other bodies of these intergovernmental organisations to mobilise them on cases involving the repression of defenders (European Parliament, United Nations Human Rights Council, etc.) and to this effect organised meetings/ interfaces between the representatives of its member organisations and these institutions.

FIDH advocacy focused on the countries targeted by the Observatory’s action.

Special emphasis was placed on the situation in **Azerbaijan**, where eight defenders were arbitrarily held until late 2015. For example, FIDH appealed repeatedly to the United Nations Human Rights Council, the OSCE, and the EU by means of draft resolutions, panels, interventions and meetings to elicit a strong reaction from them to this situation and to ask these authorities to exercise strong diplomatic pressure on Azeri authorities for the release of prisoners of conscience. FIDH, along with other organisations, also stepped up its advocacy with the Parliamentary Assembly of the Council of Europe (PACE), repeatedly approaching members of parliament and [thereby] making possible the adoption of a strong resolution denouncing the Azerbaijan’s arbitrary practices and calling for the release of all detained Azeri defenders. This multifaceted advocacy contributed, among other things, to the release at year’s end of the defenders Leyla Yunus, Director of the Institute for Peace and Democracy (IPD), and Arif Yunus, an IPD member. Five more Azeri defenders were released in early 2016.

FIDH advocacy also focused on the plight of human rights defenders in **Burundi** who were subject to intense repression before and after the presidential elections, pushing many of them into exile. By facilitating meetings between Burundian defenders and representatives of the Security Council, the

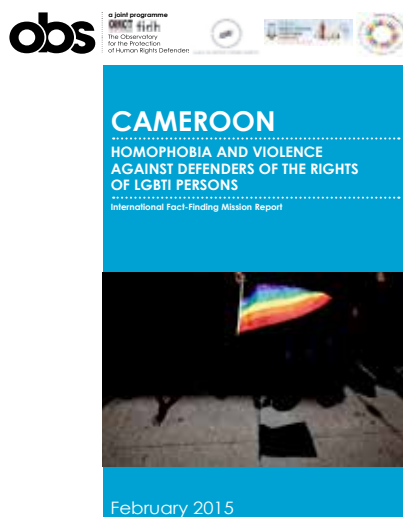
European Union and the African Commission on Human and Peoples' Rights (ACHPR), FIDH contributed to getting these bodies to call on Burundian authorities to cease all acts of repression against the defenders.

Finally, this year FIDH organised part two of the **fifth "inter-mechanisms" meeting** for strengthening interaction and coordination between the UN mechanism and regional mechanisms to protect defenders. The meeting brought together mandate holders from the UN, the International Organisation of La Francophonie (IOF), the African Commission on Human and Peoples' Rights, the Inter-American Commission on Human Rights, and the OSCE/ODIHR, as well as representatives of the office of the Commissioner for Human Rights of the Council of Europe, the European Union, and international NGOs. The participants reflected on ways to strengthen their cooperation, even their linkage, in treating appeals and public declarations concerning violations against defenders, as well as follow-up on individual communications and recommendations after country visits. They also discussed best practices and strategies for the situations of greatest concern, like Azerbaijan, Guatemala, Libya and Rwanda. The meeting also made possible an exchange on the matter of NGO financing, including from foreign sources, as well as the protection of earth rights defenders, echoing the 2013 and 2014 annual reports of the Observatory.

Provide emergency assistance in the event of threats and risks

To respond to threatening situations and attacks on the physical and mental integrity of defenders, FIDH gave material assistance in 2015 to seventeen defenders and six NGOs for the defence of human rights. This assistance made it possible to cover:

- Costs associated with relocation, including internal relocation (Burundi, Iraq, Rwanda, Sudan, Pakistan, Russia, Thailand, Tunisia)
- Costs associated with equipping / securing NGO premises, or leasing new premises following the closure or confiscation of existing offices by the authorities (Kirgizstan, Russia)
- Costs associated with the legal fees of defenders of NGOs who have been the victims of judicial harassment or have lodged complaints following attacks (Angola, Azerbaijan, Cameroon, Kenya, Uzbekistan, Tanzania)
- Costs associated with the subsistence of harassed defenders (DRC, Rwanda).



FOCUS

Cameroon

On 11 July 2013, **Eric Ohena Lembembe**, a journalist and human rights defender working for the protection of LGBTI rights, was murdered in Cameroon, in unclear circumstances. In 2014 and 2015, the Observatory, Alternatives Cameroon, ADEFHO, CAMFAIDS, REDHAC, and MDHC publicly condemned the miscarriage of justice in this case and underscored the risk that political will to shed light on the circumstances of this murder is absent. Justice is at a standstill to date. It was in this context that the Observatory decided to grant financial assistance this year to a Cameroonian lawyer responsible for following up on the progress of the investigation.

FOCUS

Rwanda

Since the illegitimate takeover in July 2013 of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), an independent, historic human rights defense organization in the country, the members of the ousted board of administration, most prominently its president, **Mr. Laurent Munyandilikirwa**, have suffered constant threats and harassment from the Rwandan authorities. This harassment intensified considerably when they took their case to court, seeking nullification of the decisions that had led to the takeover of the organization. In light of his security situation, Mr. Munyandilikirwa was forced to seek exile in France, where he was given asylum in March 2015. The Observatory contributed to the costs of Mr. Munyandilikirwa's relocation and settlement in Ile-de-France, while he is able to receive housing assistance and minimum unemployment income, with a view to his becoming financially independent.

In certain cases, this assistance was granted in cooperation and/or coordination with the international NGOs providing the same type of support. This made it possible to respond as quickly and as precisely as possible.

Responding to judicial harassment

In the face of the use or instrumentalisation of justice to obstruct or criminalise the actions of defenders, FIDH organises missions of judicial observation, defence or solidarity. Such missions have various objectives: to provide expert legal aid in support of victims in cases of this type; to bring to bear international solidarity and attention capable of contributing to respect for the right to a fair trial; and to help bring to light procedural violations to elicit the reaction of the international community. In 2015 FIDH fielded judicial observation missions concerning

a total of four cases, in **Azerbaijan** (two cases), **Algeria** and **Bahrain**. FIDH published a report on its judicial observation missions in Azerbaijan, as well as a report on its international mission concerning the plight of defenders who are subjected to judicial harassment in Bahrain.

Establishing responsibilities

In accordance with its multi-year strategic action plan, FIDH continued to develop its legal actions before national courts and regional and international mechanisms for protecting human rights, in order to establish responsibility – state or individual – in symbolic cases in which defenders' rights have been violated, to support victims in their right to justice and to contribute to the prevention of these violations, including by consolidating case law on the protection of defender rights.

FIDH notably continued its support to families of the **Congolese defenders Chebeya and Bazana**, who were murdered in June 2010 in their quest for justice. On 2 June 2014 FIDH and the victims' families had filed a complaint with the Senegalese courts bringing a civil action against Paul Mwilambwe, one of the policemen presumed responsible, who is present in Senegal. On the basis of said Senegalese law of extraterritorial jurisdiction, Senegalese legal authorities can judge anyone suspected of torture, if that person is in Senegal, even if the victim or the perpetrator of the crime is not a Senegalese citizen and the crime was not committed in Senegal. On 8 July 2014, an investigating judge was appointed to investigate this complaint. On 8 January 2015 Senegalese courts finally charged Paul Mwilambwe and put him on probation. On 1 June 2015 the son of Fidèle Bazana was heard by the investigating judge during a second hearing of the plaintiffs.

Furthermore, in 2015 FIDH filed **eight new targeted complaints or appeals** with quasi-judicial or judicial intergovernmental mechanisms:

FOCUS

Sudan denounced by ACHPR for acts of torture against defenders

On 10 March 2015 the African Commission on Human and Peoples' Rights (ACHPR) made public a decision condemning Sudan for violating numerous articles of the African Charter with respect to the arrest, detention and torture of three human rights defenders, Monim Elgak, Osman Hummeida and Amir Suliman, in 2008. These three defenders had been accused of espionage by Sudanese authorities for allegedly collaborating with the International Criminal Court, which is investigating the situation in Darfour and has launched several arrest warrants, including against President Al Bashir.

In 2009 FIDH and the World Organisation against Torture (OMCT), acting on behalf of the three victims, brought this case before the ACHPR by means of a communication in

conformity with Article 55 of the African Charter on Human and Peoples' Rights. Several briefs and pieces of evidence were produced and added to the Commission[']s file] in response to the allegations of the Sudanese authorities. In 2012, by way of an exceptional procedure, the Commission permitted the legal representative of the victims appointed by the two organisations to orally present his arguments concerning the admissibility of the communication.

After six years of proceedings, the Commission, in its decision on the merits, called on Sudanese authorities to grant reparations to the three victims and to conduct an investigation to bring to justice the state agents responsible for the arrests, arbitrary detention, and acts of torture.

FIDH and OMCT will follow up to ensure that this decision is carried out.

> Strengthen the capacity for action of defenders

Action for a Political and Regulatory Framework Favourable to Defenders

In 2015 FIDH and OMCT fielded **three international investigative missions**, in the framework of the Observatory: in **Azerbaijan, Kirgizstan and Tajikistan**.

In addition, **six investigation reports** were published concerning the situation of defenders in **Azerbaijan, Angola, Cameroon, Guatemala, Libya and the Philippines**. These reports sent specific recommendations to national authorities, private actors and international and regional authorities for improving the political and regulatory environment for the work of defenders. They have served as a basis for multiple advocacy actions at the national, regional and international levels, led by FIDH and its member organisations.

FOCUS

Report on the plight of LGBTI rights defenders in Cameroon

In 2014 FIDH organised an international investigative mission concerning the plight of LGBTI rights defenders in Yaoundé and Douala in Cameroon. Witness reports and analyses gathered during the mission revealed an environment marked by precariousness and acts of intimidation targeting health rights and LGBTI rights defenders, against a background of criminalisation of homosexuality. The heads of mission were able to meet members of organisations for the defence of human rights, LGBTI persons, journalists, lawyers, sex workers, church representatives, national authorities and institutes, and diplomatic missions, among others.

The mission's report, published in 2015, details the constitutional, legal and political framework in which human rights and LGBTI defenders operate, presents the principle tendencies of repression against the latter (infringements of freedom of association, threats, burglaries, blackmail, arrests and

arbitrary detentions, or even impunity [for the perpetrators]), and addresses a series of specific recommendations to Cameroonian authorities, development partners and financial backers in Cameroon, the ACHPR, and UN protection bodies.

FIDH and its member organisations also denounced plans for legislative reform on the part of certain states such as **Bahrain**, **Kirgizstan** and the **People's Republic of China**, aiming to restrict freedom of association – in particular the access of NGOs to foreign financing – or to criminalise the defence of LGBTI rights.

Furthermore, FIDH participated in or called for the strengthening of the regional and international legal framework through several initiatives with the United Nations, the ACHPR and the Organisation for Security and Cooperation in Europe (OSCE).

Through their participation in the 56th and 57th ordinary sessions of the **ACHPR**, which were held in Banjul, Gambia in April and November 2015, FIDH and several of its member organisations – via written and oral interventions and meetings with the commissioners – made it possible to inform that authority concerning the obstacles encountered by defenders in the region, and to address a certain number of recommendations to member states and the African mechanism for the protection of defenders. FIDH representatives devoted special attention to the plight of defenders in Burundi, who, against a background of escalating political violence, are prey to intensified forms of harassment, threats and even attacks on their physical integrity; in Angola, where human rights activists are the target of unfair legal proceedings and legislative manoeuvres by authorities aiming to attack their freedom of association; or in Rwanda, where the last independent organisations for the defence of human rights are no longer able to operate.

This mobilisation by FIDH directly contributed to the deployment of an ACHPR investigative mission in Burundi beginning in December 2015 with a specific mandate to assess the situation of defenders. The advocacy carried out also contributed directly to a renewal of dialogue between representatives of the Angolan authorities, who were present during the session, and representatives of FIDH member organisations and partners in that country. FIDH also made it possible to conduct strategic reflection with Angolan civil society concerning the courses of action to be taken in order to guarantee their rights.

FIDH also contributed in 2014 to the work of the editorial group at the OSCE Office for Democratic Institutions and Human Rights, on Guidelines for the Protection of Defenders. It participated in the official launch of those guidelines in early 2015 and contributed to their distribution to NGOs for the defence of human rights of OSCE member states.

Finally, through its interventions with the **United Nations Human Rights Council**, FIDH was able to highlight, on an

almost systematic basis, the issue of human rights defenders and the need for states to meet their international obligations by establishing a political and regulatory environment favourable to the work of defenders. In this context, FIDH was able to focus particularly on the plight of particularly vulnerable defenders, such as those working on earth and environmental rights, LGBTI rights, women's rights or victims' rights to justice.

Material Support and Training for NGOs and Defenders

Through its many thematic and regional programmes, FIDH provides numerous activities to reinforce the capacity for action of NGOs and defenders through training or material assistance. Some of these activities enable defenders to better predict possible violations of their rights and to develop their levers of influence to guarantee a political and regulatory framework favourable to their activities.

Thus, in the context of its specific programmes addressing the situation of human rights in Côte d'Ivoire, Guinea, the Central African Republic and Mali, FIDH in 2015 continued upgrading the hardware of its member and partner organisations in order to facilitate in a secure manner their activities of documenting serious human rights violations and fighting against impunity for the perpetrators of those violations.

FIDH also continued to implement its specific programme of strengthening the capacity for action of the Fraternity Centre (an independent NGO created in 2013 with the support of FIDH, whose mandate is to promote human rights and democracy in the Kurdish zone of Hassakeh, near the Turkish frontier), specifically by organising a seminar in 2015 to provide training in techniques of documenting serious human rights violations.

Through a specific program for the support of civil society in Belarus, FIDH also provided computer hardware and secure communications to many NGOs and local human rights defenders.

Finally, FIDH set up the first platform of Burmese defenders, meant to gather information on the situation of defenders in that country, and contributed to the promotion thereof in 2015.

Finally, in the face of threats and harassment suffered by Al Haq, its member organisation in Palestine, against the background of criminalisation of support to the Boycott movement, of disinvestment Sanctions and of the case brought against the Palestinian authorities by the International Criminal Court, FIDH organised a first training session in late 2015 on securing communications and storing the data of that organisation.

Visibility of the Plight of Defenders

In 2015 many activities made it possible to increase awareness of the plight of defenders and the importance of protecting them.

- The #ForFreedom campaign, which is structured around the site “<http://www.freedom-defenders.org/>” presenting symbolic cases of detained defenders, made it possible to alert and mobilise actors of change, but also the public at large, on the special plight of defenders in prison.
- A mini video game, Real Baku 2015, was published online by FIDH during the European games in Azerbaijan, to denounce, in a quirky tone, the arbitrary imprisonment of dozens of activists due to their activities in support of human rights.
- Tweets concerning the plight of defenders made it possible to send out alerts in real time concerning violations of defender rights and of the impacts achieved in individual situations.
- A great many news items from the Observatory concerning the plight of defenders have been reprinted by media throughout the world.
- Advocacy with intergovernmental organisations (see below) have enabled defenders to become better known by these bodies and therefore to benefit from more follow-up on their action and participation.

Examples of outcomes

FIDH made contributed to the following results:

Releases, stopping judicial harassment, advances in the quest for justice

- **The release of fifty-five defenders** arbitrarily held in Algeria, Azerbaijan, Bahrain, Burma, Burundi, Egypt, Mexico, Uganda, The Democratic Republic of Congo (DRC), the People’s Republic of China, Rwanda, Swaziland, Syria, and Turkey.

FOCUS DRC

- The charging by Senegalese courts, on the basis of a complaint from FIDH, of Paul Mwilambwe, a former major in the Congolese National Police, for his presumed participation in the murder of the Congolese defenders Chebeya and Bazana.

FOCUS Sudan

- The decision handed down by the African Commission on Human and Peoples’ Rights condemning Sudan’s violation of the rights of the African Charter with respect to the torture of human rights defenders Monim Elgak, Osman Hummeida and Amir Suliman.

Material protection and securing of defenders

- The securing of 17 defenders and 6 NGOs through material aid in 21 situations (support for temporary or permanent relocation; securing and sustainability of NGO premises; coverage of medical expenses, legal expenses and attorneys’ fees, etc.) (e.g., in Burundi, Cameroon, DRC, Rwanda).

Decisions, declarations and progress of intergovernmental protection mechanisms

- Important decisions of international mechanisms (decisions of the United Nations Working Group on Arbitrary Detention (WGAD), condemning Saudi Arabia and the DRC for the arbitrary detention of defenders; a decision of the ACHPR ordering the granting of provisional measures on behalf of a defender arbitrarily detained in Sudan).

FOCUS DRC

- The description by the United Nations Working Group on Arbitrary Detention, which FIDH appealed to, of the arbitrary nature of the arrest of Christopher Ngoyi Mutamba, President of the NGO “Congo Culture and Development Synergy” and the coordinator of the platform “Civil Society of the Democratic Republic of Congo. Christopher Ngoyi Mutamba was kidnapped by armed men belonging to the Republican Guard and placed in detention after taking part in several peaceful demonstrations denouncing the electoral reform and documenting violations of human rights perpetrated during these demonstrations.

FOCUS Burundi

- The mobilisation of FIDH during the 56th and 57th ordinary sessions of the African Commission on Human and Peoples’ Rights – via oral and written interventions, meetings with commissioners and draft resolutions, directly contributed to the deployment, beginning in December 2015, of an ACHPR investigative mission in Burundi, with a specific mandate to assess the situation of the defenders.
- Declarations and resolutions by intergovernmental organisations concerning the situation of defenders (example: the resolution of the United Nations General Assembly calling for the recognition and protection of defenders throughout the world; resolutions of the Council of Europe’s Parliamentary Assembly and the European Parliament concerning Azerbaijan; the resolution of the European Parliament on Angola, Egypt, etc.)

Improving the Legal Framework at the National Level

- The non-adoption of draft laws or the abrogation of laws restricting freedom, as in Bahrain, Kirgizstan or the People’s Republic of China.

Awarding of prizes to defenders for whom FIDH mobilised

- The Nobel Peace Prize was awarded in 2015 to the Tunisian Quartet, which consists of the Tunisian Human Rights League (LTDH), an FIDH member organisation; the Tunisian General Labour Union (UGTT); the Tunisian Order of Lawyers; and the Tunisian Confederation of Industry, Trade and Handicrafts.

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

3 international investigative, legal, advocacy and solidarity missions:

Azerbaijan, Kirgizstan, Tajikistan

15 legal observations concerning 4 cases in Azerbaijan, Algeria and Bahrain

362 urgent appeals

Material assistance provided to 17 defenders and 6 NGOs

Appeals [Applications] and judicial and quasi-judicial follow-up:

Before the Senegalese courts: follow-up of the proceeding initiated against a presumed perpetrator of the murder of the Congolese (DRC) defenders Chebeya and Bazana

Before the Human Rights Committee: follow-up of the communication against Uzbekistan in the Mutabar case (torture)

Before the United Nations Forced Disappearances Committee: follow-up on the communication against Mexico

Before the UN working groups on arbitrary detention: filing of communications against Angola, Saudi Arabia, Iran, Egypt and DRC

Before the UN Working Group on Forced Disappearances: filing of a communication against the DRC

Before the African Commission on Human and Peoples' Rights: follow-up on the communication against Sudan (arbitrary detention and acts of torture of defenders); follow-up on the communication against Ethiopia (infringement on freedom of association); filing of a request for provisional measures for a defender held in Sudan

Support for **advocacy** for over 100 defenders with IGOs, relevant regional and international mechanisms and representatives of influential states

Strategic seminars :

Organisation of part two of the 5th Inter-Mechanisms Meeting, meeting among international and regional mandates on human rights defenders for an exchange of experiences and a strengthening of their protection mandate

Palestine: organisation of training in techniques of securing communications and data storage

Syria: organisation of a training seminar on documenting serious human rights violations

Burma: leadership of meetings of the Forum for the Protection of Defenders

Partnerships: OMCT in the context of the Observatory and 400 members and partners; Protectdefenders.eu, a consortium of 12 organisations, including FIDH, for the protection of defenders

Reports

Ecuador: Increase of the criminalisation of social protest in the context of extraction plans

Libya: Exile or death: violence and collapsed State leave human rights defenders with few options

Azerbaijan: Repression Escalates in Run-up to European Games

Angola: "They want to keep us vulnerable" - Human Rights Defenders Under Pressure

Cameroon: Defenders of the rights of LGBTI persons face homophobia and violence.



Leyla and Arif Yunus. DR

Priority 2

Promoting and protecting women's rights

Context and challenges

The year 2015 marked the 20th anniversary of the Global Conference on Women, held in Beijing. During this conference, governments from around the world remarked that, "[While] the condition of women has improved in certain important areas over the past decade, progress has been uneven, inequalities between men and women persist and there are still major obstacles that have grave consequences for all of humanity". Twenty years later, this observation remains unchanged. While women's rights have without a doubt progressed in many ways, backsliding has also occurred. Given the conservative, religious and fundamentalist movements that pose various threats to the achievements of women around the world, the current state of affairs is distressing.

In Beijing, States pledged to put an end to discriminatory laws within 10 years, that is before 2005. By 2015, such laws were still in force in many countries. The Family Codes of several States, such as Burkina Faso and Indonesia, provide men with the right to marry more than one woman. In Nicaragua and Sudan, a wife's obedience to her husband is imposed by law. In Yemen, a man can divorce his wife unilaterally without her consent (talaq). In Lebanon, the law prevents women from passing on their nationality to foreign spouses or their children. In countries where Islamic law is a source of law, women and girls inherit less than male heirs. In Iran, during legal proceedings, a woman's testimony is worth half that of a man.

In the area of reproductive and sexual rights, discriminatory laws limit women's access to contraception and abortion, and promise to criminally sanction those who abort illegally. In Nicaragua and Malta, abortion is banned, no matter the circumstance. In Ireland, Senegal and Bangladesh, highly restrictive laws allow abortion only when the woman's life is in danger. In Brazil, despite the appearance of the Zika virus that causes malformations in fetuses, abortion is still banned under penalty of imprisonment. In Turkey, abortion has been permitted since 1983, yet the government has clearly expressed its desire to reverse this decision. These restrictions drive women to abort illegally, endangering their health and even their lives. Unwanted pregnancies have devastating psychological consequences. Pregnant girls are often forced to abandon their schooling.

According to UNESCO, 63 million girls worldwide have had no education.

The number of early marriages is estimated by UNICEF to be more than 700 million, often causing girls to drop out of school and slip into poverty. In Pakistan, despite the laws forbidding early marriage, 70% of girls are married before age 18 and 20% before they reach the age of 13.

The economic power of women is lower than that of men across the globe. According to the United Nations, fewer than 20% of land-owners in the world are women. This figure falls below 5% in North Africa and Western Asia. In Organization for Economic Cooperation and Development (OECD) member countries, women's salaries are on average 15% less than those of their male counterparts.

The Beijing Declaration enlists signatory states to "prevent and eliminate all forms of violence against women and girls." By the end of 2015, no signatory could claim to have eliminated violence against women. Several states, such as Armenia and Niger, have yet to adopt legislation specifically penalising domestic violence. Marital rape is not penalised in the Central African Republic (CAR) nor in Mali. Where such laws exist, they are unevenly applied. In France, a woman dies every 2.7 days at the hands of her spouse, and the World Health Organization estimates that nearly one in three women worldwide is a victim of physical or sexual violence from an intimate partner or another person at some point in her life. States like Sudan have adopted repressive laws that punish adultery by flogging and stoning, laws which are manipulated by the judicial system to impose behavioural standards on women.

In several States, the vast majority of women and girls are victims of female genital mutilation (FGM), and measures necessary to its eradication have yet to be implemented. Ninety-eight percent of Somali women are victims of FGM. According to UNICEF, at least 200 million girls and women in 30 different countries have undergone FGM. The practice of removing the female external genitalia is perpetuated in the name of tradition, despite its devastating consequences on the health of young girls, who risk infection, hemorrhage, complications during birth, and even death if subjected to FGM.

In many conflict situations, women and girls are targeted and undergo various forms of sexual violence. Fundamentalist groups like Daesh in Iraq and Syria, and Boko Haram in Nigeria, advocate the exclusion of women and girls from public life, commit rape and abduction, promote forced marriage, and practice sexual slavery. Sex crimes are often overlooked or excluded from surveys conducted on national legal procedures. International and mixed criminal courts have also displayed shortcomings in this respect. The International Criminal Court has only convicted one person for crimes related to sexual violence, and these crimes are too often absent in the charges brought against defendants, even though in many cases there is evidence that such abuses were committed. Thus, victims of sexual violence hardly ever have access to justice and rarely obtain compensation.

FIDH and its member and partner organisations in action

> To secure equality between women and men before the law

In 2015, FIDH continued its work documenting women's rights violations, strengthening the capacities of women's rights defenders, and planning a strategic way forward. FIDH and its member organisations have also maintained their strong advocacy for the elimination of laws that discriminate against women in the context of the family, in cases related to gender violence or with regards to sexual and reproductive health in many countries across Africa, Europe, Asia and the Americas. The following actions were carried out through campaigns in which the FIDH was involved: "Equality without reservation" for the withdrawal of reservations to CEDAW in the Arab world, and "Africa for women's rights" aimed at bringing African States together to ratify and comply with international and regional tools protecting women's rights.

Establish the facts, issue alerts, make proposals

In 2015, based on information from its member organisations and partners, FIDH published a large number of alerts on women's rights violations (more than 60 press releases and open letters). This information was transmitted to the respective authorities, to intergovernmental institutions and mechanisms of international and regional rights, as well as to the media.

FIDH and its member and partner organisations have also produced investigative reports and situation-specific recommendations to stop all documented human rights violations.

FOCUS

FIDH Documents Sexual Violence Committed by Egyptian Security Forces

At the beginning of the year, FIDH published a report documenting sexual violence committed by Egyptian security forces, which has risen significantly since the army took power in July 2013. The report observes that today, sexual violence is aimed at persons apprehended by security forces, regardless of the circumstances of their arrest. In addition to opponents of the regime of Abd El-Fattah El-Sissi, representatives of local NGOs, women, minors, students, etc. have also been victims of sexual violence. The report, which compiles testimonies of victims, lawyers, and members of human rights NGOs, denounces the direct involvement of police forces, agents of the intelligence services, national security and the military in these sexual attacks. Reported cases include rape, rape with objects, vaginal and anal virginity tests, electrocution of the genitals, and various defamatory practices and acts of sexual blackmail. According to FIDH, the similarities in the methods used and the general impunity with which perpetrators of sexual violence commit these acts prove that this is a calculated political strategy meant to muzzle civil society and reduce the opposition to silence. In this report, FIDH also denounces the El-Sisi regime for manipulating the fight against sexual violence in order to strengthen the grip of security forces on civil society and impose a moral order that persecutes the LGBTI community in particular. Since fall 2014, an intense crackdown has targeted this community, who have been victims of repeated raids, especially in private homes, in which they are systematically subjected to sexual violence.

FIDH and its members have submitted additional reports on the situation of women's rights in **Vietnam, Uzbekistan and Russia** to the United Nations CEDAW Committee that examined the 2015 periodic reports on these three countries.

Strategic Networking and Advocacy

In **Morocco**, where political and legislative reforms are underway, FIDH supported the actions of its member organisation, the Democratic Association of Women of Morocco (ADFM). ADFM notably criticised the draft law regarding the establishment of the Authority for Gender Parity and the fight against all forms of Discrimination (APALD), presented in March by the government formed by the Justice and Development Party government, an Islamist party. According to ADFM and FIDH, the draft law weakens APALD and goes against the proposals and recommendations made by civil society groups, and must be revised. Moreover, at the end of 2015, the National Council of Moroccan Human Rights sided in favor of a reform of the legislation regarding inheritance, under which women currently receive half the share of men. FIDH has asked ten mainstream human rights organisations specializing in women's rights to adopt a common position in favor of this recommendation, which will ensure equality between the sexes.

In October 2015, FIDH and its member organisation in **Tunisia**, TANF, alongside other partners, organised a seminar on how to align current legislation with the Constitution with regards to the fight against violence against women. This meeting brought together more than 70 associations defending the rights of women, from Tunis and from other regions, that have contributed to the advocacy strategy aimed at the adoption of a comprehensive law combatting violence against women. The meeting also allowed Tunisian human rights defenders to network with representatives from different countries (Algeria, Morocco, Libya, France, and Spain) and discuss various legislative responses of States to violence against women, ranging from comprehensive laws to new legislation and mechanisms. The seminar also sought to develop a plea for the renunciation of the Tunisian draft law by focusing on the necessity of reforming discriminatory laws, particularly in the areas of personal status and criminal and social rights.

In 2014, in response to a request from several of its member organisations and partners faced with the rise of political or armed Islam in their country and the risk of setbacks for women's rights this implies, FIDH launched a cross-regional project with its partners in **Tunisia, Egypt, Morocco, Sudan, Mali, Somalia, Nigeria, Afghanistan, Pakistan, Iran and Turkey**. In 2015, FIDH completed the research phase of this project and started a strategic planning phase. Having coordinated a draft analysis of developments in women's rights – in law and in practice – in the target countries, FIDH organised a seminar in Rabat in December 2015. The seminar brought together women's rights defenders from the different countries concerned. This meeting allowed defenders to share their experiences and develop strategies for the protection of women's rights.

In response to significant threats to sexual and reproductive rights around the world, FIDH has strengthened its activities in this area. As such, FIDH and its members in **Spain** are standing up to an attempt to impede minors' access to abortion by legislative means. Additionally, FIDH and its member organisations in **Argentina** have criticised Cristina Fernandez's government for its lack of political will to decriminalise abortion. In line with its mission to investigate violations of women's rights resulting from the prohibition of abortion in **Senegal**, FIDH conducted an advocacy mission in Dakar in November. Senegalese abortion legislation is indeed one of the most restrictive in the world. FIDH and its member organisations have received commitments from the Senegalese authorities for a relaxation of the law. FIDH also requested the support of UN bodies in relaying recommendations and supporting the testimony of representatives of Senegalese NGOs in front of the CEDAW Committee. In their reports on Senegal, three United Nations bodies – the Working Group on discriminatory laws and practices, the CEDAW Committee, and the Committee on the Rights of the Child – have taken into account FIDH's suggestions when addressing their recommendations to the government regarding the decriminalisation of abortion.

In the struggle for equality in Africa, FIDH continued to lead by initiating a **campaign, "Africa for Women's Rights: Ratify and Respect!"**, which brings together one hundred local and regional

African organisations for the defense women's rights and human rights. FIDH also published official reactions denouncing the serious violations of women's rights committed by elements of the armed fundamentalist group Boko Haram in northern **Nigeria**.

Alongside its member organisations, FIDH pleaded for the CEDAW Committee to take into account our concerns and recommendations regarding women's rights in **Russia, Uzbekistan, and Vietnam** while in discussions with State representatives, as well as incorporate them into its concluding observations. The CEDAW Committee has urged Uzbekistan to stop various abhorrent practices such as early marriage, forced marriage, and polygamy. Reflecting the work of the long struggle led by FIDH member organisation in Russia, ADC Memorial, the CEDAW Committee also asked the Russian authorities not to separate migrant women from their children in temporary detention centres for foreigners and to stop detaining pregnant foreigners for violating immigration laws.

On **International Women's Day**, FIDH conducted an awareness campaign on violence against women. In Tunis, FIDH organised a performance of the play "Beaten to Death," a series of posthumous and imaginary narratives of women who have died as a result of violence inflicted on them, most often by a companion or ex-partner. While the play has been exhibited in ten countries, this was the first performance on the African continent. During the show the monologues, some of which were written specially by ATFD, were spoken by women known to the general public in Modern Standard Arabic and Tunisian dialect. FIDH also published an interactive map on the scourge of violence against women integrating some of the monologues from the play and highlighting the work of FIDH on different continents.

