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Arms trade, conflicts and human rights.

Analysis of European arms exports to countries in armed conflict and human rights violations

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Arms trade, conflicts and human rights. Analysis of European arms exports to countries in armed conflict and human rights violations is a report by the Delàs Centre of Studies for Peace, the School for a Culture of Peace and the Human Rights Institute of Catalonia that analyses arms exports by the member states of the EU during 2018 (the most recent year for which data is available) to countries that were involved in armed conflict in that same year. The report analyses weapons exports to 11 countries that were settings for armed conflicts and offers a summary of the history and context of each of the different struggles, a description of the most important specific events that took place in 2018 and an analysis of each case from the perspective of arms imports and compliance with the main instruments of human rights and international humanitarian law. In addition to these case studies, the report also provides an overview of the status and evolution of arms transfers coming from EU member states, as well as a comparative perspective on the characteristics of armed conflict today.

This report aims to enrich the public debate about the impacts that EU arms policy has on countries in armed conflict and contribute to designing Spanish and European policies to control, reduce or eliminate arms exports to countries in armed conflict, in line with European legislation in this regard.



2020



Arms trade, conflicts and human rights. Analysis of European arms exports to countries in armed conflict and human rights violations was created by the Delàs Centre of Studies for Peace, the School for a Culture of Peace and the Human Rights Institute of Catalonia.

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1. INTRODUCTION

The report *“Arms trade, conflicts and human rights. Analysis of European arms exports to countries in armed conflict and human rights violations”*, created by the School for a Culture of Peace, the Delàs Centre of Studies for Peace and the Human Rights Institute of Catalonia, analyses arms exports by EU member states in 2018 to 11 countries that were in armed conflict during that same year. The analysis includes a summary of the recent history and trend of the conflict in question, a description of the most important events that happened during 2018, and an analysis of each case from the perspective of arms imports and compliance with the main instruments of human rights and international humanitarian law. The latter aspect is intended to show the relationship between the transfer of weapons and the increase in violations of human rights (HR) and international humanitarian law (IHL), as established in Resolution A/HRC/41/L.22/Rev.1 “Impact of arms transfers on human rights during armed conflicts”, approved by the Human Rights Council in June 2019. In addition to the case studies, the report also provides an overview of the status and evolution of arms transfers from EU member states, as well as a comparative perspective on the characteristics of armed conflict today.

This report is part of a joint research and advocacy project carried out by the three aforementioned organisations with the support of Barcelona Provincial Council, whose objective is to help reduce arms exports to countries in conflict through awareness and activism both locally and internationally. Thus, this research aims to enrich the public debate about the impacts that EU arms policy has on countries that are settings of armed conflict, which may also present a vulnerable human rights situation. At the same time, this report is a tool to get Spain and Europe to make greater political commitments regarding the control, reduction and elimination of arms exports to countries in armed conflict.

Currently, international legislation on arms trade regulates the sale of weapons to countries affected by armed conflict. In December 2008, the EU adopted the legally binding Common Position on Exports of Military Technology and Equipment. The Common Position, which was based on the EU Code of Conduct approved in 1998, establishes the exporting country’s responsibility to verify the final destination of the weapons and to ensure that the recipient country respects International Humanitarian Law. Thus, criterion 3 concerning the internal situation of the final destination country, in terms of the existence of tensions or armed conflicts, establishes that the member states will not allow exports that cause or prolong armed conflicts or that aggravate tensions or conflicts in the final destination country. In addition, the Arms Trade Treaty entered into force in 2014, which requires governments to guarantee that their arms exports will not be used to commit human rights abuses, acts of terrorism, violations of International Humanitarian Law or activities undertaken by international criminal organisations. Member states must evaluate their arms transfers to ensure compliance with these criteria.

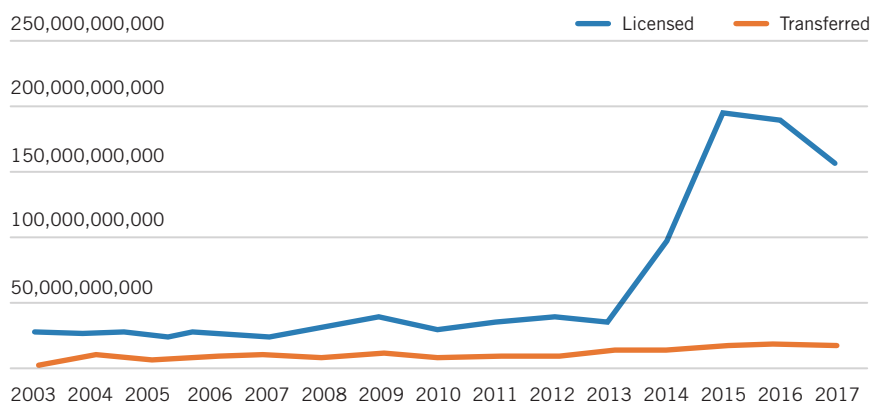
Taking this legal framework into account and based on the finding that militarisation and arms build-ups are very important for the start, prolongation or escalation of armed conflicts, this report analyses the evolution of European exports of arms to countries in conflict since 2003, focusing on 2017 and 2018. For its analysis of arms exports, this report uses the data from the European Network Against Arms Trade (ENAAT) databases, which come from the *Official Journal of the European Union’s Annual Reports on the European Union’s Code of Conduct on Arms Exports*, published by the European Union, and the Stockholm International Peace Research Institute (SIPRI), while it uses data from the School for a Culture of Peace to identify countries in conflict situations.

2. 2. ANALYSIS OF EUROPEAN UNION MEMBER STATES' WEAPONS EXPORTS UNTIL 2018

The analysis of arms exports from EU member states has primarily been conducted through the historical sequence of data from the annual reports of the EU itself. The years analysed are all those for which there are data for the date when this report was published. Thus, it is observed that from 2003 to 2017, European arms exports multiplied by five, with 550% increases for licensed exports and 576% for transferred arms. These data exclude Germany, the United Kingdom and France, as information on their exports that they provide to the EU is chronically flawed. That is why the upward trend in licensed and transferred arms by EU member states must be analysed with a combined view of Graphs 1 and 2. In any case, the growth of exports from 2014 to 2017 was clearly exponential and incessant.

In relation to the analysis of exports in the period covered by this report, we have focused on SIPRI data for 2017 and 2018, as they allow a better comparison between the data of the EU reports, which are from 2017, the SIPRI reports, whose methodology focuses on a valuation of the transfers made beyond the monetary value¹ of the market. Graphs 3 and 4 show that in both 2017 and 2018, six countries were responsible for 95% of the arms exported by the EU: France, Germany, the United Kingdom, Spain, Italy and the Netherlands.

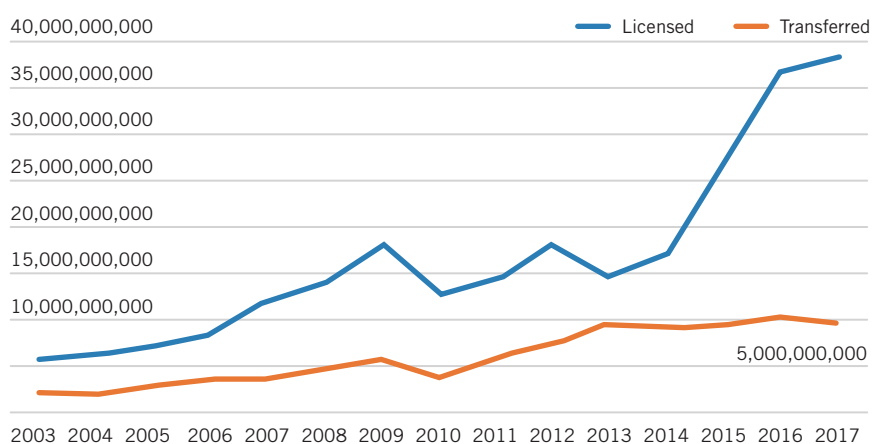
Graph 1. Transferred and licensed arms by EU member states from 2003 to 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

*Includes goods from the Military List (equipment exclusively for military use), but not goods of dual use (military or civil use equipment). The United Kingdom does not report exports made since 2002. There are no export data for France in 2003. Germany has not reported on exports sent since 2007. The value of authorised exports by France since 2014 seems artificially high due to changes in the export approval process. It is more useful to look at the exports sent.

Graph 2. Transferred and licensed arms by EU member states from 2003 to 2017 (excluding Germany, the United Kingdom and France)

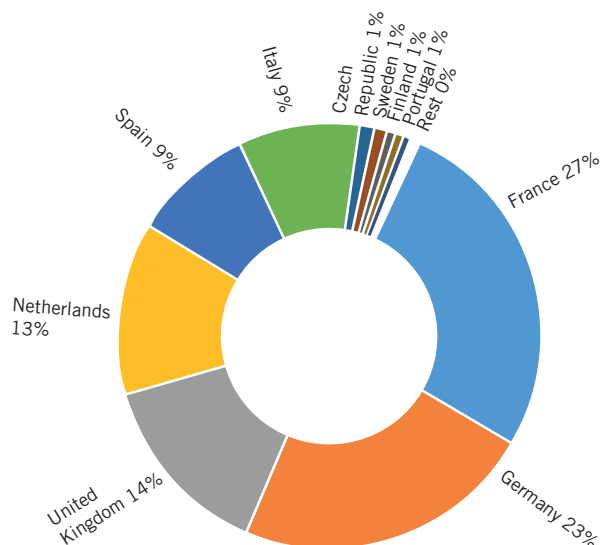


Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

The first two, Germany and France, accounted for half of the total. Spain shows a growing role in exporting weapons, reaching 19% of the total transfers by EU member states in 2018.

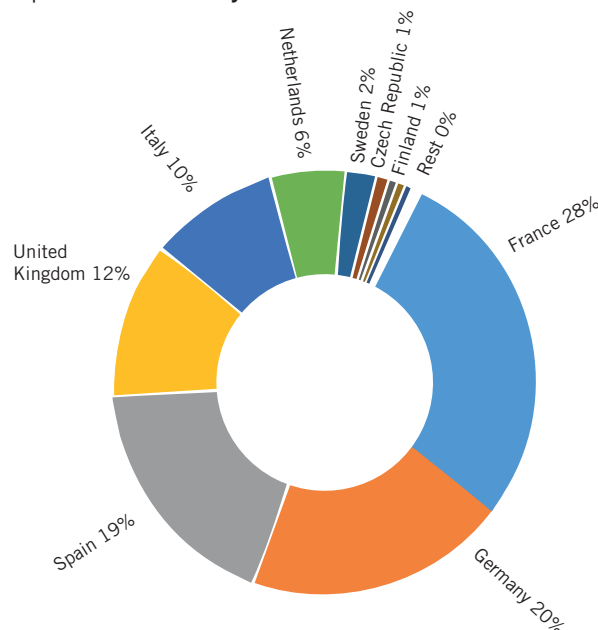
1. For a detailed explanation of the methodology used by SIPRI to measure these arms transfers, see SIPRI, *Measuring International Arms Transfers*, SIPRI fact sheet, December 2016.

Graph 3. Transferred by EU member states in 2017



Source: Author's creation based on the SIPRI Arms Transfers Database. The figures are in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology².

Graph 4. Transferred by EU member states in 2018



Source: Author's creation based on the SIPRI Arms Transfers Database. The figures are in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Regarding the characteristics of weapons exported from the EU, two graphics have been prepared for the categories of weapons of the Common Position of the EU classification³ and two others with the ordering of the SIPRI database on arms transfers⁴.

Graphs 5 and 6 show that the categories of weapons with the highest licensed exports in 2017 according to their monetary value were 10, 4, 9, 5, 3, 11 and 6, while the categories of weapons in which more transfers were made, also in 2017, were 10, 6, 4 and 3.⁵

In regard to the SIPRI categories, both in 2017 and in 2018, EU states exported military aircraft and vessels, which appear with greater volume and

are the most expensive weapons. In second place are missiles, armed military vehicles and the sensor category⁶. Finally, it is important to highlight the export of engines for military vehicles, artillery, air defence systems, naval weapons and military satellites.

EU member states increasingly exported weapons to countries in conflict⁷ both in absolute and relative values from 2003 to 2017, jumping from around 5-8% of all arms exports to 24-28%. Particularly alarming was the fact that EU arms exports to countries in armed conflict increased with much greater intensity than all transfers in total, achieving a trend of a 1,894% increase in exports conducted during the period analysed and a 2,018% increase for licensed exports.

2. For a detailed explanation of the methodology used by SIPRI and the concept of Trend Indicator Values, see SIPRI, *Measuring International Arms Transfers*, SIPRI Fact Sheet, December 2012.

3. Defence material. The entire European Union uses the same classification of military material. Specifically, weapons are classified into 23 categories: 1: Weapons with a smooth-barrel cannon with a calibre of less than 20 mm, 2: Weapons with a smooth-barrel cannon with a calibre equal to or greater than 20 mm, 3: Ammunition, devices and components, 4: Bombs, torpedoes, rockets, missiles, 5: Shooting steering systems, 6: Off-road vehicles, 7: Toxic chemical or biological agents, 8: Energy materials and related substances 9: Warships, 10: Aircraft, 11: Electronic equipment, 12: Kinetic energy weapon systems, 13: Armoured equipment and constructions, 14: Equipment for military training or simulation, 15: Imaging or countermeasuring equipment, 16: Forging parts, 17: Miscellaneous equipment, materials and libraries, 18: Equipment for production, 19: Directed energy weapons systems, 20: Cryogenic equipment and superconductors, 21: Software, 22: Technology.

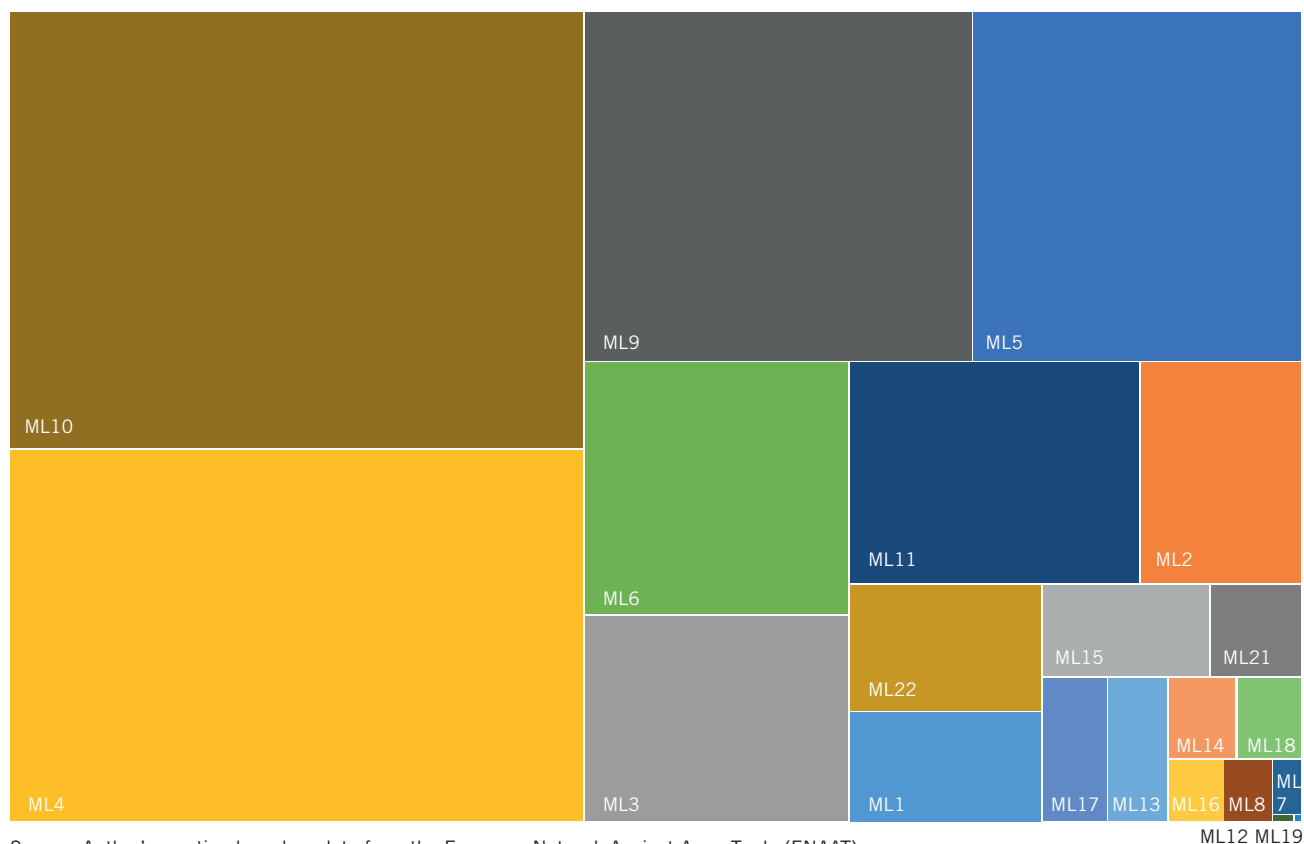
4. A more extensive explanation of all categories is found in the appendices.

5. It should be noted that the "Miscellaneous" category in the EU report includes around half the total exports carried out that year.

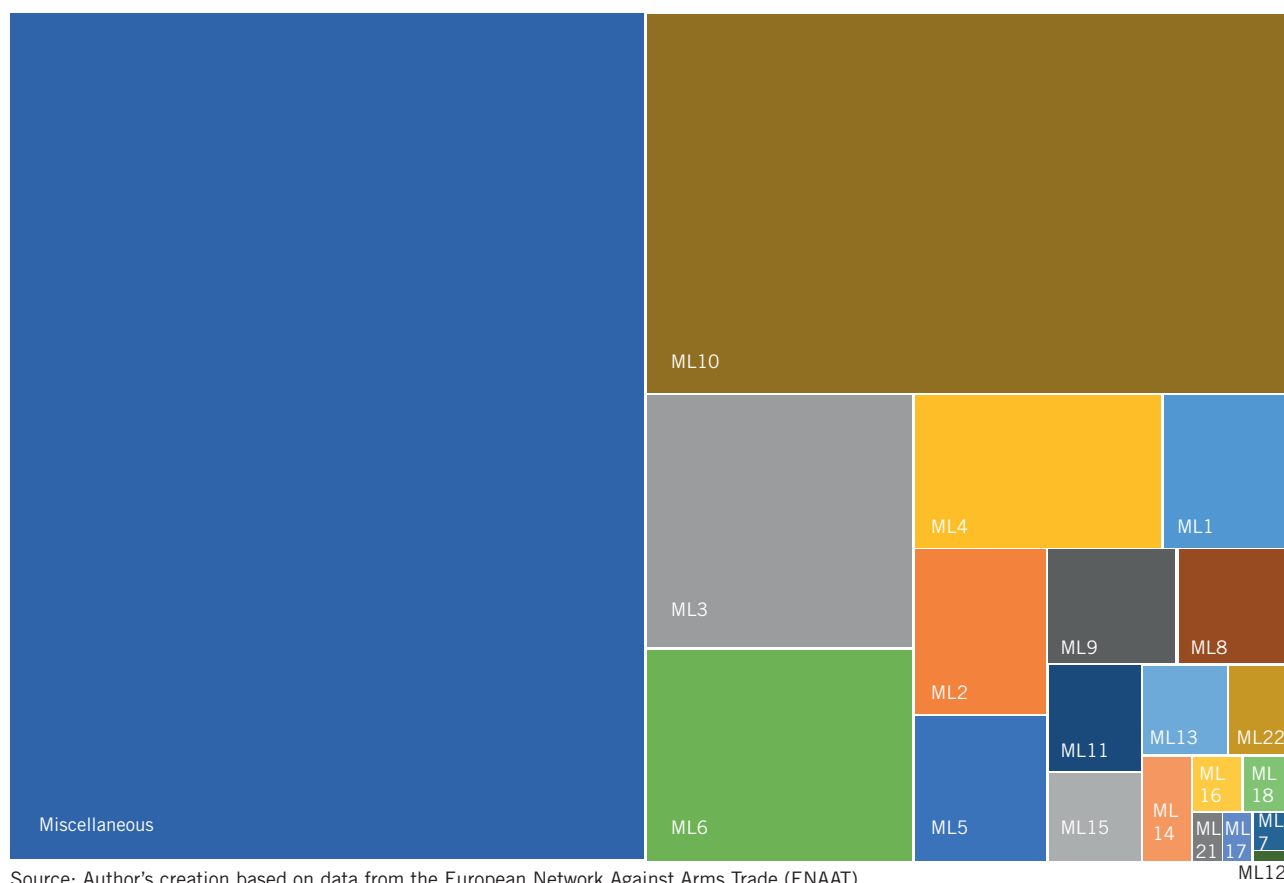
6. Sensors: all active (radar) and passive surveillance systems (e.g. electro-optical) based on land, aircraft and ships with a range of at least 25 kilometres, with the exception of navigation and meteorological radar systems, all fire control radar systems, with the exception of single-range radar systems, and anti-submarine warfare sound systems for ships and helicopters.

7. The identification of countries in conflict is based on the definitions and classifications of the School for a Culture of Peace (Escola de Cultura de Pau). For countries in conflict in 2018, see Escola de Cultura de Pau, *Alert 2019! Report on armed conflicts, human rights and peacebuilding*, 2019. Icaria: Barcelona.