In 2015, FIDH also contributed to the **Beijing+20** process, which will take stock of the progress made on women's rights 20 years after the Beijing conference. FIDH published a position paper addressing the alarming state of women's rights worldwide, a situation which has changed little over the years. As part of the assessment conducted on the occasion of the 15th anniversary of the adoption of **Resolution 1325** on women, peace and security by the UN Security Council, FIDH also sent five major recommendations to Member States of the United Nations.

> To promote women's access to justice

FIDH and its member organisations have undertaken various activities on behalf of victims of sexual and gender-based crimes to undermine the impunity of their aggressors and enable their victims to access justice.

Litigations

As part of specific programmes in **Côte d'Ivoire, Guinea and Mali** aimed at fighting impunity for the most serious crimes, FIDH and its member organisations have continued to focus on the right to justice for victims of sexual crimes. In Guinea, where

in 2009 security forces committed many rapes during and following the bloody repression of a peaceful demonstration against the ruling junta, FIDH and OGDH have continued to accompany women victims before the courts. Following a complaint filed in 2014 on behalf of 80 victims of sexual violence committed by fundamentalist armed groups and Tuaregs during the occupation of northern Mali, FIDH and its partners continued their legal support for these victims.

FOCUS

FIDH stands with women victims of sexual violence before the Ivorian courts

In the legal proceedings related to post-election violence, surveys done by FIDH and its member organisations have found gaps in the Ivorian justice system with regards to sexual violence. In March 2015, FIDH and other organisations filed a note as a civil party on behalf of 43 women who were victims of sexual violence during the post-election crisis with the Special Cell of inquiry and investigation. In this procedure, FIDH and its partners are assisting women from the Yopougon and Abobo areas in Abidjan, where these attacks were particularly intense.

In 2015, the emblematic Chumbivilcas trial, the first to examine the rape of indigenous women by the Peruvian army during the internal armed conflict (1980-2000) began in the National Criminal Chamber in Lima, **Peru**. In September, FIDH submitted an amicus curiae brief to the Chamber underlining the importance of international and Argentinian jurisprudence that has classified rape as a crime against humanity, and held not only the direct perpetrators of rape responsible, but also their superiors who orchestrated the sexual violence. The Criminal Chamber has accepted the amicus brief. Peruvian justice now possesses all the arguments necessary to hold the perpetrators responsible.

Advocacy at the National, Regional, and International Levels

In all countries where litigation was pursued in 2015, FIDH and its member organisations met with the highest authorities in order to get them to commit to the fight against impunity for the most serious crimes, particularly sexual crimes, and to take concrete measures to facilitate women's access to justice.

In 2014, FIDH organised a conference in Paris at which the French authorities asked the Libyan Parliament to pass a law prepared by the Ministry of Justice, recognising victims of sexual violence that occurred during the Libyan revolution as victims of war and granting them various solutions. The day after the conference, the **Libyan** Minister of Justice adopted the text as an official decree. FIDH subsequently accompanied the Libyan authorities throughout 2014 in order to provide them with international expert advice in creating the forum in which to identify victims and distribute reparations as provided by the decree. In spring 2015, the Libyan Foundation for victims of sexual violence was able to identify the first victims, despite the very difficult security situation in the country. The Foundation also continues to seek funding to effectively fulfill its mission.

In October, the UN **Human Rights Committee** recognised the responsibility of the Uzbek authorities for the acts of torture and ill treatment inflicted upon Mutabar Tadjibayeva, Director of the Fiery Hearts Club (an FIDH member organisation in Uzbekistan), and victim of forced sterilization and gang rape while in detention in the country. Echoing concerns raised by FIDH and one of its member organisations in Uzbekistan, the Uzbek Bureau for Human Rights and Rule of Law, the CEDAW Committee also asked the Uzbek government to ensure the protection of women detained for their work as human rights defenders from acts of violence.



Excerpt from 2015 FIDH Annual Report in Comics. Illustration by Glez (Burkina Faso) © Cartooning for Peace

Examples of outcomes

FIDH and its member organisations have enabled or contributed to:

Equality between men and women before the law

Egypt

- Denunciation of rising sexual violence against all persons arrested by Egyptian security forces following the El-Sisi coup d'état.

Morocco

- Announcement by the King decriminalising abortion in cases of fetal impairment, rape, and incest.

Tunisia

- Discussions on the drafting of a comprehensive law regarding violence against women. FIDH has been consulted multiple times on the provisions of this draft.

Senegal

- Inclusion of recommendations in favour of the decriminalisation of abortion in Senegal in the reports of three UN bodies (the CEDAW Committee, the Working Group on discriminatory laws and practices against women, and the Committee on the rights of the child), in accordance with advocacy work done by FIDH and its members.

Mali

- Adoption of a law establishing a quota of 30% women in appointed and elected government positions.

Vietnam

- Inclusion in CEDAW Committee's concluding observations, addressed to the Vietnamese authorities, of elements which reflect the concerns and recommendations of the FIDH and its member organisation in the country.

Russia

- Inclusion in CEDAW Committee's concluding observations of elements relaying claims long advocated by FIDH's member organisation in Russia, ADC Memorial, regarding migrant women held in custody.

Promoting Women's Access to justice

Uzbekistan

- Recognition by the United Nation's Human Rights Committee's of the responsibility of the Uzbek authorities in the torture

and mistreatment of Mutabar Tadjibayeva (Director of Fiery Hearts Club, an FIDH member organization in Uzbekistan), who underwent forced sterilisation and was gang raped while in detention. The CEDAW Committee also asked the Uzbek government to ensure the protection of women detained for their work as human rights defenders from acts of violence.

Libya

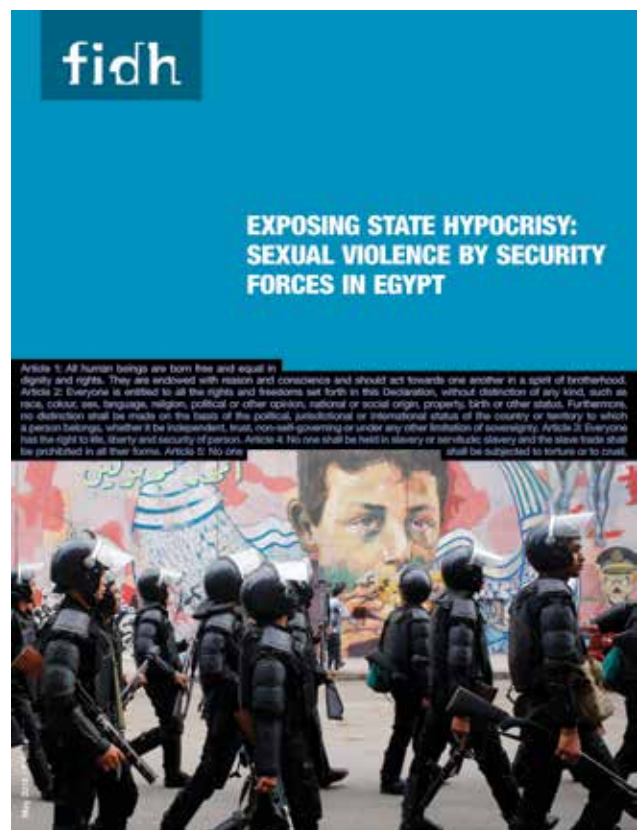
- Launch of the Libyan Foundation for victims of sexual violence following the spring of 2015. The Foundation identifies victims despite the country's very difficult security situation and continues to seek funding in order to provide the victims with the benefits to which they are entitled by law.

Ivory Coast

- Justice for 43 women victims of sexual violence following the post-election crisis.

Peru

- Provision of all arguments necessary in order for Peruvian justice to implicate members of the Peruvian armed forces who committed rape during the internal armed conflict, as well as their superiors who orchestrated these crimes.



FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

10 international missions of inquiry, legal action, and advocacy (Senegal, Mali, Guinea, Ivory Coast)

61 press releases

Support for the **testimony** of 5 human rights defenders (Russia, Vietnam, Senegal) before intergovernmental organisations, important regional and international bodies, and influential State representatives.

Judicial and quasi-judicial proceedings:

- Before the Guinean courts: Support for victims of violations committed during the massacre of 28 September 2009
- Before the Ivorian courts: Support for victims of post-election violence in 2010
- Before the Malian courts: Support for victims of the armed groups in the North
- Before the UN Working Group on discriminatory laws and practices against women: one communication on Senegal, one communication on Egypt
- Before the Special Rapporteur responsible for the issue of violence against women, its causes and consequences: one communication against Egypt

Strategic seminars:

- **Tunisia:** a seminar on the alignment of legislation with the provisions of the Constitution (October 2015)
- **Arc of Crisis:** a seminar on strategies to counter the political impact of Islam on women's rights in Turkey, Morocco, Tunisia, Egypt, Afghanistan, Iran, Pakistan, Nigeria, Mali, Somalia and Sudan (December 2015)

Awareness Tools:

- A performance of the play "Beaten to Death" held in Tunis on the International Day for Women's Rights. An interactive map on violence against women incorporating testimonies from the play and examples of actions taken by FIDH against violence against women was also published on 8 March.

Campaigns and partnerships: Coalition for Equality without reservation; Africa for Women's Rights: Ratify and Respect!; International Coalition for the International Criminal Court; International Trade Union Conference; International Film Festival of Women in Herat, Afghanistan; One World Film Festival.



Conakry Stadium where the massacre of 28 September 2009 occurred. DR

Reports

Beijing + 20: The promise for equality was not kept (March 2015)

Egypt: Exposing State Hypocrisy: Sexual Violence by Security Forces in Egypt (June 2015)

Vietnam: Violations of the Rights of Women in the Socialist Republic of Vietnam (Vietnam Committee on Human Rights / FIDH) (June 2015)

Uzbekistan: Uzbekistan's Implementation of the CEDAW (Uzbek Bureau for Human Rights and Rule of Law / FIDH) (September 2015)

Russia: Different Forms of Gender Discrimination in Russia: From the Forbidden Professions for Women by the State to Harmful Traditional Practices (ADC Memorial/ FIDH) (2015)

A High-Level Debate on Resolution 1325: Time for the Security Council to act on Women, Peace and Security (12 October 2015)

Priority 3

Promoting and protecting migrants' rights

Context and challenges

Violations of migrants' rights are getting worse at every stage of their journey with increasingly tighter controls on human migration and the adoption of policies that prioritise so-called economic and security interests over respect for human rights.

It is estimated that by the end of 2015, 4.6 million people had fled the conflict in Syria. Most are to be found in neighbouring countries: 2.6 million in Turkey, 1.1 million in Lebanon and more than 600,000 in Jordan. A very small proportion of refugees have been accommodated outside the region. The European response to the Syrian exodus has been shameful. Germany has offered to resettle about 40,000 and the 26 other Member States of the European Union approximately 30,000. This is in addition to the commitment made by Member States to relocate 160,000 asylum seekers living in Greece and Italy with the aim of spreading the processing of asylum seekers across the EU, thus demonstrating the total inadequacy of the Dublin Regulation. These promises of resettlement are derisory given the current situation.

Faced with the influx of refugees into Europe, the EU has continued to use an array of instruments to erect a barricade around itself: Eurosur, the Frontex agency - which is shortly to be given a new, beefed-up mandate -, cooperation with NATO in the Aegean Sea aimed at turning back 'irregular migrants' to Turkey, construction of barriers along borders, outsourcing prevention of 'irregular' migration, receiving and processing asylum requests in third countries and assigning 'safe country' status to States responsible for human rights violations. These are in addition to a series of other despicable measures involving dehumanising the people who are migrating. The means deployed by Europe to prevent people fleeing persecution or poverty from reaching its territory are often questionable and are even contrary to international and European law (violations of the right to asylum, the principle of non-refoulement, etc.). In the end they are also overwhelmingly ineffectual. In the absence of safe and legal means of migration, more and more refugees are forced to risk their lives by taking increasingly dangerous routes. Having witnessed the failure of the policy to close off Europe's borders, some Member States are trying to keep refugees contained within the territory of other Member

States, such as Greece or France. In Calais, the French authorities has blocked the passage to the United Kingdom of refugees living in deplorable conditions.

Under pressure from the United States, keen to reduce its migrant intake, 800,000 people from Central America have been expelled since 2010 by the US itself and Mexico. Migrants crossing Mexico continue to be victims, in many instances, of rape, kidnapping and extortion, while the perpetrators of these crimes enjoy almost total impunity. In the United States, resources for security measures have been increased in order to enable the expansion of detention centres and to put new surveillance technology in place.

Australia is pursuing its policy of preventing boatloads of migrants from reaching Australian soil by transferring the passengers to Manus Island in Papua New Guinea or to Nauru. Here, they are detained in overcrowded, squalid centres, while awaiting a decision on their refugee status and possible resettlement in another country. Some have been returned to their country of origin in violation of the principle of non-refoulement.

Given the economic attractiveness of emerging countries, such as Brazil, India and China, and of the Gulf Oil States and some African countries, and given the massive exodus of Syrians and Iraqis to neighbouring countries, the great majority of migration is not, contrary to popular belief, towards Western countries. Migrant workers, especially if their situation has not been regularised, are often exploited by employers and recruitment agencies. Considering this situation, it is all the more important that the authorities in their countries of origin face their responsibilities and take the necessary steps to protect their nationals working abroad.

In the Gulf countries, millions of migrant workers, mainly from Asia and Africa, are trapped by the kafala sponsoring system. This ties them to their employers and prevents them from leaving their jobs and even the country. They become victims of forced labour and of illegal practices, such as the non-payment of wages or arbitrary reductions in pay and confiscation of their passports, and are sometimes subject to physical and sexual violence. A lack of information about the possibilities for legal recourse and

the presence of corruption often prevent migrant workers from obtaining justice. Domestic workers, most of whom are women, are all too often excluded from employment legislation that applies to employees in other sectors. In addition, they work and live in their employer's place of residence, which makes them particularly vulnerable to abuse and exploitation. The situation of migrant workers in Qatar working to prepare the country for the 2022 FIFA World Cup has attracted the attention of the international community and shed light on the working conditions of foreign workers in that country and the many deaths that have occurred as a result. This subject is getting much less media attention nowadays. While the Qatari authorities did cede to pressure and commit to reform the kafala system, by the end of 2015 they had adopted only cosmetic reforms which were criticised by several human rights organisations as being unable to prevent such abuses.

More and more people are emigrating from Central Asia to Russia and, to a lesser extent, Kazakhstan in their search for work. As long as the economies in their countries of origin remain dependent on remittances from abroad, migrant workers will remain highly vulnerable to exploitation. The situation of migrants in Russia has been deteriorating for many years. Legislation on entry or residency has been toughened and racial discrimination is fed by political discourse and a xenophobic media. In this region, there continues to be inadequate documentation of specific violations of the human rights of women and children affected by migration.

All such violations are characterised by extremely limited access to the mechanisms for securing legal redress, further increasing the vulnerability of the victims. As well as discrimination, migrants are confronted with the language barrier, a lack of information and difficulties in accessing legal aid or legal representation. Illegal migrants risk being arrested, detained or deported and so are often afraid to appeal to the police or justice system. In many cases, barriers are reinforced by the very nature of the violation (for example, forcible return, in violation of the principle of non-refoulement) or by the isolated location in which the abuse occurs - interception at sea or abandonment in the desert.

FIDH and its member and partner organisations in action

> To strengthen policies and national laws for the protection of migrants' rights

To investigate and call attention to migrants' rights

As migrant persons often find themselves in precarious situations - no residence or work permit, exploited by their employer, ostracised by the local community, etc. - which render

them particularly vulnerable, they are often not in a position to assert their rights and so remain under the radar. Investigating and publicly condemning violations of their rights is therefore particularly important. In keeping with its multi-year action plan, FIDH and its member organisations have documented violations of migrants' rights in their countries of origin, transit and destination and presented the conclusions and recommendations to national governments and international bodies.

In 2015, this documentation, in the form of investigations, reports and press releases related mainly to **Kazakhstan, Kyrgyzstan, Tajikistan, Russia, Kuwait, Morocco and the European Union.**

FOCUS

FIDH assesses Morocco's migration policy

FIDH and its partner organisation in Morocco, GADEM, published an assessment of the Moroccan migration policy. This report acknowledged the efforts made by the government and presented the development of the extraordinary operation launched at the start of 2014 to regularise undocumented migrants. FIDH and GADEM underlined the problems encountered in the context of this operation - inconsistencies in application processing by the different offices, criteria for regularisation too strictly applied, lack of flexibility in documentary proof required, etc. The operation did not meet expectations, only managing to regularise 18,000 people out of 27,000 applications. In addition, FIDH and GADEM were concerned at the massive operations to arrest and detain migrants, particularly in the forest of Gourougou, on the border of the city of Melilla.

On the subject of **Kuwait**, FIDH and its member organisation, HumanLine, have continued to investigate the situation of migrant workers and Bidun (stateless people). Since 2013, FIDH has documented violations of the rights of foreign workers exploited under the kafala system, which obliges migrant workers to place themselves under the guardianship of a sponsor throughout their stay in Kuwait. FIDH has also documented the situation of the Bidun, currently viewed by the Kuwaiti authorities as illegal residents.

To advocate nationally, regionally and internationally for the protection of migrants' rights

In 2015, FIDH continued to hold the EU and its Member States responsible for the fatalities in the Mediterranean, condemning their policy of border security and arguing the case for a European migration policy that respects migrants' rights.

FOCUS

FIDH severely criticises the shameful migration policy of the EU and its Member States

Following the particularly high death toll resulting from a series of shipwrecks in the spring of 2015 off the Libyan and Italian coasts, FIDH continued (via 16 press releases, open letters and forums, meetings and exchanges with the Commission, MEPs and the European Union's Frontex agency as well as the United Nations Special Rapporteur on the Human Rights of Migrants) to condemn the inadequate response by European institutions and States, which involved increasing the Frontex budget, increasing police cooperation, attempting to obtain consensus within the Security Council on authorising the destruction of smugglers' boats, etc. FIDH also persistently lobbied European bodies and the European Council, notably in favour of establishing safe and legal migration routes, so that migrants and refugees in particular could reach European territory without risking their lives.

FIDH, its member organisation in France (LDH) and Euromed Human Rights Network, concerned at the low numbers of Syrians received in **France**, argued the case with the French government for the establishing of safe and legal routes to access French territory. Following a parliamentary question put to the Minister of the Interior concerning the number of visas (all types) granted by France to Syrian people, FIDH and Euromed Human Rights Network took part in organising a seminar at the National Assembly. This meeting provided an opportunity for the French authorities to engage with civil society and to hear testimony from a Syrian refugee about the difficulties encountered by people from Syria when trying to reach French territory. Solutions were sought to the issue of opening up legal channels for individuals requiring international protection.

FIDH's report assessing the migration policy in **Morocco** was submitted to the national authorities. On 26 October, the National Commission for Follow-up and Appeal, which oversees the appeals process regarding rejections of applications for regularisation, announced it had adopted new measures allowing 92% of foreign nationals who had submitted an application to have their status regularised. These latest measures represent a significant step forward for the new Moroccan migration policy. FIDH and GADEM are closely monitoring how effectively these measures are implemented. As part of its ongoing investigations into the situation of migrant people in Central Asia, FIDH launched a new programme in the fall aimed at supporting Kirghiz and Kazakh advocacy organisations working on behalf of people originally from **Kyrgyzstan and Kazakhstan** emigrating to Kazakhstan and Russia. Working with its member organisations, FIDH first met with representatives of migrant rights organisations

in Kyrgyzstan and Kazakhstan in order to draw up a map of these organisations and identify their needs. This activity was the first stage in a process of collaboration with the organisations identified and is scheduled to continue in 2016. The next stages will involve collectively determining the most relevant subjects to investigate, carrying out joint missions to document violations and jointly conducting advocacy aimed at the authorities in both countries.

> To reinforce accountability for violations of migrants' human rights

FIDH has developed strategies for legal action in cases where migrants' rights have been violated. These strategies are intended to fight impunity, influence policies and monitor the prevention of further violations. FIDH participated mainly in judicial proceedings relating to violations of human rights in the **Mediterranean Sea**, resulting from the migration policies of the EU and its Member States.

In March 2011, as Member States carried out NATO patrols against the Gaddafi Regime, 72 migrants fleeing Libya on a makeshift boat were left adrift at sea. Distress calls were sent to the Italian coastguards and to NATO, as well as to all boats in the area. Helicopters and a military vessel saw the craft but did not take action to help the passengers aboard. A fortnight later, the boat was cast up on the Libyan coast with only 11 survivors. Two died shortly after reaching shore. Sixty-three people, including 20 women and three children, died due to the failure to assist them. To establish the accountability of the armed forces in the area at the time of these disastrous events, FIDH, Gisti, the French and Belgian human rights' leagues and Migreurop brought together a group of lawyers to work on the case. Between 2012 and 2014, they launched legal proceedings in Italy, France, Belgium and Spain. Requests for information were also filed in the United Kingdom, United States and Canada in the search for precise information on the actions of the armed forces from these three countries at the time of the disputed events. By initiating such proceedings at the national level, FIDH and its partners aim to demonstrate that the sea is not a zone where the rule of law does not apply and that these crimes cannot go unpunished. Should the complaints be rejected at the national level, it is possible that appeals will be lodged with the European Court of Human Rights. In May, FIDH and Gisti met with the lawyers working on the complaints in each of the countries, together with Father Zerai (an Eritrean priest who helps migrants in distress), associations, independent experts and students to review the proceedings underway and to explore various approaches for litigation at an international level.

Examples of outcomes

FIDH enabled or contributed to

Strengthening the protection of migrants' human rights in national policies and laws

Morocco

- Announcement in October by the National Commission for Follow-up and Appeal that the criteria for regularising the status of undocumented individuals would be relaxed, as advocated by FIDH and its member organisations, to allow 92% of foreign nationals who had submitted an application to have their status regularised. In line with FIDH's suggestion that the rules of evidence be relaxed, the Commission decided, for example, to regularise the status of both foreign nationals who could provide proof of a professional activity but who lacked an employment contract and of those who had declared they had been residing in Morocco for more than five years but who had been unable to prove it.

Tajikistan

- Adoption in March by the United Nations Committee on Economic, Social and Cultural Rights of key recommendations on migrant workers directed at the Tajik authorities, which took up the concerns and recommendations of FIDH and its partners.

Kuwait

- Adoption in January by the UPR Working Group on Kuwait of recommendations that conveyed the concerns of FIDH and the Kuwait Civil Alliance.

Greece

- Announcement in February by the Greek government of the closure of detention centres where those entering Greece are illegally held.

Reinforcing accountability for violations of migrants' human rights

Case of the 'left-to-die' boat people

- Raising public and media awareness of the denial of justice in this case and of the need to identify the State responsible, whose army was in contact with the boat's occupants but failed to rescue them.

Frontex

- Raising public awareness of the role of Frontex, the impact of its actions on human rights and the dangers of strengthening the powers of this agency.

United Nations

- Adoption by the United Nations Special Rapporteur on the Human Rights of Migrants of recommendations based on those put forward by FIDH. In particular, the Special Rapporteur recommended that Frontex increase the resources and independence of the agency's head of fundamental human rights. The Rapporteur also recommended the creation a mechanism that would allow individuals to complain about violations of migrants' human rights and even suspend or end the agency's operations in cases of persistent and serious rights violations. In line with FIDH's recommendations, the Special Rapporteur also, for example, recommended to the European Commission that it should investigate violations and immediately launch proceedings against Member States who violated the provisions of the European Union Charter of Fundamental Rights relating to migrants' rights.



Illustration shared on social networks for International Day of Refugees (20 June 2015). © Agence Saatchi

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

72 press releases

Working with IGOs, relevant regional and international bodies and representatives of influential States to **advocate on behalf** of four human rights' defenders in Russia and Vietnam

Judicial and quasi-judicial proceedings launched and followed through by FIDH:

Case of the 'left-to-die' boat brought before **French, Spanish and Belgian** courts Communication on the EU and Member States' migration policy addressed to the **UN Special Rapporteur on the Human Rights of Migrants**

Strategic Workshop :

Case of the 'left-to-die' boat: Workshop organised by FIDH and Gisti to review current state of national proceedings and follow-up to litigation strategy

Partnerships: International Union Conference: Union Network International, Global Campaign for the Ratification of the Convention on the Rights of Migrants; Migreurop; Boats 4 people; and Frontexit

Reports

Morocco: Between Round-ups and Regularisation: Morocco's Vacillating Migration Policy

Europe: End Europe's Shame: Open Letter to the European Council

Europe: Op-Ed/What Europe Stands For

Europe: 10th Anniversary of Frontex: 10 measures which put fundamental rights at risk



Wrecked boats and thousands of life jackets used by refugees and migrants during their journey across the Aegean sea lie in a dump in Mithimna on February 19, 2016. The EU and Turkey will hold a special summit in early March to push forward a deal to stem the migration crisis, European Council President Donald Tusk said. © ARIS MESSINIS / AFP

Priority 4

Promoting the administration of justice and fight against impunity

1. Context and challenges

The right to effective redress for victims of international crimes

Combating impunity for serious human rights violations and international crimes is indispensable for contributing to their prevention, for the repression against the authors, for increasing the effectiveness of victims' rights and for strengthening the Rule of Law. Redress for victims of international crimes before national courts in the countries where these crimes have been committed is the first opportunity for the victims to exercise their right to truth, justice and reparation. But, depending on the context and the country concerned, the authorities' lack of capacity or willingness to prosecute the authors of these crimes may well prevent the victims from having access to domestic redress facilities. It therefore becomes necessary in such cases to explore and reinforce other extra-national, regional or international mechanisms.

Concerning international crimes, there have been major judicial advances in 2015. Such was the case in particular in Guinea, in Mali and in Ivory Coast, where proceedings have been instituted for war crimes and crimes against humanity. Although the proceedings started in Haiti regarding crimes committed under the dictatorship of Jean-Claude Duvalier have been slowed down owing to the electoral context, they are nevertheless continuing. Such is also the case of the proceedings started in France against French firms that allegedly sold surveillance technology used by the Gadhafi and Bashar El Assad regimes for arresting and torturing persons who were, or were considered to be, political opponents. Developments in Guatemala were also followed closely, in the proceedings against former President Rios Montt for crimes against humanity and genocide for his responsibility in the homicide and torture of 1,771 members of the indigenous Maya Ixil population ; the sentencing handed down in 2013 was thrown out ten days later by the Constitutional Court on the

grounds of alleged irregularities in the proceedings.

The activation of the extra-territorial jurisdiction of national courts, allowing them to prosecute the authors of crimes committed abroad, even when the suspects or the victims are foreigners, is indispensable for breaking down immunity for such crimes. Although major political obstacles can slow down its implementation, the activation of such jurisdictions is under way in many countries, including in the South. In that respect, support for victims in their efforts to seek justice proved vital in 2015 in the proceedings started before Argentine courts concerning the crimes committed under General Franco, or the assassination of Congolese defenders before the Senegalese courts, or the international crimes committed in Syria before the French courts, to quote but a few examples. The strengthening of national units specialised in proceedings concerning international crimes, and of the European network of contact points on genocide, crimes against humanity and war crimes so that the authors can be prosecuted, is a major challenge, the aim being to reinforce the capacity of national courts to prosecute international crimes.

The administration of effective and equitable justice

In 2015 there was a marked increase in the number of death sentences for drug crimes and terrorism, following trials marred by serious violations of the right to a fair trial. In Saudi Arabia there were 158 executions, an increase of 68%. The number of death sentences also increased in Bahrain, although there have been no executions since 2010. In Libya, nine former dignitaries of the Gadhafi regime were condemned to death, including his son, Saif al Islam Gadhafi and his former chief of security, Abdullah al-Senussi. In Asia, Pakistan definitively lifted the moratorium on executions, and proceeded to a wave of executions, including delinquent minors, for crimes related to terrorism. Despite considerable mobilisation of the international community, the President

of Indonesia again authorised the execution of persons sentenced to death for drug trafficking. Iran held the greatest number of executions since 1989, in particular of minors, and in public. The abolitionist civil society mobilised considerably on the issue of capital punishment for drug crimes, which was the theme chosen for the World Day Against the Death Penalty. It also continued its advocacy for the adoption of the additional Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the death Penalty in Africa.

Furthermore, the fight against impunity for the perpetrators of acts of torture and enforced disappearances is still a major challenge in many countries. The action of civil society remains decisive in alerting and documenting such crimes and in engaging in strategic litigation aimed at establishing the responsibility of States and the authors of such crimes, and in advocacy for States to ratify the Convention for the Protection of All Persons from Enforced Disappearances and the Convention against Torture, and for the incorporation of such provisions in their national legislation.

Lastly, how to fight against terrorism while still respecting human rights was a major problem in 2015, when dealing with the actions of fundamentalist groups such as AQMI, Daesh, the Taliban, Shebaab and Boko Haram that are terrorising the people and annihilating all freedoms for individuals on lands under their control. In addition, some States continue to use the fight against terrorism as a pretext for repressing non-violent protest movements and for prosecuting human rights defenders. Special attention had to be paid to the democratic States that introduced measures restricting individual liberty, in particular through the adoption of security legislation following terrorist attacks, despite the risk of upsetting the difficult balance between security and respect for freedoms, and also social cohesion.

FIDH and its member and partner organisations in action

> Reinforcing the right to effective remedy for victims of international crimes

Legal action

FOCUS

FIDH Litigation activities

FIDH is presently intervening in over 110 judicial and semi-judicial proceedings in support of around 750 victims to determine the responsibility of perpetrators of serious human rights violations committed in about 45 national incidents. Most of the proceedings are to establish individual criminal responsibility before national, international and internationalised courts. However, FIDH is increasingly involved in proceedings to establish responsibility of states before regional and UN bodies, and also of corporations. FIDH's litigation work is conducted in close collaboration with its member organisations and partners. It

focuses on emblematic cases, based on the extent of violations, their legal status, or the types of victims and perpetrators, so as to highlight the victims' right to justice, and to pursue the objectives of deterrence, reconciliation, and the strengthening of the rule of law. The choice of judicial or semi-judicial bodies before which to present cases depends on criteria of admissibility as well as on considerations related to the judicial and political impact of the cases concerned.

Establishing responsibility before national courts

In order to support the fight against impunity and contribute to the advancement of **national justice**, FIDH, through its Legal Action Group (LAG), a network of lawyers, magistrates and jurists who work on a pro bono basis, in 2015 assisted several hundred victims of most serious crimes before the national courts of **Ivory Coast, Guinea-Conakry, Mali and CAR**, and supported the proceedings under way against members of the Duvalier regime in Haiti (see Priority 6).

In 2015 FIDH, its member organisation Ligue française des droits de l'Homme (LDH) and SURVIE submitted to the Paris Military Court (*Tribunal des Armées*) numerous requests for instruments and called for indictments in a case in the course of examination to determine possible French military or political responsibility in the lack of protection of 2,000 Tutsi civilians in Bisesero, and the massacre of 1,000 of them by Rwanda genocide forces in 1994. In the context of the considerable advances in French courts in the cases of persons suspected of genocide in Rwanda who had found refuge in France since 1994, the present case will be followed with the utmost attention by FIDH, in order to contribute to the judiciary's progress in the matter.

FIDH also continued its involvement in the proceedings opened in France for **war crimes following the assassination of a French journalist, Remi Ochlik, and the attempted assassination of a French journalist, Edith Bouvier**, while they were covering, with other journalists, the Syrian army's shelling of the Baba Amr district of Homs on February 22, 2012. Thanks to FIDH's having joined the case as civil party (*partie civile*), the facts (initially classified as assassination and attempted assassination), in October 2014 were reclassified as war crimes, and the proceedings transferred to the section of the Paris Court of First Instance (*Tribunal de grande instance*) in charge of crimes against humanity and war crimes. In April 2015 FIDH also contributed to the official request addressed by the French courts to the Independent International Commission of Inquiry on Syria that it should communicate to the French examining magistrate the confidential annexes to its report on international crimes committed at Baba Amr in February 2012. FIDH also organised three missions to Istanbul with *inter alia* the task of identifying witnesses who could contribute to the enquiry. In the context of the total impunity for the international crimes that continue to be perpetrated in Syria, these proceedings, based on the passive personal jurisdiction of French courts, could help to highlight the responsibility of the Syrian political and military authorities that conducted the Homs military operation, which caused, apart from the death of western journalists, thousands of civilian victims present in Homs in February 2012.

FIDH also intervened as civil party (*partie civile*) before the Paris special section in the case of the death of **Goungaye Wanfiyo**, former president of the *Ligue centrafricaine des droits de l'homme*, who held both French and CAR nationality. Goungaye Wanfiyo died in unexplained circumstances after having received numerous threats linked to his representation of CAR victims before the International Criminal Court. The examining magistrate heard numerous witnesses and took a number of measures. In May 2015 the Office and the examining magistrate sent investigators to Bangui for a number of hearings and for exhuming the body of Goungaye Wanfiyo, so that it could be repatriated to France for a post mortem examination.

FIDH also continued its legal activity in support of the advancement of national proceedings opened by virtue of **extra-territorial jurisdiction**, and in which it is involved. Such action is often the only possibility left to victims of international crimes who are unable to obtain justice in their own country.

In 2015, 30 judicial examinations concerning persons suspected of genocide in Rwanda were under way in France, before the special section for international crimes. After intervening actively in the case of ex-Captain

Pascal Simbikangwa, who was sentenced in 2014 by the Paris Assize Court (*Cour d'Assise*) to 25 years' imprisonment for genocide and complicity in crimes against humanity committed in Rwanda, and in the appeal to be heard late October - early November 2016, FIDH and its member organisation, the *Ligue française des droits de l'homme* (LDH), challenged the Paris prosecutor's plea to drop the case against **Wenceslas Munyeshyaka**, the Rwanda priest prosecuted before the French courts since 1995 for his alleged participation in the genocide. They also appealed the decision handed down by the court on October 2, dropping the charges against the priest. FIDH and LDH have also mobilised in preparation of the next Rwanda trial in France, against Ngenzi and Baharira, which will be heard from May 9 to July 1, 2016 before the Paris Assize Court (*Cour d'Assise*).

FOCUS

One of the suspects in the assassination of the Congolese defenders Chebaya and Bazana indicted in Senegal

FIDH has continued to support the families of the Congolese defenders Chebaya and Bazana assassinated in June 2010 in the Democratic Republic of Congo in their attempts to obtain justice. On June 2, 2014 FIDH and the families of the victims registered a complaint with the Senegalese authorities, as civil parties (*parties civiles*), against Paul Mwilambwe, one of the policemen suspected of the assassination, who was present in Senegal. Under the Senegalese 'law on extraterritorial jurisdiction', the Senegalese judicial authorities can put on trial any person suspected of torture present in the country, even if neither the victim nor the perpetrator is a Senegalese national and the crime was not committed in Senegal. On July 8, 2014 an examining magistrate was appointed to examine the complaint. On January 8, 2015 the Senegalese courts finally indicted Paul Mwilambwe and placed him under judicial

supervision. On June 1, 2015, FIDH accompanied the son of Fidèle Bazana before the examining magistrate, during the second hearing of the civil parties (*parties civiles*). On that occasion FIDH and its member organisations in Senegal organised meetings with the authorities and a press conference to report on the progress of the proceedings.

In the **Relizane militia case against the Mohamed brothers (Algeria)**, the investigating judge of the Criminal Court (*tribunal de grande instance*) in Nîmes, on December 26, 2014 finally indicted the Mohamed brothers. This was to have been the culminating point of over ten years' proceedings to establish responsibilities in the crimes committed in the 1990s by armed militia close the Algerian authorities as part of their policy to fight terrorism. And yet, in September 2015, before the hearing of the appeal lodged by the two suspected torturers, the general prosecutor, in a complete turnaround, called for further investigations in Algeria. Following this major reversal, early January 2016 the investigating chamber of the Nîmes Court of Appeal dropped the charges against the Mohamed brothers, thereby depriving the victims (represented by LAG lawyers) of the first trial for crimes committed during the 'years of lead' in Algeria. The decision is all the more serious in that since the adoption in 2005 in Algeria of the Charter for Reconciliation, any attempt to obtain justice in Algeria is doomed to failure. The civil parties (*parties civiles*), accompanied by FIDH and LDH, lodged an appeal to the Cour de Cassation against the decision to drop the case; it is hoped that the appeal will be heard during 2016.

In the case of the **"Disappeared of Brazzaville Beach" (Republic of Congo)**, against those responsible for massacres, acts of torture and enforced disappearances in 1999, FIDH has continued to act in order to ensure that those responsible are brought to court and that the victims obtain justice and reparation resulting from just, fair and independent proceedings. FIDH is also providing material support to the victims who are civil parties in the case.

FIDH and LDH also followed the appeal addressed to the General Prosecutor of the Paris Court of Appeal against the decision to drop the complaint filed against **Prince Nasser Bin Ahmad Al Khalifa**, son of the king of Bahrain on the occasion of his presence in France. The complaint claims that Prince Nasser was personally involved in committing acts of torture on Bahraini opponents in 2011, as part of the repression of the popular protest movement known as the Pearl Spring of Bahrain. On August 29, 2014, the preliminary investigation was suddenly dropped, following a notice granting immunity to Prince Nasser issued by the Protocol Department of the French Ministry of Foreign Affairs. Not only was this notice based on an international convention that France had not ratified, and was presented in a new and surprising manner as being part of customary international law, but it also contradicted a letter by the same Ministerial department sent the same day to FIDH, which stated that the Prince was on a private visit, and thus was not entitled to diplomatic immunity.

FIDH also intervened strongly in the case of **Mario Alfredo Sandoval**, a Franco-Argentinian citizen present in France and wanted in Argentina in connexion with the enquiry into crimes against humanity, arbitrary detention, and acts of torture causing death, committed in the naval engineers' school (Escuela de Mecánica de la Armada (ESMA), a secret detention centre in Buenos Aires, where 5,000 disappeared prisoners were said to be held during the dictatorship. FIDH protested against the refusal of the *Cour de Cassation* to extradite Sandoval to Argentina. FIDH will follow the case, referred to the investigating chamber of the Versailles Court of Appeal, which will re-examine Argentina's extradition request.

FIDH strengthened its activities relating to the establishment of corporate legal responsibility by continuing to support Libyan victims appearing as plaintiffs in the **case against Amesys** for complicity in torture. This French company and its management are accused by FIDH and LDH in a complaint filed in November 2011, of having sold surveillance equipment to the Muammar Gadhafi's dictatorial regime, equipment which was used to spy on dissidents of the regime. FIDH published a progress report on the case and the examination, calling on the judicial authorities to speed up the investigation and produce concrete results to meet the Libyan victims' need for justice. FIDH also received the testimony of a further victim, who was heard in December by the examining magistrate as civil party, and who was able to shed more light on the consequences, for human rights defenders and opponents of Mouammar Gadhafi, of the use of the communication surveillance systems by the Libyan security forces.

FIDH has also continued its legal action in the **case against Qosmos** and other French companies for complicity in torture in Syria (see FOCUS).

FOCUS

QOSMOS before the courts

After being questioned by the examining magistrate of the war crimes and crimes against humanity section, in April 2015 the QOSMOS firm was qualified as *témoign assisté* for complicity in crimes of torture committed in Syria. Such a status, which can lead to indictment, concerns any person accused by a witness or about whom there are indications that make it seem likely that the person might be involved, as author or accomplice, in the offences under examination.

The magistrate's decision is part of the judicial investigation opened pursuant to the complaint filed by FIDH and LDH against the participation of French firms in the setting up of a widespread electronic communications surveillance system, which the Bashar el-Assad regime used to track down opponents to the regime and for acts of torture or for executions.

In support of these proceedings FIDH made several visits to Turkey to interview a number of victims. In July it also organised the visit to Paris of 5 Syrians who were heard by the magistrates as anonymous witnesses.

As part of its fight for sanctions against violations of individual freedoms, and following the revelations by Edward Snowden, FIDH and LDH continued their efforts against illegal use of software such as the US '**PRISM**' (Planning Tool for Resource Integration Synchronization and Management), which enabled NSA and the FBI to intercept and capture, without any control, private data on any individual, in particular on French territory. On July 11, 2013 FIDH and LDH had filed a complaint against persons unknown with the Paris Tribunal de Grande Instance (TGI), against senior officials of the French intelligence services for fraudulent access to a computerised system and illegal collection of personal data. In view of the inaction of the Paris Prosecutor, FIDH and LDH decided to file a criminal complaint with application to join the case as civil party, which was made public in April 2015. The complaint failed to lead to the opening of a judicial enquiry owing to the exorbitant amount of the deposit required of FIDH and LDH. An appeal was lodged against the decision, but the Investigation Division of the Paris Court of Appeal refused to reduce the amount of the deposit. An appeal to the Cour de Cassation is under examination.

Actions before mixed or hybrid courts

In 2015 FIDH continued to support 10 Cambodian victims living in France, civil parties in the appeal concerning **case 002/01 before the Extraordinary Chambers in the Courts of Cambodia (ECCC)**. On August 7, 2014 the ECCC had sentenced Khieu Samphan, Head of State, and Nuon Chea, "Brother Number Two", a former ideologue in the Khmer Rouge regime, to life imprisonment for crimes against humanity. This is the first time that high-ranking Khmer Rouge officials have been convicted by an independent tribunal. FIDH also continued to support Cambodian victims in their efforts to have a memorial monument built in France in honour of the victims of the Khmer Rouge regime.

FOCUS

The Chadian dictator Hissène Habré at last brought to trial

The trial of Hissène Habré before the Extraordinary African Chambers (EAC/SC) in the Senegalese Courts for war crimes and crimes against humanity opened on July 20, 2015. The trial is the outcome of 15 years' intense mobilisation on the part of the victims and the organisations supporting them, notably FIDH and its member organisations in Chad, Belgium and Senegal. Under Hissène Habré's presidency of Chad from 1982 to 1990, 40,000 people were assassinated and 200,000 were victims of acts of torture and violence.

As early as 1999, strategic exchanges took place between the Association of victims of crimes and political repression in Chad (AVCRP), FIDH and its member organisations in Chad and Senegal (where Hissène Habré was living) with a view to possible legal action. In 2000, the Chadian victims, represented in particular by Sidiki Kaba, FIDH Vice-president, filed a complaint in Senegal. This was finally rejected, on the grounds of lack of jurisdiction of Senegalese courts. FIDH then contributed to the referral to the UN Committee against torture,

which directed the Senegalese authorities not to expel Hissène Habré, as they wanted to.

In 2001, FIDH, HRW and AVCRP launched a fact-finding mission to Chad, which was able to consult thousands of documents in the archives of Hissène Habré's sinister political police on the N'Djamena premises of the former DDS, thereby strengthening the case against the former dictator.

FIDH and its member organisations then supported the complaint filed by victims against Hissène Habré before the Belgian courts, by virtue of universal jurisdiction. After years of proceedings, the examining magistrate indicted Hissène Habré for war crimes, crimes against humanity and crimes of torture, and issued an international warrant. In 2005, however, the Senegalese courts, declared themselves incompetent to decide on the extradition of Hissène Habré, and referred the matter to the African Union, AU, to determine what conduct to adopt.

Then, while exchanges were continuing with the associations of victims in Chad, FIDH member organisations in Chad and Senegal and other members of the Steering Committee for the Fair Trail of Hissène Habré, FIDH conducted strong advocacy action with the AU bodies, influential States, and also the United Nations and the European Union, leading to the 2006 decision of the AU to ask Senegal to put Hissène Habré on trial on behalf of Africa. Advocacy with the Senegalese authorities also led to the adoption, in 2007, of a law enabling the examination of cases of genocide, crimes against humanity and war crimes, even if committed outside Senegalese territory, and also, in 2008, to a revision of the Constitution introducing an exception to the non-retroactivity of criminal law for international crimes, thus removing all obstacles to putting Hissène Habré on trial. And finally it was following a decision of the ECOWAS Community Court of Justice, to which Hissène Habré's lawyers had submitted the case - and during which FIDH filed an amicus curiae brief - that Senegal decided to set up the Extraordinary African Chambers in the Senegalese Courts in order to put Hissène Habré on trial.

In 2015 FIDH supported one of the lawyers of the victims who were civil parties in the trial, on which the verdict is expected on May 30, 2016.

Before the International Criminal Court

FIDH continued to transmit information to the ICC Prosecutor's Office on situations under ICC preliminary examination or investigation, such as **CAR, Mali, Guinea, Ivory Coast, Ukraine, and also Palestine**, and in which FIDH is taking action to support the victims before the national courts. The information concerns crimes committed in these situations, but also the progress of the national proceedings, thereby enabling an analysis of the will or the capacity of national authorities concerned to fight impunity for the perpetrators of the most serious crimes.

FOCUS

FIDH urges the ICC to take action in Ukraine

On January 6, 2015 FIDH and its partner organisations in Ukraine submitted a communication to the ICC on the crimes committed during the Maidan demonstrations, and called for the opening of an enquiry on the basis of the declaration by the government of Ukraine recognising the ICC's jurisdiction for those events. The communication provided considerable evidence of the massive and systematic nature of the crimes committed by the security forces against the demonstrators, and also an analysis of the absence of judicial progress at the national level.

FIDH and its partners also emphasised the importance of fighting impunity for the most serious crimes committed in Crimea and during the conflict in the East of Ukraine. On the basis of investigations in the field, our organisations developed strong advocacy with the national authorities, including through an international mission, for the extension of ICC jurisdiction to crimes committed on the whole of the territory. The advocacy, enriched with major communication efforts (computer graphics, tweets, Storify, press releases), contributed to the September 2015 decision of the authorities recognising such ICC jurisdiction, and was followed by the publication of a report submitted to Kiev in October on the crimes committed in the Donbas region, calling on the ICC Prosecutor to open an enquiry. During the mission, FIDH also showed Ukrainian lawyers judicial strategies for supporting the victims of the most serious crimes before national courts and the ICC.

Furthermore, in July 2015 FIDH transmitted to the ICC Prosecutor new evidence, to be added to the October 2014 FIDH communication on crimes linked to large-scale land-grabbing in Cambodia, which can be qualified as crimes against humanity. It is the wish of FIDH that these elements will move the Office of the Prosecutor to open a preliminary investigation on the matter.

Pursuing its action for the mobilisation of the ICC on the most serious crimes committed in the Americas, FIDH continued to work with its member and partner organisations in **Mexico** on cases linked to organised crime and the fight against it. FIDH also followed the development of its 2014 communication to the Office of the Prosecutor on cases of torture, serious deprivation of liberty and enforced disappearances in the State of Baja California. FIDH also communicated on the end of the preliminary examination by the Office of the Prosecutor of the situation in **Honduras**, recalling the urgency of fighting impunity for the most serious crimes committed in the country.

FIDH also widely communicated on the opening of the trial of the former Congolese rebel commander **Bosco Ntaganda**, for which it had long mobilised, calling on the Congolese authorities to respond to the international warrant issued by the ICC. FIDH also transmitted to the ICC numerous communications on the most serious crimes committed in the Ituri region in 2002 and 2003, crimes which are among the charges against Ntaganda.

FIDH, along with other human rights NGOs, called on the ICC States parties to cooperate with the Court and arrest President **al-Bashir**, against whom an international warrant had been issued, if he were present on their territory. FIDH voiced sharp criticism of the South African authorities, who allowed al-Bashir to leave the country when he was participating in a summit meeting of the African Union in Pretoria in June 2015, and despite a national court's decision to the contrary.

Lastly, FIDH and its member organisation Al Haq, welcomed the declaration by the **Palestinian** government recognising ICC jurisdiction for crimes alleged to have been committed 'in the Occupied Palestinian Territories, in particular in Jerusalem-East, since June 13, 2014'. The decision was followed by the opening, by the Office of the Prosecutor, of a preliminary examination of the situation. Our organisations had stressed the importance of such a referral to the ICC to the Palestinian authorities, including M. Habbas, during a mission to Ramallah led by FIDH president Karim Lahidji. The aim of the mission was to contribute to the fight against impunity for the most serious crimes committed in the context of the Israeli-Palestinian conflict. In the framework of the Assembly of States Parties (ASP) in November, FIDH, in coordination with Al Haq and the Palestinian delegation to the Hague, organised a parallel event, with a large attendance, to discuss the prospects and challenges of the preliminary investigation in Palestine. The event marked the first full participation of Palestine in the ASP forum.

Exposing the criminal responsibility of States

In the framework of its action to expose the responsibility of States for the most serious violations, FIDH contributed directly to the major decision of the African Commission on Human and Peoples' Rights handed down on March 10, 2015, on the **responsibility of the Sudanese authorities** for crimes of torture against three human rights defenders accused of cooperating with the International Criminal Court. The ruling was the outcome of 6 years of proceedings started by a communication submitted by FIDH, OMCT and the three Sudanese defenders.

FIDH also followed up a communication submitted with other member and partner organisations to the ACHPR against **Algeria** for serious crimes committed during the Years of Lead.

It also followed up, with the Chilean authorities, the historical July 29, 2014 decision of the Inter-American Court of Human Rights (**IACHR**) condemning the **State of Chile** for serious human rights violations committed against the Mapuche community, recognising the illegal nature of the criminalisation of the actions of the communities defending their ancestral lands. FIDH, which had represented before the IACHR the members of the Mapuche community sentenced under the anti-terrorist law, called on Chile to implement the decision.

Following its third party interventions before the **European Court of Human Rights**, FIDH, and other partner associations,

continued to submit observations on cases relating to the defence of the rights of LGBTI individuals. It also intervened in a case concerning the right of asylum in Spain of a lesbian women of Cameroonian origin, and contributed, in July 2015, to the condemnation of Italy for not having legally recognised couples of the same sex.

Advocacy work

In national courts

The FIDH has pursued advocacy with the relevant authorities, intergovernmental organisations and the ICC for strong national justice systems, with the ability and the will required to fight impunity for the more serious crimes committed in their territory, in particular in **Guinea, Cote d'Ivoire, Mali and the CAR** (cf. priority 6).

It also pursued its advocacy work in France so that the 9 August 2010 Act, adapting French penal law to the Rome Statute, which introduced an extraterritorial mechanism for war crimes, crimes against humanity and the crime of genocide, but nonetheless included substantial obstacles to its application, be amended through several appointments with ministerial representations and French members of parliament in cooperation with the French Coalition for the International Criminal Court. The FIDH also mobilised, along with the French Human Rights League and many French civil society organisations, to oppose the adoption of an addition protocol to the Franco-Moroccan mutual judicial aid Convention. The protocol, submitted to the French and Moroccan parliaments following cases brought in France (in particular on the initiative of the FIDH Judicial Action Group) about a senior official in the Moroccan security services for acts of torture, was designed to prevent the French courts from exercising their extraterritorial competence. This protocol, adopted by the French and Moroccan parliaments in July 2015, constitutes a grave threat to the exercise of extraterritorial competence, for it is the first time a country, using a bilateral convention, has violated its obligations under international law, to prosecute or extradite persons suspected of international crimes (in particular crimes of torture and forced disappearances).

In addition, several meetings were held with the specialised French judicial centre competent for international crimes and the ministerial representatives with a view to strengthening the centre, endowing it with adequate material and human resources, and developing a coherent and effective criminal policy.

In joint or hybrid courts

The FIDH worked hard to establish specialised joint tribunals for international crimes in the **CAR** (cf. Focus) and also in the **DRC** where impunity for the perpetrators of the most serious crimes committed in the east of the country subsists.

FOCUS

CAR – The FIDH helps get a joint tribunal adopted

In the conclusions to its enquiry reports of 2013 and 2014 in the CARD, the FIDH called for a joint tribunal to be set up to compensate for the lack of will and ability on the part of national courts to fight the impunity of the perpetrators of the most serious crimes committed in the country since 2003. Several missions in the country and advocacy brought to bear in the Security Council have made the authorities of the United Nations realise the importance of such a judiciary mechanism. Advocacy has been kept up through several communications. In the end, the FIDH was involved in the drafting process which led to a bill on a specialised Criminal Court tasked with investigating, prosecuting and sentencing serious violations of human rights perpetrated in the territory since 2003, which will be adopted by the National Transition Council and promulgated on 3 June by the President of the Republic. The FIDH will pursue its advocacy work with the international community to obtain financial and logistical support to help set up and effectively run the Court.

The FIDH has also done important advocacy work with the African Union and, in particular, with the COREP ambassadors and the Peace and Security Council, and also with the UN for the establishment of a joint tribunal in **South Sudan**, tasked with bringing to justice those presumed responsible for widespread violations of human rights perpetrated by all the parties to the conflict since it broke out in December 2013, including hundreds of extra-judiciary murders, forced disappearances, sexual violence, press-ganging and indiscriminate assaults on civilians. The members of the Security Council proved open to this appeal and in a resolution dated October 2015, they called upon the Secretary General to provide the Commission of the African Union and the provisional government of national unity technical assistance with a view to setting up a joint tribunal for Southern Sudan.

At the International Criminal Court

The FIDH has continued to support the establishment of **victims' rights** at the ICC. The FIDH, drawing on its report entitled "5 myths on the participation of victims in ICC proceedings" and on a memo on the key principles of Outreach issued in 2015, has continued to voice its concerns about the likely consequences of the draft reform, ReVision, promoted by the Registry on the participation and the legal representation of victims in ICC proceedings. The FIDH took part in the consultations held by the Registry on the draft which led to an amended draft of the ReVision project on which the FIDH had published comments.

Moreover, there have been many exchanges of views throughout 2015 between the FIDH, its member organisations and representatives of the ICC relating to situations where crimes falling within the competence of the Court have been committed. The FIDH was, moreover particularly active at the **14th session of the Assembly of the States Parties (ASP)** where, together with representatives of its member organisation, it held panels on the situation in Palestine, Ukraine, Colombia, and the Americas, and took part in panels of the working group of victims' rights and on the participation of victims in proceedings. The FIDH also took the floor in plenary

to discuss national prosecutions in cases of sexual crime; this session of the ASP also represented a time of intense advocacy work drawing on the recommendations from its position paper aimed at the vague attempts of Kenya and South Africa to undermine prosecutions undertaken by the ICC pertaining to situations in Kenya and Sudan, as well as the integrity of the Statute.

On bodies establishing the responsibility of States

Throughout the year, the FIDH has kept up its advocacy for direct access of NGOs and individuals to the African and Arab Human rights courts and has spoken out against attempts to undermine the Inter-American regional system for the defence of human rights.

> Promoting the administration of effective and equitable justice

Moving towards the universal abolition of the death penalty

The FIDH has continued to speak out against death sentences and their use, in particular in **Iran, Egypt, Saudi Arabia, Indonesia, China, Pakistan and the United States**.

Furthermore, on the occasion of the **13th world day against the death penalty**, 10 October 2015, the FIDH issued a report on death sentences for drug-linked crimes on the Asian continent. This report puts forward an inventory of the laws and criminal policies applying to this scourge in 17 countries. It explains why the arguments more frequently adduced by governments to warrant use of the inhuman measures are unjustified and contrary to international human rights norms.

The draft protocol of the African Charter on Human and Peoples' Rights relating to the abolition of the death penalty in Africa, to which the FIDH contributed in large measure, was adopted by the African Commission on Human and Peoples' Rights in May 2015. Subsequently, the FIDH held many meetings in Addis Ababa with Ambassadors and representatives of the Commission of the African Union to urge the continental body to adopt this project.

The FIDH continued to cooperate with the **World Coalition against the Death Penalty**, for the universal abolition of the death penalty and the introduction of a moratorium in countries that still support it.

Promoting an independent justice system and combating torture

Apart from exposing the practice of torture in FIDH press releases and reports on numerous cases like those in Burundi and Ukraine, the organisation helps establish responsibilities thanks to the litigation it undertakes in support of victims.

Hence, the FIDH has kept up its court action in Guinea on cases of torture committed in 2010 (cf. priority 6) and against Prince Nasser Bin Ahmad Al Khalifa, accused of crimes of torture perpetrated in Bahrein (cf. below). The FIDH has also continued to speak out against electronic surveillance systems (put in place in many States) that also restrict freedom of expression and even facilitate the arrest

and torture of their opponents and human rights defenders. That is the reasoning behind the actions brought in France against the Amesys and Qosmos undertakings as accessories to torture in Libya and Syria.

In addition, two important decisions were taken while the FIDH was working to establish the responsibility of States for practicing torture. Subsequent to a case being brought to the attention of the FIDH, the African Human and Peoples' Rights Commission established the responsibility of Sudan for acts of torture inflicted on three Sudanese defenders accused of collaborating with the International Criminal Court. Moreover, following two entities also bringing a case to the FIDH, the United Nations Human Rights Committee issued a decision on 6 October 2015 whereby it deemed the Uzbek state responsible for the acts of torture and ill treatment inflicted on Mutabar Tadjibyeva, a human rights defender. The U.N. Committee, moreover, found that Mutabar Tadjibyeva had been targeted by his country's authorities, not only because she was a defender but also because she was a woman; the fact that she had been raped and subjected to forced sterilisation provided the proof. The Committee also declared that Uzbekistan had failed to investigate the serious allegations of torture and invited it to do so speedily, and to instigate criminal proceedings against the persons responsible.

Combatting forced disappearances

The FIDH and its member organisations have kept up the pressure in 2015 to get light shed on the fate of disappeared persons and to see that justice is done for them and their families.

In this connection, the FIDH exposed, in its press releases and reports, many cases of forced disappearances. In particular, the FIDH on 11 September highlighted the case of Sombath Somphone, an eminent representative of Laotian civil society, who had been missing for a 1000 days.

Furthermore, the FIDH continued to be involved in litigation concerning disappearance crimes in Guinea (the 28 September massacre case) in **Mali** (disappearance of 21 red berets) in **Cote d'Ivoire** (post-electoral violence), in **Congo Brazzaville** (the Brazzaville Beach affair), and in **Algeria** (the Relizane case). It has also monitored the cases of disappearance brought before the U.N. Committee and Working Group on Forced Disappearances to establish the responsibility of **Congo Brazzaville, Chad, Guinea and Mexico**.

The FIDH has also kept a close eye on the progress of the communication it submitted to the African Human and Peoples' Rights Commission relating to the part played by **Algeria** in the forced disappearances that took place during the years of lead. It has also gathered material and exposed the systematic practice of forced disappearances carried out in Mexico before the Inter-American Commission on Human Rights.

The FIDH is keeping up the work to get the International Convention for the protection of all persons against forced disappearances ratified by as many States as possible.

Fostering human rights protection in the fight against terrorism

Finally, the FIDH has continued to expose serious violations of human rights perpetrated by fundamentalist movements such as AQMI, ISIS, the Taliban, Shebab and Boko Haram. As regards the latter, the FIDH has published a report tracing the creation and development of this movement and listing the mass crimes perpetrated by the armed group in the north of Nigeria as well as in Chad and Niger.

It also called upon States to uphold International Law on human rights when combatting terrorism and documented the pretexting of the fight against terrorism to crush non-violent protest movements and to take court action against human rights defenders, as has been done in Russia and Egypt.

In particular, after the attacks made on Paris in January 2015, the FIDH and its French member organisation the LDH, spoke out strongly against the parliamentary bill on intelligence, put to the French parliament in response to the attacks, so as to underscore the serious damage done to public liberties and, in particular, the right to privacy, enshrined in this bill, finally passed in July 2015. The FIDH and the LDH also warned about the violation of liberties occurring under the state of emergency, declared in France the day after the attacks of the 13 November in Paris and at Saint Denis. Our organisations pointed to the fact that the state of emergency and the climate of internal war, whipped up by the government, feed into the conflating of issues and discriminating practices, especially on the part of the police.

Examples of outcomes

The FIDH has enabled or contributed to

The strengthening of the right to an effective remedy for the victims of international crimes

Regarding national courts

Cote d'Ivoire

- The institution of civil proceedings before the Ivorian courts by 43 women victims of sexual violence during the post-electoral crisis. The development of investigations into the crimes perpetrated by pro-Gbagbo and pro-Ouattara supporters during the post-electoral crisis instigated by the Ivorian justice system.

- Progress in investigations into the crimes committed in the Nahibly displaced persons camp in 2012.

Guinea

- The Indictment of Moussa Dadis Camara, ex-leader of the Guinean Junta, which means that there are now 14 individuals charged for their direct responsibility in the massacre of 28 September 2009.
- Completion of the preliminary investigation and hearings in the 2010 torture victims' affair.

- Progress in the investigation and hearings on the crushing of the 2007 demonstrations.

Mali

- Cases brought by 33 Timbuktu victims and 7 associations including the FIDH against 15 presumed perpetrators of war crimes and crimes against humanity; This move follows on from a case brought by the FIDH on behalf of 80 victims of sexual crimes.

Central African Republic

- The institution of civil proceedings of the part of several victims in the judicial proceedings against Rodrigue Ngaïbona, alias General Andjilo, self-proclaimed anti-balaka general.

Democratic Republic of Congo/Senegal

- The indictment of Paul Mwilanbwe in the case of the assassination of Congolese defenders Chebeya and Bazana in the Senegalese courts in pursuance of the principle of universal competence.

Syria

- The official request, in April 2015, made by the French justice department for the transmission of the confidential appendices of its report to the examining magistrate in charge of the proceedings instituted in France for war crimes following the assassination of a French reporter, Remi Ochlik, and the attempted assassination of a French reporter, Edith Bouvier, in Homs, (Syria), in February 2012.
- The attribution of 'témoin assisté' status (witness accompanied by a lawyer who may eventually be charged) to the Qosmos Company in April 2015 for complicity in torture crimes committed in Syria, through the presumed involvement in supplying and setting up a widespread electronic communications surveillance system for Bashar al-Assad's regime which was used to trace and torture or execute opponents of the regime.

Regarding joint tribunals

- The adoption and enactment of the law on the special criminal Court tasked with enquiring into the most serious crimes committed on the Central African territory since 2003 and prosecuting the perpetrators.
- The Security Council's resolution of October 2015 asking the Secretary General to provide the African Union Commission

and the provisional government of national union with technical assistance to set up a joint tribunal for Southern Sudan

- The beginning of Hissene Habre's trial for crimes against humanity and war crimes in the extraordinary African Chambers in the Senegalese jurisdictions.

Regarding the International Criminal Court

- The decision of the Ukrainian authorities, in September 2015, to recognise the competence of the ICC for international crimes nationwide.
- The ratification by Palestine of the ICC Statute and the instigation by the Prosecutor's office of a preliminary examination on the situation of the occupied Palestinian territories, in particular in East Jerusalem, since 13 June 2014. Amendments to the Registry's 'ReVision' draft guaranteeing victims' rights to participation and the legal representation of victims at ICC proceedings.