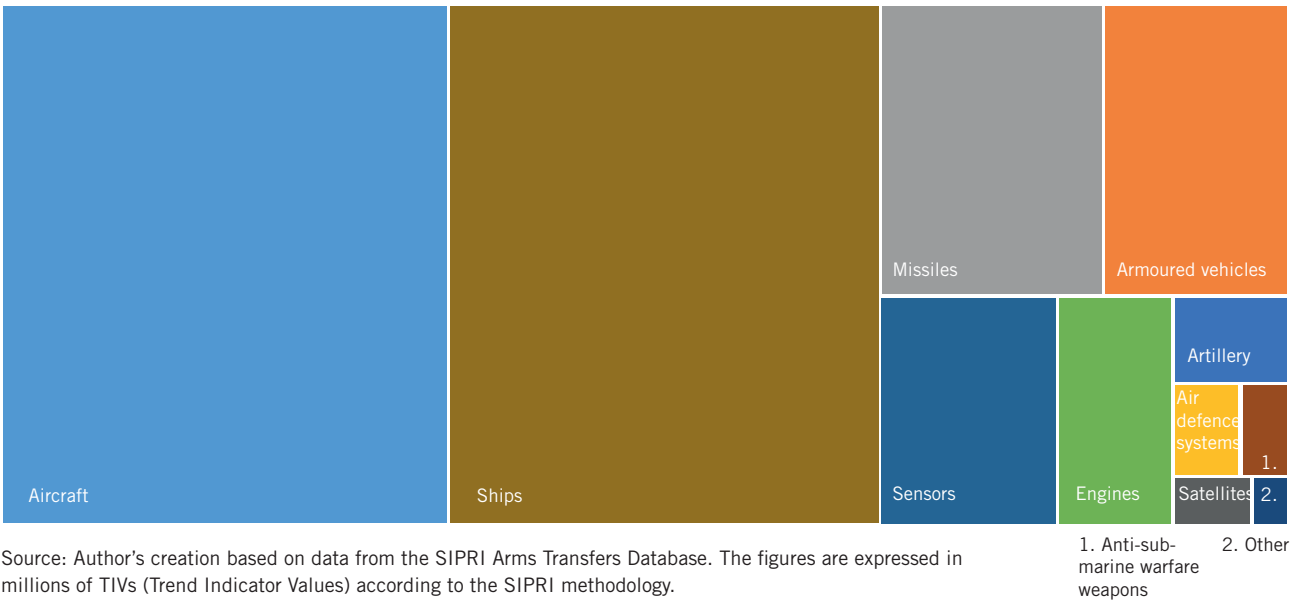
Graph 5. Licensed arms by EU member states in 2017 by category



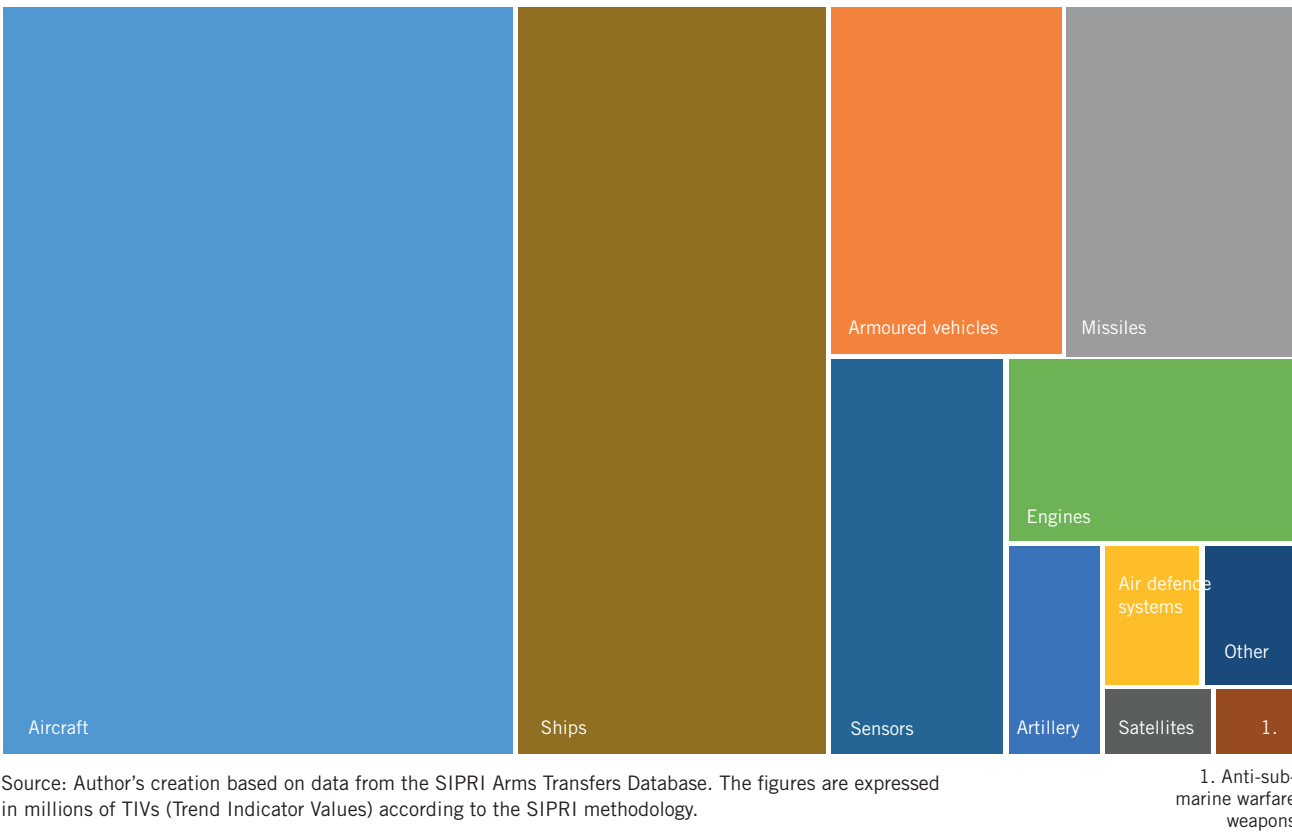
Graph 6. Transferred arms by EU member states in 2017 by category



Graph 7. Transferred arms by EU member states in 2017 by category



Graph 8. Transferred arms by EU member states in 2018 by category



According to data in the European report, between 41% and 47% of the transferred and licensed arms exports by EU countries in 2017 were exported to countries in crisis and/or conflict situations. At

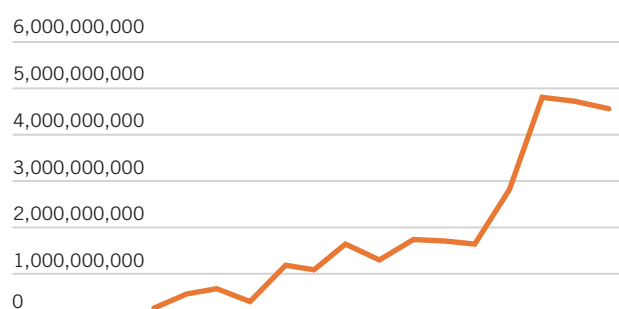
least one in four euros proceeding from the sale of European weapons that year corresponded to a country in armed conflict.

Table 1. Transferred European arms to countries in conflict in 2003-2017

Year	Total for period	Total carried out in countries in conflict	% of the total
2003	€3,307,017,284	€228,876,791	7%
2004	€10,144,851,920	€533,957,490	5%
2005	€8,820,825,564	€680,037,331	8%
2006	€9,555,303,129	€439,510,542	5%
2007	€10,295,029,870	€1,192,807,413	12%
2008	€8,424,733,412	€1,114,008,950	13%
2009	€10,097,791,988	€1,645,447,318	16%
2010	€8,684,433,331	€1,348,096,999	16%
2011	€10,573,767,328	€1,754,541,635	17%
2012	€11,125,127,030	€1,739,518,249	16%
2013	€13,971,930,651	€1,631,917,190	12%
2014	€14,017,250,941	€2,850,059,031	20%
2015	€17,050,020,044	€4,826,491,625	28%
2016	€19,334,546,041	€4,776,369,493	25%
2017	€19,042,812,468	€4,562,669,805	24%

Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

Graph 9. Transferred European arms to countries in conflict in 2003-2017



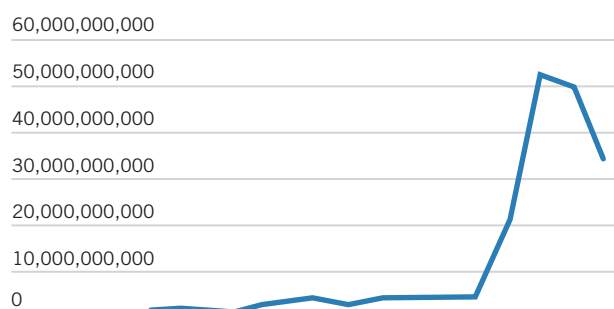
Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

Table 2. Licensed European arms to countries in conflict in 2003-2017

Year	Total for period	Total authorised in countries in conflict	% of the total
2003	€28,396,886,701	€1,636,523,290	6%
2004	€27,042,836,474	€2,397,987,892	9%
2005	€26,156,722,360	€1,615,358,603	6%
2006	€27,434,404,273	€1,744,802,592	6%
2007	€27,109,551,773	€3,261,727,783	12%
2008	€33,418,646,761	€4,701,149,150	14%
2009	€40,126,068,836	€3,403,030,486	8%
2010	€31,727,536,680	€4,317,319,468	14%
2011	€37,522,546,184	€4,683,549,361	12%
2012	€39,347,633,841	€4,542,666,414	12%
2013	€36,483,998,305	€4,474,366,315	12%
2014	€98,400,451,437	€20,027,073,886	20%
2015	€195,720,495,150	€51,705,413,462	26%
2016	€191,454,756,933	€49,424,352,298	26%
2017	€156,169,041,376	€34,667,183,272	22%

Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

Graph 10. Licensed European arms to countries in conflict in 2003-2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

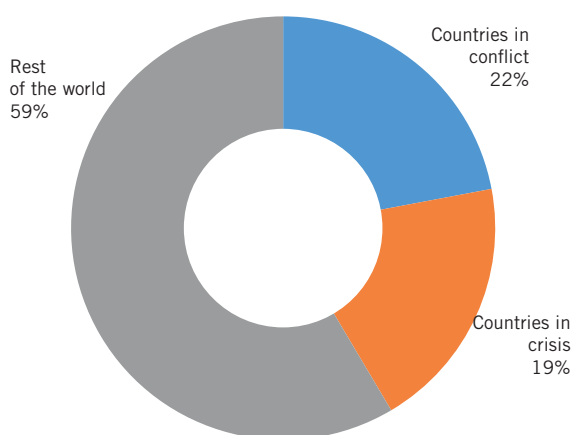
SIPRI data for 2017 and 2018 show that arms transfers to countries in conflict and crisis accounted for 55% in and 47% in 2018, meaning that approximately half the arms exports by EU member states in 2017 and 2018 were sent to countries with unstable security situations.

Table 3. Arms exports by EU member states to countries in conflict and crisis in 2017

Year	Authorised	Sent
Total	156,169,041,376	19,042,812,468
Conflict	34,412,585,811	5,107,903,981
Crisis	30,379,239,925	3,814,500,086

Source: Author's creation based on data from the European Network Against Arms Trade (ENAAT).

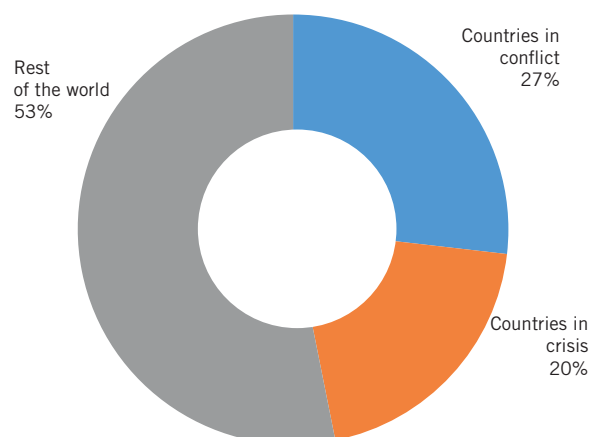
Graph 11. Licensed arms by EU member states to countries in conflict and crisis in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAT).

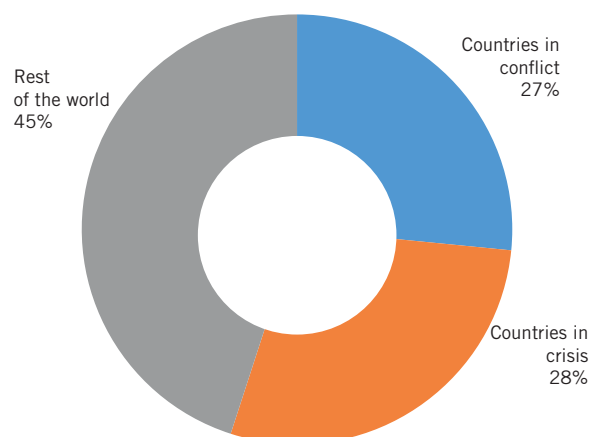
According to SIPRI data, the country in armed conflict that imported the most weapons from EU countries was Egypt, with 30% of all transfers, followed by Turkey (28%), India (15%) and Pakistan (9%).

Graph 12. Transferred arms by EU member states to countries in conflict and crisis in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAT).

Graph 13. SIPRI data on transferred arms by EU member states to countries in conflict and crisis in 2017



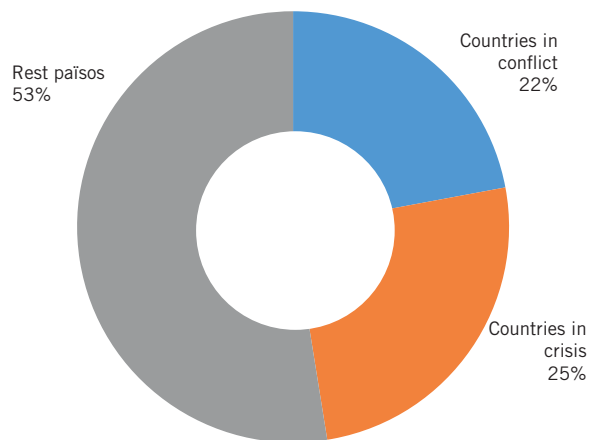
Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Table 4. SIPRI data on transferred arms by EU member states to countries in conflict and crisis in 2017 and 2018

Year	2017	2018
Total	8,671	6,339
Conflict	2,303	1,399
Crisis	2,465	1,610

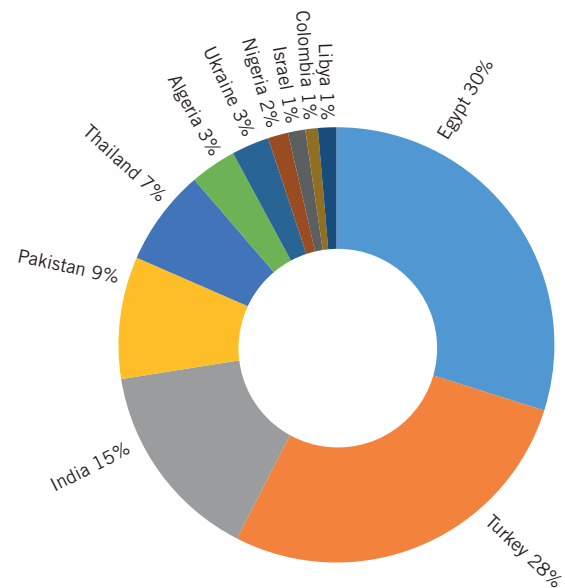
Source: Author's creation based on data from the European Network Against Arms Trade (ENAAT).

Graph 14. SIPRI data on transferred arms by EU member states to countries in conflict and crisis in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Graph 15. SIPRI data on transferred arms by EU member states to countries in conflict in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

3. ARMED CONFLICTS IN 2018

Global trends in armed conflict in 2018

Thirty-four (34) armed conflicts were reported in 2018⁸, a figure similar to those in previous years (33 conflicts in 2016 and 2017, 35 in 2015, 36 in 2014 and 35 in 2013).⁹ Most of the armed conflicts took place in Africa (16) and Asia (9), in line with previous years. Of the remaining conflicts, six took place in the Middle East, two in Europe and one in the Americas. More than one third of the armed conflicts identified in this report (13) occurred in 11 countries that had imported weapons from European countries: Egypt, Algeria, Libya, Israel, Colombia, India, Nigeria, Pakistan, Thailand, Turkey and Ukraine.¹⁰

Regarding the intensity of the violence,¹¹ the nine most serious conflicts in 2018 took place in Libya, Mali, the Lake Chad Region (Boko Haram), Somalia, South Sudan, Afghanistan, Iraq, Syria and Yemen (the Houthis). Some of these conflicts saw far over one thousand deaths in one year, such as in Afghanistan, where fatalities may have exceeded 43,000; in Yemen, with some estimated body counts that rose to 28,000 in 2018 and over 60,200 accumulated fatalities since January 2016; and in Syria, with some estimates citing 20,000 fatalities in 2018, including around 6,500 civilians, and over half a million deaths since the start of the war in 2011. Two of the countries receiving European weapons suffered armed conflicts considered to be of maximum intensity: Libya and Nigeria (which is part of the so-called

Lake Chad Region, where the armed group Boko Haram operates). Thirty-eight per cent (38%) of the remaining armed conflicts were of low intensity (13) and 35% were of medium intensity (12).

Nearly one third of the conflicts in 2018, experienced an escalation of violence: Cameroon, Mali, the Western Sahel Region, the Central African Republic (CAR), Colombia, Afghanistan, the Philippines (NPA), India (Jammu and Kashmir, which had the highest death toll since 2009), Israel-Palestine (which also with the worst figures since 2014) and Yemen (the Houthis). Three of these countries in conflict (Colombia, India and Israel) imported a significant amount of weapons from European countries. However, on a positive note, it should also be noted that although 40% of the wars were of high intensity in 2017, this proportion fell significantly to 27% in 2018.

A large majority of the armed conflicts were mainly caused by opposition to the domestic or international policies of their respective governments or the political, economic, social or ideological system of a certain state, resulting in struggles to access or erode power. One of these factors was present in 71% of the conflicts in 2018 (24 of 34). In 18 of these 24 conflicts, there were armed actors aspiring to a change of system, mostly by jihadist organisations trying to impose their particular vision of Islamic law.

8. This report uses the School for a Culture of Peace's (ECP) definition of armed conflict, which characterises it as "any confrontation involving regular or irregular armed groups with objectives perceived as incompatible in which the continued and organized use of violence: a) causes a minimum of 100 fatalities in a year and/or a serious impact on the territory (destruction of infrastructure or nature) and human security (e.g. injured or displaced population, sexual violence, food insecurity, impact on mental health and the social fabric or the disruption of basic services); b) aims to achieve objectives distinguishable from those of common crime and normally linked to:

- demands for self-determination and self-government, or identity-related aspirations;
- opposition to the political, economic, social or ideological system of a state or to the internal or international policy of a government, which in both cases motivates the struggle to access or erode power;
- or the control of resources or territory".

9. Thirty-three (33) of the 34 armed conflicts in 2018 remained active at the end of the year, as the situation in the Ogaden region (Ethiopia) ceased to be considered an armed conflict after a historic peace agreement was signed between the Ethiopian government and the armed group ONLF, which occurred as part of a reduction in the levels of violence and lethality in recent years. Two new armed conflicts were reported in 2018: in Cameroon (Ambazonia/North West and South West), where the violence that has affected the English-speaking majority regions of Cameroon since 2016, pitting the Cameroonian Armed Forces against secessionist armed militias and groups demanding a new political status, worsened significantly in 2018; and in the Western Sahel Region, where violence committed by jihadist groups rose in northern Burkina Faso and northern Niger.

10. There were two armed conflicts apiece in Pakistan and India. In India, these took place in the Indian state of Jammu and Kashmir and between the Indian government and the armed group CPI-M (commonly known as the Naxalites), while Pakistan witnessed one armed conflict in the region of Balochistan and another nationwide one between Taliban militias and the government, backed by US troops.

11. The School for a Culture of Peace defines high-intensity conflicts as those that cause more than 1,000 fatalities per year in addition to normally affecting significant portions of the territory and the population and involving a significant number of actors (who establish alliances, face off or tactically coexist). Medium and low intensity conflicts, in which more than 100 fatalities are reported per year, have the aforementioned characteristics with less presence and scope.

Table 4. Armed conflicts and arms imports from EU countries in 2018

AFRICA (16)	ASIA (9)	ORIENTE MEDIO (6)
Algeria (AQMI) -1992- Burundi -2015- Cameroon (Ambazonia/North West and South West) -2018- Ethiopia (Ogaden) -2007- Libya -2011- Mali (north) -2012- Lake Chad Region (Boko Haram) - 2011- CAR -2006- Democratic Republic of the Congo (east) -1998- DRC (east-ADF) -2014- DRC (Kasai) -2017- Western Sahel Region -2018- Somalia -1988- Sudan (Darfur) -2003- Sudan (South Kordofan and Blue Nile) -2011- South Sudan -2009-	Afghanistan -2001- Philippines (NPA) -1969- Philippines (Mindanao) -1991- India (Jammu and Kashmir) -1989- India (CPI-M) -1967- Myanmar -1948- Pakistan -2001- Pakistan (Balochistan) -2005- Thailand (south) -2004-	Egypt (Sinai) -2014- Iraq -2003- Israel-Palestine -2000- Syria -2011- Yemen (Houthis) -2004- Yemen (AQPA) - 2011-
		EUROPE (2)
		Turkey (southeast) -1984- Ukraine -2014-
		THE AMERICAS (1)
		Colombia -1964-

In bold are armed conflicts that take place in countries that import weapons from EU countries. The year indicated is the beginning of the armed conflict.

Examples of these other groups include the self-styled Islamic State (ISIS) and its branches and related organisations in different countries, such as

Somalia, Afghanistan, Pakistan, the Philippines, Iraq, Syria, Yemen and others; the different branches of al-Qaeda operating in North Africa

Table 5. Main countries importing arms from EU countries in 2018

Importing countries	Millions of TIV	Importing countries	Millions of TIV	Importing countries	Millions of TIV	Importing countries	Millions of TIV
SOUTH KOREA	706	JORDAN	79	ARGENTINA	28	SRI LANKA	8
AUSTRALIA	572	FRANCE	63	LITHUANIA	23	SWITZERLAND	10
USA	445	INDONESIA	75	DENMARK	6	COTE D'IVOIRE	7
SINGAPUR	451	THAILAND	100	NIGERIA	21	GREEK	7
EGYPT	418	GERMANY	10	PORTUGAL	18	NEPAL	7
SAUDI ARABIA	400	POLAND	61	MALAYSIA	16	LEBANON	4
TURKEY	387	CANADA	61	SLOVAKIA	16	SWEDEN	0
QATAR	269	MOROCCO	54	JAPAN	21	URUGUAY	4
OMAN	237	ALGERIA	48	KAZAKHSTAN	13	BOTSWANA	3
BRAZIL	226	IRELAND	40	ANGOLA	12	KUWAIT	3
INDIA	209	ITALY	34	AZERBAIJAN	17	SERBIA	3
SPAIN	143	ISRAEL	18	COLOMBIA	13	UKRAINE	39
TUNISIA	134	HUNGARY	35	LATVIA	10	EQUADOR	5
CHINA	121	GEORGIA	34	LIBYA (House of Representatives)	10	KENYA	2
NETHERLANDS	87	BAHRAIN	33	LIBYA (General National Congress)	9	LESOTHO	1
PAKISTAN	127	ESTONIA	32	AUSTRIA	6		
UNITED KINGDOM	62	TANZANIA	30	MEXICO	8		
FINLAND	45	UAE	26				
NORWAY	79	BANGLADESH	25				
						TOTAL	6339

Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

and the Middle East, including AQIM (Algeria and the Sahel) and AQAP (Yemen); Taliban militias operating in Afghanistan and Pakistan and the al-Shabaab group in Somalia. Another main cause was disputes over identity and demands for self-government, present in 59% of the conflicts (20), slightly more than in 2017 (55%). Finally, disputes over the control of resources and territory were a main cause of almost a third of the conflicts (10), though they were indirectly present in numerous contexts, perpetuating violence through war economies.

Almost all of the armed conflicts (82%) were internationalised internal conflicts, in which one of the parties was foreign, the armed actors of the conflict had bases or launched attacks from abroad and/or the conflict extended to neighbouring countries. This figure contrasts with the small number of internal armed conflicts in the DRC (Kasai), the Philippines (NPA), India (CPI-M) and Thailand (south), and international conflicts in the Western Sahel Region and Israel-Palestine.

Factors of internationalisation in current armed conflicts include the involvement of UN missions or operations, such as MINUSCA in the CAR, MONUSCO in the DRC, UNAMID in Sudan, UNMISS in South Sudan and MINUSMA in Mali, as well as of regional organisations, such as the African Union (AMISOM in Somalia), the EU (EUNAVFOR in Somalia, renewed in 2018 until 2020) and NATO (Resolution Resolute Support in Afghanistan). Regional and international military coalitions continued to participate in armed conflicts, including the G5-Sahel Joint Force (Mali, Burkina Faso, Niger, Chad and Mauritania); the Multinational Joint Task Force (MNJTF, composed of forces from Nigeria, Niger, Chad and Cameroon, which during 2018 launched several large-scale offensives against Boko Haram); the conglomerate of forces led by Saudi Arabia and composed of nine countries (UAE, Bahrain, Kuwait, Qatar, Egypt, Jordan, Morocco, Senegal and Sudan) fighting in Yemen, and that intensified its siege of the port of Al Hudaydah during the year; and the international anti-Islamic State (ISIS) coalition, the Global Coalition Against Daesh, which was established in 2014, is led by the US and consists of 71 countries and four institutions (the EU, Arab League, NATO and Interpol).

The internationalisation of the current armed conflicts was reflected once again in the military interventions of third-party states, such as France in Mali through Operation Barkhane and

the United States in different armed conflicts: Somalia, where it carried out bombings of al-Shabaab positions; Western Sahel, with land and air operations in Niger; Libya, with air strikes against jihadist groups; Pakistan, with new drone attacks; Yemen, in relation to the conflict with AQAP; and Syria, a country in which other countries also intervened, such as Russia, Iran and Turkey, and in which Washington's announcement of its withdrawal of 2,000 troops generated alerts for the possible consequences of further destabilisation if the departure occurred in a quick and uncoordinated manner.

Armed conflicts again had serious impacts on the civilian population in 2018. The UN Secretary-General's annual report on protecting civilians in armed conflicts published in 2018, covering the period between January and December 2017, stressed that civilians continued to be the main victim of armed conflicts, with tens of thousands of civilians killed or seriously injured as a result of actions specifically against civilian targets or indiscriminate attacks. The armed conflicts also had a notable impact on humanitarian crises. Special in this respect was Yemen, the worst humanitarian crisis worldwide, with more than 24 million people in need of assistance, including 11.3 million children; Iraq, where 6.7 million people continued to need help, including 3.3 million children, and Syria, where the humanitarian crisis in the northwest region worsened, with the number of people in need of humanitarian aid in the areas of Idlib and Aleppo, rising from 520,000 to 4.2 million. Many other cases also caused alarm, including, among others, Burundi, where 3.6 million people needed humanitarian aid at the end of 2018, according to OCHA; and the CAR, where 2.9 of the country's 4.5 million inhabitants needed humanitarian assistance, including 1.5 million children.