Regarding Courts and Regional Commissions

- The decision made by the African Commission for human and peoples' rights denouncing the violation of African Charter rights by Sudan in regard of the acts of torture visited upon human rights defenders Monim Elgak, Osman Hummeida et Amir Suliman.
- The condemnation in July 2015 of Italy by the European Court of Human Rights for failing to legally recognise same-sex couples.

The administration of effective and equitable justice

- **Africa:** The adoption by the African Commission for Human and People's Rights of the Protocol to the African Charter for Human and People's rights on the abolition of the death penalty in Africa.
- **Uzbekistan:** The decision of the UN Human Rights Committee on 6 October 2015 deeming the Uzbek government responsible for the acts of torture and the ill treatment inflicted on Mutabar Tadjibyeva, human rights defender and calling for an investigation and criminal prosecution of the perpetrators.



Fatou Bensouda, ICC Prosecutor, visits FIDH Headquarters, March 2015. © FIDH

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

23 international fact-finding, judicial and advocacy missions: Cote d'Ivoire, Senegal, Mali, Guinea, Central African Republic, Haiti, Ukraine, Panama, Colombia, Honduras, France, Turkey, Palestine

160 Press releases

Support for the **advocacy work** of 15 defenders, lawyers, representatives of victims' associations to the ICC.

Judicial and quasi-judicial proceedings instigated and monitored by the FIDH: over 110 proceedings to support some 750 victims by establishing the responsibility of the perpetrators of serious violations of human rights in 45 countries.

Training seminars and strategic workshops

- Strategic meetings between representatives of member organisations and representatives of the ICC, and of states and journalists based in The Hague.
- Training of Ukrainian lawyers relating to the International Criminal Court mechanism and to challenges stemming from its application in international crimes brought before national jurisdictions.

Partnerships: the International Coalition for the International Criminal Court; the Working Group on Victims' Rights; the International Committee to put Hissene Habre on trial; Associations offering psychological support to the victims of serious violations of human rights, TRACES and DIGNITY; National Coalitions for the ICC; World Coalition against the Death Penalty; International Coalition against Forced Disappearances.

Reports

Universal competence: 'Make Way for Justice': universal competence in 2014 closely scrutinized by three NGOs International Criminal Court, Recommendations to the 14th Assembly of States Parties to the Rome Statute of the International Criminal Court – The Hague, Netherlands, 18-26 November 2015.

Cote d'Ivoire: From the post-electoral crisis to the building of the Rule of Law : the necessary reform of military justice
Guinea: time and justice?

Mexico: Report on the alleged commission of crimes against humanity in Baja California from 2006 to 2012
Nigeria - Boko Haram's mass crimes.

Palestine (Gaza): Trapped and punished : the Gaza civilian population under Operation Protective Edge.

Rwanda: The Pascal Simbikangwa case : analysis of an emblematic trial.

Chad / Senegal: The Hissene Habre affair : twenty years obstinacy to get justice.

Ukraine: Eastern Ukraine : civilians caught in the crossfire
European Court of Human Rights : One Step at a Time".



Shawan Jabbarin, FIDH Vice President speaks before the Assembly of State Parties, November 2015. The Hague © FIDH

Priority 5

Strengthening respect for human rights in the context of economic globalisation

Context and challenges

While competition for access to resources has proceeded on a global scale, the economic development of many countries continues to depend on the exploitation of natural resources. Deregulation of trade and investment flows, the protection afforded foreign investors, the high degree of dependence among economies worldwide, as well as foreign debt and the policies of international financial institutions have reduced the influence States have over the conduct of economic and social policies designed to enhance the well-being of their own populations. Further, the emergence of the BRICS (Brazil, Russia, India, China, and South Africa) and the multinational corporations originating in these countries have continued to raise tough challenges when it comes to guaranteeing respect for human rights.

Economic, social and cultural rights have been formally recognised at international level, in particular with the coming into force in 2013 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the steady, albeit slow, rise in the number of ratifications. At the end of 2015, 21 states were parties to the Protocol, which amounts to considerable progress especially in terms of the justiciability of these rights. Notwithstanding this, it remains difficult to stand up for economic, social and cultural rights, especially in an international context where activists and human rights defenders who challenge powerful economic interests are perceived as a threat. In 2015, many States continued to respond by stigmatising, crushing or criminalising communities and defenders who speak out against violations of human rights related to investment projects. In this connection, defenders of land-related rights on all continents have been particularly targeted. Attacks on groups such as defenders, journalists and

political opponents have again been facilitated by the adoption of repressive laws against NGOs but also by the sale and export of surveillance, information and communications technologies.

Almost five years after the adoption of the UN Guiding Principles (UNGPs) on business and human rights in June 2011, and despite the progress made, particularly in terms of stakeholder uptake and recognition on the part of businesses of their responsibilities to respect human rights, progress has been far from satisfactory. Victims' access to reparations has proved illusory in too many cases, and has been made even more difficult in some countries because of recent reforms and court rulings, despite a growing number of recourse initiatives made, in particular, through non-judicial mechanisms.

In June 2014, following a worldwide appeal from hundreds of civil society organisations and social movements, the UN Human Rights Council adopted a resolution seeking the drafting of an international instrument on business and human rights. The intergovernmental working group responsible for drawing up such a treaty met for the first time in July 2015. Regrettably, the meeting was poorly attended by key States like the USA, Canada, Australia and members of the European Union. This process requires all States to fully cooperate in good faith, including those who have the head offices of multinational businesses based in their countries. It should be understood as complementary to the implementation of the UN Guiding Principles and draw on existing standard-setting development processes at national and regional level.

In many European countries, the austerity measures adopted by States and financial institutions continued to negatively affect human rights. Current talks on free-trade treaties between the European Union and third countries continued

to raise serious concerns about the potentially harmful effects these accords could have on human rights, and the legitimacy of provisions such as the arbitration clauses was still being seriously questioned.

Within Europe, important talks addressed the strengthening of the normative framework with a view to achieving greater transparency, better prevention of abuses and increased access to justice for the victims of business abuses. In particular, the European Commission worked on producing guidelines on the application of its Directive on the disclosure of non-financial information. In France and Switzerland, initiatives emanating from civil society in support of legislation requiring businesses to exercise due diligence where human rights are concerned, were under discussion in 2015.

Furthermore, on 11 November 2015, following the mobilisation of civil society organisations, the European Commission adopted an interpretative communication on the origin of products coming from the Palestinian territories occupied by Israel since June 1967. This includes guidelines on the labelling of products coming from Israeli settlements. However, it is but a timid move towards preventing economic players from perpetuating violations carried out in the Occupied Palestinian Territories.

The FIDH and its member organisations in action

> Contribute to the accountability of economic players

Document the impact of business activities on human rights, establish responsibilities

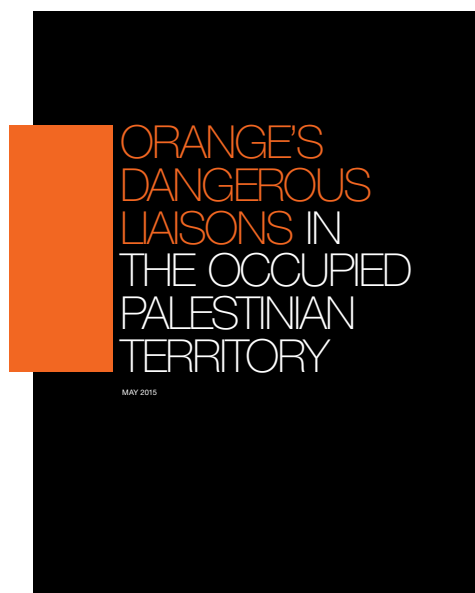
Documenting human rights violations by businesses is essential for supporting victims in their search for justice and for advocating protective national and international standards. Most important, the reputational risk associated with public denunciation, with its potentially serious financial consequences, can lead the businesses in question to correct situations of documented violations.

To produce this documentation, FIDH conducts classic fact-finding missions on human rights violations by businesses, with the participation of experts in charge of the mission. FIDH also conducts impact assessments on human rights which allow affected communities to take control of assessing and documenting the real, or potential, impacts of investment projects on human rights. To this end, FIDH supports the use of *Getting it right*, a tool designed by *Droits et Démocratie* which guides communities and NGOs step by step on assessing the impact an investment project has, or may have, on their human rights, and allows them to draw up a final report and recommendations which can be a basis for dialogue between public and private players involved in the investment project and for eventual redress or mobilisation campaigns.

Thus, in 2015, FIDH followed up on the human rights impact assessment which it had launched in **Colombia** concerning the activities of a Canadian petroleum corporation. The FIDH Colombian member, who had had training from FIDH in *Droits Devant* methodology, carried out field research via several missions and interviews with close to 500 people using a questionnaire designed by the team and various experts, these interviewees being mainly workers and community members affected by activities in the oil fields of Rubiales and Quifa, where the corporation operates. In addition, dozens of meetings were held with local, regional and national authority representatives, with the companies concerned and with various players affected by their activities, in order to present the project and collect information. The study had the support of experts from the American Association for the Advancement of Science who worked on specific subjects related to the impact of business activities on the environment. The report of this impact assessment will be published in 2016.

FIDH also carried out a contact mission in **Honduras** with its member organisations and partners, to select a new impact case study on human rights based on community participation. During this mission, training in the use of the *Getting it right* tool was provided to some twenty participants from various organisations and social movements from different regions in Honduras. The impact assessment will be carried out in 2016 and will focus on the impact on human rights of a planned hydroelectric dam in the north of the country.

In addition, FIDH conducted a fact-finding mission in **Burma** for the purpose of assessing the impact on economic, social and cultural rights of the projected Myotha industrial park. Despite the threats and in particular the legal harassment suffered by representatives of the communities affected by this park, FIDH managed to collect many testimonies attesting to arrests and arbitrary detentions, as well as to forced displacement of populations linked to this project, and was able to meet the company directors in charge of the project. The report of this mission will be published in 2016.



FOCUS

FIDH corners Orange regarding its business relationships in the Occupied Palestinian Territory (OPT)

In 2015, FIDH, its member organisations in France and Palestine and its partner organisations published the report of their study presenting and denouncing the business relationship (brand licensing contract) of the French telecommunications group Orange with the Israeli telecommunications corporation Partner, which operates in the Israeli settlements located in the Occupied Palestinian Territory (OPT). The report shows that Partner is getting infrastructure built on confiscated Palestinian land and provides services to settlers and the Israeli army. In addition, the corporation is taking advantage of the restrictions imposed by the Israeli authorities on the Palestinian economy, and is in fact helping to stifle this economy. In the report, the organisations concluded that in view of its duty to respect human rights, and in accordance with the OECD's and the UN's Guiding Principles, and with the Group's own code of ethics, Orange must terminate its business relationship with Partner in order to avoid contributing, whether directly or indirectly, to human rights violations related to the Israeli settlements in the OPT. The report also calls on the French State, main shareholder of the Orange Group, to take all necessary measures to ensure that Orange reconsiders its relationship with Partner, and acts in accordance with the political commitments made by France concerning the illegal status of the Israeli settlements.

Our organisations were able to meet with senior representatives of the Orange Group and with French ministers of the Economy and Foreign Affairs to express their concerns and recommendations.

Finally, on 30 June 2015, the Orange Group announced the termination, within a maximum of two years, of its contract with the Partner corporation.

FIDH also followed up on its fact-finding report on human rights violations related to the operation of rubber plantations by the Socfin-KCD company (the main minority shareholder being the French Bolloré Group) in Busra, **Cambodia**. Following a number of communications it was possible to re-establish the tripartite committee charged with finding responses to the expectations of affected communities.

FIDH has, moreover, placed special emphasis on the documentation of rights violations of activists who denounce human rights abuses linked to business activities. In this context, in 2015 FIDH and its member organisations CEDHU and INREDH, published the report of a fact-finding mission in **Ecuador** denouncing the criminalisation of social protest in this country, which is used to hinder the actions of human rights defenders and leaders of social movements, and is designed to intimidate and stigmatise them when they mobilise against industrial projects.

Moreover, as part of the joint programme of the Observatory for the Protection of Human Rights Defenders, FIDH and

OMCT published the report of a fact-finding mission on the situation in **Guatemala**, which highlights cases of violence against defenders protesting the negative impact on human rights by mining operations in this country.

Legal leverage and redress mechanisms

In 2015 FIDH pursued its strategic litigation activities to establish the responsibility of businesses, their executives and States in the matter of human rights violations related to business activity.

As regards its actions in criminal law, FIDH monitored the progress of lawsuits that it brought, together with LDH, its member organisation in France, against companies that have supplied surveillance technologies to regimes that used them to repress any expression of dissent.

In the same context, FIDH continued its work in support of Libyan civil party victims in the case against the **Amesys company** for complicity in acts of torture. This French company and its directors are accused of having sold to Mu'ammar al-Gaddafi's dictatorial regime surveillance equipment intended to more effectively target opponents of the regime. FIDH published a report in 2015 on the current state of the case and the ongoing investigation. In order to have the court speed up proceedings and make real progress in response to the Libyan victims' expectations in terms of justice, FIDH collected the testimony of a new victim who was heard by the examining magistrate.

In April 2015, the **Qosmos company**, subject of a complaint from FIDH and LDH denouncing the participation of French corporations in the implementation of a generalised surveillance system of electronic communications supplied to the regime of Bashar-al-Assad, and which served to track down, torture or execute opponents of the regime, was placed under the status of assisted witness to complicity in crimes of torture committed in Syria. To complement the proceedings, FIDH made several trips to Turkey to collect numerous testimonies from victims. In July it also organised the travel and attendance in Paris of 5 Syrians to be heard as anonymous witnesses by the magistrates, and in December the attendance in Paris of a new civil party residing in the United States.

The FIDH also continued to call on the International Criminal Court (ICC) to try international crimes committed in the context of business activities. For example, in July 2015, FIDH transmitted new evidence to the ICC Prosecutor which complements the report sent by FIDH in October 2014 on crimes related to land grabbing for the benefit of the ruling elite which is practised on a major scale in **Cambodia**, these crimes being qualified as crimes against humanity. FIDH hopes that these elements will incite the Prosecutor's Office to open a preliminary investigation into this situation.

FIDH also pursued its actions aimed at highlighting States' responsibility in the matter of human rights abuses linked to business activities. In this context it helped organise meetings

between representatives of its partner organisation, *Justiça nos Trilhos*, in **Brazil**, the United Nations special rapporteur on toxic waste and the Permanent Mission of Brazil to the United Nations Human Rights Council. These meetings helped put pressure on State representatives to respond to the United Nations Special Procedures inquiry which calls for the implementation of compensation measures for communities affected by the activities of mining and steel industries in Açailândia, in the State of Maranhão. FIDH, which had carried out an impact assessment on this situation, has in addition called on the Brazilian minister of urban affairs to contribute financially to re-location procedures for the community of Piquia de Baixo.

In 2015, FIDH also worked on updating its practical guide for victims and NGOs on available redress in the case of human rights abuses by businesses.

Strengthening legal authority

On the European level, FIDH continued to support the work of the European Coalition for Corporate Social and Environmental Responsibility (ECCJ), as a member of its steering committee. After militating in this context for the approval of a EU directive on extra-financial reporting, FIDH helped define ECCJ advocacy strategies, including the position of the EU on United Nations Treaty negotiations on business and human rights.

FOCUS

The EU Commission found guilty of maladministration for failing to conduct impact studies previous to the trade and investment agreement with Vietnam

The European Union has several obligations concerning the respect of human rights and must adapt its policies accordingly. In particular, FIDH emphasises the need for the EU to integrate respect for human rights in the context of its trade and investment agreement processes with third countries, specifically via consultation with civil society and by making preliminary impact studies on the effects of these agreements on the protection of human rights. To strengthen its advocacy in this matter, FIDH published a document "Building trade's consistency with human rights: 15 recommendations to the EU on impact assessments" specifying the EU's obligations in this context and setting out precise recommendations for their implementation. Most importantly, FIDH and its member organisation VCHR followed up on their complaint addressed to the European mediator denouncing the European Commission's refusal to take account of human rights in negotiations relating to trade and investment agreements with Vietnam. In March 2015, the mediator ruled in favour of FIDH and VCHR, stigmatising the Commission for maladministration and calling for the immediate production of an impact assessment. This decision represents an important precedent which will have consequences on all free trade and investment agreements currently being negotiated by the EU.

To emphasise the importance for the EU Commission's work to establish clear priorities for implementing the UN Guiding Principles on businesses and human rights, strengthen the related regulations, and support access to justice for communities affected by these businesses, FIDH, together with other NGOs participated in the **EU Multi-Stakeholder Forum on Corporate Social Responsibility**, using advocacy to influence the human rights strategic plan being prepared by the EU Commission.

As a member of the EU Korea Domestic Advisory Group (DAG), FIDH has also ensured that DAG focuses on issues related to business and human rights and has made recommendations in this field.

FIDH continued to participate in meetings of the **Council of Europe's** Drafting Group on Human Rights and Business (CDDH-CORP) that is elaborating a non-binding instrument. The NGOs, including FIDH, are participating in this drafting group and have given Council of Europe Ambassadors a position paper on the essential points that should be covered in this new standard.

At the UN **Human Rights Council**, FIDH successfully advocated – through reports, country visits and a communications procedure, – for the appointment of a Special Rapporteur on the Right to Privacy with the special obligation to deal with issues related to surveillance by businesses and surveillance tools that are developed and sold by business enterprises.

FOCUS

FIDH emphasises recommendations from its member and partner organisations on the contents of the forthcoming United Nations Treaty on Business and Human Rights

FIDH and ESCR held their first regional consultation in May 2015 in Chiang Mai, Thailand as part of their joint project called "Initiative for the Treaty". The consultation led to strategic discussions between representatives of civil society organisations, communities affected by businesses, activists from Asia and the Pacific, and members of the Legal Group, to prepare tangible proposals to be included in the forthcoming Treaty. Participants to the Consultation drew up a joint statement specifying their requirements for this binding instrument.

FIDH also participated in the first session of the UN Intergovernmental Working Group (IGWG) tasked to draw up an international instrument on human rights, transnational companies and other businesses by speaking several times at the session, a written submission and the organisation of a side event together with its partners. FIDH submitted recommendations on the developmental process and the contents of the Treaty.

The second consultation was held in October, in Nairobi, Kenya, using the same format. Representatives of the civil society and experts of the Legal Group discussed the difficulties and priorities that should be addressed in the future Treaty and

the Treaty-related advocacy work. After participating in the Consultation, representatives of the African civil society and social movements prepared a joint statement calling for a new treaty that would cover all human rights and all national and international, public and private businesses. FIDH and ESCR-Net will hold more regional consultations in 2016 and will continue monitoring the discussions of the IGWG in an attempt to convince the Group to take the recommendations of the civil society into account. FIDH will also try to convince the states to participate in the preparation of the Treaty.

FIDH addressed the **United Nations Annual Forum on Businesses and Human Rights** and held a side event on the issue of human rights defenders, the international treaty on business and human rights, and access to justice.

Advocating to the States to support the adoption of standards that make businesses socially accountable, FIDH and the platform of French NGOs for Palestine officially launched their campaign “Made in Illegality”, in **France**. This campaign urges the authorities to end all economic relations with the Israeli colonies. Questions were transmitted by the members of parliament on this matter to the government, at the National Assembly.

Encourage businesses to carry out their obligation of vigilance

As part of its agreement with **Carrefour**, FIDH continued urging this hypermarket to carry out its duty of vigilance throughout the supply chain. FIDH has held meetings with Carrefour regularly to assess progress in implementing the 50 recommendations that FIDH presented in 2014 concerning all of the Group’s practices, especially internal governance, suppliers’ processes, and practices in specific countries and sectors. Most of the recommendations have been included in Carrefour’s 2015-2017 Action Plan on social responsibility.

As part of its Action Plan, Carrefour, working through its Foundation, created a solidarity fund whose vocation is to promote respect for human rights throughout its supply chain by carrying out humanitarian actions, especially related to workers’ rights and to contribute to strengthening the actions of selected NGOs and other independent local actors. In 2015 FIDH had many discussions with Carrefour about the creation of this fund and redefined the mandate of Infans, the joint Carrefour-FIDH association for cooperation, and changed its name to Sphère, whose mission is to interact with the Carrefour Foundation.

In March 2015, FIDH published an up-to-date study on the situation of human rights in the 28 EU countries: “EU Member States under the Spotlight – incorporating human rights into investment strategies: 2014 non-financial rating of the 28 EU member states”. In this guide FIDH classifies the 28 EU member states on the basis of 67 human rights indicators and 17 environmental indicators. This study is meant to be a practical guide for investors in the sovereign bond market and aims to encourage investment in states and businesses that respect human rights.

FIDH has been monitoring the development of the **Global Social Compliance Programme**, and, together with other NGOs and unions is a member of the GSCP Advisory committee whose purpose is to strengthen the commitment and accountability of the businesses that belong to this platform.

> Encourage states to respect economic, social and cultural rights

Document any violations

Faced with the impossibility for organisations within Thai civil society to publish information on the abuse by the ruling junta of Article 122 of the Penal Code on *lese majesty* under threat of legal harassment, FIDH was the only organisation to submit within an alternative report to the UN Committee on Economic Social and Cultural Rights, a list of cases of arrest, detention and prosecution on that basis. A briefing with the UN Committee of Experts on Economic, Social and Cultural Rights was organized specifically for this purpose.

FIDH also contributed to the preparation of an alternative report of French NGOs for submission to the UN Committee on Economic, Social and Cultural Rights upstream of its consideration of the report of **France**.

FOCUS

FIDH documents the negative effects of austerity measures on human rights in Greece and advocates for their protection

In 2015, FIDH monitored the recommendations of the investigation report released in December 2014 on the consequences of the economic crisis and austerity measures on economic, socio-cultural and civil rights and policies in Greece. FIDH enabled the organisation of meetings between chargés de mission, its Vice President representing the Hellenic league, and European parliamentarians as well as representatives of the EU Commission in order to present the concerns of civil society regarding the new stability programme for Greece. A European Parliament hearing was also organized to explore EU anti-crisis policies and the challenges presented by the protection of human rights policies. FIDH also advocated to the Commission's Directorate General for Justice and Fundamental Rights encouraging it to take greater account of the issue of human rights in the context of discussions on economic assistance to Greece. What is more, several meetings have also raised the awareness of European Commission Vice-President Frans Timmermans on the recommendations of the FIDH report. Additionally, FIDH has interacted with UN Independent Expert on foreign debt and human rights Juan Pablo Bohoslavsky prior to the publication of his report on Greece. Finally, the FIDH report was presented to the Greek parliament and government and FIDH was heard by the Greek Debt Truth Commission.

FIDH has also submitted a note on the forced displacement situation in Irkutsk, **Russia**, to the United Nations Special Rapporteurs on Housing and on Minority Issues. It has enabled its member organisation, ADC Memorial, to interact with these special procedures as well.

Based on its investigative report on forced labour and violations of workers' rights in **Belarus**, FIDH also continued to advocate for the protection of economic, social and cultural rights in that country. Present at the High Level Segment of the Council of Human Rights, Ales Bialiatski, Vice President of FIDH and President of Viasna, was able to advocate toward representatives of the States in favour of the reappointment of the United Nations Special Rapporteur on the Human Rights Situation in Belarus.

Finally, written submissions on the occasion of the Universal Periodic Review by the Council of Human Rights in several countries have included sections on the duty of the States to protect economic, social and cultural rights. Such was the case of the note on the human rights situation in **Laos**.

Supporting local participants

In March 2015, FIDH invited representatives of its member organisations in Palestine, the Philippines and the DRC to participate in the World Social Forum in Tunis. Here, FIDH co-organized and participated in workshops as the following:

- The Treaty relating to business and human rights;
- The sale of products from Israeli settlements in the Occupied Palestinian Territory;
- Human rights protection mechanisms for civil society.

This workshop helped participants share their experiences on mobilising resources to protect economic, social and cultural rights in particular.

In Dublin, with its member organisation FLAC in May 2015, FIDH organised a workshop and experience exchange for the benefit of its Western Europe member organisations (with representation from 14 nearby members) on the protection of human rights in times of austerity. Strategic debates emerged concerning the challenges brought by economic crisis and austerity policies on protection of economic, social and cultural rights, bringing to the surface the main obstacles for FIDH and its members in protecting their rights and priority initiatives. Participants were trained in the techniques and targets of advocacy, and the means available to denounce violations of economic, social and cultural rights. In particular, representatives of European human rights organisations were made aware of the use of the processes of the European Committee of Social Rights and the supplementary Protocol of the International Covenant on Economic, Social and Cultural Rights.

Regional meetings organized jointly by FIDH and ESCR-Net in Thailand and Kenya have raised the awareness of nearly 100 NGO representatives and local communities as to the challenges related to ongoing discussions on the future international treaty on businesses and human rights (cf. Focus). A seminar on the

use of existing means of recourse for violations of human rights related to business activities was organised in Nairobi following the regional meeting in Africa. Twenty-four participants from 14 countries contributed to the training by presenting cases and the strategies that were employed.

At the **annual UN Forum on Business and Human Rights**, FIDH supported the participation of member organisations and FIDH partners, particularly those from Ecuador. Finally, for its member organisations and partners (Burma, Ecuador), FIDH has also facilitated meetings with Permanent Delegations in Geneva, with treaty spokespersons and UN special procedures, and supported their participation in sessions of the Human Rights Council.

Protect and strengthen the justiciability of ESCR - International Network for Economic, Social and Cultural Rights (ESCR-Net)

In 2015, FIDH and its member organisation FLAC (Free Legal Advice Centres) followed up on their 2014 complaint addressed to the European Committee of Social Rights against Ireland concerning the plight and often substandard conditions encountered in some 20 social housing units, alleging that Irish law and current policies and practices for this type of housing do not meet European standards and are conducted in violation of key articles of the European Social Charter (Revised).

Furthermore, through the International Coalition of NGOs for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, FIDH has continued to promote ratification of the Optional Protocol to advance the effective implementation and justiciability of economic, social and cultural rights. Notably, in the occasion of the 56th Session of the African Commission on Human Rights and Peoples' Rights, FIDH jointly organised a workshop on Protocol and Access to Justice for Economic, Social and Cultural Rights which was attended by 150 representatives of African and international NGOs, representatives of States and national Human rights institutions, and Commissioners..

Examples of outcomes

FIDH has enabled or contributed to:

Contribution to the responsibility of economic stakeholders

- the decision by the Orange Group, announced on 30 June 2015, to proceed in no more than two years to break the contract that bound the group to the Partner company, active in Israeli settlements in the Occupied Palestinian Territory, and to comply with international law.
- the April 2015 placement of the Qosmos company under the status of on-looking witness to aiding and abetting crimes of torture committed in Syria, for alleged involvement in the

establishment of a full-scale surveillance system of electronic communications provided to the Bashar al-Assad regime and used for stalking, torture or execution of political opponents to that regime.

- the decision by the **EU Commission** to launch an impact assessment as part of its review of the regulation on dual-use goods, in accordance with the concerns of FIDH and CAUSE in regard to monitoring equipment sales to regimes which use them to suppress critical voices.
- the European Parliament study on "Surveillance and Censorship: The impact of technology on human rights," which mentions the FIDH report on monitoring technologies manufactured in Europe and examines many of these recommendations for the protection of rights humans.
- the May 21st adoption by the European Parliament of a bill proposing mandatory certification for European companies sourcing in areas of conflict while importing minerals in developing countries.
- the November 11, 2015 adoption by the European Commission of an interpretative communication on the origin of products coming from territories occupied by Israel since June 1967. Its purpose is to ensure compliance by Member States of the Union European of existing labelling conditions and the true indication of the origin of products from the settlements.
- the European Commission's adoption of new recommendations on trade and human rights, drafted in particular on the basis of the FIDH report on the coherence between trade exchanges and human rights
- European mediator support for the complaint filed by FIDH accusing the European Commission of maladministration for its refusal to conduct an impact study on human rights before signing trade and investment agreements with Vietnam.
- Monitoring the EU's work with the Cambodian delegation to develop a mechanism for evaluating claims related to planting sugar cane in Cambodia and implementing remedial measures.
- the decisions by major apparel brands to contribute to the Fund for the Victims of Rana Plaza in Bangladesh
- the 29 April 2015 adoption by the European Parliament of a resolution calling on Bangladesh to provide victims with access to procedures of redress and reparation.
- the development of the recommendations of the EU Action Plan on Human Rights and Democracy through priority integration of the implementation of the UN Guiding Principles on Business and Human Rights.
- the adoption by European Parliament in March of a resolution highlighting the need to address gaps in the implementation of the UN Guiding Principles on Business and Human Rights.
- the easing of the position of the EU and its Member States which took part in the opening day of the first session of the Intergovernmental Working Group (IGWG) on the future treaty on human rights and business, despite prior calls to boycott the process as a whole.
- the report of the United Nations Special Rapporteur on freedom of assembly for the protection of this right in the

context of natural resources exploitation which includes FIDH concerns and recommendations with regard to protection of human rights as part of business activity.

Strengthening States' respect for economic, social and cultural rights

- the reference made by the new **Greek Government** and by Parliament in the FIDH report on the impact of austerity measures on human rights, in the hopes that the recommendations of the latter serve as a guide for their political actions.
- the recommendation made by the United Nations Independent Expert on foreign debt and human rights in its report stating the wish to see the IMF and Greece come to an agreement that respects human rights relative to the Greek debt crisis.
- the recommendations of the study requested by the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament which analyses the impact that the economic crisis and austerity have had on a number of fundamental rights in Greece that reflect and largely integrate the conclusions of the FIDH investigative report.
- the many recommendations made by the UN Committee on Economic, Social and Cultural Rights which reflect those included in the joint FIDH-VCHR submission, including the following issues in **Vietnam**: restrictions on the exercise of rights, access to justice and recourse, non- discrimination, trade union rights, economic exploitation of children, and impacts of development programmes.
- the UN Committee's concluding Observations on the economic, social and cultural rights that underline FIDH concerns and recommendations with regard to the **Thai authorities'** abusive use of *lese majesty*, and calling for the amendment of Section 112 of the Criminal Code.
- support of the Ombudsman of Irkutsk, **Russia**, for those people to be forcibly displaced, by offering the services of a lawyer and appealing the eviction decision, following the UN special procedures appeal when called upon by FIDH.
- with emphasis by the EU Action Plan on Human Rights and Democracy on the protection of economic, social and cultural rights and defenders of these rights as part of its foreign policy, as recommended by FIDH.
- the ratification by **France, Italy and Luxembourg** of the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights.
- the decision of admissibility of the complaint against **Ireland** submitted by FIDH and its member organisation FLAC to the European Committee of Social Rights alleging deplorable and very often substandard conditions encountered in some 20 social housing units.
- the March 2015 adoption by the European Parliament of a resolution echoing the concerns of FIDH calling for transparency and respect for the international law of human rights with regard to contracts and land acquisition agreements.

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

11 international fact-finding and advocacy missions (Ecuador, Burma, Honduras, Colombia, Turkey, France, Kenya, Thailand, and Tunisia).

114 Press releases

Support for advocacy by defenders (Ecuador, Burma, Thailand, Belarus, Cambodia, France, Greece, Mexico, Cuba, Guatemala) before IGOs, relevant regional and international mechanisms, and representatives of influential states.

Judicial and semi-judicial procedures:

Before French courts: Judicial monitoring in the Amesys and Qosmos cases (sale of equipment and surveillance technology)

Before the European Committee on Social Rights: Communication against Ireland

Before the European Ombudsman: joint complaint of the FIDH and its member organisation VCHR about negotiations relating to the EU-Vietnam trade and investment agreement.

Strategic/Training Seminars:

- Organisation of a strategic exchange and training seminar in Dublin (May) for the benefit of the FIDH member organisations in Western Europe (14 of its members in the region were represented) on the protection of human rights in times of austerity.
- Co-organisation of regional consultations in Thailand and Kenya bringing together nearly 100 representatives of NGOs and local communities to discuss challenges related to the development process and content of the future international treaty on business companies and human rights.
- Training seminar on recourse mechanisms in cases of human rights violations by businesses in Nairobi, following regional consultation within the framework of the joint project on the Treaty.
- Co-organisation and facilitation of strategic exchange and training workshops at the World Social Forum in Tunis in March. Participation of representatives of FIDH member organisations from Palestine, the Philippines and the DRC. Workshops on such subjects as the Treaty on Business and Human Rights; the sale of products from Israeli settlements in the Occupied Palestinian Territory; the mechanisms of human rights protection (especially ESCR) for civil society.
- Training on impact assessment methodology on human rights based on the participation of Getting it right communities in Honduras.

Partners: European Coalition for Corporate Social Responsibility (ECCJ), ESCR Network, International Trade Union Confederation, OECD Watch, International Coalition of NGOs for the Optional Protocol to the ICESCR, CAUSE, ETO Consortium.

Reports

Americas: Criminalisation of human rights defenders – an alarming phenomenon in Latin America

Ecuador: Increase of the criminalisation of social protest in the context of extraction plans in Ecuador

The Amesys case: the victims anxious to see tangible progress

European Union Member States: EU Member States under the Spotlight: incorporating human rights into investment strategies: 2014 non-financial rating of the 28 EU Member States

Greece: Downgrading Rights: the Price of Austerity in Greece

Guatemala: “Smaller than David”, the struggle of human rights defenders in Guatemala

France: Orange - dangerous liaisons in the occupied Palestinian territory

Thailand: Dark Ages - violations of cultural rights under Thailand's lese majesty law

European Union: Building trade's consistency with human rights - 15 recommendations to the EU on impact assessments

Priority 6

Conflicts, Closed and Transition Countries: Defending Democratic Principles and Supporting Victims of the Most grave Violations

Middle East and North Africa

Context and challenge

In 2015, the region suffered many grave crises marked by diverse violations of human rights that can be qualified as international crimes, in addition to a resurgence in acts of sectarian violence. In Iraq, Syria, and Yemen, attacks equating to operations of ethnic-cleansing have multiplied. Throughout the region, grave violations of human, civil, and political rights have been committed by States in the name of the war against terrorism.

2015 marked the fifth year of the war in Syria. According to a report by the independent think-tank Syrian Center for Policy Research, the number of deaths has reached 470,000. According to the same source, 11% of the Syrian population has been killed or wounded, and 45% displaced. Thousands of people are thought to have disappeared, 1 million to be living under siege, and 4 million to have sought refuge outside the country, in a humanitarian crisis of immense proportions. The atrocities committed by Daesh on Syrian and Iraqi territory and further afield must not be allowed to mask the fact that the Damascus regime, with its random bombings, is responsible for the overwhelming majority of civilian

losses. Nor should it mask the exactions perpetrated by dozens of Shiite militias, notably from Lebanon and Iraq (Hezbollah, Badr Brigades, Harakat al-Nujaba), armed by Iran and supported by the Syrian government, and those committed by the Kurdish military forces. Military intervention by more than 20 countries with various geostrategic and economic interests in support of one of the parties to the conflict or another contributes greatly to the increasingly sectarian nature of the conflict.

In Yemen, the use of cluster bombs against the Houthi rebels by coalition troops under Saudi command, allied with the Yemeni government since March 2015, has caused considerable casualties among the civilian population, the cause of many war crimes. Sieges imposed on many towns have led to unprecedented humanitarian crises, and massacres and summary executions attributed to Houthi forces have multiplied.

In Iraq, crimes committed by the Shiite militias allied with the government, notably in zones liberated from the Islamic State, have equaled the horror of those committed by Daesh, calling into question the coherence of the international coalition's support for the Iraqi government against the Islamic State and its impunity despite such crimes.

The collapse of the Libyan State has become increasingly marked by a multiplication of acts of violence since the capture of the capital Tripoli by a coalition of militias in August 2014 and

the flight of the internationally recognized government into the eastern portion of the country. Civilians are trapped by tribal and religious confrontations. The chaos works to the advantage of fundamentalist groups, which have grown, committing terrorist acts and taking hostage.

In Egypt, in the Sinai peninsula, civilians have been the primary victims of military repression undertaken, clandestinely, against armed Islamist groups.

These major crises, and the aggravation of the jihadi menace, have served as justification for the extremely violent repression of the political opposition and civil society in all the countries of the region.

In Egypt, unprecedentedly violent repression has broadened from targeting political opponents to the whole of civil society. All forms of criticism and peaceful resistance have been penalised. The international community, satisfied with President Sissi's declarations on the war against terrorism, has responded with silence. Little by little, the State and its institutions have suppressed public freedoms. Tens of thousands of activists of all hues, young defenders of human rights, members of the Muslim Brotherhood, journalists, as well as ordinary citizens, languish in prison in inhumane conditions for "participating in an illegal demonstration," "belonging to a terrorist organisation," "threats to public order and to the security of the State," or "insulting Islam." Hundreds of cases of forced disappearance, extrajudicial execution, and torture have also been reported, as well as death sentences handed down on an enormous scale.

The Israeli government too has engaged in unprecedented acts of intimidation and repression against Israeli and Palestinian civil society, while the Israeli-Palestinian conflict reached a disturbing level of tension at the end of 2015. Continuing crimes and acts of violence - the use of live ammunition, physical attacks, and acts of vandalism against property and crops - perpetrated with complete impunity by settlers in the West Bank, have led to violent confrontations between young Palestinians and the Israeli army and police. In 2015, more than 500,000 settlers were living illegally in the West Bank, including in East Jerusalem, in grave violation of international humanitarian law and in particular the 4th Geneva Convention of 1949.

In these situations of conflict, the challenges involved in the protection of international humanitarian law and human rights and the struggle against the impunity of the authors of international crimes have remained multiple and complex, as has the task of documenting crimes of the most serious nature in insecure regions. As it is often impossible to open judicial proceedings at the national level, and such initiatives are often blocked at the International Criminal Court owing to the refusal of certain members of the Security Council to ratify the authority of that court, legal initiatives in the courts of third-party States must be maintained, on the model of the cases opened in France on the basis of the Cesar Report and complaints lodged by victims as private parties. In the face of the League of Arab States's inaction,

the response of the United Nations to the humanitarian crisis has remained crucial, as has its support for peace negotiations between parties to conflicts in order to protect civilian populations.

Reporting on and denouncing the role played by Gulf-State regimes, notably Saudi Arabia, in destabilising the region and aiding in the repression of civil society on a regional scale, in addition to the responsibility they bear for the spread of religious and ethnic hatred, remains essential. Several of these States have continued to foment and exacerbate sectarian differences in order more easily to legitimise the repression of political opposition movements and protests linked to the failure to respect human rights, as in Bahrain. Their military interventions and involvement in the Yemeni, Syrian, and Iraqi conflicts have contributed to the radicalisation of political and religious situations that had been profoundly transformed by the revolutionary movements that arose in 2011, limiting hopes of greater human rights born from the Arab Spring. Their participation in the struggle against Daesh is moreover at variance with the support provided by the Gulf monarchies to the most extreme Islamist movements which feed terrorism.

In Tunisia, the war against terrorism that plunged the country into bloody conflict in 2015 has posed threats both to the legal gains and rights enshrined in the new Constitution and to ratification of international instruments. Vigilance on the part of civil society in the face of acts of discrimination and obstacles placed in the way of freedom of expression and the administration of justice has, however, allowed these fragile gains to be nurtured.

In Algeria and Morocco, criticism of the authorities is constantly repressed by restrictions on liberties, judicial harassment, and acts of torture.

In this landscape dominated by extremely violent conflicts and grave and growing restrictions on liberties, the strengthening of civil society's capacity for protection and action remained a major challenge in 2015.

FIDH and its member and partner organisations in action

Establishing facts, alerting, proposing

In 2015, FIDH published a great number of alerts regarding violations of human rights in the region (more than 313 press releases in Arabic, English, and French), on the basis of information communicated by its member organisations and partners, with a special focus on the situations in **Palestine, Bahrain, Syria, Tunisia, and Egypt**. This information was transmitted to the authorities concerned, as well as to intergovernmental institutions, mechanisms for the protection of international and regional rights, and the media.

In support of its member associations and partners, FIDH has continued to document grave violations of human rights, describe the facts, and indicate where responsibility lies.

Thus, circumventing the refusal of the Egyptian authorities to authorise the presence of international investigators, in May 2015 FIDH published the report of an under-cover commission it had organised in the country to document the practice of **sexual violence by the Egyptian security forces** as a means to silence all critical voices. Bringing together many witness accounts, the report established that acts of sexual violence (rape, rape using objects, virginity tests both vaginal and anal, electric shocks to genitalia, and various defamatory practices and acts of sexual blackmail) were perpetrated against all those apprehended by the security forces, whatever the reason for their arrest. Apart from opponents of the regime of Abd El-Fattah El-Sissi, victims are also representatives of local NGOs, women, minors, students, as well as all those whose behavior is perceived by the forces of order to be “deviant.” To FIDH, similarities in the methods used and the general impunity enjoyed by the authors of the acts of sexual violence prove that this is a cynical political strategy whose purpose is to gag civil society and reduce the opposition to silence. The report was the subject of large-scale, worldwide media coverage, serving to make the public at large and international decision-makers aware of the phenomenon, to put pressure on authorities to take measures to put an end to this scourge, and to combat the impunity accorded the authors of acts of sexual violence.

In view of the repressive conduct of many regimes in the region, aimed at reducing all critical voices to silence, FIDH also documented violations of the rights of human rights defenders in several countries, notably making public the reports of two missions of inquiry into the situations in **Bahrain** and **Libya** (cf. Priority 1).

FOCUS

FIDH bears witness to crimes of the most serious nature committed during Operation Protective Edge in Gaza

FIDH was the first international organisation for the defense of human rights to gain access to the Gaza Strip after the ceasefire was signed in August 2014 on the ashes of Operation Protective Edge carried out in Gaza by Israeli soldiers (mission representatives went to Rafah, Khan Yunis, Beit Hanoun, Shuja'iyya, and Gaza). The main element of its report published in March 2015 is a compilation of examples of random and indirect attacks launched disproportionately by the Israeli army against civilians and civilian property, as well as attacks deliberately targeting medical facilities: acts which can be described as war crimes and crimes against humanity. The report also affirms that random firing of rockets by Palestinian armed groups, causing civilian deaths, can also be described as international crimes. The report was communicated to the International Criminal Court (ICC) on the day of its publication, three days before Palestine's ratification of the statutes of the ICC came into force. This report formed the basis for intensive advocacy by FIDH and its member organisation Al-Haq, appealing for efforts to combat impunity for the authors of crimes of the most grave nature (cf. below).

FIDH also supported Tunisian civil rights advocates who, having campaigned for the inclusion of terms guaranteeing human rights in the new Constitution (adopted in January 2014), are now appealing for the creation of a legislative body in conformity with the fundamental law. Since 2014, FIDH has therefore been coordinating a group of experts (teachers, lawyers, representatives of NGOs defending human rights) charged with evaluating the compatibility of laws in **Tunisia** with the Constitution. FIDH published the first results of this research in February 2015 in a pamphlet entitled *Droits humains garantis: de la Constitution à la législation*, comprising a catalogue of different laws dealing with questions related to the freedoms of opinion, expression, and conscience, equality and the rights of women, economic, social, and cultural rights, and the independence of the judiciary that require revision by the Assembly of People's Representatives (APR) in view of assuring their conformity with the Constitution. In the context of this study, FIDH proceeded with the preparation of a report evaluating legislative activity in the light of constitutional and conventional norms, by the analysis of 15 laws, projected laws, and initiatives voted on or in the process of being examined by the APR during the period October 2014 to October 2015. The report published in December 2015 demonstrates that laws adopted or examined by the APR during this period virtually never accord with either the Constitution or the international norms for the protection of human rights that bind Tunisia. This study has provided the basis for numerous advocacy efforts directed at the Tunisian authorities (cf. below) with the aim of altering this strong tendency, and ensuring that Tunisian law protects human rights.

FIDH has used other media besides press releases and reports to make its work documenting violations of human rights known. It has produced three online infographics on the situation in Syria, the advanced state of the judicial procedure in the *Rélizane* affair, and the situation of the Bahraini rights defender Nabeel Rajab, victim of judicial harassment in his country. The documents were widely distributed across social networks, allowing a broad public to become aware of the situations described.

Mobilisation of national authorities and the international community in favor of concrete measures for the protection of human rights

At the heart of FIDH activities is its support for its member organisations in their advocacy work, at the national as well as the regional and international levels. This is a particularly important function, considering the great difficulties faced in achieving dialogue between the authorities and organisations for the defense of human rights in certain countries, or the entire absence of such dialogue, as well as the risk of reprisals against representatives of national NGOs for their campaigning activities.

FOCUS

Constant advocacy by FIDH and its members vis-à-vis the Tunisian authorities

Numerous meetings between FIDH and its member organisations and partners, coordinated with the FIDH office in Tunis, permit the development of advocacy strategies in view of gaining the Tunisian authorities' support in the protection of human rights.

The emphasis since 2015 has been on the harmonisation of laws and bills with the dispositions of the Tunisian Constitution relating to human rights. Thus in May a delegation comprised of FIDH and Tunisian organisations met with the Minister of Justice Mohamed Salah Ben Aissa to present him with a pamphlet entitled *Droits humains garantis: de la Constitution à la législation*, and to argue for legal reforms in conformity with the 2014 Constitution. Also in May, FIDH and 12 Tunisian NGOs organised a press conference in Tunis to ask the authorities to withdraw or amend the projected law aimed at the suppression of attacks on the armed forces, and to denounce its potentially negative effect on freedoms, notably that of the press. In June 2015, FIDH also organised a meeting and debate with deputies (representatives of the parties Nidaa Tounes, Popular Front, Afek Tounes, and Annahdha) and representatives of civil society to discuss legislative priorities with regard to human rights. In June, an FIDH delegation led by its president Karim Lahidji met with the highest Tunisian authorities, the President of the Republic, the President of the Assembly of People's Representatives (APR), and the Head of Government, in support of the reforms necessary for the harmonisation of laws with the Constitution and international standards regarding human rights. In their various meetings with the authorities, FIDH and its member organisations have particularly stressed the importance of respect for human rights in the context of the war against terrorism, and have thus criticised the potentially negative effects on liberties represented by projected laws against terrorism and money-laundering. On the initiative of FIDH, exchanges also took place in October between the Mayor of Paris Anne Hidalgo and female Tunisian politicians, on the importance of legislative reforms to guarantee equality between men and women. Finally, in December, FIDH and its member organisations held a press conference to present the FIDH report [*Le travail législatif à l'épreuve de la Constitution tunisienne et des conventions internationales* ("legislative action tested against the Tunisian Constitution and international conventions"), focusing on 15 laws and projected laws examined by the Assembly of People's Representatives, calling for their reform in order to guarantee liberties of opinion, conscience, expression, and information, as well as equality between men and women, judicial independence, and economic, social, and cultural rights.

In 2015, FIDH advocacy covered the entire region, with a special focus on the situation in certain countries. With regards to **Syria**, FIDH, in collaboration with five international organisations for the defense of human rights (Amnesty International, EMHRN, Frontline, HRW, and RSF) continued its campaign, initiated in 2014 and entitled *Free Syria's silenced voices*, placing particular

emphasis on the fates of eminent defenders of human rights and journalists targeted by the regime and by non-state armed groups. Based on a web platform presenting representative cases of persons arrested, detained, or reported missing, the involvement comprised alerts (communiqués, open letters), communications (tweets, blog posts, press articles), and meetings with international and national decision makers, calling not only on the Syrian authorities and armed groups, but also on the representatives of international authorities and states with influence, to pay heed to the fate of Syrian civil society in their declarations, actions, and negotiations. This campaign served to maintain the attention of the international community on the repression of civil society in Syria, and perhaps contributed to the inclusion of individuals supported by the campaign among the prisoners amnestied by the Syrian regime in 2015. Publicity surrounding Free Syrian Voices may have also helped to preserve the lives of persons included in the campaign who had been detained or captured, and to prevent other instances of arrest and abduction.

Relying on the conclusions of its report on grave violations of human rights and international humanitarian law in the context of Operation Protective Edge launched by the Israeli army in **Gaza**, FIDH joined its member organisations AI-Haq and PCHR in conducting an intensive campaign urging international and national organisations to take its recommendations into account. In particular, many encounters were organised in March between representatives of the above two Palestinian organisations and elements of the European Union (EU), culminating in a letter signed by 69 parliamentarians and addressed to the EU's High Representative for Foreign Affairs, asking her to welcome the coming into force of the Statute of Rome with respect to **Palestine**. Moreover, in June 2015, at the United Nations Human Rights Council, 41 of 47 states (including all the states of the European Union) voted in favor of a resolution on the situation in Palestine that insisted on the importance of the struggle against impunity for authors of crimes of the most serious nature, and mentioning the role of the International Criminal Court (ICC) in this regard. This was no anodyne statement, given the numerous positions previously formulated by States on the Council (notably from the African group) against the action of the ICC. Advocacy by FIDH was also directed at commercial companies, in particular those working or having commercial ties to the Occupied Palestinian Territories. An example of this is the mobilisation of FIDH, along with other organisations, against the French company Orange, asking them to put an end to the contract tying it to the Israeli telecommunications company Partner, active in the Israeli settlements within the Occupied Palestinian Territories, and to publicly declare its desire not to contribute to the viability and preservation of those settlements. Public pressure, backed by the publication of a report (cf. Priority 5), led Orange to engage in a termination agreement signed by Partner and Orange in June 2015, and led to Partner's September announcement of the termination of the contract.

If FIDH was able to contribute to resolutions on the situations in **Syria** and in **Palestine** adopted by the **United Nations Human**

Rights Council, the greater Middle East bloc and the web of alliances impeded several initiatives regarding other countries, such as **Bahrain** and **Egypt**. **Saudi Arabia** even succeeded in preventing a projected resolution on the situation in Yemen, which included condemnations of military operations carried out by a coalition of international forces led by Riyadh. The burying of this project followed threats by Saudi Arabia to revive an anti-universalist resolution on the defamation of religion, intended to restrict freedom of expression.

FIDH and representatives of its member and partner organisations from Palestine, Egypt, Libya, Morocco, and Tunisia were nevertheless able to meet Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, in 2015 to inform him of their concerns with respect to the human rights situation in the region, and to argue in favor of the opening of offices of the High Commission in Bahrain and in Egypt, with strong mandates including the documentation of human rights. Negotiations on the opening of such offices were underway at the end of 2015.

With regards to its contribution at the **United Nations Security Council**, FIDH called on Council members to mobilise in favor of the release and protection of representatives of Syrian civil society. FIDH also closely followed discussions on **Yemen** and **Libya**.

Finally, FIDH advocacy vis-a-vis the **European Union** has focused on the human rights situation in **Egypt** and **Bahrain**.

Litigation

Activating national and international courts in support of victims' rights to justice, sanctioning the authors and perpetrators of crimes of the most serious nature, and contributing to the prevention of the repetition of such crimes also formed a major line of FIDH action in the region.

Considering the total impunity enjoyed by the authors of the most serious crimes committed in **Syria**, and the Security Council's inability to submit cases to the International Criminal Court owing to the veto powers of certain of its members, FIDH has relied on the universal competence of national tribunals to pursue its efforts to support victims' rights to justice. In particular, it has led several missions to Turkey to collect statements from victims and witnesses to be used for inquiries initiated or followed in France by FIDH. Along these lines, FIDH opened proceedings, submitted to the war-crimes, crimes against humanity section of the High Court in Paris, on the murder of a French journalist, Rémi Ochlik, and the attempted murder of a French journalist Edith Bouvier, while, with other journalists, they were covering the pillage of the Baba Amr district of Homs by the Syrian army on 22 February 2012. This is also the case with the proceedings against the Qosmos company following the complaint submitted by FIDH and LDH denouncing the participation of French companies in the installation of a system of mass surveillance of electronic communications provided to the regime of Bashar el-Assad and employed in the tracing, torture, and/or execution of

opponents of the regime (cf. Priority 4). After being interviewed by the investigating judge of the war-crimes, crimes against humanity section, in April 2015 **QOSMOS** was placed under assisted witness status on a count of complicity in crimes of torture committed in Syria.

FIDH has moreover continued its work in support of Libyan victims who are civil parties in the **case against the Amesys company** for complicity in torture. According to the terms of the complaint submitted by FIDH and LDH in November 2011, this French company and its directors are accused of having sold surveillance equipment to the dictatorial regime of Muammar Ghaddafi destined to be of aid in targeting opponents of the regime. FIDH published a report in 2015, focusing on the affair and the investigation in progress, with hopes that a the court would accelerate the investigation and make concrete progress in the interest of serving the Libyan victims' need for justice. FIDH also enabled these same victims to travel to Tunisia to benefit from psychological support via the assistance of a specialised organisation.

FIDH and LDH also monitored the appeal made to the general prosecutor's office at the Court of Appeal in Paris against the quashing of the **complaint submitted against Prince Nasser Bin Ahmad Al Khalifa**, son of the King of Bahrain, on the occasion of his presence in France. The complaint accused Prince Nasser of having personally committed acts of torture against Bahraini opposition supporters in 2011, in the context of the suppression of the popular resistance movement in Bahrain(cf. Priority 4).

FIDH and LDH also monitored the proceeding in which they constitute civil parties alongside Kurdish plaintiffs for "complicity in murder, attempted complicity, and possession of the proceeds of these crimes," opened in 2013 with regard to the sustained chemical attack carried out by the forces of Saddam Hussain against the Kurdish town of Halabja, killing 5,000 people.

FIDH and its member organisations have also pursued their actions to establish responsibility for the crimes committed during the "years of lead" in Algeria, knowing that, since the adoption in 2005 of the Charter for Reconciliation in Algeria, any attempt to obtain justice in Algeria would be fruitless. FIDH therefore continued to pursue the affair of the Relizane militias, with regard to which, on 26 December 2014, the investigating judge at the district court in Nîmes had delivered a warrant for the Mohamed brothers, accused of acts of torture. Yet in September 2015, ahead of the hearing following the appeal by the two presumed torturers, the prosecutor's office performed changed direction, asking for further investigations to be completed in Algeria. FIDH will follow this proceeding closely, while denouncing obstacles put in place by France impeding the Algerian victims' quest for justice. FIDH also pursued the communiqué it initiated with its member organisation SOS Disparu(e)s submitted to the African Commission on Human and

Peoples' Rights denouncing the Algerian state's responsibility in the forced disappearances of numerous individuals during the 1990s.

Furthermore, in continuation with its advocacy work that contributed to the referral of the situation in Palestine to the **International Criminal Court (ICC)** by the Palestinian Authority, FIDH maintained its campaign - notably by organising panels during the Assembly of States Party to the Court - calling on the prosecutor's office to open an investigation into the situation in Palestine.

Capacity Building

In the context of conflict, crisis, and transition, there was substantial need to build the capacities of civil society organisations. In accordance with the objectives set by its long-term plan of action, FIDH has helped to respond to this need.

Accordingly, FIDH has continued to put into action its specific programme for building the capacities of Fraternity Center (an independent NGO created in 2013 with the support of FIDH, its mandate being the promotion of human rights and democracy in the Kurdish zone of Hasakah in Syria, near the Turkish border), via support for its initiatives in the promotion of human rights awareness, namely trainings and campaigning tools on the rights of women. FIDH, with the aid of experts from its Palestinian organisation Al-Haq, has also organised a training session for members of Fraternity Center in Erbil, on the techniques for documenting grave violations of human rights.

In response to threats affecting Al-Haq, in particular its director Shawan Jabarin, also a Vice-President of FIDH, a mission to Ramallah was organised at the end of 2015 to evaluate the requirements of the Palestinian NGO in order to ensure the security of its communications and data storage. Other missions will follow in 2016 to ensure the security of Al-Haq in its work in Palestine.

EXAMPLES OF OUTCOMES

FIDH enabled or contributed to

National level

Palestine

- Palestine's ratification of the statute of the International Criminal Court

Syria

- Release of Mazen Darwish, director of the Syrian Centre for Media and Freedom of Expression (SCM), member organisation of FIDH, and of four members of his team, following the announcement of a political amnesty
- Official request addressed by the French judiciary to the Independent Commission of Inquiry in April 2015, for transmission of the confidential annexes of the commission's report to the investigating judge in charge of the proceedings opened in France regarding the murder of a French journalist Remi Ochlik, and the attempted murder of a French journalist Edith Bouvier, in Homs
- Placing of the Qosmos company under assisted witness status on a count of complicity in crimes of torture committed in Syria, for alleged involvement in the installation of a system of mass surveillance of electronic communications provided to the regime of Bachar el-Assad and employed in the tracing, torture, or execution of opponents of the regime (April 2015).

Tunisia

- Consultation of FIDH regarding discussions on the projected integral law on violence committed against women. FIDH has been addressed on many occasions as to the provisions of this project
- Release on bail of the six students from Kairouan accused of homosexuality.



Representatives of the organizations that were part of the Tunisian National Dialogue Quartet, winner of the 2015 Nobel Peace Prize, pose prior to a reception at FIDH headquarters in Paris, on October 15, 2015. AFP PHOTO / KENZO TRIBOUILLARD

Regional and international levels

Egypt

- Adoption by the European Parliament on 15 January 2015 of a resolution comprising elements of FIDH positions, notably a demand for the immediate and unconditional release of all prisoners of conscience, defenders of human rights, and alleged members of the Muslim Brotherhood. The same text also calls on Egypt to ratify the Rome Statute and become a member of the ICC. It demands a European embargo on the export of surveillance technologies that could be used for purposes of repression.

Palestine

- Opening by the Prosecutor's Office of a preliminary examination of the situation in the Occupied Palestinian Territories, notably in East Jerusalem, since 13 June 2014
- Adoption in June by 41 of 47 member states of the United Nations Human Rights Council (including all the states of the European Union) of a resolution on the situation in Palestine, insisting on the importance of the struggle against impunity for authors of crimes of the most serious nature, and mentioning in this regard the role of the International Criminal Court (ICC). This was no anodyne statement, considering the numerous positions opposing the actions of the ICC previously formulated by states on the Council (notably among the African countries)

- Separation agreement signed between Partner (an Israeli telecommunications company active in the Israeli settlements) and Orange in June 2015, followed by Partner's announcement of the termination of its brand-licensing agreement with Orange
- Adoption by the European Commission on 11 November 2015 of an interpretive statement concerning the origin of products arriving from the territories occupied by Israel since June 1967. Its purpose was to ensure that member states of the European Union respect current rules regarding labelling and the truthful indication of the origin of products coming from the settlements.

Syria

- Adoption by the United Nations Human Rights Council at its 28th session of a resolution mentioning the situation of Syrian civil-society organisations, unlike previous resolutions

Yemen

- Adoption by the Human Rights Council of a resolution condemning the extreme violence in the country, and calling for the establishment of a system of transitional justice in conformity with international law in respect of human rights.



A protester in Cairo © Pauline Beugnies

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

5 international missions of inquiry, judicial missions, missions of judicial observation and advocacy: Bahrain, Palestine, Saudi Arabia, Tunisia

313 press releases/open letters/op-eds: 130 urgent appeals by the Observatory for the Protection of Human Rights Defenders.

Judicial and quasi-judicial proceedings:

- **Before French tribunals:** regarding Qosmos (Syria), Amesys (Libya), Rélizane (Algeria), Remoi Ochlik and Edith Bouvier (Syria), Prince Nasser Bin Ahmad Al Khalifa (Bahrain), Halabja (Iraq)
- **Before the African Commission on Human and Peoples' Rights:** communication on Algeria on forced disappearances during the "years of lead"
- **Before the working Group on Arbitrary Detention (UN):** Bahrain, Syria
- **Before the committee on Enforced Disappearances (UN):** regarding the case of Razan Zeitounh and companions kidnapped by armed groups in Syria

Support for the **advocacy** of 23 human rights defenders (Bahrain, Kuwait, Palestine, Syria, Yemen, Egypt, Morocco, Tunisia) before IGOs, relevant regional and international mechanisms, and representatives of influential states.

Strategic seminars:

- **Palestine:** training Palestinian human rights defenders in communications security and security of data storage
- **Palestine:** meetings with Palestinian leagues regarding the International Criminal Court
- **Tunisia:** meetings with Tunisian NGO members and partners of FIDH, and experts on the harmonisation of legislation with the provisions of the Constitution.

Partnership: EMHRN, Crisis Action, International Commission of Jurists, Arab Institute for Human Rights.

Reports

Bahrain: Imprisonment, torture and statelessness: the darkening reality of Human rights defenders in Bahrain

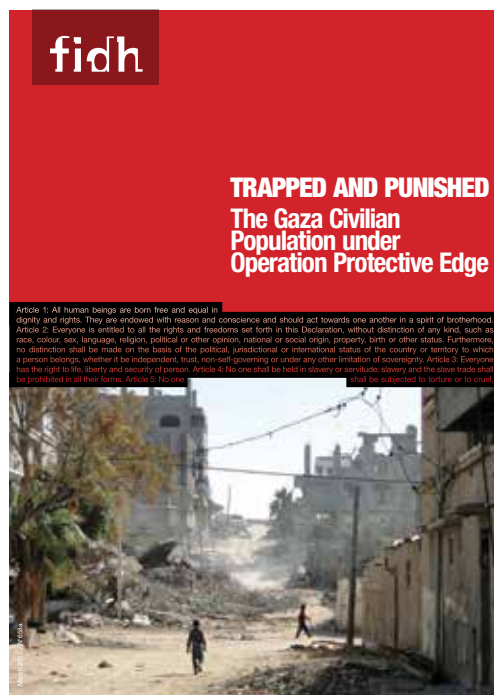
Egypt: Exposing State Hypocrisy: Sexual violence by security forces in Egypt

Libya: Entre conflit multiforme et délitement de l'État, la défense des droits humaine au défi (in French)

Morocco: Between Round-ups and Regularisation: Morocco's Vacillating Migration Policy

Palestine / Gaza: Trapped and punished: the Gaza civilian population under Operation Protective Edge
Occupied Palestinian Territories: Les liaisons dangereuses d'Orange dans le territoire palestinien occupé (in French)

Tunisia: Le travail législatif à l'épreuve de la Constitution tunisienne et des Conventions internationales (in French)



Sub-Saharan Africa

Context and challenges

In 2015 Sub-Saharan Africa was plagued by a combination of issues that had been smouldering for several years and which provoked serious violations of human rights, notably the emergence and continuation of political conflicts and crises; the intensification of terrorism, and high-risk elections.

Mass crimes provoked by conflict

Conflicts and terrible violence still make headlines in the sub-Saharan region, plunging resident populations into insecurity and leading to severe attacks on individual freedoms. Obtaining documentation on human rights violations is still a major challenge in these closed-off and dangerous regions.

Violence once again tore Burundi apart in 2015. President Pierre Nkurunziza forced his way back in by running for a third term of office, which the opposition claimed was unconstitutional. The tension this caused throughout the country degenerated into a generalised security crisis. After being re-elected – and avoiding an attempted coup – the President carried out a brutal crackdown on anyone connected to the opposition or the putschists with total impunity. This led in return to armed groups attacking anyone representing or suspected of supporting the government. By end 2015, at least 500 people had died and close to 4,000 people had been arbitrarily detained. There were dozens of forced disappearances and 220,000 people were forced to take refuge in neighbouring countries. The slow reaction of the international community raised the spectre of massive violence teetering on the brink of genocide. And this only 15 years after the Arusha Agreement was concluded on the ashes of the 300,000 victims of the civil war.