Armed conflicts caused very high levels of forced population displacement. According to UNHCR, the forcibly displaced population in the world at the end of that year was 68.5 million, 2.9 million more than the previous year. The refugee population amounted to 25.4 million (19.9 million under the UNHCR mandate and 5.4 million Palestinians under the UNRWA mandate), while 40 million people had moved within the borders of their countries and 3.1 million others were asylum seekers.

UNHCR estimates that there were 16.2 million new displaced persons in 2017 (11.8 million within

Table 5. Countries in armed conflict with medium, high and very high levels of gender discrimination

Medium levels of discrimination	High levels of discrimination	Very high levels of discrimination	No data
Burkina Faso India (2) Thailand RDC (3)	Chad Mali Myanmar Nigeria CAR	Afghanistan Cameroon Iraq Niger Pakistan (2) Yemen (2)	Algeria Burundi Egypt Israel Libya Niger Palestine Syria Somalia Sudan (2) South Sudan

-Between parentheses is the number of armed conflicts in that country.

-Appearing in bold are the top 70 importers of arms from the EU.

-Source: Table prepared based on the levels of gender discrimination of the SIGI (OECD) and the armed conflict classifications of the School for a Culture of Peace (ECP). The SIGI establishes five levels of classification based on the degree of discrimination: very high, high, medium, low, very low.

their borders and 4.4 million new refugees and asylum seekers). According to the International Displacement Monitoring Center, Syria (6.7 million), the DRC (4.4 million), Iraq (2.6 million), South Sudan (1.8 million) and Ethiopia (1 million) are the countries with the highest levels of internal displacement. According to UNHCR, more than two thirds of the global refugee population came from five countries: Syria (6.3 million people), Afghanistan (2.6), South Sudan (2.4), Myanmar (1.2) and Somalia (986,400 people). Lebanon was once again the country with the highest number of refugees in relation to its total population (one refugee for every six inhabitants), followed by Jordan (1/14) and Turkey (1/28). This did not include the refugee population under UNRWA mandate, which also featured prominently in Lebanon and Jordan. In total terms, the main host countries were Turkey (3.5 million), Pakistan (1.4), Uganda (1.4), Lebanon (998,900), Iran (979,400), Germany (970,400), Bangladesh (932,200) and Sudan (906,600).

Meanwhile, armed conflicts around the world continued to have an **especially serious impact on children**. In his report on minors and conflicts, published in 2018 and analysing the year 2017, the UN Secretary-General identified a further increase in serious human rights violations against children. Among the trends, he noted an intensification in child recruitment in conflicts such as in the CAR, where it quadrupled, and in the DRC, where it doubled, while in other cases it continued at serious levels, such as in Somalia, South Sudan, Syria and Yemen. Other impacts on minors included the consequences

of attacks on schools and hospitals, kidnappings and denial of access to humanitarian aid, among others. The analysis of armed conflicts in 2018 showed new impacts. In Nigeria, Boko Haram kidnapped 110 young female students in February 2018, most of whom were released a month later after negotiations. Since the conflict pitting Cameroonian government forces against secessionist militias began in 2016, at least 70 schools had been burned in the country, with new attacks in 2018 against schools. In Burkina Faso, at least 250 schools were closed in the last two years.

Armed actors in many conflicts continued to perpetrate sexual and gender-based violence against civilians, and significantly against women and girls. As reported by the UN in 2018, sexual violence continued to be used as a tactic of war, terrorism, torture and repression, as well as a tactic linked to war economies in 2017. It also continued to be used in many cases as a strategy of violence to punish people of a certain ethnic origin, political affiliation and religious belief, among other aspects. In that regard, Iraq, Mali, Myanmar, Nigeria, the CAR, the DRC, Somalia and South Sudan exhibited this trend alarmingly, as highlighted by the UN Secretary-General's annual report on conflict-related sexual violence. According to the UN, most of the victims were extremely politically and economically marginalised women and girls in rural areas. The impacts include trauma, stigma, poverty, serious health impacts and unwanted pregnancies. Sexual violence continued to be a factor in forcibly displacing people and limiting their freedom of movement.

The situation of human rights and humanitarian law

This section analyses the fulfilment of international obligations regarding human rights and humanitarian law in the 11 countries studied in order to show the relationship between the transfer of weapons and violations of human rights (HR) and international humanitarian law (IHL). As repeated in Resolution A/HRC/41/L.22/Rev.1, “Impact of arms transfers on human rights during armed conflicts” approved by the Human Rights Council in June 2019, it seems quite likely that the aforementioned arms transfers may have been used to commit or facilitate serious violations or infringements of international human rights law or international humanitarian law.

As it is an obvious concern that arms transfers to countries suffering from armed conflicts can seriously undermine the human rights of the civilian population, especially women, children, the elderly, people with disabilities and vulnerable groups, in relation to human rights and humanitarian law, we examine the number of IHL¹² and human rights¹³ treaties signed by each country analysed, as well as the number of monitoring bodies of those treaties that recognise them as competent to report violations until 2018 in order to show the level of international commitments they have made and that serve as a benchmark for understanding the

12. The following humanitarian law treaties are taken as benchmarks:

- IHL1. Geneva Convention (I) to Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. 12 August 1949
- IHL2. Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. 12 August 1949
- IHL3. I Geneva Convention (III) relative to the Treatment of Prisoners of War. 12 August 1949
- IHL4. Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. 12 August 1949
- IHL5. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I). 8 June 1977
- IHL6. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). 8 June 1977
- IHL7. Rome Statute of the International Criminal Court. Rome, 17 July 1998
- IHL8. Convention for the Protection of Cultural Property in the Event of Armed Conflict (H.CP). The Hague, 14 May 1954
- IHL9. I Protocol for the Protection of Cultural Property in the Event of Armed Conflict (H.CP.P). The Hague, 14 May 1954
- IHL10. II Protocol for the Protection of Cultural Property in the Event of Armed Conflict (H.CP.P). The Hague, 14 May 1954
- IHL11. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD). 10 December 1976
- IHL12. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (G.BC). Geneva, 17 June 1925
- IHL13. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Open for signature in London, Washington and Moscow on 10 April 1972
- IHL14. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW)
- IHL15. Protocol on Non-Detectable Fragments (Protocol I) (CCW.P.I*)
- IHL16. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (CCW.P.III*)
- IHL17. Protocol on Blinding Laser Weapons (Protocol IV) (CCW.P.IV*)
- IHL18. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices. (Protocol II as amended on 3 May 1996)
- IHL19. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. Paris, 13 January 1993
- IHL20. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. Oslo, 18 September 1997
- IHL21. Arms Trade Treaty

13. The following human rights treaties are taken as benchmarks:

- HR1. International Convention on the Elimination of All Forms of Racial Discrimination
- HR2. International Covenant on Civil and Political Rights
- HR3. International Covenant on Economic, Social and Cultural Rights
- HR4. Convention on the Elimination of All Forms of Discrimination against Women
- HR5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- HR6. Convention on the Rights of the Child
- HR7. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- HR8. International Convention for the Protection of All Persons from Enforced Disappearance
- HR9. Convention on the Rights of Persons with Disabilities
- HR10. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- HR11. Optional Protocol to the International Covenant on Civil and Political Rights
- HR12. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- HR13. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- HR14. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- HR15. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- HR16. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- HR17. Optional Protocol to the Convention on the Rights of Persons with Disabilities
- HR18. Geneva Convention of 1951, on the Status of Refugees and Additional Protocol of 1967

Table 6. **International Humanitarian Law**

	IHL 1	IHL 2	IHL 3	IHL 4	IHL 5	IHL 6	IHL 7	IHL 8	IHL 9	IHL 10	IHL 11	IHL 12	IHL 13	IHL 14	IHL 15	IHL 16	IHL 17	IHL 18	IHL 19	IHL 20	IHL 21
Algeria	+	+	+	+	+R	+	/	-	-	-	+	+R	+	+	+	+	+	-	+	+	-
Colombia	+	+	+	+	+	+	+R	+	+	+	-	+	-	+	+	+	+	+	+	+	/
Egypt	+	+	+	+	+R	+R	/R	+	+	+	+	+	/	/	-	-	-	-	-	-	-
India	+	+	+	+	-	-	-	+	+	-	+	+R	+R	+	+	+	+	+	+	-	-
Libya	+	+	+	+	+	+	-	+	+	+	-	+R	+	-	-	-	-	-	+	-	/
Nigeria	+	+	+	+	+	+	+	+	+	+	-	+R	+		-	-	-	-	+	+	+
Pakistan	+R	+R	+R	+R	/	/	-	+	+	/	+	+R	+	+	+	+	+	+R	+R	-	-
Palestine	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	-	+	+	+
Thailand	+	+	+	+	-	-	/	+	+	-	-	+	+	-	-	-	-	-	+	+	/
Turkey	+	+	+	+	-	-	-	+	+	-	/R	+	+	+R	+	-	+	+	+	+	/
Ukraine	+	+	+	+	+	+	/	+	+	-	+	+	+	+	+	+	+	+R	+	+	/

+ Signatory state +R Signatory state with reservations /Signatory state only -Non-party state /R Signatory state only with Reservations

Source: Human Rights Institute of Catalonia

Table 6. **International Humanitarian Law**

	HR 1	CERD	HR 2	CCPR	HR 3	ICESCR	HR 4	CEDAW	HR 5	CAT	HR 6	CRC	HR 7	CMW	HR 8	CED	HR 9	CRPD	HR 10	HR 11	HR 12	HR 13	HR 14	HR 15	HR 16	SPT	HR 17	HR 18
Algeria	+R	+	+R	+	+R	-	+R	-	+R	+	+R	-	+R	-	+	-	+	-	-	+	-	-	+R	+	-	-	+	+
Colombia	+	-	+R	+	+	-	+	+	+	-	+R	-	+R	-	+	-	+	-	-	+	+	+R	+R	+R	-	-	-	+
Egypt	+R	-	+R	-	+R	-	+R	-	+	-	+R	-	+R	-	-	-	+R	-	-	-	-	-	+R	+	-	-	-	+
India	+R	-	+R	-	+R	-	+R	-	+	-	+R	-	-	-	+	-	+	-	-	-	-	-	+R	+	-	-	-	-
Libya	+R	-	+R	+	+R	-	+R	+	+	-	+	-	+	-	-	-	+R	-	-	+	-	+	+R	+	-	-	-	-
Nigeria	+	-	+	-	+	-	+	+	+	-	+	-	+	-	+	-	+	+	-	-	-	+	+R	+	+	+	+	+
Pakistan	+	-	+R	-	+R	-	+R	-	+R	-	+R	-	-	-	-	-	+	-	-	-	+	-	+R	+	-	-	-	-
Palestine	+	++	+	-	+	-	+	-	+	-	+	-	-	-	-	-	+	-	-	-	+	+	+	+	+	-	-	-
Thailand	+R	-	+R	-	+R	-	+R	+	+R	-	+R	+	-	-	+	-	+R	+	-	-	-	+	+R	+	-	-	+	-
Turkey	+R	-	+R	+	+R	-	+R	+	+R	+	+R	+	+R	-	-	-	+	+	-	+R	+	+	+R	+R	+	+	+R	+
Ukraine	+R	+	+R	+	+R	/	+R	+	+R	+	+	+	-	-	+R	+	+	+	/	+	+	+	+R	+	+	+	+	+

+ Signatory state +R Signatory state with reservations /Signatory state only -Non-party state /R Signatory state only with Reservations

Source: Human Rights Institute of Catalonia

status of human rights and humanitarian law in those countries.

With this information, it is easy to determine whether the countries have met all the international obligations established under universal systems of human rights and humanitarian law as well as their real commitment, meaning whether they have signed and ratified the treaties to which they are a party without reservations or if, on the contrary, they have decided not to fully and totally accept these obligations by making reservations or interpretative statements that exclude or limit part of the obligations included in said treaties.

This analysis also helps to determine if the states are open and cooperating with the international monitoring of these obligations, as well as their openness before the bodies created specifically to observe whether they fulfil their commitments or to denounce them if they are unable to solve situations that arise within their borders.

First, a standard is obtained from these aspects that serves as a benchmark for the global analysis that is performed and simply integrated as follows:

Second, a more current picture of the human rights situation is established based on two benchmarks.

Number of IHL treaties	Level of commitment
From 14 to 21	Strong
From 7 to 13	Medium
From 0 to 6	Weak
Number of recognised IHL monitoring bodies	Level of enforceability of obligations
2	Strong
1	Weak
0	Very weak
Number of HR treaties	Level of commitment
From 12 to 18	Strong
From 6 to 11	Medium
From 0 to 5	Weak
Number of recognised HR monitoring bodies	Level of enforceability of obligations
From 7 to 10	Strong
From 3 to 6	Weak
From 0 to 2	Very weak

Source: Human Rights Institute of Catalonia

One is the number of recommendations that each country has received in its last review before the Universal Periodic Review (UPR) of the United Nations Human Rights Council. The other is all the human rights violations that have been reported and are coincidentally included in other annual reports on human rights situation in the world. These two benchmarks establish the situations that have most concerned the international community in the form of recommendations and that were also presented during 2018 as situations that show the reality experienced in that year in terms of human rights in each country.

Finally, given all the above, a brief conclusion is established for each country and the relationship that can be identified in 2018 between the situation of human rights, humanitarian law and the transfer of weapons.

3.1. Armed conflicts in countries importing arms from EU member states in 2018

3.1.1. AFRICA

Algeria

Summary of the conflict:

Algeria was the scene of a bloody conflict in the 1990s that pitted the security forces against various armed groups following growing Islamism in the country amidst political, economic, and social unrest. The dispute began after the Islamic Salvation Front (FIS) was banned after its electoral victory over the historic National Liberation Front (FLN), which had dominated the political scene until then. In the years that followed, the armed conflict pitted the Algerian security forces (supported by self-defence militias) against several groups, including the Armed Islamic Group (GIA) and the Salafist Group for Preaching and Combat (GPSC, which splintered from the GIA). The Algerian civil war left more than 150,000 people dead in the 1990s and although the levels of violence declined markedly since 2002, armed groups continue to operate in the North African country. These include the former GPSC, which in 2007 changed its name to al-Qaeda in the Islamic Maghreb (AQIM) after pledging allegiance to Osama bin Laden's network and has become a transnational organisation, leading various actions in countries neighbouring Algeria. More recently, other groups have joined AQIM such as the Movement for Unity and Jihad in West Africa (MUJAO), Those Who Sign in Blood or al-Mourabitoun and Jund al-Khilafa, a subsidiary of the self-proclaimed Islamic State group (ISIS) in Algeria.

Developments in 2018

The armed conflict in Algeria continued to be characterised by low-intensity violence. During 2018, various incidents that mainly involved the Algerian security forces and the armed group AQIM killed around 50 people, according to informal counts. The official reports of the Algerian government stated that 32 militants died in various operations carried out by the People's National Army over the course of the year.¹⁴ Twenty-five (25) other alleged members of the armed group were arrested, as were 177 additional people suspected of being part of the organisation's support networks. Algerian state operations also included stockpile seizures. Over 700 pieces of weapons were seized, including 338 rifles, 231 Kalashnikovs, 48 machine guns, 25 guns, 15 rocket launchers, 498 shells, 42 grenades and more than 90,000 bullets of varied calibre. Additionally, 499 alleged safe-houses for armed militants and eight enclosures for the manufacture of explosives were identified.

14. Bilan opérationnel de l'Armée Nationale Populaire durant l'année 2018.

In this regard, according to official reports, 512 handmade bombs and other explosive materials were also found and destroyed. The authorities also announced that 132 members of armed organisations and 22 of their family members had turned themselves in. According to some sources, these surrenders increased after the government proposed a deal under the auspices of France. This strategy to promote the surrender of militants was developed alongside security force operations that targeted senior positions of the armed group. During the opening months of 2018, AQIM's head of foreign relations and head of propaganda were killed. In addition, a senior official of the group in Tunisia was killed by the security forces of that country.

In this context, some analysts pointed to a decline in AQIM in Algeria due to multiple factors that may have reduced its operational capabilities. Between 2013 and 2018, the government's military operations reportedly killed around 600 members of the al-Qaeda branch in Algeria, including several senior group leaders, and severely affected its logistics capabilities. These dynamics, together with social rejection of the organisation's violence, its difficulties in recruiting new militants, and the combination of repressive, but also conciliatory Algerian government strategies, through deals for militants who turn themselves in, may have weakened the group and caused it to lose territorial influence.¹⁵ Given this scenario, according to some analysts, AQIM may have chosen to move its operations eastward to the border area with Tunisia, and may even aim to focus its bases in that country. In fact, the Tunisian branch of AQIM, Okba Ibn Nafaa, seems to mainly be made up of Algerian citizens. Meanwhile, AQIM is trying to attract ISIS supporters and fighters due to the decline in ISIS activities in Syria, Iraq and Libya. However, other analysts said that AQIM is continuing with its low intensity offensives in Algeria and is getting stronger in that country. In this scenario, Algeria maintained its policy to secure and fortify the borders. Finally, Algeria continued to be at the forefront of military spending in Africa and was among the ten countries with the highest military spending in the world, totalling \$9.6 billion in 2018.¹⁶ Algeria also ranked as the fifth largest importer of weapons in the world from 2014 to 2018. Its acquisitions accounted for 56% of all arms purchases in Africa in that period and were mainly supplied by Russia, China and Germany.¹⁷

Weapons exports

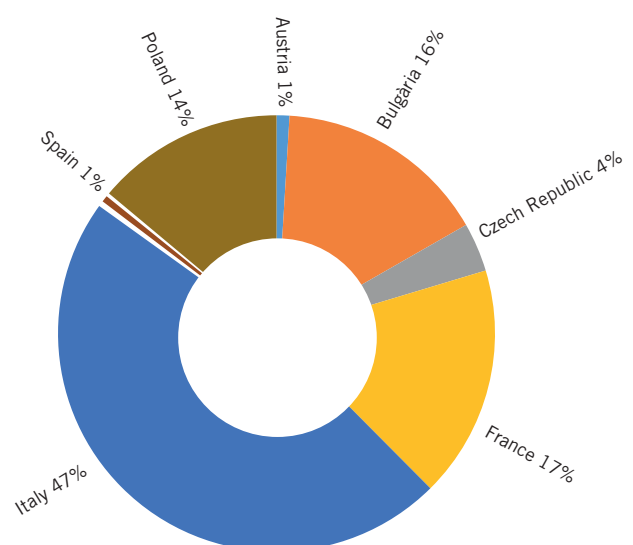
According to SIPRI data, Germany exported 926 Fuchs armoured military transport vehicles, which are delivered over several years. Algeria also acquired a warship from Italy and patrol cars from France. To these, we can add exports of various categories of weapons from Bulgaria, Poland and the Czech Republic in 2017, including small and light weapons and tanks. According to EU data, in 2018, exports worth 2.154 billion euros were authorised and exports worth 361 million were made.

Human rights and international humanitarian law

By 2018, Algeria had ratified 16 of the 21 most important treaties on humanitarian law, without fully accepting the obligations imposed by the Protocol Additional to the Geneva Conventions of 12 August 1949 on the Protection of Victims of International Armed Conflicts and the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare.

It is not party to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices or the Arms Trade Treaty. It has signed but not ratified the Rome Statute of the International Criminal Court and it has accepted

Graph 16. Transferred arms by EU member states to Algeria in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

15. Dalia Ghanem y Djallil Lounnas, "Caliphate in Retreat", *Diwan*, Carnegie Middle East Center, May 2018.

16. SIPRI, *Trends in world military expenditure 2018*, SIPRI Fact Sheet, April 2019.

17. SIPRI, *Trends in International arms transfers 2018*, SIPRI Fact Sheet, March 2019.

the competence of the International Commission of Inquiry, so complaints against Algeria may be brought before it for alleged serious infringements or violations of international humanitarian law.

It has ratified 14 of the 18 main international human rights treaties, though without fully accepting eight of them. Of the nine treaties that establish a body for monitoring international obligations, it has only accepted the competence of three: the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee against Torture.

It has undergone three times the Universal Periodic Review (UPR) before the United Nations Human Rights Council, going from 25 recommendations in 2008 to 240 in 2017. Of these, it accepted 188, which mostly refer to the ratification of treaties of which it is not a party, to the withdrawal of reservations made in the treaties, to the internal implementation of international obligations made and to the development of all kinds of efforts to improve the defence, protection and guarantee of human rights in the government and judiciary.

In the interest of this report, we highlight the recommendation accepted by Algeria regarding the need to carry out thorough investigations of human rights crimes and abuses committed during the internal armed conflict in the 1990s, as well as the recommendation to ratify the Rome Statute of the International Criminal Court. Neither has been fulfilled and both remained in force in 2018.

Some of the most recurrent recommendations not expressly accepted by Algeria, which show the situation of human rights (2018) in that country, include all those related to the validity of the death penalty, the situation of discrimination against women, the validity of the criminalisation of sexual relations between persons of the same sex and cases of discrimination due to sexual orientation.

Other noteworthy recommendations referred to the arrest, defamation and persecution of the Ahmadi minority community and the arbitrary detention of participants in peaceful demonstrations, human rights defenders, activists and journalists. In particular, the Algerian security forces were urged to refrain from the excessive or unnecessary use of force to dissolve peaceful demonstrations and mention was made of migrants' constant risk of being collectively expelled.

It has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated three times.

The relationship between the use of weapons and human rights violations must be especially taken into account, both in the events of the past that have not been properly investigated and in the security forces' excessive use of force.

Thus, it can be concluded that Algeria had a strong formal but weak real commitment to international humanitarian law and a medium formal and equally weak real commitment to human rights issues, as it was party to some treaties but not to most of their monitoring mechanisms. In practice, it shows a weak formal and weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations committed throughout 2018.

Libya

Summary of the conflict:

Amidst the Arab uprisings, the overthrow of the autocratic regime of Muammar Gaddafi in 2011 after over four decades in power opened a new period of instability and uncertainty in Libya. The North African country has suffered from high levels of violence linked to multiple factors, including the proliferation of armed groups; political and institutional fragmentation and weakness; disputes over the control of land, resources and traffic routes and the projection of interests by regional and international actors that have fuelled violence through armed incursions, support for related militias and the supply of weapons, despite the arms embargo on the country. The situation worsened in 2014, when two parallel poles of power were established, one in Tripoli and one in Tobruk (east). Attempts to address the situation resulted in a political agreement signed in 2015 under the auspices of the UN, but implementation of the deal has been unable to move forward due to power disputes and persistent competition between armed actors on the ground. The climate of instability and violence has favoured the expansion of branches of ISIS and al-Qaeda in the country, which although recently weakened, continue to operate in Libya, in addition to serious human rights violations against the local civilian population and migrants and refugees arriving in the country in their attempt to reach Europe.

Developments in 2018

The dynamics of the armed conflict in Libya continued to be characterised by violent clashes between multiple armed actors on different fronts throughout the country. The main flashpoints of

the fighting were the capital, Tripoli; the cities of Benghazi and Derna (east), the town of Sabha (south) and several oil fields and facilities on the coast. One of the most active fronts was Tripoli, which reported acts of violence throughout the year. Violence in the city intensified in August, with the deployment of heavy weapons in various parts of the city. The intensity of hostilities among several militias, some of them linked to the Government of National Accord's ministries of defence and the interior, caused the deaths of more than 100 people in one month, forcibly displaced thousands of families and destroyed infrastructure. The UN backed a ceasefire that led to a drop in the fighting, but Tripoli remained the scene of incidents until the end of the year. In the eastern part of the country, there were attacks on checkpoints, bomb attacks and clashes between General Khalifa Haftar's Libyan National Army (LNA) and Islamist militias. The LNA was also involved in armed clashes with combatants linked to the Petroleum Facilities Guard in several oil centres. In the south, Arab militias close to the LNA clashed with Tebu minority militias linked to the Government of National Accord in the Sabha area. Meanwhile, armed jihadist groups such as ISIS and AQMI remained active during the year and the United States carried out various air operations against their alleged bases in Libya.

In this context, violations of the arms embargo on the country since 2011 continued to be reported. Information taken from expert reports written for the UN found that armed groups in Libya were still receiving external support. Countries such as the United Arab Emirates (UAE) and Egypt were identified as violators of the embargo in support of Haftar's LNA, which is aligned with the government installed in Tobruk and refuses to recognise the government in Tripoli, which is recognised by the UN.¹⁸ According to some analysts, Egypt's efforts to promote talks between the LNA and the Government of National Accord, which were carried out in two rounds of meetings in 2018, were basically intended to promote reunification of the Libyan Armed Forces and thereby justify lifting the arms embargo that from Cairo's perspective has been an obstacle to Haftar's campaign to expand the Libyan territory under his control.¹⁹ The Government of National Accord also repeated its calls to lift the arms embargo on Libya in 2018. However, the ban was extended through the adoption of UN Security Council Resolution 2420

in June, which extended the measures aimed at implementing the embargo for one year. Alongside the dynamics of the armed conflict, deep divisions persisted in the political arena that continued to block implementation of the agreement adopted in 2015 and other measures promoted by the UN in order to usher in a transition and eradicate the power struggle involving various actors in the North African country. Thus, the timetable for implementing the agreement suffered successive delays and key processes such as the national conference and the elections were postponed.

In this context, efforts continued to document the severe impacts of the conflict and instability on the civilian population. According to data from the UN mission in the country, UNSMIL, between January and October 2018 at least 175 civilians had died due to hostilities and another 300 people were injured. However, UNSMIL itself recognises that the overall number of victims could be much higher since its statistics are limited to deaths produced in clashes and exclude other deaths resulting from conflict-related practices (execution, torture, kidnapping and others). Meanwhile, international organisations and the UN continued to denounce other serious human rights violations against civilians in a context of absolute impunity. Migrants and refugees were identified as one of the most vulnerable groups, as they are affected by practices such as arbitrary arrest, kidnapping, extortion, forced labour, slavery, sexual violence and inhumane conditions in detention centres.²⁰

Weapons exports

Libya²¹ received European military electronic equipment originating in Bulgaria in 2017, according to data from the EU. It is especially striking that Germany authorised military equipment from the category of military vehicles and tanks in 2017, and that the United Kingdom did the same with armoured vehicles and explosives. In addition, a patrol vessel was transferred to the House of Representatives of the Libyan government in Tobruk in 2017 with delivery in 2018 via United Arab Emirates, according to SIPRI.

According to the latest available data from ENAAT, 2.2 million euros of weapons were authorised for

18. Al Jazeera, *Libya embargo violations: UN panel to report findings to UNSC*, 1 March 2018.

19. Khaled Mahmoud, "Sisi's Ambitions in Libya", Sada, Carnegie Endowment for International Peace, 30 November 2018.

20. UNSMIL and UNHCR, *Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya*, 18 December 2018.

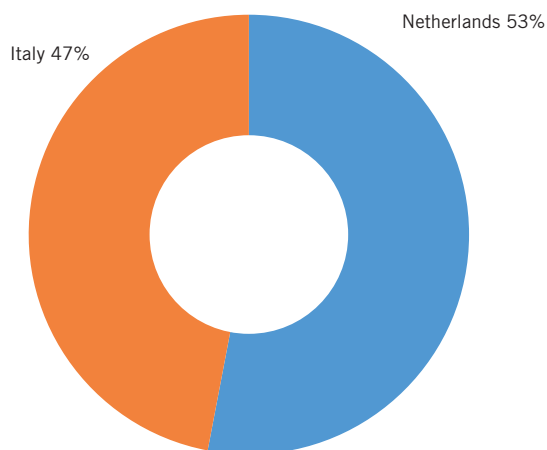
21. According to SIPRI data, transferred arms to Libya reached two factions of the Government: the House of Representatives (HoR) and the General National Congress (GNC).

Libya and exports worth more than 700,000 euros were sent in 2017. The countries that authorised the shipment of weapons to the country were Bulgaria, Germany and the United Kingdom. According to SIPRI data, the exporting countries were Italy and the Netherlands.

Human rights and international humanitarian law

In 2018, Libya was a state party to 12 of the 21 international humanitarian law treaties in force, without committing to all the obligations established in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. It has not ratified the Rome Statute of the International Criminal Court and does not accept the competence of the International Commission of Inquiry, so complaints cannot be brought against Libya before it for alleged serious violations or infringements of international humanitarian law.

Graph 17. Transferred arms by EU membre states to Libya in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

It was also party to 12 of the 18 human rights treaties approved by the United Nations, making reservations in half of them, so it is only fully bound to six treaties. In 2018, it only recognised the competence of the Committee on the Elimination of Discrimination against Women, but not the other nine treaty monitoring bodies.

It has undergone the Universal Periodic Review (UPR) twice, the first time in 2010, when 120 recommendations were made, and the second in 2015, when 212 recommendations were made, of which it accepted 171. Many remained in force in 2018, like all those related to the need to ratify the treaties to which it is not a party, with special emphasis on the Rome Statute of the International Criminal Court. It has also been urged to give more importance to human rights in the process that began a few years ago in order to approve a new Constitution for the country.

Among the most recurrent recommendations that were still in force are all those aimed at allowing all parties to cease hostilities, to seek dialogue for the restoration of peace and legal order for the functioning of the institutions. This had not been achieved, as the conflict continued in 2018, with armed forces related to rival governments, as well as armed groups and militias, committing serious violations of international law and human rights abuses with impunity, such as indiscriminate attacks in densely populated areas that caused civilian deaths, contravening basic humanitarian standards.

In the same vein, it was recommended to take all necessary measures to end the escalation of violence and continue efforts to ensure respect for the fundamental rights and freedoms of the entire population and the fulfilment of international humanitarian law, particularly the principles of distinction, proportionality and caution during the attacks, which remained in force since all armed groups immersed in hostilities had kidnapped, arbitrarily detained, extrajudicially executed and held thousands of people indefinitely in 2018. Cases of torture and other types of ill-treatment were also reported in prisons controlled by armed groups, such as militias and state authorities.

The situation of violence and discrimination against women, impunity for human rights violations, internal forced displacements, attacks against journalists and the effects suffered by children, such as not being able to continue with their studies, are other issues that continue to arise and that already concerned the United Nations Human Rights Council.

Another serious situation is the fact that migrants, refugees and asylum seekers have suffered widespread and systematic human rights abuses

and violations at the hands of public officials, human traffickers and armed groups.

It has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated twice.

In this case, it is clear that the most serious human rights violations that have attracted the attention of the international community are directly related to the use of weapons.

Thus, it can be concluded that Libya had a weak formal and very weak real commitment to international humanitarian law and a weak formal and very weak real commitment to human rights, as it was party to some treaties but not to the vast majority of their monitoring mechanisms. In practice, it shows a weak formal and very weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations that were committed throughout 2018.

Nigeria

Summary of the conflict:

The Islamist sect Boko Haram demands the establishment of an Islamic state in Nigeria and considers that Nigeria's public institutions are "westernised" and, therefore, decadent. The sect, whose official name is Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, which means "People Committed to the Propagation of Jihad and the Prophet's Teachings" has become known as Boko Haram, which means "education Western is a sin." Since the fall of the Sokoto caliphate under British control in 1903, a caliphate that controlled a region that comprised northern Nigeria, Niger and northern Cameroon, outbreaks of violence and resistance have been periodically generated by fundamentalist movements. Boko Haram was founded in 2002 although it was not until 2009 when it carried out armed actions to promote the creation of an Islamic state in northern Nigeria, and the execution by the Nigerian security forces of its leader Mohammed Yusuf that same year. It contributed to aggravate the situation. The Government has carried out an escalation of operations against the group, which has also committed numerous crimes and abuses against the civilian population. An affiliate of the group, Ansaru, has also carried out attacks in the country. The deployment of troops and the formation of self-defense groups has contributed to the escalation of violence, and in 2015 the conflict was regionalized, also affecting the countries bordering Lake Chad: Chad, Niger and Cameroon.

Developments in 2018

The regional conflict involving the armed group Boko Haram mainly affected Nigeria and specifically Borno State, followed by the states of Adamawa and Yobe, with incidents that included attacks by various Boko Haram factions against civilian targets, such as markets and camps for displaced persons, attacks on military bases and clashes that killed and forcibly displaced people. The death toll for Boko Haram's actions and for the clashes between it and the security forces was 1,622, according to the Nigeria Security Tracker (NST) database, compared to 1,828 in 2017 and 1,605 in 2016. The violence in the country since 2009 and its consequences for neighbouring countries since 2015 have made this armed conflict one of the most lethal worldwide. That year, the group pledged allegiance to ISIS and increased suicide attacks, which were mostly perpetrated by women and sometimes also by girls. Boko Haram has gradually transformed into an organisation similar to other jihadist groups in the Sahel region, not linked to effective control of the territory and employing war tactics based on sowing terror and hit-and-run strategies.

Between June 2011 and June 2018, the NST documented 2,021 incidents involving Boko Haram, causing the deaths of 37,530 people. For the same period, the non-governmental organisation ACLED identified 3,346 incidents in which 34,261 people died, including Boko Haram fighters, members of the Nigerian Armed Forces and, for the most part, civilians. According to a joint study conducted in August 2018, both organisations found that the conflict began to escalate in 2012, reaching its highest levels between 2014 and 2015. Starting in 2016, the death toll decreased after the military campaign launched by Nigeria in late 2014 to regain the territory occupied by the armed group. Troops from neighbouring Cameroon, Chad and Niger joined this campaign, as did mercenaries and private security militias, according to various sources.

New episodes of large-scale kidnappings by Boko Haram were reported in 2018. For example, 110 female students were kidnapped in Yobe State in February. They were mostly released in March following negotiations with the faction of the group led by Abu Mus'ab al-Barnawi. According to some media reports, the government may have paid ransom and released some prisoners in return. Government sources reported that the federal executive was exploring the possibility of a permanent cessation of hostilities, including through an amnesty. However, violence continued for the rest of the year, also with new kidnappings, such as of 15 girls in the Diffa region, in Niger, in November. Other incidents of violence against civilians included a suicide attack against a mosque in Gamboru (Borno State) in January, in which 14 worshippers lost their lives; attacks against woodcutters accused of being informants by Boko Haram, with 20 killed in a single day in January in Maiduguri (Borno); a triple suicide attack against a market in the town of Kondunga (Borno), with about twenty fatalities; the murder of 18 forest workers, shot in the town of Gamboru (Borno State); a double suicide bombing against a mosque and a market in the town of Mubi (Adamawa State) in early May, which killed over 80 people and injured about 60 and another suicide bombing near the local government building in Damboa (Borno State) that killed about 30 people and wounded around 50, among many other incidents. Boko Haram also killed three humanitarian workers and kidnapped three others in an attack in Rann (Borno),

in which it also killed eight soldiers. Two of the abducted humanitarian workers, from the ICRC, were killed in September and October.

Nigeria continued to collaborate with the neighbouring governments of Chad, Cameroon and Niger to jointly confront Boko Haram by launching large-scale offensives and military operations at various times of the year, which killed many members of the group and also resulted in releases of hostages. In May, Amnesty International reported sexual and gender-based violence committed by Nigerian soldiers and members of its allied militia, the Civilian Joint Task Force, against women in camps for people displaced by Boko Haram's violence, including rape (occasionally in exchange for food) and threats of rape, the separation of women and men and the confinement of the women in satellite camps. The UN also warned of Cameroon's forced repatriation of around 400 refugees and asylum seekers from Nigeria, though these complaints were rejected by the Cameroonian government. Cameroon also faced consternation and local and international pressure after a video was released in June in which several men in military uniforms killed two women and their children after accusing them of being members of Boko Haram.

Despite allegations of significant progress in the fight against the armed group, its attacks increased in the second half of the year and some analysts warned that they were becoming more sophisticated and that it was gaining more access to weapons. Between July and the end of the year, the group carried out more than 15 attacks on military bases, including an attack on a base in the town of Matele (Borno) in November that killed around 40 soldiers. Some sources raised the body count to 70 or even 100 and the Nigerian Army lowered it to 20. A Boko Haram faction took control of the town of Gudumbali (Borno) in September, displacing thousands of people, and withdrew one day later. In December, insurgents attempted to take the town of Baga, near Nigeria's border with Chad, as well as Monguno, which finally came under Nigerian control. The unhappiness of part of the Nigerian Army had become evident during the year, with protests by Nigerian soldiers demanding greater resources. Mamman Nur, the leader of one of the Boko Haram factions, was killed in September, allegedly by more radical members of the group who were critical of what they considered his more moderate approach.

Weapons exports

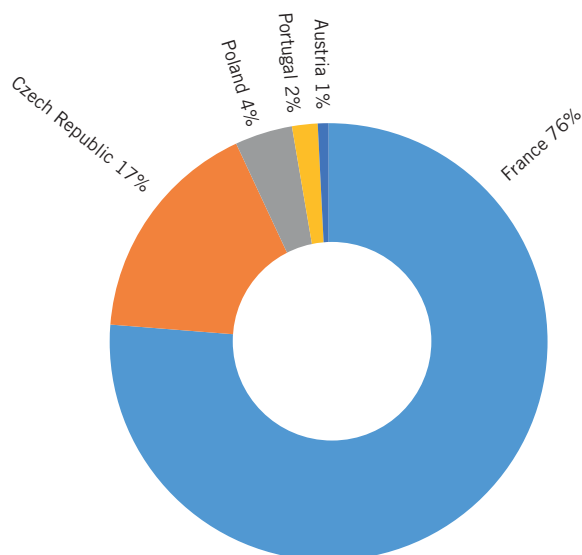
According to EU data, arms exports worth 393 million euros were authorised for Nigeria in 2017 and 15 million were sent in total.

Nigeria's acquisitions of European weapons mainly include coastal patrol vessels from France and small arms from the Czech Republic and Poland in 2017.

Human rights and international humanitarian law

By 2018, Nigeria had ratified 15 of the 21 main international humanitarian law treaties in force, without fulfilling all the obligations stipulated in the Protocol for the Prohibition of

Graph 18. Transferred arms by EU member states to Nigeria in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare. It has ratified the Rome Statute of the International Criminal Court and does not accept the competence of the International Commission of Inquiry, so complaints cannot be brought against Nigeria before it for alleged serious violations or infringements of international humanitarian law.

Nigeria is a state party to 17 of the 18 main human rights treaties approved by the United Nations, not being fully committed only to the obligations of Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in

Armed Conflict. By 2018, it had only accepted the competence of the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Subcommittee on the Prevention of Torture, but had rejected the competence of the other seven human rights treaty monitoring bodies of the United Nations.

In 2018 it underwent the Universal Periodic Review (UPR) for the third time, in which 290 recommendations were made, accepting 230 of them. In comparison with its first exam, there was a considerable increase in recommendations, since in 2009, just 32 recommendations were made, of which it accepted 30. As in virtually all countries, the first are aimed at the state ratifying the treaties to which it is not a party, admits a review or visit by international human rights mechanisms and implements international obligations in all areas at home.

Some of the recommendations that were made and show the human rights situation in the country in 2018 have to do with the implementation of measures, strategies and efforts to contain terrorism and violent extremism, especially by the armed group Boko Haram's continued attacks that produced hundreds of fatalities.

The use of the death penalty during the year is another reason for concern for the international community, regarding which it has been suggested to establish a moratorium, limit the number of cases to which it is applicable and eliminate it from its legal system.

Cases of extrajudicial execution, enforced disappearance and torture continued to appear despite the recommendations made to Nigeria to improve its legal systems, create systems to record those events and investigate and punish those responsible for conduct that should be considered criminal in all cases.

Though it was urged to take more effective action to prevent human rights violations during security force operations as well as to prosecute all criminal suspects in those cases, new situations were reported in 2018 in which members of the security forces were involved.

Some journalists and members of religious minorities suffered harassment and threats even though Nigeria had been urged to protect the rights to freedom of association, expression and

peaceful assembly of all Nigerians, regardless of their ethnicity, religion, sexual orientation or gender identity.

The situation of women and children was also the subject of recommendations, especially with regard to the exercise of their rights, the effects suffered on their integrity and the fact that they are victims of trafficking. All these situations occurred throughout 2018, when the violent deaths of several women, the recruitment of minors by armed groups and the practice of genital mutilation of girls were reported.

It has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated twice.

As it can be seen, weapons are used both in the fight against terrorism and in the practice of extrajudicial executions by both security forces and illegal armed groups, which adds to the fact that in 2018 different acts of violence were reported in the country between communities that included the use of firearms.

Thus, it can be concluded that Nigeria had a strong formal but weak real commitment to international humanitarian law and a strong formal but weak real commitment to human rights issues, as it was party to most treaties but not to the vast majority of their monitoring mechanisms. In practice, it shows a medium formal and weak real level due of commitment to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations that were committed throughout 2018.

3.1.1. ASIA

India

Summary of the conflict:

India is the setting of different armed conflicts, on the one hand associated with the configuration of the territory after the decolonisation and its establishment as an independent state in 1947, and on the other hand, the deep social inequality for which India is notorious. The armed conflict in the state of Jammu and Kashmir is connected to the dispute over the region of Kashmir which India and Pakistan have quarrelled over since their independence and the partition of the two states, three times coming into direct armed conflict (1947-1948; 1965; 1971). Since 1989 the armed conflict has moved to the interior of the state of Jammu and Kashmir, where various armed opposition groups have clashed with Indian security forces, in favour of complete independence of the state or unconditional adhesion to Pakistan. The armed conflict between the Indian government and the Maoist armed group CPI-M (known as Naxalites, for the city from which the movement began) affects more than a dozen states in India and has been considered by the government to be the top threat to security in the country. The Naxalite insurgency arose at the end of the 1960's, calling for the eradication of the system of private ownership of land, as well as strong criticisms of parliamentary democracy, considered to be a legacy of the colonial era. The military and armed activities of the group have been constant. The insurgency, has established parallel systems of governance in the mostly rural zones under their control.

Developments in 2018

The most serious armed conflict in India during 2018 was in the Indian state of Jammu and Kashmir. Following the trend in recent years, violence escalated in the state and the conflict was considered to go from being of low to medium intensity. The armed clashes multiplied and according to the data collected by the South Asia Terrorism Portal the death toll linked to the conflict was 451, almost 100 more than during 2017. It was the deadliest year in terms of people killed as a direct consequence of the armed conflict since 2009 and also the year with the highest number of deadly clashes since that date. According to this same source, the largest number of people killed were insurgents, with a total of 270 deaths, followed by members of the security forces (95) and 86 civilians, in line with the proportions in previous years. However, other sources offered different body counts, and the Jammu and Kashmir Coalition of Civil Society cited 586 fatalities, in addition to other serious human rights violations. Since 2016, the armed conflict in Kashmir has seriously intensified. In July 2016, a well-known insurgent member of the Hizbul Mujahideen armed group, Burhan Wani, died at the hands of

Indian security forces when the house in which he was hiding was besieged by them. Wani, 22, was considered one of the most influential insurgents among young Kashmiris because of his presence on social networks and was credited with strengthening his organisation and improving the image of the insurgency among the population. After his death, there were intense social protests in which thousands of people participated. The rise in fighting and tension is partially explainable by his death, the deaths of other important insurgents in the region and an upsurge in social protests as a result of the excesses of the security forces.

There were multiple violent incidents in 2018, especially in the districts of Pulwana and Soplian, and protests proliferated among the population as a result of the clashes and the impact of violence on the Kashmiri population. In April, there were serious clashes in which 16 people were killed. Three other people were killed as a result of the subsequent riots and the response of the security forces to protesters throwing stones. In addition, a strike was called and the authorities issued restrictions on mobility, deployed additional security forces and suspended access to the Internet and mobile telephony. The United Nations echoed the seriousness of the violence and the report issued by the Office of the High Commissioner for Human Rights on the situation in the state in June 2018 included allegations of extrajudicial executions and the excessive use of force by the security forces, as well as killings of civilians and sexual violence by different irregular armed actors and other serious human rights violations by all parties to the conflict. In addition, tension between India and Pakistan had an impact on the conflict. Remaining at very high levels throughout the year, this tension not only involved diplomatic disagreements, but also led to clashes and violence on both sides of the border between both countries. Especially serious was the escalation of violence in February, when hundreds of people were forced to move after an attack on an Indian military base in Kashmir in which six soldiers died. From 2016 to mid-2018, 150 people died as a result of exchanges of fire between India and Pakistan, including many civilians.

While fighting raged in the state of Jammu and Kashmir, India was the scene of another armed conflict that affected several states. Indian security forces clashed with the Naxalite insurgency in a conflict centred in the states of Chhattisgarh, Jharkhand, Andhra Pradesh, Bihar, Maharashtra, Odisha and Telangana. These states have the highest concentration of armed opposition

and there were armed clashes in all of them throughout the year that resulted in fatalities. Some of the violence reported during 2018 was related to different elections on which the Naxalite insurgency imposed a boycott, especially in the state of Chhattisgarh, which was also the one with the highest levels of violence throughout the year. In fact, according to the data collected by ACLED, Chhattisgarh is the state that has reported the highest levels of violence linked to the armed conflict with the Naxalite insurgency since 2016, especially regarding clashes between security forces and members of the armed group. There were also acts of violence against civilians, especially extortion and attacks against people accused of being informants for the security forces. According to death tolls linked to the armed conflict, during the year 2018 there were 412 deaths, of which approximately a quarter were civilians (108), more than half were people linked to the insurgency (231) and the others were members of the Indian security forces (73). Sixty per cent (248) of these deaths occurred in the state of Chhattisgarh. The most notable episodes of violence during the year included armed clashes in the district of Gadchiroli, in the state of Maharashtra, in April, in which 34 insurgents died, including seven women, and fighting that caused the death of six other insurgents a day later. There were clashes in Chhattisgarh in March that killed 10 insurgents and a policeman and police operations in Odisha killed eight insurgents in May. There were also several arrests of intellectuals and human rights defenders accused of being part of an alleged urban branch of the organisation charged with conspiring to assassinate Prime Minister Narendra Modi. The arrests were denounced by various human rights activists. Moreover, the media echoed the government's proposals for the Indian Armed Forces to play a more active role in the conflict during the year.

Weapons exports

According to data available from the EU in 2017, the export of weapons to India valued at over 12.224 billion euros was authorised and 1.2 billion were exported.

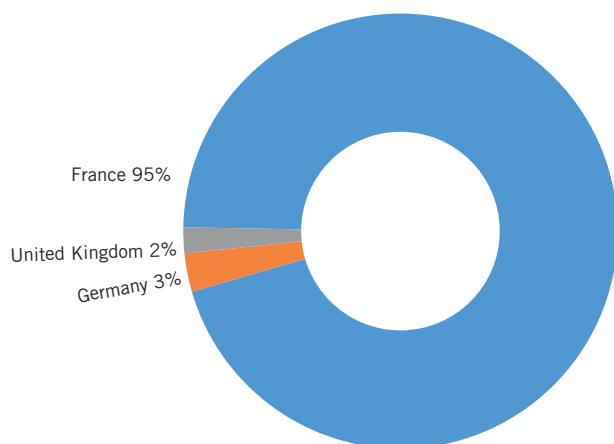
India acquired all kinds of European weapons, from small and light arms to large weapons systems. Last year this included the effective export of French fighter jets at high figures, as well as large combined volumes of various categories of weapons from Sweden and Bulgaria. India's major arms acquisitions originating in EU member states include MILAN anti-tank missiles.

Human rights and international humanitarian law

In 2018, India was a state party to 16 of the 21 international humanitarian law treaties in force, establishing some conditions for meeting all obligations in two of them: the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

It was not party to the two Protocols Additional to the Geneva Conventions, relating to the Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts, or to the Rome Statute of the International Criminal

Graph 19. Transferred arms by EU membre states to India in 2018

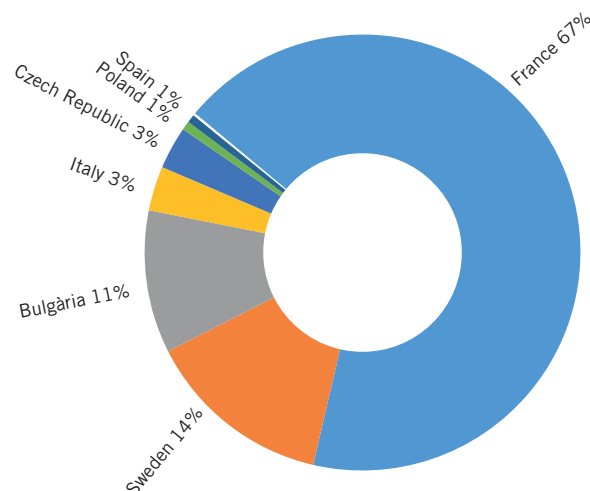


Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

Court, and does not accept the competence of the International Commission of Inquiry, so complaints cannot be filed against India for alleged serious violations or infringements of international humanitarian law.