The situation in Central African Republic (CAR) is equally alarming. The country is still split into territories either under the control of the Seleka or the anti-Balaka, whose confrontations threaten the relative stability achieved by the MINURCA, the UN mission to CAR, and the French troops. Between September 2015 and the end of 2015, NGOs documented more than 100 murders, and some 20 sexual crimes committed during sectarian violence in Bangui, as well as major destruction of infrastructure. The forthcoming presidential elections could either stoke more violence or ease tensions should the election, albeit a high-risk endeavour, be successful ... One of the challenges to the stability of the country is the adoption of a law on the creation of a special criminal court composed of national and international staff to investigate the most serious crimes committed in CAR since 2003 and to judge their perpetrators.

Other conflicts that made headlines in 2015 include: South Sudan, where more than 50,000 people fell victim to the power struggle between the warring supporters of President Salva Kiir and those of his former Vice President, Reik Machar and the tribal militia; Darfur, the Blue Nile and South Kordofan region,

where the Sudanese army is dropping bombs at random to destroy pockets of rebellion; the border region between the Democratic Republic of Congo (DRC) and CAR where the troops from the Joseph Kony Lord's Resistance Army continue to commit atrocities; and eastern DRC where the activities of armed groups could lead to mass crimes.

Intensification of terrorism in Africa

The Sahel is still prey to fundamentalist and jihadist groups who want to control vast territories where they can establish their "caliphate" and carry out their criminal actions more easily. The number of terrorist attacks and massacres committed by Al-Qaeda in the Islamic Maghreb (AQIM), Al-Mourabitoun, Ansar Dine, and Boko Haram is increasing, specifically those targeting civilians and national and UN armed forces in northern Mali and northern Nigeria.

Since 2009, Boko Haram has caused the deaths of at least 20,000 people in Nigeria, Cameroon, Chad and Niger. 2015 was the most deadly year so far, with 84 attacks in Nigeria killing 3,084 people, and attacks in Chad and Cameroon that wounded or killed 923 people (96% of whom were civilians). Attacks by the Shebab in Kenya and Somalia complete the picture of terrorism that plagues West, Central and East Africa.

In the face of these threats, FIDH called special attention to the response of the international community, especially that of the African Union, and the need to protect the civilian population and respect human rights in the fight against terrorism.

The fight against impunity as a sustainable response to the crisis

The fight against impunity has remained a major element in efforts to fulfil victims' right to justice, to meet the goals of reconciliation, and thus to contribute to a lasting settlement of crises and conflicts. With this in mind, special support should be given to countries in transition (such as Guinea, Mali, Kenya, and Ivory Coast) to ensure justice is meted out to the victims of the most serious crimes, because justice is the bedrock of the rule of law and stability. The challenges are an indication of the importance of advocating for the establishment of hybrid courts as in South Sudan, CAR and DRC or direct action by the International Criminal Court if the national authorities alone are unable or unwilling to render justice. However in 2015, the African Union and certain countries such as Kenya have seriously attacked the ICC, notwithstanding the decisive support of the ICC by States such as Senegal, Botswana and Nigeria.

Elections in Africa: Each vote must count

Elections and electoral processes have degenerated, resulting in extreme tensions and violence, e.g. in Burundi. There is a danger of elections being riddled with violations and irregularities as a result of the increased repression of opponents and regime critics in Djibouti, Republic of Congo and DRC. Rwanda voted to change its Constitution to allow President Kagame to run again in 2016. The President of Sudan, Omar Al Bashir, was re-elected by 95% the voters despite the ICC warrant for his arrest.

Moreover he was re-elected after imprisonment and arbitrary detention of his opponents and representatives of civil society led opposition parties to boycott the elections. In Burkina Faso, after an attempted coup d'état that could have jeopardised the process of political transition, the country elected a new president, Roch Marc Kaboré. In Guinea, President Alpha Condé was re-elected, as was Alassane Ouattara in Ivory Coast. In many African countries, however, election season is full of potential for violence, human rights violations and institutional crises because of the determination of certain leaders to hold onto their power at all cost. This situation is still a challenge for the African Union which has great difficulty ensuring respect for the African Charter for Democracy, Elections and Governance. Respecting the choice of the African voters is central to democracy and essential to the stability of the continent.

Human Rights Defenders in the line of fire

Human rights defenders have continued urging the African Union to play a more important role in settling conflicts and crises across the continent, in supporting democratic principles, and in fighting against impunity for the perpetrators of the most serious crimes. To achieve this, the AU must develop dialogue more extensively with civil society actors. Over the last decade, human rights defenders and civil society in general have learned to act as a political counter-weight to governments in place, and their actions and words echo far and wide to mobilise people. This new role has made them into targets for both authoritarian governments and non-state actors who are looking to silence them and shrink their freedom and the spaces they have to denunciate.

Last, in view of this situation, priority must continue to be given to increasing the ability of civil society organisations to document crimes safely, to support victims of the most serious crimes, and to advocate for respect of basic rights and freedoms before national authorities, as well as regional and international bodies.

FIDH and its partner and member organisations in action

Establish the facts, send out alerts, make proposals

In order to alert the public and international community and to impact the human rights situation in times of conflict and violence occurring in closed-off and countries in transition, FIDH and its member organisations in Sub-Saharan Africa issued over **300 joint press releases, open letters and op-eds** in 2015. These documents were published on the internet or transmitted to authorities and representatives of International and regional organisations and to third-party states.

FIDH also organised several **international fact-finding** missions to assist its member and partner organisations in documenting serious human rights violations and identifying their perpetrators. In cases where the scope or nature of the crisis makes it impossible or difficult for the national organisations to do the fact-finding, either because they lack the capacity (material, human or financial) or experience in documenting

international crimes or security, FIDH investigators (experts selected from the leagues, the International Secretariat or a broader network of project leaders) work with the representatives of local organisations to document these issues, including in the eye of the storm.

FOCUS

Investigation in Timbuktu into crimes committed by armed groups

An international fact-finding mission composed of a magistrate, a lawyer and the head of the FIDH Africa desk went to Timbuktu in February 2015 on a follow-up mission to Kidal and Gao following a first trip in 2014. Both missions were part of a programme meant to document crimes committed in northern Mali by Tuareg and Islamist armed groups and fight against the impunity of their perpetrators. These missions, carried out in difficult security conditions, were completed with the assistance of specially trained and equipped branches of the Malian human rights association (AMDT). The mission to Timbuktu gathered testimony from victims and witnesses of acts of torture, rape, sexual violence, and those who suffered serious deprivation of their freedom. The mission also obtained material evidence that was submitted to the Malian judiciary in support of a complaint accusing, in a precise manner, those who ordered these crimes as much as those who committed them.

FIDH, together with its member organisation Iteka carried out an important investigation in **Burundi** at a time of increasing violence and no reaction on the part of the international community. Our organisations investigated the political and security situation prior to the legislative and presidential elections. The mission delegates met with many journalists, human rights defenders, and representatives of civil society organisations, international institutions and foreign diplomatic representations. They compiled testimony on acts of intimidation, threats and physical violence against political opponents, and on the authorities' efforts to stifle all criticism. They were also able to show how the collapse of political dialogue, impunity for perpetrators of human rights violations (including severe violations), the lack of effective reforms to the security sector, and the manipulation of the justice services led to the current deterioration in the political and security situations. The mission report was sent to representatives of the international community and was the starting point for a large-scale FIDH campaign to convince African and UN bodies, as well as the ICC to take action in order to prevent the country from exploding (see below).

Two missions were organised in **Central African Republic** to update information on the security situation there, which is marked by endless confrontations between the armed anti-Balaka and Seleka groups. These missions also sought to assess the level of implementation of the recommendations made in the 2013 and 2014 FIDH investigative reports. These missions produced information for numerous press releases and

advocacy documents and contributed to judicial proceedings by providing testimony from the victims of the most serious human rights violations.

FIDH also focused its documentation activities on the grave human rights violations committed by the **armed Islamist and jihadist groups operating in the Sahel**. Besides its investigations in **Mali** (cf. Focus), FIDH produced a report on the creation, growth and criminal activities of Boko Haram, giving details on the massive crimes that armed Boko Haram groups committed in the north of **Nigeria** as well as in **Chad and Niger**.

FIDH and its member organisations continued compiling the testimony of a large number of victims of international crimes in order to provide data for judicial proceedings related to the crackdown on the demonstrations in 2007, the massacre of 28 September 2009, and the 2010 torture cases in **Guinea**, as well as the post-election violence in **Ivory Coast**. Further, FIDH published a report based on a fact-finding mission on the state of military justice in Ivory Coast. The report called for reforms that would align the Ivorian justice system with international standards on the protection of human rights.

In Mali, Ivory Coast, and Guinea FIDH implemented special programmes designed to support and train local organisations in documenting international crimes. On the basis of this experience, FIDH drafted a manual for its member organisations on **how to document human rights violations with a view to litigation**, to be published in 2016.

Several FIDH member and partners organisations received material support (both electronic and in the form of direct communication) that enabled them to document human rights violations in a more secure manner.

Urging the national authorities and the international community to take concrete steps to improve human rights protection

In order to push for concrete measures to be taken to protect of human rights in situations of conflict, crisis, and transition, FIDH has assisted its member organisations with advocacy and visibility campaigns, has helped monitor human rights situations, the presentation of results of its investigations, and calls for the implementation of recommendations set out in FIDH reports, positions papers and joint press releases.

In addition to the important results produced by these actions, they provided opportunities to train representatives of member organisations on-site in advocacy techniques and methods, thereby equipping them to serve as key interlocutors with local governments, inter-governmental bodies, and international and regional mechanisms for the protection of human rights.

FOCUS

FIDH solicits the International community in Burundi

The FIDH fact-finding mission to Burundi observed that the international community was not reacting adequately to the grave human rights violations occurring there, nor to the risk that the situation could heat up. An advocacy paper was prepared calling on the intergovernmental organisations to react and recommending the adoption of measures to protect the resident population and to establish investigation, sanction and mediation commissions. Several advocacy missions were organised to mobilise the international community. The FIDH representative to the African Union, together with the deputy head of the Africa desk (who participated in the fact-finding mission) travelled to Addis Ababa and to Banjul to bring the matter to the attention of appropriate African institutions. FIDH also enabled representatives of its member organisation in Burundi (ITEKA) to travel to Geneva, New York and Brussels to meet with senior UN and EU officials. The FIDH delegations to the UN and the EU also followed up these appeals with a number of meetings.

This major, coordinated advocacy effort sparked strong, supportive reactions: the Peace and Security Council adopted carefully targeted sanctions against all who contributed to the violence and called for inter-Burundian dialogue. The African Commission for Human and Peoples' Rights urged the Burundian authorities to authorise the deployment of a mission to investigate human rights violations committed in Burundi. The Human Rights Council adopted a resolution to authorise itself to closely monitor the human rights situation in Burundi. The European Union began consultations with Burundi in accordance with Article 96 of the Cotonou Partnership Agreement that sanctions violations of human rights and democratic principles. The European Parliament also called on the African Union to deploy a peace-keeping mission, under a UN mandate.

Finally, after being approached by the FIDH delegation to The Hague, the Office of the ICC Prosecutor warned Burundian authorities that the situation may fall within the jurisdiction of the Court.

These reactions signalled the Burundi authorities that the international community was watching for improvements in the human rights situation in the country and that they would be held accountable for their acts.

Through its presence at the African Union's headquarters (Addis Ababa), during the 56th and 57th sessions of the African Commission for Human and Peoples' Rights (Banjul), at the U.N. Security Council (New York), during sessions of the Human Rights Council (Geneva) and at the European Union (Brussels), FIDH and representatives from its member organisations (Bu-

rundi, DRC, Sudan, Uganda, Guinea, Mali, CAR, etc.) have been able to sensitise these institutions to the problem of human rights violations in countries in conflict and in transition, and to trigger their reaction, notably by influencing the adoption of resolutions and decisions.

In addition to its strong advocacy work relating to violence and conflict in **Burundi** (cf. Focus), **Mali, CAR and Sudan**, FIDH and its member organisations have called the international and regional organisations' attention to the **great danger that elections could trigger human rights violations** and institutional crises in places such as **Djibouti, DRC and Sudan**. FIDH has also continued to advocate more generally, together with civil society actors, for the African Union to develop an effective crisis response system based on the protection of fundamental freedoms and the fight against impunity for the most serious crimes. Our organisations gave special importance to the publication of the AU investigative report on serious human rights violations in **South Sudan**.

Through international advocacy missions or through representatives from their joint offices in Bamako, Abidjan and Conakry, FIDH and its member organisations in **Mali, Ivory Coast and Guinea** were able to meet on several occasions with the highest national authorities. Most of their discussions pertained to the authorities' commitments to fight impunity for the most serious crimes. Advocacy statements were also directed at diplomatic delegations of influential states such as France, United Kingdom, South Africa and the United States to convince these countries to bring up these issues of concern and FIDH recommendations when meeting with the authorities of select countries.

FIDH also took advantage of meetings with the national authorities and embassies in **CAR** and with UN representatives in New York to launch a global plea for the protection of human rights in CAR. More specifically, FIDH advocated for the adoption of a law creating a special criminal court composed of national and international staff to investigate the most serious crimes committed in CAR since 2003, and to judge their perpetrators.

FIDH also continued its activities with the **"MyVoteMust-Count" coalition**, made up of members of African and international civil society. Ahead of upcoming 2016 elections, the Coalition has used advocacy and visibility as tools to demand that the authorities respect the citizens' legitimate right to freely choose their representatives in regular, free, transparent elections.

Lastly, the frequent press conferences held jointly by FIDH and its members and the dissemination of reports, position papers and joint press releases have led the national and international media to relay our concerns and recommendations for the protection of human rights. The public pressure this media attention engendered may have contributed to some major results.

Acting against impunity and in favour of reconciliation

In order to respond to victims' right to justice but also to contribute in a concrete way to consolidating the rule of law, required to

settle and prevent the recurrence of conflicts and crises as well as to ensure smooth political transitions, FIDH has continued its judicial and quasi-judicial actions and initiated new ones. These actions force national authorities to face up to their responsibility to judge perpetrators of the most serious crimes. These actions also provide substance for advocacy efforts aimed at increasing the independence and impartiality of the judiciary and reforming the judicial system.

As part of its programme fighting against impunity in **Ivory Coast**, FIDH and its Ivorian member organisations have become civil parties, representing close to one hundred victims in the judicial proceedings connected to post-election violence in 2010-2011 and the violations committed in the Nahibly camp in July 2012. During its five missions to Ivory Coast in 2015, FIDH was able to assess progress and shortcomings in procedures (especially with regard to impartiality), to request additional investigations, and to attend the hearings of the victims.

FOCUS

The first trials in Guinea of the perpetrators of the most serious crimes

FIDH and its member organisation, the Guinean Organisation for Human Rights (OGDH) are still legally involved in the case of the 28 September 2009 massacres (in which 157 people were killed, 89 "disappeared" and 109 women subjected to sexual violence as part of a military junta's repression of a demonstration) and other human rights violations committed in 2007 (acts of torture), and in 2010 (bloody crackdown on demonstrations).

This year, in addition to the daily work of local FIDH/OGDH teams in recording victims' testimonies, providing support at their court hearings (400 victims appeared before judges in the case of the 28 September 2009 massacre), and investigating the facts of the case and the perpetrators, FIDH conducted five international missions, which allowed for the consolidation of the legal strategy of the international and Guinean lawyers who belong to the FIDH Legal Action Group. FIDH also held information sessions with victims, requested legal proceedings, and met with examining judges.

Several meetings were also held with representatives of the ICC Prosecutor in Conakry to assess the will and capacity of the national authorities to judge the perpetrators of the 28 September 2009 massacre, which is critical to ICC's decision of whether or not to open an investigation on the situation in Guinea.

So far, FIDH and OGDH assistance to the victims has led to the indictment of 14 individuals, including seven individuals who were senior officials at the time of the 28 September 2009 massacre. Moussa Dadis Camara, head of the military junta at that time, was indicted in 2015.

Considerable progress has also been made in the case dating back to 2007. Victims represented by OGDH and FIDH lawyers have accused several people who may be indicted in 2016.

Lastly, a trial may well be held relating to the 2010 case which involves a former governor of the city of Conakry.

All these marks of progress on the legal front are described in a situation report. Remarkable progress has been made if we consider that previously the authors of the most serious crimes committed were never punished.

After the Timbuktu fact-finding mission in **Mali**, FIDH and its member organisation AMDH, along with five other national organisations, filed a complaint against 15 alleged perpetrators of war crimes and crimes against humanity on behalf of 33 victims of acts of torture, rape, sexual violence and serious deprivation of freedom. This court action follows on the heels of complaint filed by FIDH on behalf of 80 victims of sexual crimes.

In addition, FIDH, together with several victims, filed as civil parties in the judicial proceedings opened in **CAR** against Rodrigue Ngaribona, alias General Andjilo, a self-proclaimed anti-Balaka general.

FOCUS

Creation of a Special Criminal Court in Central African Republic

Since 2014, FIDH and its member and partner organisations, the *Ligue centrafricaine des droits de l'Homme* (LCDH) and the *Observatoire centrafricain des droits de l'Homme* (OCDH) have been working on the creation of a Special Criminal Court in CAR.

After the creation of CSEI (Special Investigation and Examination Unit) in April 2014, LCDH, OCDH and FIDH continued working with the CAR authorities and civil society and with the United Nations to transform the CSEI into a Special Criminal Court (SCC).

After advocacy from the whole of civil society, on 22 April 2015, the Conseil national de transition, adopted the law by a very large majority, creating the SCC, responsible for investigating the most serious crimes and prosecuting the perpetrators of war crimes and crimes against humanity committed in CAR since 2003. The SCC will be a hybrid judicial mechanism – i.e. composed of CAR and international magistrates – created under the auspices of the CAR judicial system for a renewable period of five years. The President of the Court will be from CAR and the Special Prosecutor will be of a different nationality. The majority of the magistrates will be from CAR.

To make this court function will be a challenge. The court will be a fundamental step forward for the victims and in the fight against total impunity that, up to now, was enjoyed by the authors of the most horrific crimes committed in this country. This impunity was one of the reasons for the recurring confrontations in CAR, a fact that was recognised in several resolutions passed by the U.N. Security Council.

Through these legal actions, reports and situation notes on the fight against impunity in Guinea, Ivory Coast, Central African Republic and Mali, and direct contact with the Office of the ICC Prosecutor, FIDH has been able to contribute to the ICC's preliminary analysis and its investigations of these situations. FIDH also contributed to communications issued by this Office in response to the violence committed in Burundi and continued to denounce barriers to ICC proceedings concerning the situations in Kenya and Sudan, and has urged the African Union to improve its relations with ICC, a mechanism of international justice.

Further, through a dedicated programme, FIDH has started training representatives of its member and partner organisations in **Rwanda, Zambia, Burkina Faso, Mali and Ivory Coast**, on the procedure for referring cases to the **African Court on Human and Peoples' Rights** (since these target countries have authorised NGOs and individuals to refer directly to the ACHPR) to ensure that States that do not respect human rights are sanctioned. Training workshops were held in 2015 in Mali and Ivory Coast to identify cases of human rights violations which, with support from FIDH, will be brought before the Court. Furthermore, FIDH referred to the Court concerning a serious violation of freedom of assembly in Rwanda, connected to the government's attempts to stifle all criticism.

EXAMPLES OF OUTCOMES

FIDH has enabled and contributed to

National level

Burundi

- Release on bail of Bob Rugurika, journalist and director of the African Public Radio accused of “complicity in murders,” following APR's broadcast of reports regarding the assassination of three Italian nuns on 7 September 2014.
- Support for seven human rights defenders in danger.

Ivory Coast

- Filing as civil party before the Ivorian courts on behalf of 43 women who were subjected to sexual violence during the post-election crisis.
- Furthering investigations by the Ivorian courts on crimes committed by both pro-Gbagbo and pro-Ouattara forces.
- Progress in investigations into crimes committed in the Nahibly camp for displaced persons in 2012.

Guinea

- Indictment of Moussa Dadis Camara, former head of the Guinean junta, thereby bringing the number of persons indicted for their direct responsibility in the 28 September 2009 massacre to 14.

- Completion of the investigation into the 2010 case regarding victims of torture.
- Progress in the investigation into the case on the crackdown on the 2007 demonstrations.

Mali

- Complaint filed on behalf of 33 victims in Timbuktu and seven associations, including FIDH, against 15 alleged perpetrators of war crimes and crimes against humanity. This complaint followed an earlier complaint filed by FIDH on behalf of 80 victims of sexual crimes.

Central African Republic

- Filing as civil parties on behalf of several victims in the judicial proceedings opened against Rodrigue Ngaïbona, alias General Andjilo, a self-proclaimed anti-Balaka general.
- Adoption of the law creating the Special Criminal Court to investigate the most serious crimes committed in CAR since 2003, and to prosecute their perpetrators.

Democratic Republic of Congo / Senegal

- Indictment of Paul Mwilanbwe for the assassination of Chebeya and Bazana, Congolese human rights defenders, before the Senegalese courts, by virtue of the principle of universal jurisdiction.

Sudan

- Release of human rights defender Dr. Amin Mekki Medani and political activists Faruq Abu Eissa and Farah Ibrahim Alagar, who were arbitrarily arrested for having signed the “Sudan Call” calling for the respect of the rule of law and democracy.

Regional and international levels

Burundi

- Decision by the African Union’s Peace and Security Council to follow FIDH’s recommendations and open an investigation into human rights violations in Burundi, adopt targeted sanctions against all persons who contribute to violence, increase the number of human rights observers deployed by the African Union to Burundi and initiate an inter-Burundian dialogue.
- Adoption of a resolution by the African Commission on Human and Peoples’ Rights (ACHPR) at its 57th ordinary session that called upon the Burundian authorities to authorise the immediate deployment of an ACHPR mission to investigate human rights violations committed in Burundi;
- Adoption of a resolution by the United Nations Human Rights Council at its 30th session authorising the body to closely monitor the human rights situation in Burundi;
- Opening of consultations with Burundi by the European Union, in application of Article 96 of the the Cotonou Partner-

ship Agreement, in other words, in the case of non-fulfilment of essential obligations such as human rights, democratic principles and the rule of law;

- Adoption by the European Parliament of a resolution urging the African Union to deploy a peacekeeping mission under a UN mandate and requesting the EU to reallocate all non-humanitarian aide for Burundi to support for civil society.

Cameroon

- Decision, upon referral from FIDH, of the United Nations Working Group on Arbitrary Detentions that the detention of Lydienne Yen Eyoun was ‘arbitrary’.

Democratic Republic of Congo

- Adoption, by the United Nations Human Rights Council at its 30th session, of a resolution authorising the Council to expand its human rights monitoring capacity in DRC in light of the elections timetable and threats and attacks against independent voters.
- Publication of an opinion of the United Nations Working Group on Arbitrary Detentions, brought before the body by FIDH, recognising the arbitrariness of the arrest of Christopher Ngoyi Mutamba, president of the NGO *Synergie Congo Culture et Développement* and coordinator of the platform *Société civile de la République Démocratique du Congo*. Christopher Ngoyi Mutamba was abducted by armed members of the Republican Guard and detained for participating in several peaceful protests denouncing electoral reforms and for documenting human rights violations that occurred during the protests.

Sudan

- Decision of the African Commission on Human and Peoples’ Rights denouncing Sudan’s violation of the rights set out in the African Charter in the case of the acts of torture inflicted on human rights defenders Monim Elgag, Osman Hummeida and Amir Suliman.
- Adoption on 26 September 2014 by the Human Rights Council of a resolution condemning the violations of international human rights law and international humanitarian rights law in the Darfur, Blue Nile, and South Kordofan regions and calling for an independent inquiry into the excessive use of force against demonstrators. The Council also increased the monitoring capacity of the Independent Expert in Sudan.

South Sudan

- Adoption by the European Parliament of a resolution that reflects the recommendations of FIDH calling for the publication of an investigative report commissioned by the African Union, and for the continuation of the arms embargo.

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

17 international fact-finding, advocacy, legal action and judicial observation missions

(Ivory Coast, Guinea, Mali, Central African Republic, Senegal, South Africa, Burundi)

250 press releases / open letters / op-eds; 46 urgent appeals from the Observatory for the Protection of Human Rights Defenders

Judicial and quasi-judicial proceedings

- **Before Guinean courts:** supporting victims of 2007 and 2010 violations, and the 28 September 2009 massacre;
- **Before Ivorian courts:** supporting victims of post-election violence of 2010 and other violations carried out in 2012;
- **Before Malian courts:** supporting victims of armed groups in the North, Green Beret forces and the Kati mutiny of 2013;
- **Before the Central African Republic courts:** supporting victims in the judicial proceeding opened against Rodrigue Ngaïbona alias General Andjilo, self-proclaimed anti-Balaka general;
- **Before the Senegalese courts:** support for the families of Chebeya and Bazana, Congolese human rights defenders assassinated in 2010;
- **Before French courts:** cases of Brazzaville Beach missing persons; cases against alleged Rwandan perpetrators of genocide; case against the French army (Opération Turquoise in Rwanda in 1994); case against Said Abeid (Comoros); the Baba case (Mauritania);
- **Before the Extraordinary African Chambers in the Senegalese Courts:** participation in the proceedings against Hissène Habré;
- **Before the International Criminal Court:** contribution to investigations and analyses concerning Ivory Coast, Guinea, Kenya, CAR, DRC, Mali and Sudan;
- **Before the African Commission on Human and Peoples' Rights:** (ACHPR) Communications regarding Sudan (acts of torture, arbitrary arrests) and Ethiopia (freedom of assembly);
- **Before the African Court on Human and Peoples' Rights (ACtHPR):** Communications against Rwanda (freedom of assembly);
- **Before the Working group on Enforced Disappearances (UN):** Communications against Chad and Guinea

Number of victims assisted, accompanied and/or represented: 1,200 victims in 10 countries

Advocacy Activities: Supporting the advocacy of 50 defenders (from DRC, Guinea, Mali, Ivory Coast, CAR, Sudan, Burundi, Uganda, etc.) before relevant regional and international mechanisms and influential State representatives.

Partnerships: CICC, Coalition for an Effective African Court of Human and Peoples' Rights, International Committee for the judgement of Hissène Habré, Committee to fight impunity in Guinea, Ivory Coast, Central African Republic, and Mali, World Coalition against the Death Penalty, Crisis Action, CCFD – Terres solidaires.

Reports

Angola: “They want to keep us vulnerable”: Human rights defenders under pressure

Burundi: Burundi: Avoiding an explosion

Cameroon: Defenders of the rights of LGBTI persons facing homophobia and violence

Ivory Coast: From post-electoral crisis to construction of the rule of law: Vital reforms to the military justice system

Guinea: Guinea: Time for Justice? (in French)

Nigeria: Nigeria: The mass crimes of Boko Haram (in French)

Rwanda: The Pascal Simbikangwa Case: Analysis of an emblematic trial

Central African Republic: The *Peuhls MBororo* of CAR, a suffering community (in French)

Togo : Two-track democracy: The ambivalence of a procrastinating power (in French)



The Americas

Context and challenges

One of the major challenges for 2015 is to continue to make progress in fighting impunity for perpetrators of the worst crimes in the region. Obstacles to dispensing fair and equitable justice continue to hinder not only victims' rights to truth, justice and reparation, but also strengthening the rule of law and peace.

This year attention was focused in particular on developing the peace negotiations in Colombia to bring to an end more than 50 years of deadly conflict between the army, paramilitaries and guerrilla fighters from the Revolutionary Armed Forces of Colombia (FARC). This conflict has taken a heavy toll with an estimated 220,000 people killed and a further 5.3 million displaced. Some sections of the final agreement were concluded between the parties in 2015, particularly relating to justice and reparations for victims. They allow for creation of a special peace court, which will deal with serious violations of human rights and international humanitarian law committed by FARC and agents of the State, flexible sentencing for those who plead guilty and amnesties for those not being prosecuted for serious offences. These provisions still have to be set out in detail for implementation once the final agreement has been signed and fulfil the obligations of the Colombian authorities, particularly as regards combating impunity for international crimes, given that the country has ratified the Statute of the International Criminal Court (ICC).

The most serious crimes committed in Mexico were a central topic for 2015. According to the United Nations High Commissioner for Human Rights, *"151,233 people were killed, including thousands of transiting migrants"*, and more than 26,000 people were reported missing, since December 2006. The authorities acknowledged a 98% level of impunity. Most crimes can be attributed to cartels and the army in the struggle to control drug trafficking.

A confirmation of the stance of the ICC regarding these two situations is still awaited. Colombia is one of the countries still under preliminary examination by the court, which is the step that precedes the decision to open an investigation. The Office of the ICC Prosecutor has also received several communications concerning Mexico but by end 2015 had still not decided to act on this situation. The ICC can have a determining role to play in fighting impunity on the continent and in responding to criticism directed at the lack of universality of its actions.

The year 2015 was also marked by an announcement by the Office of the Prosecutor of the ICC of an end to the preliminary examination of the situation in Honduras, while also recognising the gravity of the human rights situation there. The civil society organisations have consistently emphasised the numerous assassinations committed in this country, including the assassinations of numerous indigenous leaders, in complete impunity.

Justice for past crimes also was a key issue this year. The only chink in the armour of impunity for the most serious crimes committed since the 1960s in Haiti was the continuation of the judicial proceedings on crimes (summary executions, forced disappearances and torture) committed during the dictatorship of Jean-Claude Duvalier despite the unrest connected to the electoral process and the lack of resources for the examining magistrate. NGOs were very active as civil parties in this case in securing positive follow-up to the historic decision by the Court of Appeal in February 2014, which demanded a further investigation of international crimes committed under the 'Baby Doc' regime.

A legal proceeding before Argentinean courts on Franco-regime crimes was started in 2015 although these crimes had been amnestied in Spain.

There have been new political and judicial developments in the proceedings against Rios Montt, accused of genocide and crimes against humanity for the mass killings that the armed forces were ordered to commit during his presidency in 1982 in 11 villages, where hundreds of civilians were murdered. In 2013 he was sentenced to 80 years in prison but the Constitutional Court quashed the sentence for procedural reasons and called for a new trial. After several postponements, the Court finally, in August 2015, decided that Rios Montt would be tried, in a closed session and in absentia, for fear of more judicial incidents.

A close watch was also kept on political situations and decisions relating to respect for human rights in certain countries in the region. In Cuba, no sustainable improvement has been recorded with regard to respect for civil and political rights, despite the announcements of overtures between the regime, the US administration and the European Union. Civil society continued to denounce arbitrary detentions, restrictions on freedom of speech, assembly and association and lack of independence in the judicial system.

In Haiti, the political crisis arising from irregularities in the partial legislative and presidential elections in August and October 2015 poses the threat of a twofold institutional and security crisis.

In Argentina, since the Head of State was sworn in December 2015, freedom of speech has been regularly undermined. Renowned journalists have been dismissed. Public television and radio programmes have been cancelled and thousands of government employees have been sacked for their supposed political affiliations or sympathies.

In other countries such as Venezuela and Nicaragua, and to a lesser extent Bolivia and Ecuador, populist discourse and policies on which each government is still relying are also extremely concerning in terms of respect for democratic principles and human rights. This trend is echoed in several other countries on the continent, such as Honduras and Ecuador, by criminalising social protest to silence any criticism of policies, investment plans and company activities which go against human rights.