Though it is party to 10 of the 18 human rights treaties approved by the United Nations, it has made reservations in six of them, which means that it only fully accepts four. It is also important to note that by 2018, it does not accept the competence of any of the 10 United Nations human rights treaty monitoring bodies, which means that individual complaints cannot be filed against these countries before those authorities.

Graph 20. Transferred arms by EU membre states to India in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

It has undergone three times the Universal Periodic Review (UPR) of the United Nations Human Rights Council, going from 18 recommendations in 2008 to 250 in 2017, of which it accepted 152. Many of them refer to ratifying the human rights treaties to which it is not a party, especially the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to allowing a visit by the international mechanisms that have asked to do so and to incorporating international standards into the national legal system.

Other recommendations that show the human rights situation in India until 2018 have to do with the situations of discrimination and violence suffered by women and some minorities, especially some of a religious nature. This is closely related to cases where some radical Hindu groups, government-friendly media and authorities from different fields have disqualified Muslim people, as well as to the displacement suffered by Adivasi communities and hate crimes against the Dalit population.

Violence and discrimination against women, especially but not exclusively for deaths or "honour crimes", was another problem that, together with sexual crimes, the Human Rights Council has consistently asked India to properly investigate and punish.

The need to produce sustainable economic development policies that respect the environment and the labour rights of those who work in various industrial sectors, especially avoiding labour exploitation and child labour, but also sustainable policies that seek to eradicate poverty, gave rise to recommendations and remain in force in 2018.

The same goes for the deplorable situation in prison centres, with the excessive use of force employed by agents of the judiciary, cases of forced sterilisation, cases of human trafficking, the harassment suffered by people who defend human rights and the decline in the freedom of expression.

In what interests us here, recommendations were also made to India, which were not accepted, regarding the situation in Kashmir, especially the use of weapons and lethal force against civilians, as well as acts of armed violence that have occurred in the state of Jammu and Kashmir, presumably by members of the armed group Jamaat ud Dawa and the United Liberation Front of Assam. Recommendations were also made for several cases of kidnapping and homicide in several north-eastern states.

It has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated three times.

As noted, there were situations of human rights violations in India where the use of weapons is evident and has a direct impact on such violations.

Thus, it can be concluded that India had a strong formal but very weak real commitment to international humanitarian law and a weak formal and very weak real commitment to human rights issues, as it was party to some treaties but not to all their monitoring mechanisms. In practice, it shows a weak formal and very weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations that were committed throughout 2018.

Pakistan

Summary of the conflict:

Pakistan is the scene of two different but interrelated armed conflicts. The first among them is the confrontation between the Taliban insurgency and Pakistani security forces, which has its origin in the invasion of Afghanistan by US-led international coalition in 2001. After the fall of the Taliban regime in Afghanistan, members of its government and militias, as well as several insurgent groups of several nationalities, including al-Qaeda, found refuge in Pakistan, mainly in several tribal agencies, although the leadership was spread out over several towns (Quetta, Lahore, or Karachi). Anger over cooperation between Pakistani and US forces led various groups of Pakistani origin who were part of the Taliban insurgency to the creation in December 2007 of the Pakistani Taliban movement (Tehrik-e Taliban Pakistan, TTP). The armed group began to commit attacks in the rest of Pakistan against both state institutions and civilians. In June 2014, with violence rising to unprecedented levels, and after a series of attacks that specifically targeted the Shiite, Ahmadiyya and Christian minorities, the Pakistani Army launched Operation Zarb-e Azb to eradicate insurgents from the agencies of North and South Waziristan. The second conflict is set in Balochistan, the richest province in terms of natural resources, but with one the highest levels of poverty in the country. This province has suffered from four periods of armed violence (1948, 1958, 1963-69 and 1973-77) in which the rebel forces stated goals of greater autonomy and even independence. In 2005, the armed rebel forces reappeared on the scene, attacking infrastructures linked to the extraction of gas. The armed group BLA, became the main opposition to the presence of the central government, which it accused of extracting the wealth of the province without giving any of it back to the local population. As a result of the resurgence of the armed opposition, a military operation was started in 2005 in the province, causing displacement of the civilian population and armed confrontation. In parallel, a movement of the civilian population demands an explanation for the disappearance of hundreds, if not thousands, of Baluchis at the hands of the security forces of the State.

Developments in 2018

Pakistan was the scene of two armed conflicts in 2018. The first one pitted the country's security forces against the Taliban insurgency at different locations, especially in the provinces of Khyber Pakhtunkhwa (KP) and Punjab and in the Federally Administered Tribal Areas (FATA), which became part of the province of Khyber Pakhtunkhwa during 2018. The second conflict took place in the province of Balochistan. In 2018, 1,133 people died in the country as a result of the different episodes of violence and armed clashes, according to figures from the Center

for Research and Security Studies of Pakistan. Regarding the conflict with the Pakistani Taliban insurgency, 517 people died in the provinces of Khyber Pakhtunkhwa and Punjab and in the FATA during 2018. There were armed clashes and attacks between the security forces and the Taliban insurgency during the year, which as a result of the security operations of recent years had moved to areas where there had previously been no activity, raising doubts about the real effectiveness of the military strategy to end the armed conflict. Thus, many of the factions of the Pakistani Taliban armed group TTP have moved to KP districts such as Tank and Dera Ismail Khan, and to FATA areas such as South Waziristan and Kurram, although some groups may have returned to North Waziristan. In February, the TTP acknowledged that the organisation's second in command, Khalid Mehsud, had been killed in North Waziristan by a US drone attack. In July, Mullah Fazlullah, the TTP leader since 2013, was killed in Afghanistan, also by a drone attack, which was coordinated between the Afghan and US forces. Although to a lesser extent than in previous years, drone attacks occurred several times during the year, killing 13 people, according to figures collected by the Center for Research and Security Studies of Pakistan. Another serious attack took place in November in the Orakzai district of KP when a bomb exploded in a market, causing the deaths of at least 35 people. There were also many attacks ahead of the general elections in July, which may have killed 200 people, including political leaders. One of the most serious happened in Peshawar during an ANP rally in which 22 people died and 66 were injured, for which the TTP claimed responsibility. During the year the FATA were integrated into the province of KP to extend application of the Constitution and end the colonial legislation in force until then. Relations with the US deteriorated considerably, which led to the withdrawal of US economic military aid.

For the first time, the death toll for the armed conflict in the province of Balochistan exceeded those of the provinces most affected by the conflict with the Taliban insurgency. During 2018, 407 people were reportedly killed in Balochistan as a result of armed clashes and violent attacks. However, given the multiplicity of armed actors in both Pakistan and the province of Balochistan, the dynamics of the conflict in the province overlapped with the armed activities of both the Taliban insurgency and ISIS. Armed activity led by ISIS in Pakistan has increased notably in recent

years. In fact, one of the most serious attacks of the year in Balochistan was carried out by ISIS in July ahead of country's general elections, in the immediate vicinity of a polling station, in which 32 people died. The electoral campaign had been constantly subjected to acts of violence, with some attacks blamed on the Taliban insurgency. One of the most serious attacks in recent years, a suicide bombing that killed 149 people and wounded 189, took place later in August. ISIS also claimed responsibility for the attack, although the security forces blamed Lashkar-e-Jhangvi for carrying it out. The attack occurred during an election event held by the Balochistan Awami Party. There were many sectarian attacks against the Hazara community that led to protests in May after several murders in April. The security forces and the insurgency clashed repeatedly throughout the year. In January, five members of the security forces were killed in an ambush in the Kech district. In February, a suicide bombing killed four soldiers in the vicinity of Quetta and in June three soldiers also died in the capital of the province. These clashes claimed the lives of an undetermined number of insurgents. In December, six members of the security forces and four insurgents were killed in fighting in the Kech district. In addition, attacks by the Balochi nationalist insurgency were repeated and in August a bus transporting Chinese mining workers was attacked by the armed group BLA, wounding several of the workers. There is a large presence of Chinese companies in the province working on the China-Pakistan Economic Corridor, which is opposed by Balochi insurgent groups that demand greater control of the province's economic resources by the local population.

Weapons exports

Italy was Pakistan's main arms exporter as identified by SIPRI, with self-propelled shells, combat helicopters, naval cannons to be incorporated into warships and 79 units of second-hand German Puma infantry combat vehicles. To these exports, we can add the sale of missile defence systems and Swedish military aircraft, as well as military transport aircraft from the United Kingdom. We must also add the data on exports made in 2017 from France and Spain, certain that Spain exports arms in the category of small arms and light weapons. According to the EU, exports amounting to 2.183 billion euros were approved in 2017 and exports worth 232 million euros were sent.

According to data from the EU, in 2017 exports valued at 186 million euros were authorised for Thailand and a total of 123 million were sent.

Thailand acquired several military radar systems from Sweden, Germany and the Netherlands for its naval weapons systems, as well as the Spanish Lanza radar system manufactured by Indra. It also acquired Italian naval cannons, IRIS-T air-to-air missiles from Germany, MICA missiles from the French company MBDA and military helicopters, also from France. EU data show that Spain and Italy transferred large amounts of arms, which in Spain belonged to the categories of military aircraft and ammunition.

According to SIPRI data, in 2018 Colombia received the L-118 howitzer from the United Kingdom and second-hand Panther military helicopters from Portugal. However, this information must be completed with data from the European Union itself, which show that in 2017 Spain was the main exporter of weapons to the country, with military aircraft and ammunition as the main categories of military products and equipment sent there.

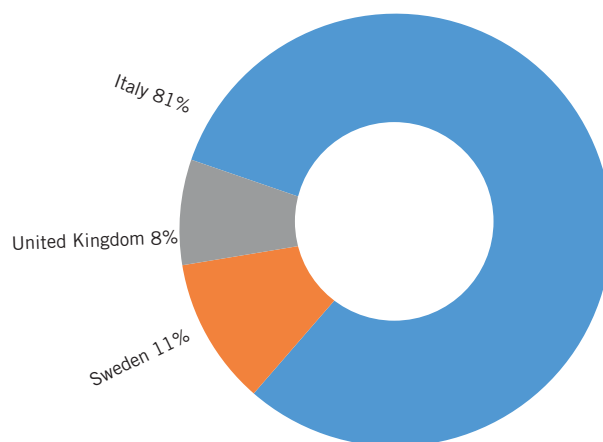
According to EU data, exports amounting to 2.973 billion euros were authorised and exports worth 13 million were sent in 2017.

Human rights and international humanitarian law

In 2018, Pakistan was a state party to 16 of the 21 main international humanitarian rights treaties, although it has not fully committed to the obligations contained in the four Geneva Conventions of 1949 relating to the Protection of Victims of International Armed Conflicts. It has not ratified the Rome Statute of the International Criminal Court and does not accept the competence of the International Commission of Inquiry, so complaints cannot be brought against Pakistan before it for alleged serious violations or infringements of international humanitarian law.

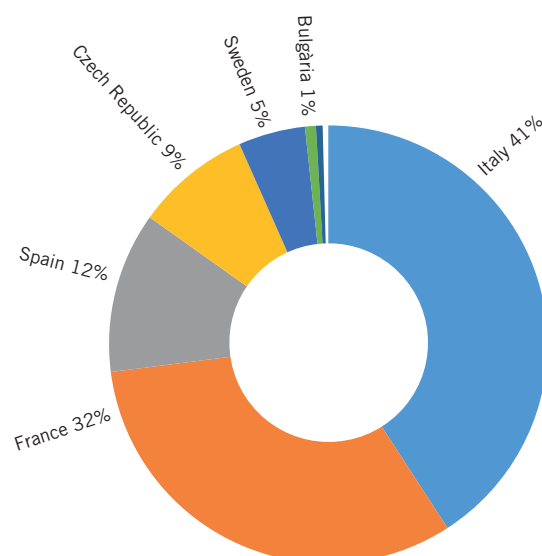
While it was party to 10 of the 18 major human rights treaties approved by the United Nations, it has made reservations in six of them, so it has only fully committed to four. Similarly, in 2018, it did not accept the competence of any of the 10 United Nations human rights treaty monitoring bodies, which means that individual complaints cannot be filed against it before those authorities.

Graph 21. Transferred arms by EU membre states to Pakistan in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database.

Graph 22. Transferred arms by EU membre states to Pakistan in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

It has undergone the Universal Periodic Review (UPR) three times. Fifty-one recommendations were made the first time, in 2008, of which it accepted 3. In 2017, 289 recommendations were made, of which it accepted only 168, many of which remain in force because they urge it to ratify the human rights treaties to which it is not party, to incorporate international standards into its national legal system and to make efforts to improve institutions that to some extent can

ensure respect for human rights in the country or to continue and specify efforts to implement its National Human Rights Plan.

The recommendation made by Portugal, of special interest in this report, was also in force, regarding the need to establish a national action plan for the implementation of the UN Security Council Resolution 1325 (2000) on Women, Peace and Security, as well as to explicitly criminalise the recruitment and use of children in hostilities.

In 2018, a large part of the recommendations were repeated from its last UPR and related to situations that continue to occur in the country, such as the increase in repression of the freedom of expression, especially against human rights activists for statements made on the Internet and other electronic media, as well as against other parts of the population based on blasphemy-related legislation. They also referred to aggression and harassment suffered by journalists in different parts of the country, as well as cases of forced disappearance and extrajudicial execution that continue to occur regularly and are not properly investigated and punished, leading to impunity.

In the same sense, it highlighted the fact that minorities continued to be discriminated against the enjoyment of economic and social rights, but also that they continue to suffer aggressions and are victims of crimes that are not properly investigated, especially ethnic and religious minorities, such as Hazaras, Dalits, Christians, Hindus and Ahmadis. Transsexuals and women also continue to suffer from discrimination, the latter being killed in several cases in the name of "honour" despite the fact that it has been criminalised since 2016.

The (entire) situation linked to terrorism was also an important issue in 2018, as anti-terrorism operations have continued without the necessary measures being taken to prevent child victims or victims from other parts of the civilian population, as was recommended in its last UPR.

Finally, this general survey cannot lose sight of the fact that various states recommended reinstating the moratorium on the death penalty that was in force until 2014. However, Pakistan rejected the recommendation and executed several people by hanging in 2018 and refused to commute the death sentences of several dozen people.

It has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated three times.

As it is evident, human rights violations involving the use of weapons were committed in this country, especially terrorist and anti-terrorist operations, the participation of children in armed hostilities, extrajudicial executions and the murders of various persons.

Thus, it can be concluded that Pakistan had a strong formal and very weak real commitment to international humanitarian law and a weak formal and weak real commitment to human rights, as it is party to most treaties but not the vast majority of their monitoring mechanisms. In practice, it shows a weak formal and weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations that were committed throughout 2018.

Thailand

Summary of the conflict:

The conflict in the south of Thailand dates back to the beginning of the 20th century, when the then Kingdom of Siam and the British colonial power on the Malaysian peninsula decided to split the Sultanate of Pattani, leaving some territories under the sovereignty of what is currently Malaysia and others (the southern provinces of Songkhla, Yala, Pattani and Narathiwat) under Thai sovereignty. During the entire 20th century, there had been groups that had fought to resist the policies of political, cultural and religious homogenisation promoted by Bangkok or to demand the independence of these provinces, of Malay-Muslim majority. The conflict reached its moment of culmination in the 1960s and 70s and decreased in the following decades, thanks to the democratisation of the country. However, the coming into power of Thaksin Shinawatra in 2001, involved a drastic turn in the counterinsurgency policy and preceded a breakout of armed conflict from which the region has been suffering since 2004. The civil population, whether Buddhist or Muslim, is the main victim of the violence, which is not normally vindicated by any group.

Developments in 2018

The levels of violence in southern Thailand were at their lowest since the conflict began in 2004, though with numbers of victims very similar to those of the previous year. Thus, according to the

Deep South Watch research centre, 200 people had lost their lives and another 242 had been injured in the four Muslim-majority southern provinces by November 2018. According to the same centre, 235 people died in 2017, while 307 died in 2016, 246 died in 2015 and 341 died in 2014, the year when the military junta came to power in a coup. In the four years prior, since 2010, the fatalities always exceeded 450. According to Deep South Watch, there have been 20,109 violent incidents since 2004 in which 6,903 people have died and another 13,488 have been injured. In line with the decreasing trend of violence identified by Deep South Watch, at the end of October the Southern Border Provinces Administrative Centre, a government agency, declared that in 2018 the number of violent incidents linked to the armed conflict (140) had fallen by 70% compared to those reported in 2011 (619). According to Deep South Watch, the drop in levels of violence observed in 2017 is in line with the general fall in violence observed in the south of the country since peace talks were initiated in 2013 by Yingluck Shinawatra, who was prime minister at the time. The peace talks were later resumed in 2015 by the military junta that deposed Shinawatra.

Some authors explain the gradual drop in violence in the south of the country in recent years by alluding to a strategic decision by the insurgent movement (and in particular by the main armed group, the BRN) to reduce their armed actions and select better military targets because of the negative impact that killing civilians has on its social base. Others, however, emphasise the government's conflict management strategy, which includes the greater professionalism of some senior military officers and translates into fewer complaints of human rights violations, a more restricted or strategic use of force, increased military involvement in implementing development programmes, the enhancement of community networks of informants, certain concessions in terms of language and religion, the bumpy continuation of the peace negotiations between the government and MARA Patani, an umbrella organisation that brings together the main insurgent groups in the south of the country, and the implementation of reintegration programs for combatants who surrender or turn themselves in. Notable in this regard was the surrender in mid-August of Nasori Saeseng, one of the main leaders of the Pattani Islamic

Mujahideen Movement armed group. In line with the importance that the Thai Armed Forces have lately given to common crime as one of the factors explaining the violence in the south of the country, some analysts during the year indicated that the levels of violence in Yala, Pattani and Narathiwat were not much different from those observed in other Thai provinces bordering with Laos, Myanmar and Cambodia. Finally, some analysts believe that the Malaysian government, which had historically been accused of colluding with Thai armed groups, has taken a more assertive position and become less tolerant of the insurgent movement after the discovery of a BRN weapons factory by the Malaysian police in 2017 and the apparent establishment of Islamic State in Southeast Asia (especially in Mindanao).

Whatever the causes of the drop in violence apparently indicated by both official figures and those provided by research centres, the insurgent movement continued to demonstrate high levels of coordination at various times of the year. For example, in February six explosive devices detonated in the Yaring district, followed by three others in the Yarang district (Pattani province); in April 13 people were injured in Sungai Kolok after the detonation of three motorcycles loaded with explosives; at the end of May a total of 16 explosive devices exploded simultaneously in 12 locations in the provinces of Yala, Pattani and Narathiwat, especially affecting banks, ATMs and electrical facilities; and for several consecutive days in late June and early July, five bombs exploded in plantations run by Buddhist owners. The months of greatest insurgent activity were June (in recent years at the end of Ramadan there is usually an increase in the number of violent incidents) and November, with 26 fatalities in each month, according to Deep South Watch. Therefore, despite the clear drop in violence, the military junta repeatedly expressed concern about the instability in the south of the country, as evidenced by the over 5% increase in the 2018 military budget compared to 2017 and the re-extension of the emergency decree governing the provinces of Yala, Pattani and Narathiwat since 2005 (it has been extended 45 times), prompting criticism from many human rights organisations. In fact, in mid-November the Thai government extended the state of emergency in the south of the country for another three months. It later also lifted it from a district in the province of Narathiwat (Sukhirin) for the first time and

declared that it had considered doing the same for other districts because of the substantial improvement in the security situation in 2018.

Regarding the political situation in the country as a whole, which is controlled by the National Council for Peace and Order that emerged from the 2014 coup d'état, there were no massive social protests or notable episodes of violence, but there was an increase in demonstrations and national and international pressure for the government to lift the ban on political party activity and to announce the final date for the elections that should restore democracy and put an end to the military junta that has ruled the country since May 2014. Thus, despite the drastic restrictions on the right to association and demonstration, several protests were reported in Bangkok and other cities in the first quarter of the year after the government postponed the mentioned elections again (for the fifth time) and would not specify the date when they would be held.

Weapons exports

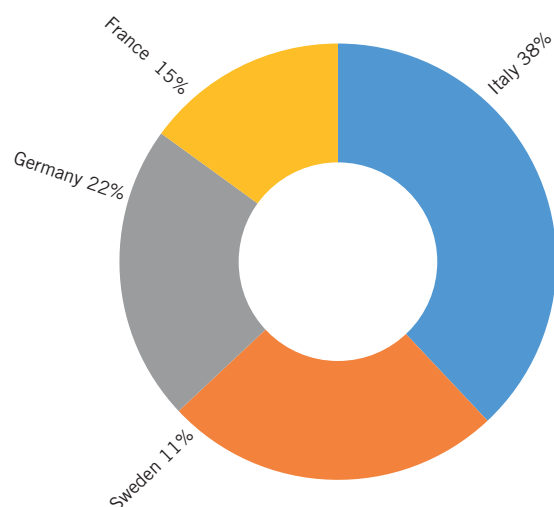
According to data from the EU, in 2017 exports valued at 186 million euros were authorised for Thailand and a total of 123 million were sent.

Thailand acquired several military radar systems from Sweden, Germany and the Netherlands for its naval weapons systems, as well as the Spanish Lanza radar system manufactured by Indra. It also acquired Italian naval cannons, IRIS-T air-to-air missiles from Germany, MICA missiles from the French company MBDA and military helicopters, also from France. EU data show that Spain and Italy transferred large amounts of arms, which in Spain belonged to the categories of military aircraft and ammunition.

Human rights and international humanitarian law

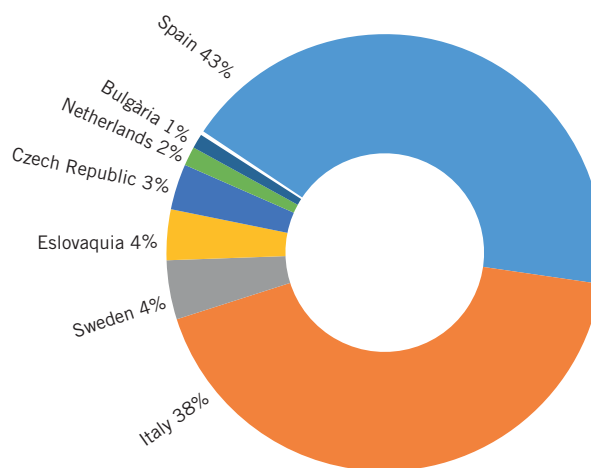
In 2018, Thailand was party to 10 of the 21 main international humanitarian law treaties, all without reservations, and signed but did not ratify the Arms Trade Treaty. In 2018, it had not ratified the Rome Statute of the International Criminal Court, but had it just signed it, and it does not accept the competence of the International Commission of Inquiry, so complaints cannot be filed against Thailand before it for alleged serious violations or infringements of international humanitarian law.

Graph 23. Transferred arms by EU member states to Thailand in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Graph 24. Transferred arms by EU member states to Thailand in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

Thailand is party to 11 of the 18 main human rights treaties approved by the United Nations, although it does not accept all the obligations stipulated in eight of these 11 treaties. In 2018, it had recognised the competence of three of the 19 treaty monitoring bodies, these being the Committee on the Elimination of Discrimination

against Women, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities, so individual complaints or petitions may be filed with these bodies with respect to those treaties.

In 2016, Thailand underwent its second evaluation in the Universal Periodic Review (UPR) in which 249 recommendations were made, 66 more than in its first evaluation, of which it accepted 187. These recommendations have largely remained in force in 2018 and have to do with the need to ratify the human rights treaties to which it is not a party, as well as to accept the competence of the respective monitoring bodies and give major impetus to the contents of its new Constitution and internal legislation related to human rights, so that they are applicable by authorities at all levels and the courts.

Especially troubling in this regard is the lack of a law prohibiting acts of torture and another concerning forced disappearances, which was a commitment not only to the international community, but also to the nation; as well as reforming the legislation regulating prisons in order to establish alternative measures, decongest its penitentiary centres and improve its entire prison system.

In legislative terms, the recommendation made by Panama, related to the need to criminalise the recruitment and participation of children in the armed forces and non-state armed groups, is relevant for this report.

Moreover, despite the recommendations that were made, legal refugee status continued to be denied to people who requested it in 2018, even when they were in danger of being arrested, imprisoned and expelled from the country. Similarly, the conditions of migrant workers were not improved and they continued to be subject to

exploitation, abuse and detention in centres not properly equipped for that purpose.

Repression to the exercise of freedom of expression was also a matter of international interest in 2018, especially regarding arrests and criminal proceedings against activists, journalists, lawyers, public figures and politicians who have expressed criticism and opinions regarding the government headed by a military junta and a monarchy. In that sense, more than 130 pro-democracy activists were accused of illegal assembly in 2018 for peacefully pressuring the government to lift restrictions on basic rights and hold the long-promised elections that were again postponed to 2019.

There are stiff restrictions on almost all human rights, since the recent Constitution increased the powers of the military government and reduced mechanisms of control in all areas.

It has once submitted a mid-term report on the progress of voluntary compliance with the recommendations of its second UPR.

As noted, the vast majority of human rights violations that were reported in Thailand in 2018 do not necessarily have a direct relationship with weapons. Still, since the country is under the rule of a military junta, it is widely known that the use of armed force by those who run the government is always a possibility.

Thus, it can be concluded that Thailand had a weak formal and very weak real commitment to international humanitarian law and a weak formal and weak real commitment to human rights issues, as it was party to most treaties but not to the vast majority of their monitoring mechanisms. In practice, it shows a weak formal and very weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations committed throughout 2018.

3.1.3. AMÉRICA

Colombia

Summary of the conflict:

In 1964, in the context of an agreement for the alternation of power between the Liberal party and the Conservative party (National Front), which excluded other political options, two armed opposition movements emerged with the goal of taking power: the ELN (made up of university students and workers, inspired by Guevara) and the FARC (a communist-oriented organisation that advocates agrarian reform). In the 1970s, various groups were created, such as the M-19 and the EPL, which ended up negotiating with the government and pushing through a new Constitution (1991) that established the foundations of a welfare state. At the end of the 1980s, several paramilitary groups emerged, instigated by sectors of the armed forces, landowners, drug traffickers and traditional politicians, aimed at defending the status quo through a strategy of terror. Drug trafficking activity influenced the economic, political and social spheres and contributed to the increase in violence. In 2016, the signing of a peace agreement with the FARC led to its demobilisation and transformation into a political party.

Developments in 2018

The armed conflict in Colombia worsened during the year as a result of the fragility of the peace process and the termination of the ceasefire agreement between the Colombian government and the ELN guerrillas, as well as the enormous difficulties faced by the process to demobilise the FARC. Around 200 people may have died as a result of the clashes between the different armed actors active in the country in 2018. To this figure must be added the murders of social leaders, which amounted to 164 according to the data of the Ombudsman and 226 according to Indepaz, thereby exceeding the number of murders in previous years (117 in 2016 and 170 in 2017). In this regard, the National Centre for Historical Memory's Observatory of Memory and Conflict revealed that 262,197 people had died as a result of the armed conflict between 1958 and July 2018. The worsening of the conflict observed in 2018 contrasts with the de-escalation of violence that occurred in 2017 as a result of the formal initiation of peace negotiations between the ELN and the Colombian government. These negotiations led to the signing of a temporary bilateral ceasefire, effective between 1 October 2017 and 9 January 2018, as well as the signing of a peace agreement with the FARC in 2016 that led to the disarmament and demobilisation of the armed group in a process verified by the UN and a lack of fresh fighting between the FARC and the Colombian security forces.

Armed clashes between the Colombian security forces and the ELN were reported virtually throughout the year and the armed group persisted in actions such as kidnapping and attacks on infrastructure. There were also episodes of violence between the ELN and paramilitary groups, as well as clashes between the ELN and the armed group EPL that forcibly displaced thousands of people in Catatumbo. This city in the department of Nariño was one of the flashpoints of violence during the year, as different armed actors struggled for control of the territory and economic resources linked to drug trafficking and oil. There were also clashes between the ELN and the EPL to assume control of areas previously occupied by the FARC. In 2017, the increase in violence and homicides could already be observed after the FARC's withdrawal from around 70 municipalities in the country that were occupied by the ELN or by armed paramilitary organisations.

Regarding the dynamics of war between the Colombian Armed Forces and the ELN, violence increased markedly early in the year after the failed attempt to sign an extension of the ceasefire agreement in force since October 2017 and the suspension of the negotiations at the end of January. The ceasefire agreement was not renewed throughout the year, although there were cessations of hostilities during the different elections that took place. In February, for example, the ELN announced a unilateral truce between 9 and 13 March for the legislative elections and also called to resume the negotiations. The Colombian government considered the truce a positive gesture, which led both parties to announce the resumption of negotiations just after the elections following a two-month suspension. Although both parties decided not to terminate the negotiations after Ecuadorian President Lenín Moreno announced that the government of Ecuador was no longer the guarantor and therefore also the main host of the talks, Iván Duque's victory in the presidential election on 27 May led to the suspension of the negotiations in August, pending a final decision on the continuity of the process. In December, the ELN announced a 12-day Christmas truce (between 23 December and 3 January), arguing for continuity in the peace negotiations. President Duque responded to the ELN's statement by saying that the only way to build trust was by freeing those who had been kidnapped and by ending criminal activity.

Serious obstacles were identified in the process to reintegrate former FARC combatants and in

the FARC's participation as a political party. In its follow-up report on compliance with the peace agreement, the Kroc Institute pointed out that very important challenges remained in the application of security and protection guarantees, especially regarding the murders of human rights defenders and former members of the FARC. It also stated that the process to reintegrate ex-combatants is slow and plagued with difficulties and that important regulatory and institutional challenges persist, especially with regard to the Special Jurisdiction for Peace (JEP), the Special Transitory Circumscriptions of Peace and other aspects. In April, former commander Jesus Santrich was arrested on charges of drug trafficking, although the FARC claimed that he was framed. His arrest prevented him from being sworn in as a member of Congress and resulted in Iván Márquez refusing to assume office as a senator in protest against the arrest of Santrich and the distortion of the peace process. Iván Márquez and five other former FARC commanders later became unaccounted for, which generated speculation that they may have joined the FARC dissidents, as they were to appear before the JEP. Finally, Marquez did transfer the required information to the JEP, though he did not reappear publicly. In addition, clashes multiplied between the security forces and FARC dissidents who have never demobilised or who have taken up arms again after demobilising. These groups could consist of between 1,200 and 2,800 combatants and their camps were bombed by the Colombian Armed Forces at different times of the year.

Weapons exports

According to SIPRI data, in 2018 Colombia received the L-118 howitzer from the United Kingdom and second-hand Panther military helicopters from Portugal. However, this information must be completed with data from the European Union itself, which show that in 2017 Spain was the main exporter of weapons to the country, with military aircraft and ammunition as the main categories of military products and equipment sent there.

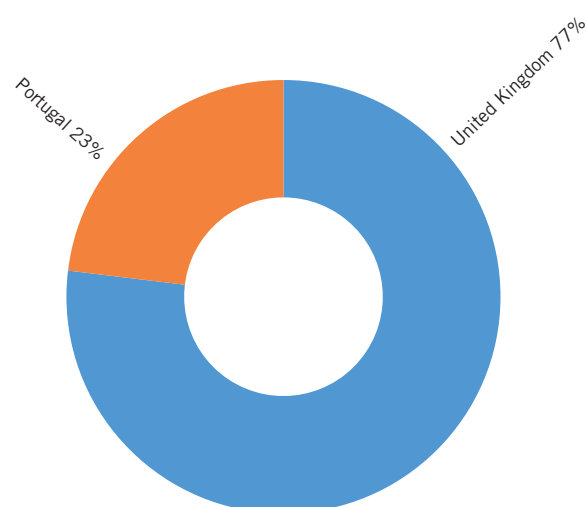
According to EU data, exports amounting to 2.973 billion euros were authorised and exports worth 13 million were sent in 2017.

Human rights and international humanitarian law

In 2018, Colombia was a state party to 20 of the 21 most important humanitarian law treaties, though it made some interpretative statements

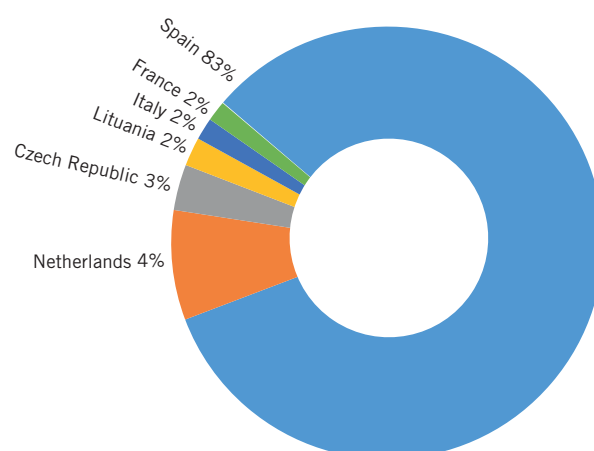
regarding the Rome Statute of the International Criminal Court to adjust the obligations it has made with respect to that court, and it has not declared that it accepts the competence of the International Commission of Inquiry, so complaints cannot be filed there against Colombia for alleged serious violations or infringements of international humanitarian law.

Graph 25. Transferred arms by EU member states to Colombia in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Graph 26. Transferred arms by EU member states to Colombia in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

While it is party to 15 of the 18 major international human rights treaties, it is not fully party to six of them. Moreover, it has only recognised the Committee for the Elimination of Discrimination against Women as competent to receive individual complaints, which means that it does not accept international authority in the other nine United Nations treaty monitoring mechanisms in operation.

It has undergone three times the Universal Periodic Review (UPR) before the United Nations Human Rights Council, going from 65 recommendations in 2008 to 211 in 2018. Of these, it accepted 183 that refer to a wide variety of topics ranging from the need to continue promoting the application and incorporation of human rights standards in all areas of state activity; the allocation of a budget in the struggle against discrimination that affects women and the Afro-descendant and indigenous population; the development of strategies against human trafficking, child labour and violence against women; effort in the fight against impunity, especially related to all violence linked to the armed conflict that the country has suffered; and many others related to continuity in the implementation of the peace agreement under the highest standards of human rights and transitional justice, highlighting the insistence that women participate actively in implementing the agreement.

A significant number of recommendations not accepted by Colombia, but of which it is aware, are related to its need to accept the competence of the different human rights protection mechanisms that it has not recognised, its openness to receive visits from those agencies, especially the Rapporteur on Violence against Women, and the improvement of some of its national legal norms, especially in terms of discrimination.

The situation of violence suffered by those who have already been greatly affected by the armed

conflict, meaning indigenous peoples, Afro-descendants, peasant communities and human rights activists, is especially alarming. In this regard, Colombia is urged to investigate all cases, to punish those responsible for violence and death and to effectively develop preventive measures in that regard. Equally important is the continuously excessive use of force by the security forces that caused many deaths and disappearances of civilians during the conflict, in addition to the persistence of violence against women, especially sexual violence.

It has submitted six reports on the progress of voluntary compliance with the UPR recommendations between 2009 and 2012, but none since.

In this case, it is clearly essential to stop the sale of arms to this country for the proper implementation of the peace agreement and to avoid the continuation of human rights violations related to the conflict. Furthermore, a significant number of human rights violations that concern the international community are closely related to the use of weapons, such as the murder of social leaders and human rights defenders, to the extent that many of the weapons during the armed conflict were possessed not only by state forces, but also by illegal and paramilitary groups.

Thus, it can be concluded that Colombia had a strong formal, but weak real commitment to international humanitarian law and a medium formal and very weak commitment to human rights issues, as it was party to some treaties but not to many of their monitoring mechanisms. In practice, it shows a weak formal and weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations committed throughout 2018.

3.1.4. EUROPE

Turkey

Summary of the conflict:

Turkey has been the setting of armed conflict since 1984 between the Turkish state and the Kurdistan Worker's Party (PKK) around the status and rights of the Kurdish population in the country. Kurds are the largest ethnic minority in the country and the fourth largest ethnic group in the Middle East, present in Turkey, Syria, and Iraq – countries which resulted from the partitioning of the Ottoman Empire – and Iran. One factor of the Kurdish question in Turkey has among its fundamental causes the politics of assimilation of the State. Historically, the Turkish State has defended national unity with a centralist territorial model, and a large military component. As well, the PKK has called for cultural, political, and civil rights and self-governance. The armed conflict has taken around 40,000 lives, displaced between one and three million people, has resulted in several thousand missing persons and unsolved murders, among other problems. The war has gone through many phases, including cycles of violence, periods of cease-fire and attempts at negotiation; and has been influenced by regional and international factors, such as the war in Syria since 2011 and the expansion of a de facto Kurdish government in Kurdish areas of Syria.

Developments in 2018

The conflict between Turkey and the armed group PKK remained active, though with less fatalities than in previous years. The fatalities between January and December 2018 included 124 members of the security forces, 404 PKK fighters and 17 civilians, according to a report by the International Crisis Group (ICG). Over half (53%) the security forces' deaths occurred in clashes between the parties to the conflict, while 35% died in attacks with improvised explosive devices (IEDs) and 12% from missile attacks, according to the ICG. Almost all hostilities in Turkey during the year occurred in rural areas of the southeast. In 2018, Turkey killed various commanders and leading figures of the PKK. In August, Turkish authorities killed Ibrahim Coban (aka Mahir Atakan), one of the most wanted members of the group in Turkey, in the province of Tunceli. That same month, Barış Öner (Tarik the Turk) died in the province of Gümüşhane in a security force operation. Also, in mid-August, İsmail Özden (Zaki Shingali), a member of the PKK's "executive council", was killed in a joint operation conducted by the Turkish Army and intelligence services (MIT) and supported by unmanned aircraft in the city of Sinjar (northern Iraq), which identified his vehicle, and military aircraft, which bombed him. At various times of the year, Turkish government representatives warned of the imminent end of

the PKK. The Turkish Ministry of the Interior said that the PKK's ranks in Turkey thinned from 2,500 fighters to 750-800. The PKK carried out various attacks during the year, resulting in military and civilian victims, although according to the government the group's attacks decreased from 965 in 2015 to 677 in 2018. According to some analysts, the PKK now have other fronts that are a higher priority than Turkey, such as in Syria.²³

Turkey stepped up its military actions in Iraq during the year. According to the ACLED database, Turkish operations in northern Iraq increased in 2018, especially in mountainous areas of Erbil governorate. According to ACLED, the proportion of air attacks grew, specifically with drones. Media outlets reported the installation of new Turkish military posts in northern Iraq, expanding its presence 15 kilometres inside the border, in areas under the control of the Kurdistan Regional Government (KRG) in northern Iraq. In addition, the NGO Human Rights Watch urged Turkey to investigate four apparent military operations with air and ground attacks between May 2017 and June 2018 that killed seven non-combatants (six men and one woman) in an area where there were no military targets. One of these attacks, an air strike in March 2018, killed four men, three of them members of the Kurdish security forces in Iraq (peshmergas). In late June, another attack killed a civilian. According to witness accounts, the victims did not receive previous warnings from Turkey or the local authorities and the PKK had no presence in the immediate environment. That is why HRW stated that the attacks may be violations of international law. The Kurdistan Regional Government informed HRW that Iraq's Kurdish regional authorities do not coordinate with Turkey and that they notify the Iraqi authorities of any reported incidents. According to the KRG, 50 civilians died in the Sidekan area alone (a sub-district of the Soran district, north of Erbil) between 2016 and 2018 due to military operations by Turkey and Iran.

Meanwhile, the conflict between Turkey and the PKK continued to be reflected in Syria as well. The Turkish Army took military control of the Afrin region (Syria) in March, following an offensive initiated in January against the Kurdish YPG forces, militias with ties to the PKK that Turkey considers the same actor, in an operation that Russia may have approved. OCHA expressed concern about fatalities and civilian injuries in Afrin. It also reported that the local authorities in Afrin were preventing civilians from fleeing to safe areas. In

23. Gurcan, Metin, "Is the PKK lying low as elections approach in Turkey?", *Turkey Pulse*, 26 March 2019.

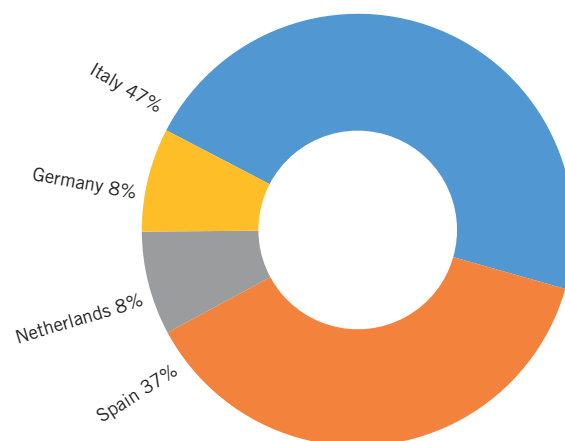
early March, OCHA estimated that 5,000 people had fled to surrounding towns and to Aleppo, while tens of thousands had been displaced within Afrin. At the end of the year, Turkey threatened to launch a military operation against the YPG in Manbij, where US troops are also stationed, as well as against the PKK in the Sinjar region (northern Iraq). Called in by the YPG, the forces of the Syrian regime entered Manbij. Relations between Turkey and the US remained very tense during the year, including because of US support for Kurdish forces in Syria. Even so, in December the US State Department notified Congress of its proposal to sell the Patriot anti-aircraft defence system to Turkey in order to try to stop it from purchasing S-400 missiles from Russia, as agreed in December 2017 and which the Turkish government planned to deploy by October 2019, in what would be the first deployment of the Russian S-400 system in a NATO member country.

Civilian involved in the Kurdish movement in Turkey continued to be affected by the extent of the armed conflict and by the widespread deterioration of the human rights situation in the country in recent years. As the pro-Kurdish HDP party reported in early 2019, over 5,000 party members remained in prison, a figure that included its main leaders, eight former MPs and 59 elected mayors. More than 2,000 NGOs and 200 media outlets, many of them Kurdish, had been banned. In July, Turkey lifted the state of emergency imposed after the failed coup d'état of July 2016. In its place, it enacted a new anti-terrorism bill that extends the powers of provincial governors to restrict the population's right of assembly and freedom of movement, increases the police custody period to 12 days and imposes other restrictions. The new law could have implications for the Kurdish issue, as human rights organisations and bodies have warned of the abuse of anti-terrorism legislation to criminalise cases of freedom of expression in which there is no evidence of a link with a terrorist organisation or a call to violence and to label them as terrorist propaganda or tantamount to membership in a terrorist organisation. Also, in August the police prohibited and used tear gas and rubber bullets to disperse a vigil held by the group of women Saturday Mothers, who since the 1990s have protested the extrajudicial killings and forced disappearances of relatives in the 1980s and 1990s. It was their 700th vigil. The Ministry of the Interior accused them of links with the PKK and warned that no more group vigils would be authorised. Saturdays Mothers announced that they would continue to hold protests.

Weapons exports

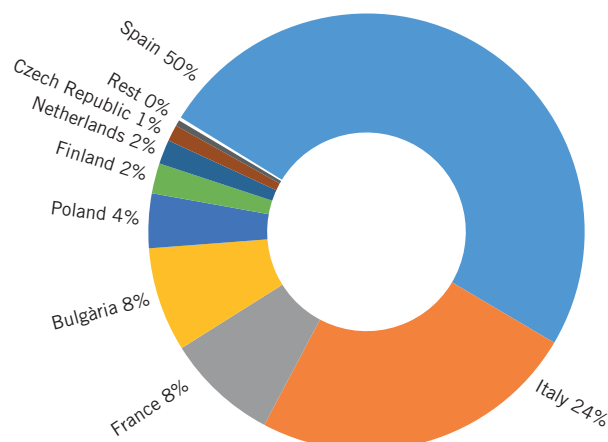
Italy and Spain were the main arms exporters to Turkey in the years covered by this study, in order to improve Turkish military intervention capabilities by air and sea. These are the ATR-72MP military transport aircraft and the A-129C Mangusta combat helicopters, which correspond to Italian transfers. Spain's exports included A400 military transport aircraft and a strategic projection warship.

Graph 27. Transferred arms by EU membre states to Turkey in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Graph 28. Transferred arms by EU membre states to Turkey in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

According to EU data, weapons valued at 2.784 billion euros were authorised for export to Turkey and weapons worth 606 million euros were sent there in 2017.

Human rights and international humanitarian law

In 2018, Turkey was a state party to 14 of the 21 main humanitarian law treaties, though it did not fulfil all the obligations of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects. It had signed the Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques and the Arms Trade Treaty, though it had not ratified them. It was not party to the Additional Protocols to the Geneva Conventions, nor it had ratified the Rome Statute of the International Criminal Court and it did not accept the competence of the International Commission of Inquiry, so complaints could not be brought against Turkey before it for alleged serious violations or infringements of international humanitarian law.

It was party to 16 of the 18 most important human rights treaties approved by the United Nations, although it is only fully committed to 11 of them. In 2018, it had recognised the competence of six of the 10 treaty monitoring bodies: the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, the Human Rights Committee and the Committee and Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment.

In 2018, Turkey has been evaluated twice in the Universal Periodic Review (UPR), the first time in 2010, when 163 recommendations were made, of which 120 were accepted. Five years later, it received more recommendations (278), accepting 215 of them, many of which are still in force, resulting in human rights violations in the year under review.

The recommendations that were made and remained in force due to the events that occurred were related to the many cases of violence against women that were presented, especially situations of domestic violence. Situations related to the trafficking of persons also stood out, where both women and children are victims, as well as

migrants and, above all, refugees. Due to the agreement signed by Turkey and the European Union, refugees arrived in greater numbers in recent years. In addition to the risk of being trafficked, in many cases they lack suitable living conditions and some face the risk of being sent back to the country from which they fled. In 2018, the number of related cases continued to grow and the steps recommended by the international community had not been taken.

The independence of the judiciary was a topic of interest in 2015 that became more important in 2016, when many judges were arrested and removed from office, and later in 2017, when constitutional reforms granted the president more powers, decreasing the judiciary's role as a counterweight. This situation came into sharper focus in 2018 due to the state of emergency in force in Turkey, which multiplied human rights violations without independent judges being able to know about these cases.

Although it was advised to continue modifying and implementing its legislation on freedom of expression and freedom of assembly and association to fully comply with its international human rights obligations, such as simplifying the notification requirements for planned demonstrations in the spirit of freedom of peaceful assembly, the few demonstrations that could be carried out in 2018 were violently repressed. Dissents and members of the political opposition were persecuted, as well as journalists, political activists and people working in defence of human rights.

Turkey was also advised to investigate allegations of torture and excessive use of force by the security forces and to take appropriate measures to punish the perpetrators. However, as it has happened since 2016, when an attempted coup d'état took place, acts of torture continued to be reported in 2018 and cases of impunity multiplied for human rights violations committed by state agents, which did not improve the situation that has troubled the international community since 2015.

As such, Turkey has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated twice.

In 2018, there were attacks with explosives against the civilian population, both in public spaces and during demonstrations, as well as other attacks by armed groups and a disproportionate use of force

by the security forces, all of which posed a serious threat to human rights in Turkey.

Turkey had a strong formal and very weak real commitment to international humanitarian law and a medium formal and weak real commitment to human rights, as it was party to most treaties but not to the vast majority of their monitoring mechanisms. In practice, it shows a weak formal and very weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations committed throughout 2018.

Ukraine

Summary of the conflict:

Ukraine has been embroiled in armed conflict since 2014 in the east of the country between state security forces and the self-proclaimed republics of Donetsk and Lugansk. The warring is over the status of those areas and is tightly linked to the geostrategic conflict between Ukraine and the West on one hand, and Russia on the other. The conflict was preceded by a number of crises at the end of 2013, such as the pro-European and anti-government protests; a slide into violence of the conflict between the government and opposing sectors, including sectors of the far-right; the annexation of Crimea by Russian forces – a peninsula with a majority Russian population (58%) and Ukrainian and Tartar minorities, which had historically been under control of the Imperial and soviet, but was transferred to the Ukraine in 1954; anti-Maidan and pro-federalist protests in the east and the emergence of armed actors in these areas, which led to the self-proclaimed People's Republics and the start of war in 2014 between the new prowestern Ukrainian government, and the Russian-supported political and military structures of Donetsk and Lugansk.