FIDH and its member and partner organisations in action

Establish the facts, send out alerts, make proposals

FIDH and its member organisations in the Americas, to issue alerts on situations of violence, repression or protest and impunity with a view to getting the perpetrators punished and to influencing their behaviour, in 2015, published 119 press releases and open letters. The latter were addressed to the authorities, intergovernmental organisation and relevant human rights mechanisms as well as the media – with special emphasis on South American newspapers, who widely publicised the information supplied..

FOCUS

FIDH documents the criminalisation of social protest in the Americas

For several years, FIDH has been alerting the international community and the general public to the growing phenomenon of the criminalisation of social protest in the Americas, which is a ploy used by the authorities to silence critics, especially where acts of corruption and business activity are concerned.

In 2015, in support of CEDHU and INREDH member organisations, FIDH ran an ad hoc fact-finding mission to Ecuador, with the focus on the criminalisation of social protest related to industrial mining projects. The mission visited Quito and the Imbabura and Zamora regions to gather witness statements from victims and to analyse the judicial proceedings involving the representatives of the communities impacted by these mining projects. The enquiry discovered 3 typical cases of this criminalisation: Javier Ramirez, one of the leaders of the Junin community, conviction for sedition because he opposed the mining of copper and molybdenum in the Intag region; Pepe Acachots, representative of the Amazonian province of Zamora-Chinchipe, sentenced to twelve years imprisonment for terrorism and for the presumed murder of one of his comrades, in 2009, who took part with him in the national demonstrations against the Water Act and the Mining Act; Manuel Trujillo, president of San Pablo Amalí community, where the undertaking Hidrotambo S.A. is building the San Jose del Tambo hydroelectric power plant, prosecuted for charges including violence and destruction of property, sabotage, terrorism and sedition. These cases are covered in a fully detailed report published by FIDH in October 2015 which also lists the violations of the right to a fair trial when the Ecuadorian justice system treats cases linked to protests against business activities. The press conference in Quito provided an opportunity to publicise the conclusions and recommendations contained in this report.

Two days after the launch of the report, Manuel Trujillo was notified that he was to be put on trial for ‘organised terrorism’. FIDH and its organisations in Ecuador supported Manuel during the trial which culminated in an acquittal.

Building on this mission and also on all the work accomplished in recent years with its member organisations, in 2015, FIDH moreover prepared a regional survey of the criminalisation of social protest in 8 countries (Brazil, Colombia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, and Peru). This survey report will be published in 2016.

In addition to the in depth survey on the criminalisation of social protest (cf. Focus), FIDH has kept gathering material on the most serious crimes committed on the continent and on the response of the national courts to them. In particular, in 2015, FIDH conducted a mission in **Honduras** to assess the status of the fight against impunity as regards the serious violations of human rights perpetrated during the 28 June 2009 coup which removed President Zelaya from power and its aftermath. The attendant report that revealed a lack of will on the part of the authorities concerned to prosecute the perpetrators of these violations, has been passed on to the Inter-American Commission on Human Rights which is to examine the admissibility of the so called ‘Zelaya’ communication put before it by FIDH and its member organisations.

Further, FIDH, following its fact-finding report on the torture, serious deprivation of liberties and forced disappearances committed from 2006 to 2012 in Baja California by the armed and state security forces, continued its research into the most serious crimes committed in **Mexico**, and in particular, those linked to fighting drug-trafficking. In this connection FIDH went to Mexico to establish partnerships with local organisations so as to identify specific cases of violations with a view to future enquiries.

Fighting impunity relating to past and present international crimes

FIDH and its member organisations contribute to their goal of supporting victims’ rights to justice, of informing the commission of other serious crimes and of fostering the consolidation of the rule of law, by continuing the action against impunity for the perpetrators of the most serious crimes in national courts and also, when appropriate, in the International Criminal Court.

As part of the follow-up to a seminar held in 2014 in Guatemala, which was attended by several member organisations of the FIDH, with the aim of working out strategies to back up the fight against impunity on the continent, and the conclusions of which, in particular, underscored the need to support women’s rights to justice, in 2015 FIDH acted as an *amicus curiae* in the ‘Chumbivilcas’ case. This was the first case of sexual violence committed against indigenous women during the armed conflict in 1980 to 1990 to come before a court. FIDH received permission to proceed on 21 September from the Peruvian courts.

FOCUS

FIDH helped neutralise the DAS

In recent years, the FIDH and the CAJAR have continued to provide information on the illegal activities of the DAS (Administrative Department of Security in Colombia), to wit the surveillance activities of human rights defenders. As Parties to several proceedings relating to espionage in Colombia, our organisations have undertaken action on several occasions in Panama where the former head of the DAS, Maria del Pilar Hurtado, had taken refuge to apply for her extradition, to which the Panamanian authorities responded positively. On 30 April 2015 Supreme Court of Colombia sentenced Maria del Pilar Hurtado and the former Secretary General to the Presidency, Bernardo Moreno, to tariffs of 14 and 8 years imprisonment respectively

for forging public documents, plotting, and misappropriation of funds, illegal wiretapping, and misuse of power. At that time, the spy network went beyond the boundaries of Colombia and spilled over into Europe, where human rights defenders and NGOs (such as the FIDH, Oxfam Solidariteit, ODHACO, Broederlijk Delen and CNCD-11.11.11) were targeted. Criminal proceedings against the DAS are still ongoing in Belgium.

Also extremely active in the case of Mario Alfredo Sandoval, a French Argentine national living in France and prosecuted in **Argentina** in connection with the enquiry into crimes against humanity, deprivation of liberty and torture leading to death committed on the premises of the ESMA (Superior National Navy Mechanics School), a clandestine detention centre in Buenos Aires where 5000 detainees disappeared during the dictatorship, the FIDH spoke out against the refusal of the Court of Cassation (highest court of appeal in France) to extradite Sandoval to Argentina. FIDH will monitor this case currently referred to examining chamber of the Versailles Court of Appeal where it will re-examined.

Further, FIDH has managed to consolidate funding for a specific programme enabling it to increase support for Haitian victims and NGOs involved in the proceedings against the minions of former dictator Jean Claude Duvalier as well as for civil society organisations working on the obligation to remember the past crimes committed in that country.

FIDH also supported the stay in Paris and Brussels of the director of its member organisation in Guatemala, the CALDH, so as to raise the awareness of the French and European authorities of the political and judiciary setbacks which have besieged the proceedings against former President Rios Montt indicted for crimes against humanity and genocide in connection with his responsibility for the murders and torture of 1771 Mayan Ixils the second trial of which has been postponed several times while the first one was discontinued.

FIDH has also monitored the peace talks underway between the Colombian authorities and the FARC in terms of the compatibility of standing agreements with international human rights laws and the statute of the International Criminal Court as ratified by **Colombia**.

FIDH, as part of its ongoing efforts to bring the competence of the ICC to bear in the most serious crimes committed in the Americas region, it has continued pressing the Prosecutor's office to conduct a preliminary examination on the situation in **Mexico** drawing, in particular, on the communication on international crimes committed in the Baja California region. In 2015, FIDH also prepared another communication together with local partners which it intends to pass on to the ICC Prosecutor's Office relating to crimes committed in conjunction with the fight against drug-trafficking. FIDH has also issued a Press statement on the completion of the Prosecutor's Office's preliminary examination of the situation in Honduras in which it recalled the urgency of fighting the impunity attaching to the most serious crimes committed in that country.

Finally, as part of the follow-up to action taken to establish the responsibility of States in the perpetration of serious violations of human rights, FIDH, which represented the victims in the Inter-American Court for Human Rights, called upon Chile to implement the court ruling which, in 2014, convicted the State of abusive recourse to the anti-terrorist law against members of the Mapuche community.

FIDH also filed an additional brief in the 'Zelaya' case which, together with its member organisations, it brought before the Inter-American Commission for Human Rights (IACHR) against Honduras in support of the admissibility of the case owing to the ineffectiveness of national remedies. Further, it followed the progress of its communication at the IACHR against Chile in the so called 'media prescription' affair, so as to condemn the lenient sentencing of the Pinochet regime's dignitaries whereby no sooner their convictions were handed down, than they were freed.

Pressing national authorities and the international community to take concrete measures to protect human rights

To press for concrete measures to protect human rights, FIDH supported member organisations in conducting advocacy and visibility drives for the benefit of national and international decision makers to persuade them to publish the outcomes of their surveillance and enquires and to call for them to implement the recommendations made in their reports, position papers and their joint press releases.

FOCUS

FIDH challenges the international community on the issue of the criminalisation of social protest

Drawing on enquiries and surveys, FIDH has supported the advocacy work its member organisations do with international and regional bodies to expose the definite trend there is for States to criminalise social protest and press them to react by condemning and stemming this phenomenon. Along these lines, FIDH, during the March session of the UN Human Rights Council, co-hosted a panel on national security and civil society. This afforded an opportunity to present the representatives of the States present with many cases of violation of liberties and the rights of individuals in the region under the false pretext of combatting terrorism or sedition. FIDH and several of its member organisations from the region also co-hosted an important panel in conjunction with a session of the Inter-American Commission for Human Rights on the activities of businesses and violations of human rights defenders' rights. In March 2016 the Inter-American Commission for Human Rights published a report on the same issue which incorporated the points highlighted by FIDH. In November, FIDH also took up this issue on several occasions during 'Business and Human Rights' held in Geneva. Finally, FIDH enabled a representative of its Ecuador member organisation to submit to UN bodies and to the European Union the conclusions and recommendations of their investigation report on the criminalisation of social protest linked to mining activities in that country.

Other than the focus of FIDH advocacy on speaking out against the criminalisation of social protest (cf. Focus), it has continued to alert international and regional bodies to situations

of violence as in Colombia, Honduras and Mexico, and to the serious infringements of democratic principles and the rule of law as in Haiti and Cuba. Where the latter is concerned, FIDH helped the director of its member organisation to be present in Brussels in order to submit a position paper to the European Union institutions. This paper described the reality of the human rights situation in Cuba and recommended that Human rights conditionalities be included in the future political dialogue and cooperation accord between the European Union (EU) and Cuba.

EXAMPLES OF OUTCOMES

FIDH enabled or contributed to

At national level

Colombia

- The ruling of 30 April 2015 of the Supreme Court of Justice of Colombia sentencing Maria del Pilar Hurtado, former Head of the Administrative Department of Security (DAS) of Colombia, and Bernardo Moreno, Former Secretary General of the Presidency to terms of imprisonment of 14 and 8 years respectively. The Court convicted Hurtado for forgery of public documents, conspiracy, and misappropriation of funds, illegal wiretapping and abuse of power.

Ecuador

- The release on 10 February of human rights defender, Javier Ramirez, detained since 10 April on charges of sabotage, terrorism and sedition, which carry prison sentences of between one and three years. The FIDH international fact-finding mission on

the criminalisation of social protest in Ecuador had researched and publicised his case. Our organisations had made sure the trial would be public. The FIDH had moreover filed Amicus Curiae with the court to report on the violations of Javier Ramirez's rights and seek his release.

- The acquittal in January 2016 of human rights defender Manuel Trujillo, president of the San Pablo Amalí community, who was prosecuted for acts of terrorism because he had challenged the violation of human rights linked to the activities of a business in charge of building a hydroelectric plant in San Jose del Tambo. FIDH international fact-finding mission on the criminalisation of social protest in Ecuador also researched and publicised his case. Further, FIDH and its organisations were observers at his trial.

At regional and international levels

Chile

- The decision of 2 September of the Inter-American Court for Human Rights when convicting the Chilean state in the Omar Humberto Maldonado Vargas and others vs. Chile affair. The Court held the State of Chile responsible for former legalist soldiers being unable to gain access to effective judicial remedies with a view to the quashing of the court martial judgements made against them, on the basis of confession extracted under torture. Furthermore, the Court held the State responsible for having delayed for twelve years the opening of an investigation into the torture to which some of the petitioners had been subjected.

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

9 international investigation and advocacy missions: Ecuador, Dominican Republic, Honduras, Mexico, Colombia

119 press releases/open letters/opinions: 65 urgent appeals from the Observatory for the Protection of Human Rights Defenders

Judicial and quasi-judicial proceedings initiated and monitored by FIDH:

- **Before the Haitian courts:** proceedings against members of the Duvalier regime
- **Before the Colombian and Belgian courts:** proceedings against DAS (Colombia)
- **Before the Inter-American Commission on Human Rights:** communications against Honduras in the Zelaya case (2009 coup d'état); communication against Chile in the "media prescripción" case (lenient sentences imposed on dignitaries of the Pinochet regime allowing for their release at the time of the sentencing)
- **Before the International Criminal Court:** contribution to preliminary examinations into Honduras, Colombia and transmission of communications on Mexico
- **Before the Committee on Enforced Disappearances (UN):** communication against Mexico

Support for **advocacy** by 10 defenders (Cuba, Colombia, Mexico, Guatemala, Nicaragua, Ecuador) before IGOs, regional and international mechanisms, and representatives of influential states

Partnership: HRDN; NGO coalition within Inter-American system, CIFCA, Oidhaco.

- **Before the International Criminal Court:** contribution to preliminary examinations into Honduras, Colombia cases and transmission of communications on Mexico
- **Before the Committee on Enforced Disappearances (UN):** communication against Mexico.

Reports

Americas: Criminalization of human rights defenders: an alarming phenomenon in Latin America

Ecuador - Ecuador: Increase of the criminalisation of social protest in the context of extraction plans

Guatemala: "Smaller than David": the struggle of human rights defenders in Guatemala

Asia

Context and challenges

In 2015, grave violations of human rights and international humanitarian law tantamount to international crimes were committed in several countries on the Asian continent.

In Afghanistan, the plight of civilians caught up in armed conflict worsened towards the end of 2015. Groups hostile to the Government, including the Taliban and Islamic State elements, committed numerous acts of violence against civilians. Between August and October 2015, the United Nations (UN) recorded 3,693 civilian victims (1,138 dead and 2,555 wounded), 54% of whom were attributable to the conduct of anti-Government elements. Ground attacks were the main cause of civilian deaths, followed by suicide attacks and the detonation of improvised explosive devices.

Crimes against humanity have also been committed in North Korea, as highlighted by the UN Commission of Inquiry in its report published in 2014. These continued into 2015, and included deliberate starvation, forced labour, executions, torture, rape and infanticide, mostly carried out in prison camps set up in line with policies emanating from the highest state level.

In many countries, serious crimes capable of reaching the threshold of crimes against humanity occur because of disputes over land tenure. This is the case in Cambodia where for the last 15 years, 830,000 people have been affected by large-scale land grabbing. 145,000 people have been forcibly resettled outside the capital, Phnom Penh. Those expelled from their land continue to suffer in abhorrent conditions in resettlement camps where life is characterised by food insecurity and sickness.

Lack of political will to address international crimes in these countries on the part of national authorities means that the fight against impunity remained a challenge in 2015. This has led civil society to lobby vehemently for the International Criminal Court (ICC) to launch investigations into the situations in Afghanistan and Cambodia. Attention has also been focused on monitoring the recommendations of the UN Commission of Inquiry, and the General Assembly calling on the UN Security Council to refer the situation in North Korea to the ICC.

In many countries in the region, oppressive and undemocratic regimes remain in power, and 2015 saw them intensify their efforts to silence criticism coming from political opponents, journalists or human rights defenders. Peddling the line that State security must be maintained, especially as part of the fight against terrorism, authorities have managed to limit freedoms and cover up the most extreme ill-treatment: restricting legal rights, engaging in judicial harassment, failing to respect the right to a fair trial,

and perpetrating summary executions and forced disappearances.

In Iran, despite promises made by President Rouhani to show greater respect for freedoms, political leaders, representatives of civil society and members of ethnic and religious minorities continue to be persecuted. Civil society has continued to lobby the international community to respond to these violations despite opening commercial markets to the country following the signing of the nuclear accord.

Thailand's military junta, in power since the 22 May 2014, continues to suppress freedom of expression and assembly. At the end of 2015, 53 people were in detention accused of or sentenced for crimes of lese-majesty (an offence against the dignity of Thailand's sovereign or the State). In Laos and Vietnam, single-party regimes have repressed all forms of dissent and seriously curtailed the possibility of citizens exercising their fundamental rights. In Cambodia, Prime Minister Hun Sen has given no indication of a readiness relinquish his position – a position held for 30 years now. Harassment, arbitrary arrest and the imprisonment of members of the opposition, militants, trade unionists and human rights defenders are still the hallmark of his government. Impunity was the rule in the face of grave human rights violations committed in the country.

Freedom continues to be severely repressed in China. Human rights defenders, artists, journalists, political dissidents and lawyers have been placed under surveillance, put under house arrest and imprisoned for having criticised the Communist party, gathered together or circulated information deemed illegal by the state. The latter covers any information about human rights, democracy and Tibet's right to self-determination.

In Bangladesh, political space for civil society continues to shrink: human rights defenders, journalists and political dissidents throughout the country have been threatened, put under surveillance, imprisoned or fallen victim to forced disappearance.

In Malaysia, the authorities have abused sedition laws, draconian measures dating back to the colonial era, to harass and silence opposition voices like that of the cartoonist Zunar, who has been charged nine times and risks 43 years in prison for having tweeted his criticism of the sodomy sentence levelled at opposition leader Anwar Ibrahim.

In Burma, whilst historic legislative elections were held in November 2015 and won by the party led by Nobel Peace Prize laureate Aung San Suu Kyi, obstacles to human rights protection and the fight against impunity remain a challenge. Civil society continues to campaign for the revision of repressive laws so that they are in line with international human rights law.

In Singapore, the dazzling economic success of the city-state remains tarnished by the severe limitations on civil and political rights.

Throughout the region, persecution aimed at ethnic and religious minorities remains one of the leading causes of instability and human rights violations. In several countries, such as Burma, Pakistan, Indonesia, Malaysia, Vietnam, Laos, Sri Lanka and India, religious intolerance is a matter of great concern.

FIDH and its member and partner organisations in action

Establishing the facts, alerting the public and authorities and proposing action

In the face of increasing repression of civil society across Asia, FIDH has supported its member and partner organisations to document and circulate information about human rights, ever ready to support and protect those who dare to denounce abuses, despite facing threats and intimidation.

Through its members and partners, FIDH has issued over 207 press releases, open letters and briefing papers to draw media and intergovernmental body attention to the human rights situation in more than 20 countries in the region.

FIDH and its member and partner organisations also tabled investigation and situation reports with clear recommendations as to how to curb the human rights violations documented.

Given the inability of Thai civil society organisations to publish information on the junta's abusive use of Article 122 of the penal code relating to the crime of lese-majesty, FIDH was the only organisation to present an alternative report to **Thailand's** own to the United Nations Committee on Economic, Social and Cultural Rights listing cases of arrest, detention and prosecution on this basis.

FIDH, ADHOC and LICADHO submitted an addendum to the report on **Cambodia** examined by the United Nations Human Rights Committee. The addendum denounced the impunity enjoyed by the security forces for criminal actions committed, torture in detention centres, a lack of judicial independence, and attempts by those in power to further curtail the freedoms of expression and association through legislative amendment.

FOCUS

FIDH assesses Burmese political parties on their human rights policies

A report by FIDH and Altsean-Burma entitled "Half empty: Burmese political parties and their involvement in human rights", was the first investigation carried out on the stance of Burmese political parties vying for election in the 8 November legislative election towards the question of human rights. It found much left to be desired in this regard. Of the negative trends noted, the investigation revealed that 42% of political parties refused to explain what they would do about discrimination suffered

by the Muslim Rohingya. Nearly three-quarters of the parties even refused to support an amendment to the 1982 citizenship law, which would confer Burmese citizenship on the Rohingya. Likewise, few parties flagged their support for repealing a recent law deceptively entitled the "law protecting race and religion", and other laws violating international human rights standards. On a more encouraging note, 58% of the parties affirmed that they would establish a Truth and Reconciliation Commission to deal with past crimes. Responses to questions about freedom of the press, the abolition of the death penalty and the ratification of international human rights protection instruments were also positive.

The report gives a good insight into the awareness Burmese political parties have of human rights in a land long dominated by an authoritarian military regime. FIDH and Altsean Burma will look closely at the measures undertaken by the political parties which have had representatives elected to Parliament since this report was released.

FIDH also supported its member organisation, Odhikar, in **Bangladesh**, with editing and distributing its 2014 annual report on the human rights situation in the country.

A mission to **Singapore**, in the course of which contacts were established with civil society organisations, allowed for the monitoring of the human rights situation in the country, especially recent tendencies towards the restriction of freedoms.

FOCUS

FIDH denounces violence against religious minorities in Pakistan

In Pakistan, hardly a day goes by without news of killings or attacks directed at members of religious minorities. FIDH and its member organisation HRCP were determined to address this question by organising a workshop in Karachi in 2014 bringing together representatives of these minority groups to gauge the extent of the violations carried out against them and to draw up recommendations for the national authorities to combat them. Following on from this work, FIDH and HRCP published a report in March 2015, which highlighted the violence and discrimination directed against religious minorities, explaining them as the result of discriminatory laws and policies and the impunity enjoyed by perpetrators. To overcome this state of affairs, the report underlined the importance of reform of the Constitution and the penal code, a strengthening of policies, the media and the education system to eliminate all discriminatory propaganda and the opening up of national and international legal venues to victims as they fight against impunity for the authors of these crimes, some of which constitute international crimes.

FIDH also helped its member organisations in Asia document issues relating to the **death penalty** (see also Priority 4). Aside from specific points raised during communications for the

Universal Periodic Review on **Burma** and **Thailand** to the UN Human Rights Council, FIDH published a report analysing the application of the death penalty to Asian drug crimes, and surveying the laws and criminal practices associated with this. The report also detailed why the arguments most commonly put forward by governments to justify their recourse to this inhumane and illegal measure are unjustified.

In light of authorities' claims that cultural relativism dilutes the universality of human rights and justifies their violation, FIDH published a **regional study** highlighting that appeals to so-called "Asian values" merely instrumentalize this term for the purposes of power and domination, serving to legitimise attempts to preserve the political, social and economic status quo and discredit dissident voices. Analysing national, regional and international perspectives on human rights protection in Asian countries - their similarities and differences - as well as the progressive and conservative forces at play, the report showed the relevance of human rights as both a tool to analyse Asian societies and track their social change.

Lastly, 2015 saw FIDH continue to document and raise the alarm about violence, judicial harassment and curbs on the freedoms of human rights defenders in Asia. Within the framework of the Observatory (a joint FIDH-OMCT program), FIDH issued **66 urgent appeals about defenders in danger, especially in China, Burma, Thailand, South Korea and Iran**. It also published a report of an investigative mission on violations of defenders' rights in the **Philippines** and supported the launch of a Defenders Forum in Burma, which meets regularly and brings together defenders from all regions of the country to keep abreast of obstacles to defender activity in Burma. Finally, FIDH provided **material assistance** for the protection of defenders, especially in Cambodia, Pakistan, and Burma.

Mobilising national authorities and the international community to take concrete measures in favour of human rights protection

In many countries in the region, the authorities refuse to engage in dialogue with human rights defending NGOs, or at best limit the discussion. In such situations, the role of the international community is vital to exerting diplomatic, political and/or economic pressure on governments so that they respond to the concerns of civil society and respect their international obligations relating to human rights protection. Lobbying intergovernmental organisations and international human rights protection mechanisms is not always easy. Some NGOs lack the means or the expertise to approach these bodies. Accordingly, FIDH supported its member and partner organisations to keep international institutions protecting human rights in Asia informed and mobilised. FIDH enabled 34 human rights defenders from the region to interact directly with United Nations and European Union representatives so as to outline the human rights situation in their country and table their recommendations for protective action in favour of human rights. FIDH delegations to these bodies have undertaken constant lobbying to maintain these exchanges and ensure they result in concrete outcomes.

By way of example, many advocacy initiatives were jointly undertaken by representatives of Altsean-Burma and FIDH, with the goal of alerting the international community to the ongoing serious violations of human rights in Burma despite regime change. Our organisations have particularly targeted third countries home to the head offices of international companies whose in-country activity is linked to human rights violations and the repression of human rights defenders speaking out against this situation. FIDH and Altsean repeatedly approached the United Nations Human Rights Council to renew the mandate of the Special Rapporteur on the Human Rights Situation in **Burma**.

FIDH also focused its advocacy on the situation in Iran, asking the European Union and United Nations to denounce the human rights violations in the country. At a meeting with the UN High Commissioner for Human Rights, FIDH's president specifically asked for the renewal of the position of Special Rapporteur on the Human Rights Situation in Iran. FIDH invited Shirin Ebadi, Nobel Peace Prize winner and president of a FIDH member organisation, to lobby before the UN General Assembly for the adoption of a firm resolution denouncing human rights violations in **Iran**.

With regard to the situation in Thailand, FIDH has kept in close contact with UN agencies and foreign embassies to alert them on the abusive use of the charge of lese-majesty by the coup regime against their political opponents, peaceful demonstrators, artists and human rights defenders. A briefing of experts on the UN Committee on Economic, Social and Cultural Rights was specifically organised for this purpose.

Furthermore, FIDH continued to urge the European Union not to conclude trade and investment agreements with third countries without first assessing their human rights impact, in line with their obligations. This is a way of forcing treaty partners to improve their human rights protection. FIDH thus followed up on its complaint to the Commission when no such study was completed before the signing of a trade agreement with **Vietnam**.

FIDH also focused its advocacy before international bodies and influential third countries on the three main problems in the region: namely, forced disappearances, with special mention of the case of Somyot Somphone in **Laos**; shrinking of political space for defenders' actions; and the death penalty. Lobbying went hand in hand with many communication activities so that the media and public opinion might pressure the authorities concerned over human rights protection..

Acting against impunity

The fight against the impunity of human rights violators and for justice for their victims, led FIDH to continue its support of its member and partner organisations in establishing responsibility for human rights violations. With justice systems in many countries suffering from a lack of independence, this goal was pursued through mobilising international or hybrid justice and international quasi-judicial mechanisms. .

In July 2015, FIDH submitted new evidence to the prosecutor of the **International Criminal Court**, adding to the evidence already lodged by FIDH in October 2014, concerning the crimes resulting from large-scale land grabbing in **Cambodia**, crimes which amount to crimes against humanity. FIDH hopes that this material will impel the Prosecutor's Office to open a preliminary investigation into the situation. FIDH also lobbied the ICC in favour of opening an investigation into the situation in Afghanistan.

FIDH additionally continued to support 10 Cambodian victims living in France and civil parties in proceedings under case no. 002/01 before the **ECCC**. On 7 August 2014, the court (ECCC) sentenced Khieu Samphan, former head of state, and "Brother No. 2" Nuon Chea, former ideologue with the Khmer Rouge regime, to life imprisonment for crimes against humanity. This was the first time highly placed Khmer Rouge officials had been sentenced by an independent court. FIDH likewise supported campaigning by Cambodian victims for the establishment in France of a memorial to the genocide.

Finally, FIDH followed up on its communications with the United Nations Committee on Human Rights, the Committee Against Torture and the Working Group on Arbitrary Detention, to denounce specific cases of human rights violations committed by **Iran and Thailand**.

EXAMPLES OF OUTCOMES

FIDH has enabled or contributed to

At the national level

Burma

- The freeing (19 January 2015) of human rights defender and community leader, Tun Aung. He was serving a 17 year sentence on trumped up charges stemming from his efforts to prevent violence between Buddhists and Muslims during the sectarian troubles in June 2012. FIDH took up his case through its Observatory and by profiling him as one of Burma's most important political prisoners.

China

- Contribution to international mobilisation leading to the release on bail of five human rights defenders arrested for having planning a campaign against sexual harassment on International Women's Day.

South Korea

- The release on bail of Lae-Goon Park, a standing steering committee member of the Coalition 4.16 on the Sewol Ferry Disaster, detained for having participated in protests demanding the setting up of an independent investigatory commission into the disaster, which claimed more than 300 lives.

Iran

- Restoration of the suspended lawyer licence of Nasrin Sotoudeh, following daily sit-ins outside the Iranian Bar Association led by Mrs. Sotoudeh, and an international mobilisation supported by FIDH. Mrs Sotoudeh's licence was suspended in October 2014, linked to her sentence in 2011 for political crimes because of her activities in defence of human rights.

At the international level

Burma

- Many interventions and recommendations made concerning states under review during the Universal Periodic Review (November) by the UN Human Rights Council, involving the death penalty, torture, discrimination against ethnic minorities and forced relocations.
- Renewal of the mandate of the United Nations Special Rapporteur on the Human Rights Situation in Burma by the United Nations Human Rights Council, following lobbying largely spearheaded by FIDH.

Cambodia

- Concluding comments made by the United Nations Committee on Human Rights (27 April 2015) picking up on many of the concerns and recommendations contained in the FIDH briefing note relating especially to cases of torture, ill-treatment while in detention, detention and arbitrary arrest, lack of independence in the judicial system and impediments to freedom of association and expression.
- The adoption by the European Parliament (November 2015) of a resolution expressing grave concern at the worsening political climate for members of the opposition and militants, as well as for human rights defenders and militants in the social and environmental movements in Cambodia, with condemnation of all acts of violence, accusations, sentences and charges motivated by political reasons and directed against opposition members, militants or human rights defenders in Cambodia.

Iran

- Renewal of the mandate of the United Nations Special Rapporteur on the Human Rights Situation in Iran by the United Nations Human Rights Council, following lobbying largely spearheaded by FIDH.
- Tabling of a common declaration by the UN Special Rapporteurs on the Human Rights Situation in Iran and Extra-judicial Executions, requesting that the death sentence levelled against a minor not be carried out because of factors applying when he was sentenced.

Laos

- Maintaining the focus of the international community on the case of the forced disappearance of the human rights defender Sombath Somphone. At the second Universal Periodic Review on Laos by the UN Human Rights Council (January 2015), 10 States called on Laos to investigate the defender's disappearance.

Malaysia

- The adoption of a resolution by the European Parliament (17 December 2015) picking up on concerns and recommendations raised by FIDH and its member organisation SUARAM, calling especially for the abolition of the death penalty, the repeal of the law on sedition and the amendment of all legislation to secure conformity with international norms on the freedoms of expression and assembly, and the protection of human rights.

Thailand

- Concluding comments made by the United Nations Committee on Economic, Social and Cultural Rights picking up on FIDH concerns and recommendations involving the abusive use of the crime of lese-majesty and calling for the amendment of article 112 of the penal code.

- The adoption (October 2015) by the European Parliament of a resolution calling on the junta to respect the right to protest, to repeal laws relating to lese-majesty, in particular article 112 of the penal code, and to release all political prisoners.
- Decision of the United Nations Working Group on Arbitrary Detention (December 2015) finding ‘Golf’ to have been arbitrarily detained (she was accused of lese-majesty for appearing in a stage play, and has been detained since 15 August 2014), and calling for her immediate release.

Vietnam

- The European mediator supported FIDH’s complaint about the European Commission’s maladministration for refusing to conduct a study of the human rights impact before signing trade and investment agreements with Vietnam.



Nasrin Sotoudeh crédit DR

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

8 international missions of inquiry, judicial observation missions and advocacy missions (Malaysia, Burma, Thailand, Singapore)

207 press releases / open letters / public platforms: 66 urgent appeals from the Observatory for the Protection of Human Rights Defenders

Judicial and quasi-judicial proceedings :

- **Before the Extraordinary Chambers in the Courts of Cambodia:** representing 10 victims living in France and civil parties in case No. 002.
- **Before the French courts:** the Ung case (Cambodia).
- **Before the International Criminal Court:** follow-up of the communication on forced relocations in Cambodia submitted to the International Criminal Court.
- **Before the UN Human Rights Committee:** Communication on the human rights situation in Cambodia.
- **Before the UN Committee Against Torture:** Communication on the human rights situation in Thailand.
- **Before the UN Working Group on Arbitrary Detention:** Communications on the human rights situation in Iran, Vietnam, Bangladesh, Burma and Cambodia.
- **Before the UN Working Group on Enforced or Involuntary Disappearances:** Communications on the human rights situation in Sri Lanka.
- **Before the UN Working Group on Business and Human Rights:** Communications on Bangladesh and Cambodia.
- **With the UN Special Rapporteurs on Torture and on Freedom of Assembly and Association:** Communications on Iran.

Advocacy activities: 34 human rights defenders (Iran, Burma, Vietnam, Malaysia, Thailand, China, Pakistan, Cambodia, Laos) taken up with relevant regional and international bodies and with representatives of influential states.

Partner organisations: The International Coalition to Stop Crimes Against Humanity in North Korea (ICNK) and the Asia Forum.

Reports

Asia: The death penalty for drug crimes in Asia

Asia: Demystifying human rights protection in Asia: A focus report

Burma: Half empty: Burma's political parties and their human rights commitments

Cambodia: Briefing note: a mounting human rights crisis

Philippines: Human rights defenders at the forefront despite an ongoing culture of violence and impunity

Thailand: Dark ages: violations of cultural rights under Thailand's *lese-majesty* law



fidh

Half Empty: Burma's political parties and their human rights commitments

November 2015 / N°668a

Europe and Central Asia

Context and challenges

In 2015, the conflict in Ukraine brought political tensions in the region to the surface. Against a backdrop of economic crisis, opposition between countries of the former Soviet block attempting to maintain their independence from Russia, including by getting closer to Western Europe, and those joining the Eurasian Union and its sphere of influence (Kyrgyzstan joined the latter in 2015) intensified. The information war pitting the two leanings against one another has reached alarming proportions, contributing to a climate conducive to conflict, violence and harassment of critical voices.

At the end of 2015, the High Commissioner for Human Rights' assessment of the conflict in Eastern Ukraine noted over 9,000 deaths and 20,000 injured. Despite ceasefire agreements, the parties to the conflict have continued to act in violation of international humanitarian and human rights law. The 2.9 million people living in the area where the conflict is ongoing have experienced serious difficulties in trying to exercise their rights, including economic and social rights.

On 8 September 2015, the Ukrainian authorities referred crimes committed on Ukrainian territory (including in the East and in Crimea) from 20 February 2014 to the International Criminal Court (ICC). This referral supplemented one made in April 2014 regarding crimes committed between 21 November 2013 and 22 February 2014, pertaining to the repression of the Maidan movement. Given the obstacles to fighting impunity for perpetrators of the most serious crimes within Ukrainian territory, the activation of ICC jurisdiction for these offences could be decisive in the achievement of justice and peace in Ukraine.

Indeed, the ICC has the potential to play an essential role in protecting the rights of victims to justice and bringing stability to the region more widely. This is indicated in its decision in early 2016 to begin an investigation into the crimes committed during the blitzkrieg of August 2008 between Georgia and Russia on the territory of the Georgian Republic of South Ossetia. This will see the international justice mechanism be brought to bear on the situation in two of the five contested territories in the region (Nagorno-Karabakh, Abkhazia, Transnistria, the self-proclaimed people's Republic of Donetsk and Luhansk, and the Crimea). These territories are de facto "grey areas" that are home to 6 million inhabitants and where international law is not being applied. As such, they constitute unstable territories that pose a real threat to international security.

Justice must be a key factor in tackling Russia's interventions in conflicts. Russia supports armed groups or de facto and pro-Russian authorities in the Crimea, Eastern Ukraine, South Ossetia, Abkhazia and Transnistria. Since October 2015, Russia has also been intervening in support of Bashar Al-Assad's regime in Syria, which is responsible for the majority of deaths in the country. The agreement between the two regimes on Russian military deployment to the country provides for complete impunity for Russian forces. This is reportedly responsible for a high number of civilian deaths, destruction of hospitals and other infrastructure or civilian property by Russian bombing. Such an agreement and its fallout run entirely counter to international law, and yet they are being met with utter passivity on the part of the international community.

President Putin's domestic policy was also the source of alarm in 2015 with regard to respect for human rights in Russia and its areas of influence in the region. Using the excuse of security concerns and its opposition to so-called interference by the West, the Kremlin continues to orchestrate the systematic repression of critics of its policies by reforming legislation to that end. Over 30 laws have been revised or passed for this purpose in recent years, including provisions curtailing the rights and freedoms of political opponents, journalists, artists, bloggers, human rights' organisations, LGBTI persons and citizens in general.

Such silencing of civil society is becoming a model for many countries of the former Soviet Union, who are copying this legislative arsenal and embarking on similar paths towards establishing repressive, even authoritarian styles of government. Such is the case in Kazakhstan, Tajikistan and Kyrgyzstan, where bills or laws limiting freedoms have been proliferating in recent months. In Uzbekistan, prisoners of conscience are legion. In Azerbaijan, a country under the oppressive rule of the Aliyev clan, leaders of the main human rights NGOs and prominent independent journalists were behind bars at the end of 2015, where they have been subjected to arbitrary legal proceedings. Meanwhile, those attempting to maintain the functioning of independent NGOs and media outside the confines of prison faced countless restrictions.

In Belarus, despite the release of the last political prisoners from a wave of repression in 2010, civil society organisations continued to report serious human rights violations committed by the authoritarian regime in power for the last 22 years. Such violations included the fact that NGOs remain unregistered, human rights defenders and journalists are judicially harassed, there is a total lack of freedom of assembly, and the death penalty persists. Despite this, the European Union has moved closer to lifting the application of its restrictive measures on the country.

Furthermore, the human rights situation in Turkey significantly deteriorated in 2015. Violence erupted between the army and the PKK in the southern part of the country – events that took place to a backdrop of contested electoral results and vehement opposition to the Turkish policy on Syria. This violence has resulted in many deaths, especially of civilians, and military operations and curfews in many cities and towns has rendered daily life insecure. In parallel, the Turkish authorities incessantly curtailed freedoms in a bid to severely repress critical voices, be they those of journalists, lawyers, scholars or human rights defenders.

The human rights situation has also been alarming in some member states of the European Union, such as Hungary and Poland. Here, freedoms and independence of the justice system have been flouted by the growing authoritarianism of the authorities. The legislative, police and even political responses of some States to terrorism threats have also been cause for concern given their freedom-destroying trend.

Civil society organisations operating under oppressive regimes have seen their political space and their means to act further reduced as the human rights of those they employ have been violated. These organisations need to be supported in order to be able to document incidents and warn international and regional organisations such as the Organisation for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Council of Europe. Mobilisation within the Shanghai Cooperation Organisation remains impossible, as it is a sub-regional organisation, which produces norms that run counter to international law on human rights, particularly under the pretext of combatting terrorism.

FIDH and its member organisations and partners in action

Fact-finding and responsibility

FIDH and its member organizations have continuously collected information on human rights violations in the region. In 2015, 350 press releases and open or closed letters, and 50 urgent appeals from the Observatory for the protection of human rights defenders decried violations of international human rights and humanitarian law. This included raising the alarm about violations in situations of conflict, the authoritarian drift of many regimes characterized by laws and practices that curtail freedoms, failure to apply democratic principles, and impunity for the perpetrators of egregious crimes.

In 2015, FIDH contributed to documenting the most heinous crimes committed in Ukraine within the framework of the Maidan events, and the conflict in Eastern **Ukraine** and the Crimea (see Focus). Joint documentation together with the Centre for Civil Liberties (CCL) and the Regional Centre for Human Rights and its partner organisations in Ukraine, contributes to fighting the impunity of perpetrators of the most serious crimes, as well as to conflict resolution.

FOCUS

FIDH supports its partner CCL to document the most serious crimes committed in Ukraine in order to fight impunity

In January 2015, a coalition of Ukrainian NGOs, including CCL, submitted a communication supported by FIDH to the Office of the Prosecutor of the ICC. This communication presented the most serious crimes committed during the repression of the Maidan movement in Ukraine – crimes that could be qualified as crimes against humanity. A summarised version of this communication was published and details 115 cases of murder (including that of 95 Maidan activists), 700 people injured and 27 disappeared persons. This communication was the result of several activities conducted in Ukraine by FIDH to build the documentation capacity of Ukrainian NGOs, as well as their expertise in the area of international justice. As Ukraine has declared the ICC competent to rule on these events, Ukrainian NGOs and FIDH have called upon the Office of the Prosecutor to begin an investigation on this situation.

FIDH also continued to provide information on the situation in Eastern Ukraine concerning conflict between the Ukrainian army and separatist groups. It has widely distributed the work of its partner organisation, CCL, on forced disappearances in the Crimea and the Donbass. It has also written an op-ed article for the international press on Russian soldiers fighting in Ukraine. Above all, FIDH has supported its partner organisation to gather testimonies in areas freed by the army and in analysing the data collected from the point of view of international law. This gave rise to a report published in October 2015 documenting cases of murder, torture, inhuman treatment, and arbitrary arrests made by pro-Russian, armed groups. FIDH and the CCL have especially shed light on the existence of black lists, revealing that certain categories of civilians have been specifically targeted by armed separatist groups: pro-Ukrainian citizens, members of NGOs, journalists, minorities and religious communities or even civil servants. The existence of such a list highlights the perpetration of war crimes. Cases of people being persecuted by pro-Ukrainian armed forces for supposedly supporting the enemy have also been reported. The report was sent to the International Criminal Court in keeping with Article 15 of the Rome Statute of the ICC.

Furthermore, FIDH and the CCL published a position paper in November establishing the lack of will and capacity among the Ukrainian authorities to fight impunity for the most serious crimes. While a few isolated cases have been prosecuted, the paper demonstrates that no general or consistent political or judicial measures have been taken to guarantee victims access to justice and reparation.

Apart from sending reports to the ICC to activate its competence on the situation in Ukraine, this situation saw FIDH and the CCL organise a workshop in Kiev for an exchange of experiences and strategies, bringing together Ukrainian and foreign lawyers to assess needs in terms of support for victims of international crimes before national and international mechanisms and to plan future activities in this respect.

FIDH continues to transmit information from its member organisations on the serious human rights violations being perpetrated in **Turkey** within the context of the conflict between the army and PKK members in the southern part of the country. In parallel, FIDH and its member organisations have condemned the many infringements on freedoms committed by the authorities, who have become entrenched in a pattern of increased repression of all critical voices.

As in previous years, FIDH has also documented the authoritarian drifts of President Putin's regime, which has passed and arsenal of freedom-destroying legislation in order to gag the opposition and civil society. Thus, in March 2015, a coalition of NGOs, including FIDH, invited the French public to come and discover portraits of little known actors in the fight for rights and democracy in **Russia** (see Focus) who are shedding light on the array of human rights violations perpetrated by the regime.

FOCUS

FIDH and its partners shed light on the Russian voices silenced by Putin's regime

Much has been said about Vladimir Putin: corruption, authoritarianism, and the "power vertical" that has been buttressed since his re-election to the presidency in 2012. Yet, the daily grind experienced by many Russians remains largely unknown: associations are harassed, media silenced, freedom of expression limited, homosexuals marginalised... Citizens from different backgrounds refuse to accept this reality. Whilst Pussy Riot has achieved international notoriety, there are numerous personalities who do not make world headlines. These journalists, artists, teachers, environmentalists or simple demonstrators often pay for their commitment to freedom and democracy with their freedom and their safety.

Emerging from behind the carefully crafted PR of the Kremlin, these men and women make up the faces of another Russia. Who are they? What road have they travelled? How have they been confronted with the arbitrary exercise of power and how do they hope to extricate themselves from it?

The portraits of personalities such as Olga, Natalia, Mikhail and the others were presented in April 2015 in a coordinated work, drafted and published by a group of associations who support them, namely FIDH. They tell of the fight to keep the flame of human rights alive.

In its work supporting member organisations with documentation, FIDH has also emphasized that numerous regimes have followed in Russia's footsteps to create political, legislative and judicial environments that to varying degrees serve to stifle voices critical of the authorities by reducing the freedom of civil society organisations and their representatives to operate.

An international solidarity and investigative mission of the Observatory for the Protection Human Rights Defenders (Observa-

tory – joint FIDH and OMCT programme) went to **Azerbaijan** in January to monitor and document cases of judicial harassment of human rights defenders. The mission was able to analyse the legal and political grounds for this severe repression, express its solidarity with people being detained and their families and appeal to the authorities to release them. The mission report was published in April 2015. Another specific report on the case of the defender, Razul Jafarov, whose trial was monitored in situ was made public in June 2015 (see Priority 1). The trials of other defenders were likewise monitored on later missions carried out by the Observatory.

FIDH, as part of its work with the Observatory, also carried out an investigative and advocacy mission to **Kyrgyzstan** in September 2015. This mission provided an opportunity to take stock of attempts by the authorities to step up the pressure on defenders and associations by restricting their freedom of action with the "foreign agents" bill and a bill criminalising the so-called "propaganda" of LGBTI rights. The mission also made it possible to monitor the situation of human rights defender, Azimjan Askarov, sentenced to life in prison on unfounded charges. FIDH has monitored the case referred by Askarov's lawyer in 2012 to the Human Rights Committee of the United Nations.

Moreover, concerns about repeated attacks on the Rule of law, the separation of powers and civil society freedom to act, saw FIDH carry out an investigative mission to **Hungary** to take stock of the human rights situation there.

Finally, on the centenary of the Armenian genocide, FIDH and its member organisations in **Armenia and Turkey** presented a note recalling the need to remember these events and bring justice to bear on them. This note was presented to representatives of Armenian-Turkish organisations during a press conference in Yerevan FIDH and its members also participated in commemoration events.

Mobilising national authorities and the international community for concrete measures to protect human rights

Basing itself on its alerts and investigative reports, FIDH engaged in advocacy and PR activities in 2015 to push governments of the region to take concrete measures to protect human rights.

FIDH supported its member organisations and partners through advocacy to fight against impunity for the most serious crimes. It publicly addressed the Ukrainian authorities several times to heighten their awareness on the importance of broadening the jurisdiction of the ICC beyond the repression of the Maidan movement to learn about the crimes committed in Eastern Ukraine and the Crimea. This was a follow-up to several advocacy missions to Ukraine at the Ministry of Justice and the Presidency and that contributed to the ad hoc referral by Ukraine to the ICC of crimes committed subsequent to February 2014. An FIDH delegation present in Kiev in October 2015 was able to meet with representatives of the presidential cabinet, six offices of the Prosecutor General, representatives of the National Security Service, as well as the office of the Ombudsperson to raise their awareness on the importance of conducting impartial and effective national

investigations and cooperating with the ICC, appealing to the authorities to ratify the Rome Statute.

In 2015, FIDH also reiterated its appeal to the Office of the Prosecutor of the ICC calling for it to begin an investigation on the situation in Georgia, regarding the most serious crimes committed during the conflict in August 2008 between Georgia and Russia in South Ossetia.

Furthermore, throughout the year, FIDH persistently brought the human rights situation in Russia to the attention of public opinion and the international community. It thus supported the submission of an alternative report prepared by its member organisation, ADC Memorial, within the framework of Russia's review in March 2015 to the United Nations Human Rights Committee. The alternative report takes stock of violations of the rights of minorities, including ethnic groups, migrants, LGBTI persons and Tatars of the Crimea annexed by Russia in March 2014. It also condemns illegal limitations on the right to express a critical opinion. FIDH organised a briefing for the experts on the Committee in order to present recommendations proposed by ADC Memorial to improve human rights protection in Russia.

In 2015, Russia's review was also on the agenda of the UN Committee for the Elimination of Discrimination against Women. On this occasion, ADC Memorial submitted an alternative report calling upon the UN to react to the different types of violations of women's rights occurring in that country. The Committee took up most of the recommendations calling upon Russia to take measures to guarantee the protection of the rights of migrant women and women of ethnic, sexual and cultural minorities.

2015 was an opportunity to alert UN mechanisms and bodies to the human rights situation in Tajikistan. Thus, FIDH supported its member organisation, the Tajik Bureau of Human Rights and Rule of Law to finalise, translate and submit two alternative reports on human rights in Tajikistan during its Universal Periodic Review by the United Nations Human Rights Council. The reports condemned torture in detention centres, laws that curtail freedom of association, obstruction to freedom of expression and of assembly, and a lack of independence in the judicial system.

FOCUS

Liberating advocacy in Azerbaijan

Faced with the refusal of Azerbaijani authorities to engage in dialogue with human rights NGOs, 2015 often saw FIDH address regional and international bodies and influential States to request them to exercise diplomatic and strategic pressure to secure the release of prisoners of conscience in Azerbaijan. This was an advocacy strategy that factored in the economic strength of Azerbaijan and its important trade and political relations with many European countries. It was developed through a multitude of meetings with key policy-makers within the European Union, the Council of Europe and its Parliamentary Assembly as well as representatives

of mechanisms for human rights protection embedded in these organisations.

For instance, in June, FIDH advocated for the suspension of Azerbaijan's right to vote in the Parliamentary Assembly of the Council of Europe, as well as for an amendment to a resolution on Azerbaijan that would call upon the authorities to release human rights defenders imprisoned by citing their names. During that session, FIDH met with Thorbjørn Jagland, Secretary General of the organisation, who in December 2015 decided to trigger a rare procedure in the form of an investigation on violations by Azerbaijan of provisions of the European Convention on Human Rights. A few months earlier, in September, FIDH had requested that the Parliament of the European Union adopt a firm resolution condemning human rights violations in Azerbaijan.

FIDH also capitalized on the media coverage of the first European Games held in Baku in June 2015 to report on the human rights violations taking place in Azerbaijan. FIDH posted an interactive game online called "Real Baku Games" to raise public awareness of the existence of political prisoners in the country. This game was widely circulated via Twitter and Facebook, and many other media outlets relayed the campaign, including those specializing in sports and new technologies. This awareness-raising campaign reached over a million internet users, and the site realbakugames.es was visited 43,000 times. Moreover, as a stakeholder in the "Sport for Rights" campaign, FIDH wrote open letters to many international and regional bodies, as well as to companies sponsoring this sports event to ask that they advocate for the release of prisoners of conscience.

FIDH also organised meetings between the daughter of Leyla Yunus, a defender in prison, with representatives of the French authorities and the UN Special Rapporteur on human rights defenders. In May, a press conference was organised in Paris to present the human rights situation in Azerbaijan. That same month, a demonstration was organised in Brussels to raise the EU's awareness about the human rights situation in the country.

These advocacy and PR actions have contributed to exerting significant pressure on the Azeri authorities to release human rights defenders. On 9 December 2015, the Appeal Court of Baku decided to release human rights defender, Leyla Yunus, on probation for medical reasons. A month earlier, on 12 November, that same court had commuted the sentence of Arif Yunus, her husband, to release on probation. Other releases followed in early 2016.

FIDH and its member organisation in **Belarus**, Human Rights Centre "Viasna", have tried to keep the international community's attention on the human rights situation in that country, as the European Union sought to lift sanctions against this regime. FIDH

organised several meetings and events at the UN Human Rights Council to advocate for maintaining the UN Special Rapporteur on the human rights situation in Belarus. These included meetings with numerous ambassadors and diplomats, a panel on freedom of association in the country, a public statement prior to the Universal Periodic Review of Belarus, and a media interview. Advocacy was also directed at European institutions, namely through a hearing at the European Parliament.

FIDH has also followed up with the United Nations Human Rights Committee with respect to its decision in the case of Ales Bialiatski, FIDH Vice-President and president of the Human Rights Centre "Viasna". In 2014, the Committee had found that the Belorussian authorities had violated freedom of association and arbitrarily detained the defender, requesting that the State pay reparations to its victim and legally register "Viasna." FIDH called upon the Committee to take measures to ensure that Belarus implements the decision and to urge the Belorussian government to fulfil its international obligations and comply UN rulings.

FIDH has also been following developments in its communication with the same Committee on a case concerning the torture of a human rights defender in **Uzbekistan**. Subsequent to a complaint filed by FIDH, October saw the Committee declare the Uzbek government responsible for acts of torture and ill treatment inflicted upon Mutabar Tajibayeva, who had been incarcerated for her work on the protection of human rights between 2005 and 2008.

Presidential elections in Uzbekistan at the end of March also presented an opportunity for FIDH and its member organisations to alert public opinion to the human rights situation in that country through several communication tools: videos, tweets and an interview on violations of the rights of human rights defenders.

As it does every year, FIDH invited several representatives of its member organisations to attend the annual **OSCE** conference on human rights in order to take the floor during a panel on the shrinking civil and political space for freedom to act of civil society organisations within the OSCE. Written and oral statements in the plenary as well as organisation and participation in many other panels, made it possible to mobilise this body on the human rights situation in Belarus, Azerbaijan, Kyrgyzstan, Uzbekistan, Russia, Turkey, Hungary, and also Moldova.

In 2015, the **European Union** (EU) remained a significant target of advocacy regarding this region. Such advocacy focused on the human rights situation in Belarus (see above) but also in **Georgia** and **Moldova**, where threats against defenders working on human rights in Transnistria are multiplying. FIDH therefore submitted a progress report prior to dialogues on human rights between these countries and the EU in May and June. Furthermore, the European Parliament granted FIDH a hearing on access to justice and rights in the so-called "areas of lawlessness" (Transnistria, Ossetia, Nagorno-Karabakh, the Crimea, Abkhazia and the Eastern part of Ukraine) where it presented its concerns and recommendations in its report on the topic published in 2014. Meetings were organised on the topic with the cabinets of the president of the European

Parliament and the High Representative for External Affairs of the EU, as well as representatives of Member States. These actions led to the European Parliament taking up FIDH's recommendations in a study on human rights in disputed territories published in 2016. Finally, FIDH informed EU bodies of the serious failure of **Hungary** to adhere to the guiding principles of the Union regarding protection of human rights.

Supporting member organisations and partners' capacity to act

Given the many obstacles to civil society organisations' actions in many countries in the region, FIDH was able to provide material support to many of its in-region member organisations and partners.

EXAMPLES OF OUTCOMES

FIDH made possible or contributed to

At the national level

Azerbaijan

- The release on probation of the human rights defender, Leyla Yunus, for medical reasons on 9 December 2015 by the Appeals Court in Baku. On 12 November, that same Tribunal commuted the sentence of Arif Yunus, her husband, to release on probation.

Belarus

- Withdrawal of a complaint filed by the main Minister of Justice of the Regional Executive Committee of Maihiou against the "Mahiliou Human Rights Centre" (MHRC), following mobilisation of FIDH and its member organisation.
- The end of judicial harassment of two observers of peaceful demonstrations working within the framework of a project implemented by FIDH member organisation "Viasna".

Kyrgyzstan

- In a decision rendered in June 2015, the Supreme Court declared the illegality of searches conducted in March 2015 at the offices of Bir Duino Kyrgyzstan, an FIDH member organisation, and at the homes of the organisation's lawyers.
- Postponement of the presentation before parliament of bills curtailing freedom of association and impinging on the rights of LGBTI persons.

Uzbekistan

- The release on 12 November 2015, of the political prisoner, Murod Juraev, who had been illegally detained for 21 years.

Ukraine

- The recognition by the Ukrainian authorities of the jurisdiction of the International Criminal Court for crimes committed on its territory starting on 20 February 2014, including in the Eastern part of the country and in the Crimea.

At the regional and international levels

Azerbaijan

- The decision on 16 December of the Secretary General of the

Council of Europe to launch an investigation under Article 52 of the European Convention of Human Rights given on-going violations of its provisions by Azerbaijan.

- Adoption on 23 June by the Parliamentary Assembly of the Council of Europe of a resolution condemning the violent repression of human rights defenders in Azerbaijan.
- Adoption by the European Parliament on 10 September of a resolution strongly condemning "the unprecedented repression against civil society" in Azerbaijan.
- An oral statement supported by 25 States during the 29th session of the United Nations Human Rights Council expressing grave concern over the shrinking political and civil space afforded civil society in Azerbaijan, condemning the incarceration of independent voices, namely human rights defenders, and launching an appeal for the immediate and unconditional release of all prisoners of conscience..

Belarus

- Renewal by the United Nations Human Rights Council of the mandate of the United Nations Special Rapporteur on the human rights situation in Belarus.

Hungary

- The opening by the European Commission of infringement proceedings aimed at the recent amendments made to Hungarian legislation on the right to asylum as it considers some of the law's provisions incompatible with law of the European Union.

Uzbekistan

- A decision made on 6 October 2015 by the United Nations Human Rights Committee finding the Uzbek government responsible for acts of torture and ill-treatment inflicted on human rights defender Mutabar Tadjibayeva. The Committee requested an investigation and criminal prosecution of those persons responsible for these serious human rights violations.

Russia

- Final observations of April 2015 of the United Nations Human Rights Committee which take up many of FIDH's concerns and recommendations with respect to the presence of forces under Russia's influence participating in the conflict in the Eastern part of Ukraine, as well as: impunity for the most serious crimes perpetrated in Chechnya and Southern Ossetia; the proliferation of racist and xenophobic acts; discrimination against LG-BTI persons; anti-terrorist measures violating human rights; acts of harassment and violence against journalists and human rights defenders; laws and practices that impinge upon freedom of expression, association and assembly.

Disputed territories

- Increased attention and statements of the European Union, namely the Parliament and the High Representative of the Union for foreign affairs, on the situation of the "disputed territories" in Eastern Europe.

FIDH IN INTERACTION WITH ITS MEMBER AND PARTNER ORGANISATIONS

10 international investigative and judicial observation missions: Azerbaijan, Belarus, Ukraine, Kyrgyzstan, Kazakhstan, Tajikistan, Hungary

350 press releases, open letters and op-ed articles: 50 urgent appeals from the Observatory for the protection of defenders

Judicial and quasi-judicial procedures:

- **Before the Human Rights Committee:** Uzbekistan.

Support for **advocacy** for 15 defenders (Uzbekistan, Belarus, Russia, Moldova, Tajikistan, Azerbaijan, Ukraine, Kyrgyzstan) before international governmental organisations, relevant regional and international mechanisms and representatives of influential States.

Partnership: Civil Rights Defenders; Norwegian Helsinki Committee, Human Rights House Foundation.

Reports

Azerbaijan: Repression of defenders is intensifying as the Baku games approach

Azerbaijan: If you can't beat them, jail them: the case of human rights defender Rasul Jafarov

Russia: Violations of the civil and political rights of minorities, including ethnic groups, migrants, and LGBTI activists; vulnerable women and children; and unlawful limitations on the right to express a critical opinion

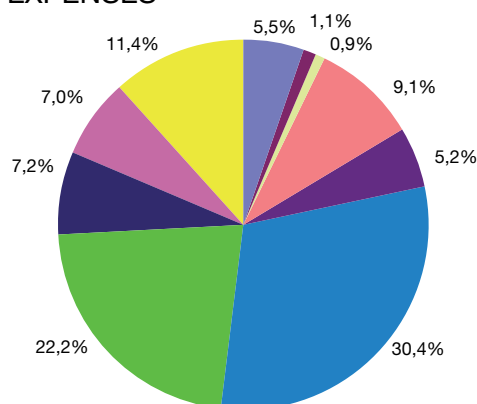
Ukraine: Eastern Ukraine: civilians caught in the crossfire.



A pro-Russian rebel patrols in a residential area of Donetsk's Tekstilshik district, February 4, 2015.
© AFP PHOTO / DOMINIQUE FAGET

Financial Report 2015

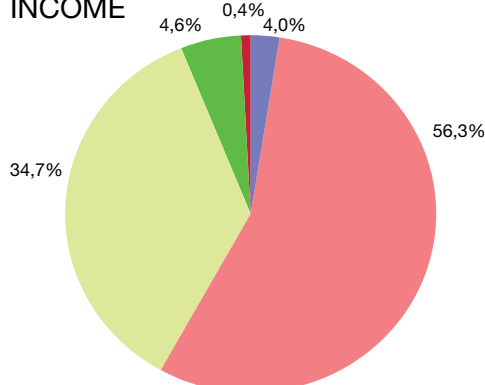
EXPENSES



	euro
5,5 % Supporting human rights defenders	380 768
1,1 % Promoting women's rights	73 930
0,9 % Promoting migrants' rights	63 130
9,1 % Promoting effective justice systems that respect human rights	627 547
5,2 % Strengthening respect for human rights in the context of globalisation	356 647
30,4 % Defending democratic principles and supporting victims of the most serious violations in situations of conflict, closed countries or States in transition	2 093 072
22,2 % To reinforce FIDH network	1 523 271
7,2 % To reinforce external mobilisation capacity	498 246
7,0 % Logistic costs for actions	478 890
11,4 % Fundraising and administrative costs (incl. 1,6 % provisions)	780 928

Total Expenses* : 6 876 429

INCOME



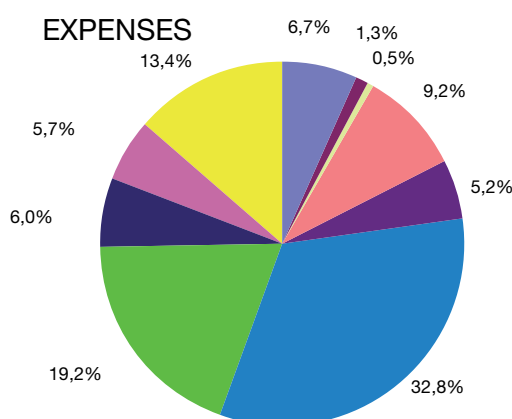
	euro
4,0 % Membership fees and contributions	265 411
56,3 % Earmarked grants and donations	3 737 968
34,7 % Non-earmarked grants and donations	2 302 983
4,6 % Reversal of provisions and other income	306 832
0,4 % Financial and extraordinary income	26 303

Total Income* : 6 639 497

* excluding dedicated funds

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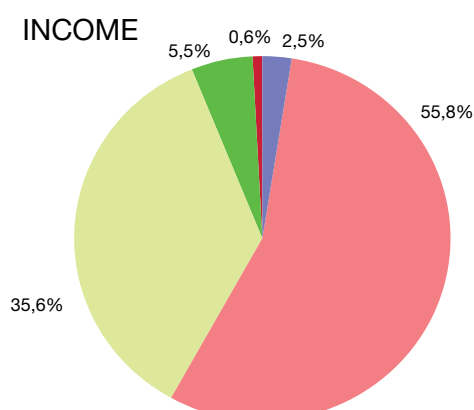
EXPENSES



	euro
6,7 % Supporting human rights defenders	456 648
1,3 % Promoting women's rights	90 538
0,5 % Promoting migrants' rights	37 130
9,2 % Promoting effective justice systems that respect human rights	639 471
5,2 % Strengthening respect for human rights in the context of globalisation	363 044
32,8 % Defending democratic principles and supporting victims of the most serious violations in situations of conflict, closed countries or States in transition	2 276 895
19,2 % To reinforce FIDH network	1 331 870
6,0 % To reinforce external mobilisation capacity	419 846
5,7 % Logistic costs for actions	398 269
13,4 % Fundraising and administrative costs (incl. 1,1 % provisions)	928 475

Total Expenses* : 6 942 186

INCOME



	euro
2,5 % Membership fees and contributions	170 032
55,8 % Earmarked grants	3 918 774
35,6 % Non-earmarked grants	2 500 340
5,5 % Reversal of provisions and other income	385 730
0,6 % Financial and extraordinary income	44 012

Total Income* : 7 018 888

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