Developments in 2018

The war in Ukraine for control of the Donetsk and Luhansk regions continued to have a serious impact on the civilian population, affecting the 3.9 million people residing in the conflict zone and 5.2 million people in total to varying degrees, according to figures from OHCHR and OCHA. In addition, 1.5 million people were still registered as forcibly displaced persons, according to the country's Ministry of Social Policy. Fifty-five civilians were killed and 135 were injured in 2018. Of the total deaths and injuries, 156 were victims of bombing and light weapons fire (equivalent to 55.9%), another 119 were caused by mine-related incidents and handling unexploded ordnance, two were the results of drone attacks and two others

were road incidents, according to OHCHR. The United Nations agency also stressed the impact of the conflict in terms of damage to key civil infrastructure. Sixteen schools were damaged between January and October, joining the 740 since the conflict began in 2014, according to UNICEF, who warned that the security situation was especially serious for 400,000 children living near around the line of contact, in addition to 700,000 children in the conflict zone.

There was a drop in the number of ceasefire violations, from 401,336 in 2017 to 312,554 in 2018, according to the OSCE Special Observation Mission. Of the total ceasefire violations, 8,470 were produced by the use of multiple rocket launchers, artillery, mortar and tank systems, according to the OSCE. Armed violence was mainly concentrated in the southwestern, southern and southeastern areas of Svitlodarsk (Donetsk); in the area between Avdiivka, Yasynuvata and Donetsk airport; east and northeast of Mariupol (Donetsk); north and west of Horlivka (Donetsk); and between Popasna, Kalynove, Pervomaisk and Zolotearea (Luhansk). In its report on the 2018 humanitarian response plan, OCHA noted a correlation between the number of security incidents and the number of civilian casualties, though it stated that the decrease in the number of incidents in 2018 had not necessarily led to a safer environment for the civilian population living in the conflict zone. In relation to other impacts of the conflict on the civilian population, the OSCE mission observed a 34% increase in the number of restrictions on freedom of movement other than those caused by the presence of mines or unexploded ordnance during the year. Most of these restrictions (83%) occurred in areas under rebel control.

As in previous years, the parties to the conflict reached several ceasefire agreements in early March, again in late March, in July, at the end of August and in December, coinciding with periods that are significant for the civilian population, such as the beginning of the school year. The frequent ceasefire violations were especially serious in October and early November, but also escalated at other times of the year. In April, Ukraine transformed the Anti-Terrorist Operation, with which it has fought rebel forces since 2014, into the Joint Forces Operation (JFO) under the umbrella of the new Sovereignty Reintegration Law, passed in January. This legislation subordinates all Ukrainian forces (not only the Ukrainian Army but also the police) to the JFO command, which answers directly to the Ukrainian president.

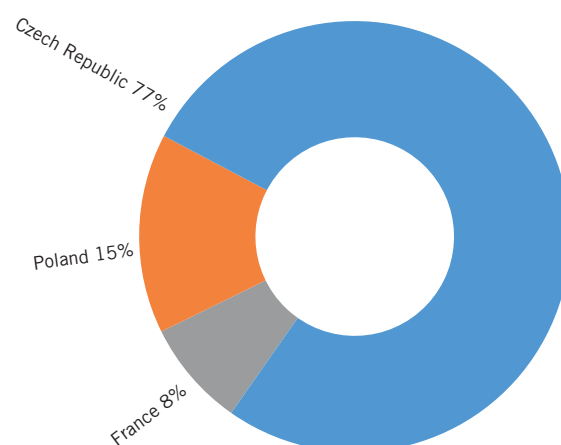
Meanwhile, military tensions between Ukraine and Russia in the Azov Sea rose in the second half of the year. In July, Ukraine denounced Russian searches of Ukrainian ships and warned of a military response to what it described as provocation. In September, the Ukrainian government accused Russia of impeding the transit of international vessels to Ukrainian ports in the Azov Sea, while Ukraine stepped up its naval military presence. The tension escalated in November with a Russian attack on several Ukrainian ships, an incident that resulted in Russia's capture of three ships. Twenty-four Ukrainian crew members were arrested and three were injured. The attack prompted much international criticism of Russia, as well as retaliatory measures by Ukraine, which imposed martial law for one month in ten provinces bordering Russia, the Azov Sea, the Black Sea and Transdnistria, a de facto independent region formally belonging to Moldova where there are Russian troops. This resulted in restrictions on freedom of movement for the civilian population, as well as for humanitarian workers in areas close to the line of contact, according to OCHA. The United Nations agency said the situation remained volatile after martial law was withdrawn on 26 December. Ukraine also prohibited men of Russian nationality between 16 and 60 years of age from entering the country. Russia also took various measures to consolidate its control over the Crimea in 2018, which it annexed in 2014, such as opening a bridge that connects the peninsula with Crimea and finishing a fence separating Crimea from Ukraine at the end of the year. According to media reports in late December, Ukraine denounced a large-scale increase of Russian troops, tanks and artillery pieces on Russia's side of the border that it claimed involved Il-76 jets and T-72 combat tanks. Actors such as NATO did not corroborate these reports.

Weapons exports

Ukraine has recently acquired weapons from eleven European countries, such as Poland, the Czech Republic, Bulgaria and France. These weapons include armoured BMP-1AK vehicles, Supercougar transport helicopters, Warmate armed drones and Spanish Alakran mortar systems.

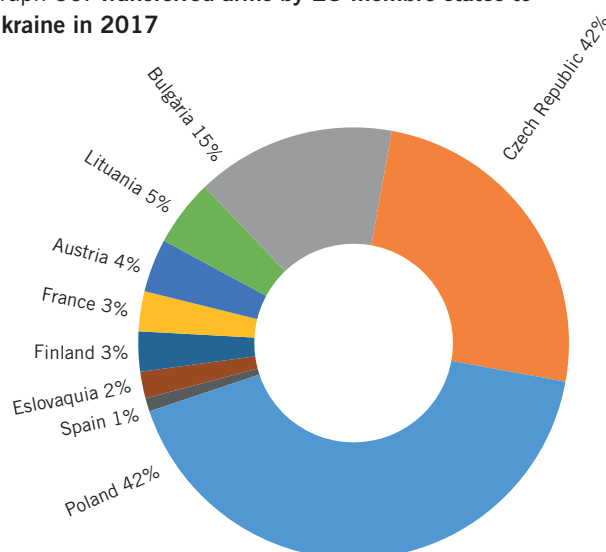
According to EU data, weapons worth 332 million euros were authorised for export in 2017, while weapons valued at 16 million euros were sold.

Graph 29. Transferred arms by EU membre states to Ukraine in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Graph 30. Transferred arms by EU membre states to Ukraine in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

Human rights and international humanitarian law

Ukraine was party to 20 of the 21 most important international humanitarian law treaties in 2018. The only one to which it was not party was the II Protocol for the Protection of Cultural Property in the Event of Armed Conflict. It has signed the Rome Statute of the International Criminal Court and the Arms Trade Treaty, but it has not ratified them. It has not accepted the competence of the

International Commission of Inquiry, so complaints cannot be brought against Ukraine before it for alleged serious violations or infringements of international humanitarian law.

In 2018, it was party to 16 of the 18 main human rights treaties approved by the United Nations, although it made reservations in seven of them, meaning that it did not fully accept them. It has also accepted the competence of eight of the 10 human rights protection mechanisms of the universal system. It has just not recognised the Committee on Economic, Social and Cultural Rights and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the former because it has signed but not ratified the protocol granting jurisdiction to that body and the latter because it is not party to the treaty that created it.

In 2018, it has been evaluated three times in the Universal Periodic Review (UPR), the first time in 2008, when only 40 recommendations were made, of which 34 were accepted, and the last time in 2017, when 163 recommendations were accepted among the 190 that were made. Several of them remain in force, such as those related to the need to ratify the treaties that it has only signed, to incorporate international standards domestically and to establish a more fluid dialogue with the human rights protection mechanisms whose competence has been recognised.

Recommendations that remain especially valid include those related to taking effective measures to combat hate speech and acts of hate related to ethnicity or sexual orientation, especially because there was a rise in cases in which people's physical integrity was affected by their sexual orientation in 2018.

Turkey was also asked to ensure that there were no legal, administrative or any other unnecessary or arbitrary restrictions on the legitimate work of civil society, a situation in which no progress was made in 2018 since attacks on journalists, civil society activists and members of minority groups were frequent and often went unpunished. The freedom of expression was also affected, which was another issue of interest and concern for the international community.

The widespread corruption in the country was another aspect that drew attention in 2018, being object of recommendations in the last UPR, especially to ensure that the judges of the Supreme Court were not subject to any form of political influence in their decision-making and that their appointment was transparent. However, there were cases in which that independence was questioned during the year under review, which had an impact on the effective guarantee of human rights.

One situation that held special interest was related to Russia's continued occupation of the Ukrainian autonomous region of Crimea, where armed groups remained together with the armed forces of both countries, putting the civilian population at risk. In that sense, it had already been recommended (and little progress was made) to prevent human rights abuses in Crimea and Donbas, especially since access to monitors, human rights defenders, journalists and lawyers was not fully provided and credible accusations of abuse by Ukrainian forces were not thoroughly investigated. Extrajudicial executions, illegal arrests, torture and gender-based violence continued to be committed by all conflict parties in 2018.

Ukraine had only submitted a progress report on voluntary compliance with recommendations of its first UPR despite having been evaluated three times.

Thus, in this case, it was evident that the use of weapons in the Crimea region was one of the main causes of human rights violations in Ukraine.

Ukraine had a strong formal and very weak real commitment to international humanitarian law and a medium formal and strong real commitment to human rights issues, as it was party to most treaties, as well as party to a significant number of monitoring mechanisms. In practice, it shows a medium formal and strong real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations committed throughout 2018.

3.1.5. MIDDLE EAST

Egypt

Summary of the conflict:

A scene of episodes of violence and insurgent activity in recent years, the Sinai Peninsula has hosted a growth of armed activity since 2011, following the ousting of the Hosni Mubarak regime. Armed groups based in the Sinai initially directed their offensives against Israeli interests, but after the coup d'état against Islamist president Mohamed Morsi, in 2013, they have focused their operations against Egyptian security forces. The armed group that most visibly operated in the region was Ansar Beit al-Maqdis (ABM), which at the end of 2014 declared their loyalty to the self-proclaimed Islamic State (ISIS), renaming it the Province of Sinai (PS). The majority of the armed actions in the conflict are concentrated in the peninsula, but some offensives have shown their ability to act beyond as well. There are a variety of factors underlying and shaping the complexity of the conflict, including the longtime political and economic marginalisation of the Bedouin peoples who inhabit the peninsula, the Palestinian-Israeli conflict, regional turmoil which has facilitated the transit of weapons and fighters to the area, and internal fluctuations in Egypt after the seizure of power by sectors of the military.

Developments in 2018

Throughout 2018, armed activities in Egypt continued to focus on the Sinai governorates, especially after Abdel Fattah al-Sisi's government launched a wide-ranging operation in the area in February, called: "Sinai 2018". The extensive military deployment to try to quell the activities of armed groups in the area, particularly the ISIS branch, was preceded by a series of high-impact attacks at the end of 2017. These included an attack on a Sufi mosque that killed 305 people in November 2017. ISIS claimed responsibility for the attack, which was described as "the bloodiest terrorist attack in the history of Egypt". The attack prompted the Egyptian president to order military forces to restore security in Sinai over a period of three months. While this operation was being prepared for deployment, the attack and attempted assassination against the ministers of defence and of the interior during a visit to the peninsula in December 2017 highlighted the effectiveness of the regime's anti-terrorism strategy, reinforcing its commitment to military escalation. Preceded by other military operations in Sinai (Operation Eagle in 2011 and Operation Martyr's Right in 2015), the deployment in 2018 maintained the policy of aerial bombardment and heavy artillery use, but introduced the new development of an increase in military equipment

and troops on the ground (around 60,000 troops, according to official reports), a policy of isolation of the Sinai Peninsula and informal curfews. Although the focus was Sinai, the operation was also intended to send security forces to areas of the desert (west) and the Nile Delta and to include naval and air patrols in border areas.²⁴ Egyptian military activities also continued to rely on the collaboration of Israel, which may have intervened in some air operations as part of an approach that is not officially recognised. From July 2015 until early 2018, Israel may have carried out more than 100 air strikes in Sinai in support of the Egyptian security forces in their campaign against armed groups operating in the area, according to information provided by analysts.²⁵

Difficulties persisted in determining the real scope of the military operation, its impact on the activity of armed groups and its repercussions for the civilian population due to the Egyptian regime's policies to silence alternative voices in the local media amidst an information blackout and the imposition of official narratives about the conflict. However, international human rights organisations reported many violations associated with the military campaign, including the use of banned weapons (specifically, the use of cluster bombs made by the United States in attacks by Egyptian air forces)²⁶, the intensification of policies to demolish civilian infrastructure in the areas of Rafah and al-Arish, which was officially done to create a zone of separation, but was reportedly also used as a means of punishing people suspected of terrorism or political dissidents; and the deterioration of humanitarian conditions for the population as a result of restrictions on movement imposed by the military operation.²⁷ Problems of access to food, medicine and fuel by the population were especially concerning. Various analysts said that the military operation also served the government's political objectives and helped to divert attention away from the country's economic problems ahead of the presidential election. Held in March, the election was marred by allegations of blocking votes and the intimidation of several candidates. According to official figures, al-Sisi won more than 90% of the votes.

En aquest context, al llarg de l'Year algunes anàlisis van advertir d'un possible canvi en l'estratègia de la filial d'ISIS a Egypt, per la preeminència d'atacs explosius i absència d'accions més sofisticades

24. Maged Mandour, "Egypt's Comprehensive Military Operation", *Sada*, Carnegie Endowment for International Peace, 15 February 2018.

25. Maged Mandour, "Egypt's Evolving Alliance with Israel", *Sada*, 20 March 2018.

26. Amnesty International, *Egypt: Use of banned cluster bombs in North Sinai confirmed by Amnesty International*, AI, 1 March 2018.

27. Human Rights Watch, *Egypt: Army Intensifies Sinai Home Demolitions*, 22 May 2018.

com les dutes a terme en Years previs. Aquesta aproximació es va interpretar com una eventual senyal de debilitament de l'organització, emmarcat també en un context més general de retrocessos del grup per la pèrdua de territoris en països com l'Iraq o Syria . No obstant això, durant l'últim trimestre de 2018 ISIS va tornar a reivindicar accions d'impacte, que van posar en evidència al règim i la seva estratègia per presumptament eradicar els grups armats que operen al país. Així, al novembre, ISIS va reclamar l'autoria d'un atac amb trets contra un monestir a la província de Minya (sud), que va resultar en la mort de set persones i va deixar ferides a unes 17. Totes elles pertanyien a la minoria copta del país . L'ofensiva es va produir en moments en què el Govern promovia la celebració del Fòrum Mundial de la Joventut destacant el clima de seguretat al país i la quasi total eliminació de l'amenaça de grups armats.²⁸ Al desembre, un altre atac explosiu a la turística zona de Gizeh, al sud del Caire, va causar la mort de tres turistes vietnamites i el seu guia local. Després dels atacs de novembre i desembre, les autoritats egípcies van anunciar gairebé immediatament -en menys de 48 hores- l'execució de 19 i 40 persones presumptament implicades en les ofensives. La rapidesa en la identificació dels suposats autors va encoratjar cert escepticisme en la població respecte a la participació real d'aquestes persones en els atacs i van cridar l'atenció sobre la incapacitat del govern per prevenir aquest tipus d'incidents. Aquests qüestionaments es van emmarcar en una crítica més general sobre les garanties de degut procés a les persones sospitoses de terrorisme i dissidents polítics, donat el clima de repressió i les denúncies sobre l'ús de tortures per part de l'aparell de seguretat del país.

A finals d'Year persistien les dificultats per precisar l'impacte de la violència associada a aquest conflicte en termes de letalitat. A partir de recomptes parcials basats en informacions de premsa i algunes xifres oficials, s'estima que al voltant de 500 persones podrien haver mort a causa d'aquest conflicte el 2018. A tall d'exemple, dades proporcionades per l'Exèrcit a l'octubre apuntaven que uns 450 combatents de l'ISIS i una trentena de soldats havien mort en els primers vuit mesos de la campanya militar. No obstant això, l'ISIS reivindicava un nombre major de militars morts en les seves accions durant l'Year. Tenint en compte que aquestes informacions són difícils de contrastar, les xifres provisionals indicarien que el balanç de mortalitat del conflicte en 2018 seria inferior a les estimacions de l'Year anterior.

Alguns analistes han destacat que a llarg termini l'aproximació militarista al conflicte té escasses perspectives d'èxit. No només perquè l'estratègia no ha aconseguit frenar la insurgència fins ara, sinó també per l'absència d'un marc polític que abordi de manera integral els reptes polítics i socials al Sinaí.²⁹

Weapons exports

The main exporter of weapons from the European Union to Egypt was France, according to SIPRI data, with high business figures composed of Gowind frigates and Rafale fighter jets. Germany also showed precise data on the export to Egypt in 2018 of several military products ranging from anti-aircraft defence systems to submarines (pending delivery) and their components. According to EU data, weapons valued at 8.736 billion euros were authorised for export in 2017 and weapons worth 1.560 million in total were exported.

Human rights and international humanitarian law

At the close of 2018, Egypt was a state party to 11 of the 21 international humanitarian law treaties in force, though without fully accepting the content of the two Protocols Additional to the Geneva Conventions, relating to the Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts. It has not ratified the Rome Statute of the International Criminal Court, it has just signed it with reservations, and it does not accept the competence of the International Commission of Inquiry, so complaints cannot be filed against Egypt for alleged serious violations or infringements of international humanitarian law.

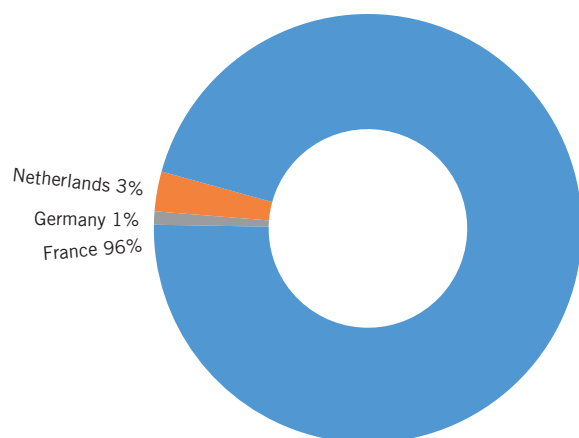
It is party to 11 of the 18 universal human rights treaties approved by the United Nations, although it has established some conditions to not be fully bound to eight of those 11 treaties and has not accepted the competence of any of the 10 treaty monitoring bodies, so individual complaints cannot be brought against Egypt through conventional United Nations mechanisms.

It has undergone twice the Universal Periodic Review (UPR) of the United Nations Human Rights Council, going from 165 recommendations in 2010 to 300 in 2014. Of the latter, it accepted

28. Khaled Dawoud, "Downplaying Terror Attacks in Egypt", Sada, Carnegie Endowment for International Peace, 9 de novembre de 2018.

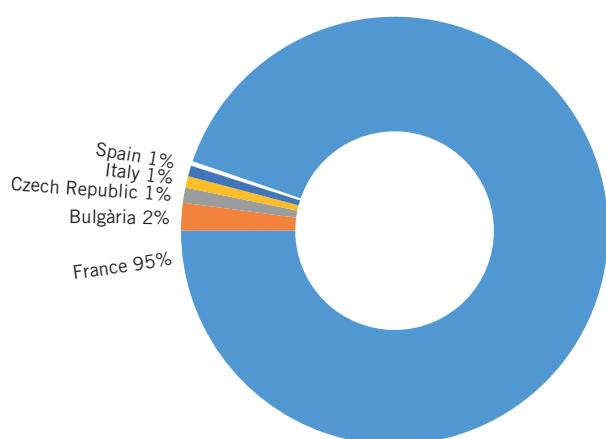
29. Maged Mandour, "Egypt's Comprehensive Military Operation", 2018, op.cit.

Graph 31. Transferred arms by EU membre states to Egypt in 2018



Source: Author's creation based on data from the SIPRI Arms Transfers Database. The figures are expressed in millions of TIVs (Trend Indicator Values) according to the SIPRI methodology.

Graph 32. Transferred arms by EU membre states to Egypt in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

224, many of which refer to its need to take the necessary steps to incorporate international standards into the national legal system, assume international commitments that it has not yet made, especially in relation to cooperation with the United Nations mechanisms, and submit its periodic reports. It has also been urged to take efforts to spread the culture of human rights in the country, with a special emphasis on the rights of children, young people and women, as well as the need to create institutions that ensure respect for human rights.

Many other recommendations are addressed to situations that persisted in 2018, such as

corruption and transparency issues, cases of torture that have arisen in different areas, cases of forced disappearances and extrajudicial executions. Closely related to this is the use of force by the security forces, which is related to documented cases of repression of civil society through interrogations, travel bans or bans on leaving the country and the freezing of organisational assets. Though they were not accepted, other recommendations refer to situations linked to arbitrary detention followed by clearly unfair trials of people who had criticised the government or protested peacefully, especially against journalists and human rights activists.

Other recommendations refer to the need to strengthen religious tolerance, freedom of thought and expression in all areas. The latter for the situations faced by journalists and the former because in several cases the authorities have criminally charged people with religious defamation and "licentious habits" based on their actual or supposed sexual orientation.

Similarly, it is emphasised the need for the justice system to be strengthened to ensure fair trials in which minimum guarantees are met, which is directly related to documented cases in which civil and military courts continued to hold unfair collective trials in which dozens of people were sentenced to death.

It has presented a progress report on voluntary compliance with the UPR recommendations that contains information until 2017.

As it can be seen, the country had a complex human rights situation, where violations were committed related to the use of weapons in cases of extrajudicial executions, disproportionate use of force and attacks on religious minorities, journalists and human rights activists, making it clear that the sale of weapons to this country is not a way to improve its situation in this regard.

Thus, it can be concluded that Egypt had a medium formal and very weak real commitment to international humanitarian law and a weak formal and very weak real commitment to human rights issues, as it was party to some treaties but not to all their monitoring mechanisms. In practice, it shows a weak formal and very weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the

characteristics of the human rights violations that were committed throughout 2018.

Israel - Palestine

Summary of the conflict:

The Israeli-Palestinian conflict started in 1947 when the United Nations Security Council Resolution 181 divided Palestinian territory under British mandate into two states and soon after proclaimed the state of Israel (1948), without the state of Palestine having been able to materialise itself since then. Since then various Arab-Israeli wars have been fought. After the 1948-49 war, Israel annexed West Jerusalem and Egypt and Jordan took over control of Gaza and the West Bank, respectively. In 1967, Israel occupied East Jerusalem, the West Bank and Gaza after winning the "Six-Day War" against the Arab countries. It was not until the Oslo Accords in the early 1990's that the autonomy of the Palestinian territory would be formally recognised, although its introduction was to be impeded by the military occupation and the control of the territory imposed by Israel. In this context of failure of the peace process, the conflict between Israel and the various Palestinian actors started up again in 2000 with the outbreak of the Second Intifada, and it continued, leading to several escalations of violence. Hotly contested and unresolved issues continue to be the capital of Jerusalem, the right to return for Palestinian refugees, the delimitation of borders and the question of the Israeli settlements in the occupied territories.

Developments in 2018

The Palestinian-Israeli conflict reported the worst levels of violence since 2014, with serious incidents focused mainly on Gaza. The Strip was the scene of mass demonstrations starting in late March in protest of the blockade imposed by Israel on the territory and laying claim to the Palestinian refugee population's right of return. These protests coincided with the 70th anniversary of the Nakba ("catastrophe") that resulted in the expulsion of 750,000 Palestinians during the establishment of the state of Israel in 1948. Under the name "Great March of Return", the demonstrations gathered tens of thousands of people weekly in the area near the separation barrier with Israel and were met with violence by Israeli forces. Although some Palestinian protesters launched incendiary devices into Israel, video recordings of the protests and investigations carried out by Palestinian, Israeli and international human rights organisations found that the Israeli Army shot and killed unarmed people who posed no imminent threat, many of which were between 150 and 400 meters from the separation barrier.³¹ Some

of the deaths occurred as a result of airstrikes. According to data collected by the Israeli NGO B'Tselem, 149 of the 254 Palestinians killed by Israeli forces in Gaza in 2018 were not involved in the hostilities, 90 were involved and the involvement of 15 could not be determined.³² Nevertheless, Hamas and Islamic Jihad, which supported the demonstrations, were directly involved in the Israeli response by launching projectiles, resulting in an increase in hostilities. Israel also tightened the blockade on Gaza with measures that included new restrictions for the entry of humanitarian goods such as food and medicine. Throughout the second half of the year, an informal ceasefire promoted by the UN and Egypt was observed in Gaza, which remained in force by the year's end amidst a climate of distrust.

In this context, OCHA concluded that until late 2018, Israeli actions in the West Bank but especially in Gaza had left a total of 299 Palestinians dead, including at least 41 children and people clearly identified as journalists and medical workers. In the same period, a total of 14 Israelis lost their lives in acts of violence linked to the conflict. About 13,500 Palestinian people were also injured, many of them seriously, including around 7,000 by firearms. Investigations carried out by UN experts to clarify what happened in Gaza indicated that war crimes had been committed. Israeli occupation policies against human rights and international humanitarian law persisted throughout the year, including restrictions on movement in the West Bank imposed by the wall and checkpoints; the administrative detention without charges of hundreds of Palestinian people; the torture and ill-treatment of detainees and the demolition of homes. Meanwhile, attacks by Israeli settlers against the Palestinian population also intensified. OCHA counted 217 incidents in the first 10 months of 2018, the worst figure since 2014. Also in 2018, the Israeli Parliament passed a law defining Israel as a Jewish state, thereby discriminating against the Arab-Israeli population. The general situation of the Palestinian population was also affected by measures taken by the US government, close to Israel, which in 2018 decided to move its embassy to Jerusalem, thereby giving priority to Israeli claims to the city and recognising an annexation that is internationally considered illegal. Washington also suspended funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

30. Amnesty International, "Israel and the Occupied Palestinian Territories", *Human Rights in the Middle East and North Africa. Review of 2018*, AI, February 2019.

31. B'Tselem, *Israeli security forces killed 290 Palestinians in 2018; most were victims of a reckless open-fire policy*, 17 January 2019.

Weapons exports

The most important arms shipments that Israel imported in the period covered by this report include four Meko warships pending delivery from Germany, Dolphin submarines partly financed with German international aid and torpedoes for the same submarines. According to EU data, weapons valued at 758 million euros were authorised for export to Israel in 2017 and weapons worth 87 million were exported.

Human rights and international humanitarian law

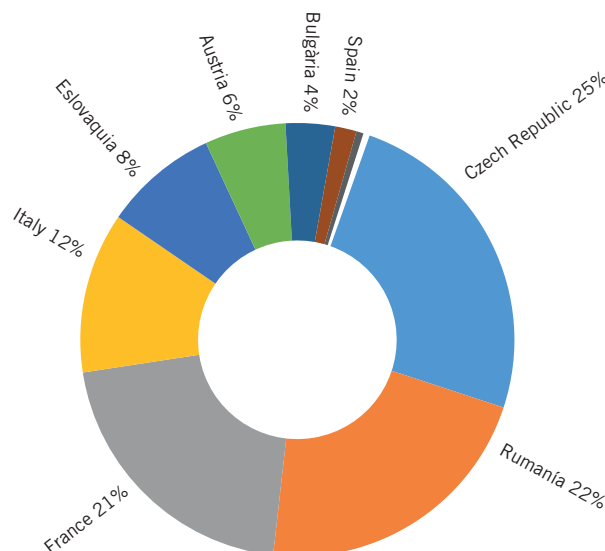
By 2018, Israel had ratified 12 of the 21 international humanitarian law treaties in force, without accepting all the obligations in 10 of them, including the four Geneva Conventions of 1949 on the Protection of Victims of International Armed Conflicts. It has not ratified the Rome Statute of the International Criminal Court and has only signed it with reservations. It does not accept the competence of the International Commission of Inquiry, so complaints against Israel cannot be brought before it for alleged serious violations or infringements of international humanitarian law.

While it is a state party to 10 of the 18 main human rights treaties approved by the United Nations, it has made reservations in six of those treaties, so it only fully accepts four. In 2018, it did not accept the competence of any of the 10 United Nations human rights treaty monitoring bodies, which means that individual complaints cannot be filed against it before those authorities.

In 2018 it underwent the Universal Periodic Review (UPR) for the third time, in which 240 recommendations were made, though it only accepted 93. Compared to its first review, there was a considerable increase in the number of recommendations, since in 2008 it received 54 recommendations, of which it only accepted three. As in most cases, the first recommendations are related to its need to sign or ratify the human rights treaties to which it is not a party, to accept a visit by the various human rights mechanisms and to implement nationally the human rights obligations made internationally.

Other recommendations made to Israel have to do with its occupation of the Palestinian Territories. It is asked to respect international obligations arising from international humanitarian law

Graph 33. Transferred arms by EU member states to Israel in 2017



Source: Author's creation based on data from the European Network Against Arms Trade (ENAAAT).

and human rights with the aim of ending the expansion of settlements and infrastructure in the West Bank, to avoid continuing to generate a humanitarian crisis and to reduce the increasing restrictions on the freedom of movement of the Palestinian population. In general, it is asked to put an end to all unilateral measures that endanger peace, which are of regional and international interest and constitute a threat to international security.

A worrying issue despite the recommendations made in 2018 is the extrajudicial executions of Palestinians and the military attacks that have killed thousands of innocents, without those responsible being punished. But in general, Israel was urged to meet its unfulfilled obligation to effectively prevent and punish incidents of excessive use of force and illegal killings committed by the security forces against the Palestinians.

Likewise, in 2018 there were situations that worried the international community during the UPR, such as the illegal detention of Palestinians without charges or judicial process, torture and other forms of ill-treatment in custody, including cases involving children, the inhumane conditions of seclusion in solitary confinement, overcrowding, the lack of hygiene and basic services and the denial of medical care in prisons.

Another reason for concern in 2018 was the discrimination against some communities, particularly Israeli Arabs, persons belonging to the Arab, Bedouin, Druze and Circassian communities and those belonging to other ethnic and religious minorities, as well as asylum seekers of African descent. In many cases, these African asylum seekers received threats of being expelled to the countries where their life or integrity is in danger in 2018.

Without covering all the human rights violations that concern the international community, these are some of the ones that drew attention during the UPR and continued to be present in 2018, since situations related to discrimination against women, damage caused to cultural heritage and great obstacles in gaining access to land, employment, housing and places of worship are ongoing.

Israel has never submitted a progress report on voluntary compliance with UPR recommendations despite having been evaluated twice.

In this case, as can be seen, the main human rights violations reported during the year have a direct relationship with the use of weapons in Israel's occupation, where there is a constant disproportionate use of force, extra judicial executions and other types of armed attacks to intimidate the Palestinian population and expand the occupation.

Thus, it can be concluded that Israel had a weak formal and very weak real commitment to international humanitarian law and a weak formal and very weak real commitment to human rights issues, as it was party to some treaties but not to all their monitoring mechanisms. In practice, it shows a weak formal and very weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations that were committed throughout 2018.

Palestine

In 2018, Palestine was party to 20 of the 21 main international humanitarian rights treaties, all signed without reservations. It is not party to the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices or the Protocol on Blinding Laser Weapons. It has ratified the Rome Statute of the International Criminal Court and accepts the competence

of the International Commission of Inquiry, so complaints can be brought against Palestine before it for alleged serious violations or infringements of international humanitarian law.

In 2018, it was only party to 11 of the 18 human rights treaties approved by the United Nations and it had only recognised the competence of the Committee on the Elimination of Racial Discrimination to hear individual complaints.

Since it is not formally a member state of the United Nations but only an observer state, it cannot be evaluated in the Universal Periodic Review (UPR).

The United Nations Human Rights Council in Resolution 40/23 adopted on 22 March 2019, on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, with respect to 2018 indicates, among other things, its great concern "because Israel, the occupying Power, continues to commit violations of international humanitarian law and systematic human rights violations of the Palestinian people, such as those arising from the excessive use of force and military operations causing death and injury to Palestinian civilians, including children and women, as well as to non-violent and peaceful demonstrators and to journalists, including through the use of live ammunition; the arbitrary detention of Palestinians, some of whom have been detained for decades; the use of collective punishment; the closure of areas; the confiscation of land; the establishment and expansion of settlements; the construction of a wall in the Occupied Palestinian Territory in departure from the Armistice Line of 1949; the forcible displacement of civilians, including of Bedouin communities; the policies and practices that discriminate against and disproportionately affect the Palestinian population in the Occupied Palestinian Territory, including East Jerusalem; the discriminatory allocation of water resources between Israeli settlers, who reside illegally in the Occupied Palestinian Territory, and the Palestinian population of the said Territory; the violation of the basic right to adequate housing, which is a component of the right to an adequate standard of living; the revocation of residency permits from Palestinians of East Jerusalem and their eviction from their city; the destruction of property and infrastructure, inter alia, homes of Palestinians; the hampering of humanitarian assistance and the destruction of, inter alia, structures provided as humanitarian aid [...]".

According to Amnesty International, some of the most worrying situations related to

the human rights situation in Palestine were also linked to the fact that “the Palestinian authorities in the West Bank and the Hamas de facto administration in the Gaza Strip escalated their restrictions on freedom of expression. In both areas, security forces tortured and (otherwise) ill-treated detainees with impunity. The authorities in the West Bank took punitive actions against the Hamas administration that further restricted the civilian population’s access to vital services, exacerbating the humanitarian crisis resulting from Israel’s military blockade of Gaza. Women in both areas continued to face discrimination and violence. Courts in Gaza handed down death sentences and Hamas carried out public executions; no executions were carried out in the West Bank.”

As it can be seen, human rights violations in Palestine are mostly directly related to the Israeli occupation and the presence of armed soldiers, which is the origin of a significant number of situations that generate such violations.

Thus, it can be concluded that Palestine had a strong formal and strong real commitment to international humanitarian law and a weak formal and weak real commitment to human rights issues, as it is party to most treaties, but not to the vast majority of their monitoring mechanisms. In practice, it shows a weak formal and weak real level of commitment due to the number and type of recommendations provided in the UPR, the degree of compliance with them and the characteristics of the human rights violations that were committed throughout 2018.

4.- CONCLUSIONS

From 2003 to 2017, European arms exports increased fivefold, with 550% more for authorised exports and 576% more for exports carried out. This increase was especially intense between 2014 and 2017.

In both 2017 and 2018, 95% of EU arms exports were made by six countries: France, Germany, United Kingdom, Spain, Italy and the Netherlands. The first two, Germany and France, accounted for half of the total.

The percentage of Spanish arms exports over all European exports has been increasing, reaching 19% in 2018.

EU member states increasingly exported weapons to countries in conflict in absolute as well as relative values from 2003 to 2017, with exports destined for armed conflicts rising from 5-8% to 24-28% of all arms exports.

EU arms exports destined for conflicts increased with much greater intensity than total exports. From 2003 to 2017, arms exports that were authorised and sent to countries in conflict increased by 1,894% and 2,018%, respectively.

In 2018, arms transfers to countries in conflict and crisis accounted for 47%, while the previous year they had reached 55%. Therefore, approximately half the arms exports by EU member states in 2017 and 2018 were sent to countries with unstable security situations.

The countries in armed conflict to which EU countries exported the most arms were Egypt (30%), Turkey (28%), India (15%) and Pakistan (9%).

Some of the armed conflicts to which weapons were exported from EU countries were among the deadliest in the world in 2018, such as Libya and Nigeria (which is part of the conflict in the Lake Chad Region).

In 10 of the 11 countries in armed conflict that imported weapons from EU countries, human rights compliance was weak or very weak.

In 10 of the 11 countries in armed conflict that imported weapons from EU countries, compliance with international humanitarian law was weak or very weak.

5. ANNEX I

DEFINITIONS

Conventional arms

Arms that are not biological, chemical or nuclear.

Heavy conventional arms

Weapons of large size that cannot be transported by one person or a group of people, for example, planes, ships, submarines, tanks, vehicles, artillery, cannons, machine guns, etc.

Small arms and light weapons¹

Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and automatic pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.

Light weapons:

Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces acting as a group. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm.

MATERIAL OF DEFENCE²

All EU member nations use the same classification of material destined for military use. Weaponry is classified into 23 distinct categories:

Category 1: Smooth-bore weapons with a calibre less than 20 mm

Rifles, carbines, revolvers, pistols, machine pistols, machine guns, silencers, special gun-mountings, clips, weapons sights and flash suppressers for arms

Category 2: Weaponry with a smooth-bored barrel and caliber equal to or greater than 20 mm

Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles, smooth-bore weapons and signature reduction devices, military smoke, gas and pyrotechnic projectors or generators, weapons sights.

Category 3: Ammunition and fuse setting devices

Ammunition for weapons specified by Cat. 1, 3 or 12. Fuse setting devices, anvils, bullet cups, cartridge links, rotating bands and munitions metal parts, safing and arming devices, fuses, sensors and initiation devices, power supplies, submunitions.

Category 4: Bombs, torpedoes, rockets, missiles

Bombs, torpedoes, grenades, smoke cans, rockets, mines, missiles, depth charges, demolition charges, pyrotechnic products, cartridges and simulators, smoke grenades, fire bombs, missile rocket nozzles and nose cones for re-entry vehicles.

Category 5: Systems for aiming and direction of fire

Weapon control panels, computer guidance systems for bombing, gun aiming devices, weapon control systems and data acquisition systems for surveillance, tracking, recognition and identification equipment.

Category 6: All terrain vehicles

Vehicles designed especially or modified for military use, cars or other military armed vehicles or equipment for laying mines, armoured vehicles, amphibious vehicles, bulletproof tires.

1. This definition of small arms and light weapons is that commonly used by the OSCE; see the document on small arms and light weapons from 2000: <http://www.osce.org/fsc/20783>

2. Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment

Category 7: Chemical agents and biological toxins

Biological agents and radioactive materials, nerve agents, blistering agents, tear gas, riot control agents.

Category 8: Volatile materials and related substances

Explosives, propellants, pyrotechnic products, combustibles and related substances, perchlorates, chlorides and cromides, oxides, chemical binders, additives and chemical precursors.

Category 9: Warships

Warships and surface or underwater vessels, navigation equipment, diesel motors designed specifically for submarines, electric motors designed specifically for submarines, underwater detection apparatus, anti-submarine nets and anti-torpedoes.

Category 10: Aircraft

Combat aircraft, unmanned aerial vehicles (UAV's), aircraft engines, fuel suppliers, pressurized breathing equipment, parachutes, and autopilot systems.

Category 11: Electronic equipment

Electronic countermeasure and counter-countermeasure systems, underwater acoustic material, data security equipment, encryption equipment, guiding, navigation and transmission equipment.

Category 12: Kinetic energy weapon systems

Kinetic energy weapon systems, facilities for testing and evaluating test models, propulsion systems, homing systems, guidance and derived propulsion systems for projectiles.

Category 13: Armoured equipment and constructions

Armoured plating, metallic and non-metallic construction materials, military helmets, clothing and protection pieces.

Category 14: Equipment for military training and simulation

Combat simulators for flight training, radar target training, anti-submarine warfare training, missile launch training, and equipment for image generation.

Category 15: Countermeasure and imaging equipment

Recorders and image processing equipment, cameras, photographic equipment, image intensification equipment, thermal imaging and infrared forming equipment, radar image sensor equipment.

Category 16: Forgings (metallurgy)

Forged products, casting molds, half finished products, specially designed for articles in cat 1, 4, 6, 9, 10, 12, or 19.

Category 17: Miscellaneous equipment, materials and libraries

Autonomous subaquatic apparatus, robots, close and semi-closed circuit apparatus, ferries.

Category 18: Production equipment and components

Environmental test facilities, continuous nitrators, equipment and apparatus for centrifuge testing, screw extruders.

Category 19: Directed energy weapon systems

Lasers, radio frequency particle beams, particle accelerators.

Category 20: Cryogenic and superconducting equipment

Equipment specifically designed or configured to be installed in vehicles for military applications on land, sea, air and space; superconducting electrical equipment.

Category 21: Software

Modelling software, software for simulation and evaluation of military weapon systems or the simulation of military operations scenarios, communications, control and intelligence software.

Category 22: Technology

Technology for the development, production or use of controlled materials and substances.

OTHER MILITARY AND DEFENSE EQUIPMENT³

- a. Firearms defined in article 3 resolution 55/255 of the United Nations general assembly for which the protocol is approved against the illegal manufacture and trafficking of firearms, their parts, components and ammunition, that aren't included in Annex I.1, articles 1, 2 and 3 in relation to military goods.
- b. telescopic/light or image intensifying scopes and sights for firearms.
- c. Generating devices, projectors, smoke machines, gases, "riot control agents" or incapacitating substances.
- d. Launchers of the elements described in the previous paragraph c.
- e. Sound and light riot control stun devices.
- f. Riot control vehicles with some of the following features:
 - 1. Systems to produce electric shocks
 - 2. Systems to dispense incapacitating substances
 - 3. Systems to dispense riot control agents
 - 4. Water canons
- g. Normal restraints and handcuffs

DUAL PURPOSE MATERIALS ⁴

Dual purpose technology and products, classified by all EU countries into 10 categories:

Category 0: Nuclear installations, materials and equipment

Nuclear reactors, separation plants for natural uranium isotopes, depleted uranium and fissionable materials, gas centrifuge equipment, mass spectrometers and graphite electrodes.

Category 1: Materials, chemical substances, "microorganisms" and "toxins"

Gas masks, armour, personal dosimeters, preregs, tools, dies, molds, continuous mixers, filament winding machines, lubricating fluids and substances, fluorides, sulphurs, cyanides and halogenated derivatives.

Category 2: Treatment of materials

Bearings, crucibles, machine tools, isostatic presses, measuring instruments, robots, motion simulators and mechanized facilities.

Category 3: Electronics

Electrical components, integrated circuits, micro-processor microcircuits, programmable gate sets, microwave components, electrically operated mixers, converters and explosive detonators.

Category 4: Computers

Electronic, hybrid, digital, analogue, systolic, neuronal and optical assembly computers.

Category 5: Telecommunications and "data protection"

Transmission equipment and systems for telecommunications, subaquatic communications systems, radio equipment, fibre optic cables, telemetry and remote control equipment, security systems.

Category 6: Sensors and lasers

Acoustics, image intensifier tubes, optic sensors, instrumentation cameras, optics, lasers, gravimeters and gravity gradiometers and radar systems.

Category 7: Navigation and avionics

Inertial navigation accelerometers, gyroscopes, GPS and GNSS, hydraulic flight control systems, mechanical control systems, electro-optical and electromechanical control systems including those for electrical signals (fly by wire).

Category 8: Marine technology

Submersible vehicles or surface ships, hydrofoils, underwater vision systems, underwater diving and swimming equipment.

3. The list of other material can be found in: Royal Decree-Law 844/2011, from 17 June.

4. The categories of dual-purpose materials are covered in the (UE) decree 388/2012, from 19 April (in annex I); Regulations published in the Official Journal of the EU 16 May 2012.

Category 9: Propulsion systems, space vehicles and related equipment

Aeronautic or marine gas turbine engines, space shuttles and space vehicles, solid or liquid fuelled rocket propulsion systems, ramjet engines, turbojet and turbofan engines, sounding rocket (research rocket), hybrid rocket engines, launch support equipment, environmental and anechoic chambers, re-entry vehicles

SIPRI CATEGORIES

Aircraft: all fixed-wing aircraft and helicopters, including unmanned aircraft (UAV/UCAV) with a minimum loaded weight of 20 kg. Exceptions are microlight aircraft, powered and unpowered gliders and target drones.

Air defence systems: all land-based surface-to-air missile (SAM) systems and all anti-aircraft guns with a calibre of more than 40 mm or with multiple barrels with a combined caliber of at least 70 mm. This includes self-propelled systems on armoured or unarmoured chassis.

Anti-submarine warfare weapons: rocket launchers, multiple rocket launchers and mortars for use against submarines, with a calibre equal to or above 100 mm.

Armoured vehicles: all vehicles with integral armour protection, including all types of tanks, tank destroyers, armoured cars, armoured personnel carriers, armoured support vehicles and infantry fighting vehicles. Vehicles with very light armour protection (such as trucks with an integral but lightly armoured cabin) are excluded.

Artillery: naval, fixed, self-propelled and towed guns, howitzers, multiple rocket launchers and mortars, with a calibre equal to or above 100 mm.

Engines: engines for military aircraft, for example, combat-capable aircraft, larger military transport and support aircraft, including large helicopters; engines for combat vessels, such as fast-attack craft, corvettes, frigates, destroyers, cruisers, aircraft carriers and submarines; and engines for most armoured vehicles (generally engines of more than 200 horsepower output).

Missiles: all powered, guided missiles and torpedoes and all unpowered but guided bombs and shells. This includes man-portable air defense systems (MANPADS) and portable guided anti-tank missiles. Unguided rockets, free-fall aerial munitions, anti-submarine rockets and target drones are excluded.

Sensors: all land-, aircraft- and ship-based active (radar) and passive (e.g. electro-optical) surveillance systems with a range of at least 25 kilometres, with the exception of navigation and weather radars, all fire-control radars, with the exception of range-only radars, and anti-submarine warfare and anti-ship sonar systems for ships and helicopters.

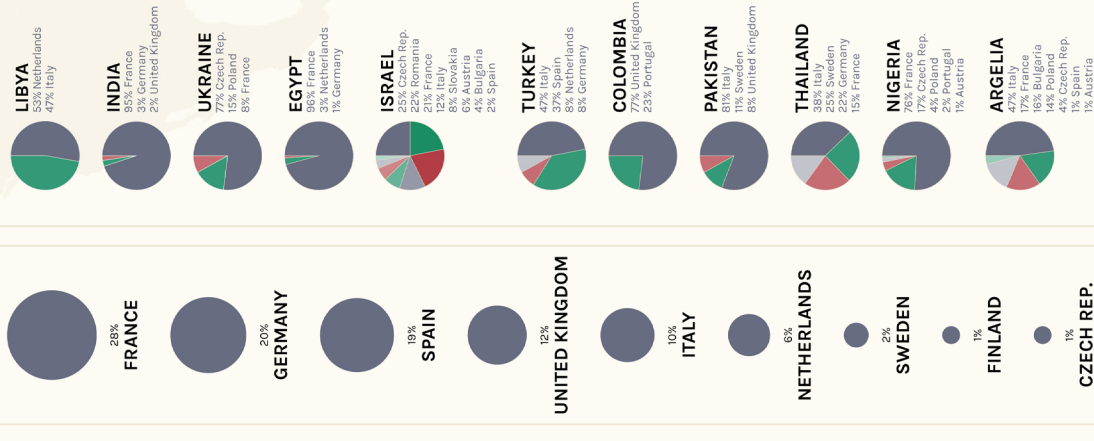
Satellites: reconnaissance satellites.

Ships: all ships with a standard tonnage of 100 tonnes or more, all ships armed with artillery of 100-mm calibre or more, torpedoes or guided missiles and all ships below 100 tonnes where the maximum speed (in kmh) multiplied by the full tonnage equals 3,500 or more. Exceptions are most survey ships, tugboats and some transport ships.

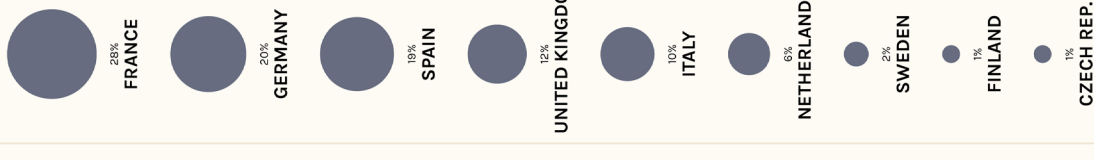
Other: all turrets for armoured vehicles fitted with a gun of at least 12.7 mm calibre or with guided anti-tank missiles, all turrets for ships fitted with a gun of at least 57-mm calibre, all turrets for ships fitted with multiple guns with a combined calibre of at least 57 mm and air refueling systems like those used on tanker aircraft.

TOP EUROPEAN ARMS EXPORTS TO COUNTRIES IN SITUATIONS OF ARMED CONFLICT AND HUMAN RIGHTS VIOLATIONS

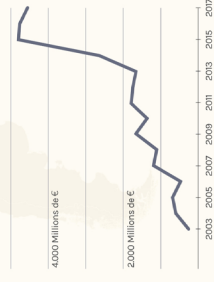
EUROPEAN ARMS EXPORTERS TO 11 COUNTRIES ANALYSED



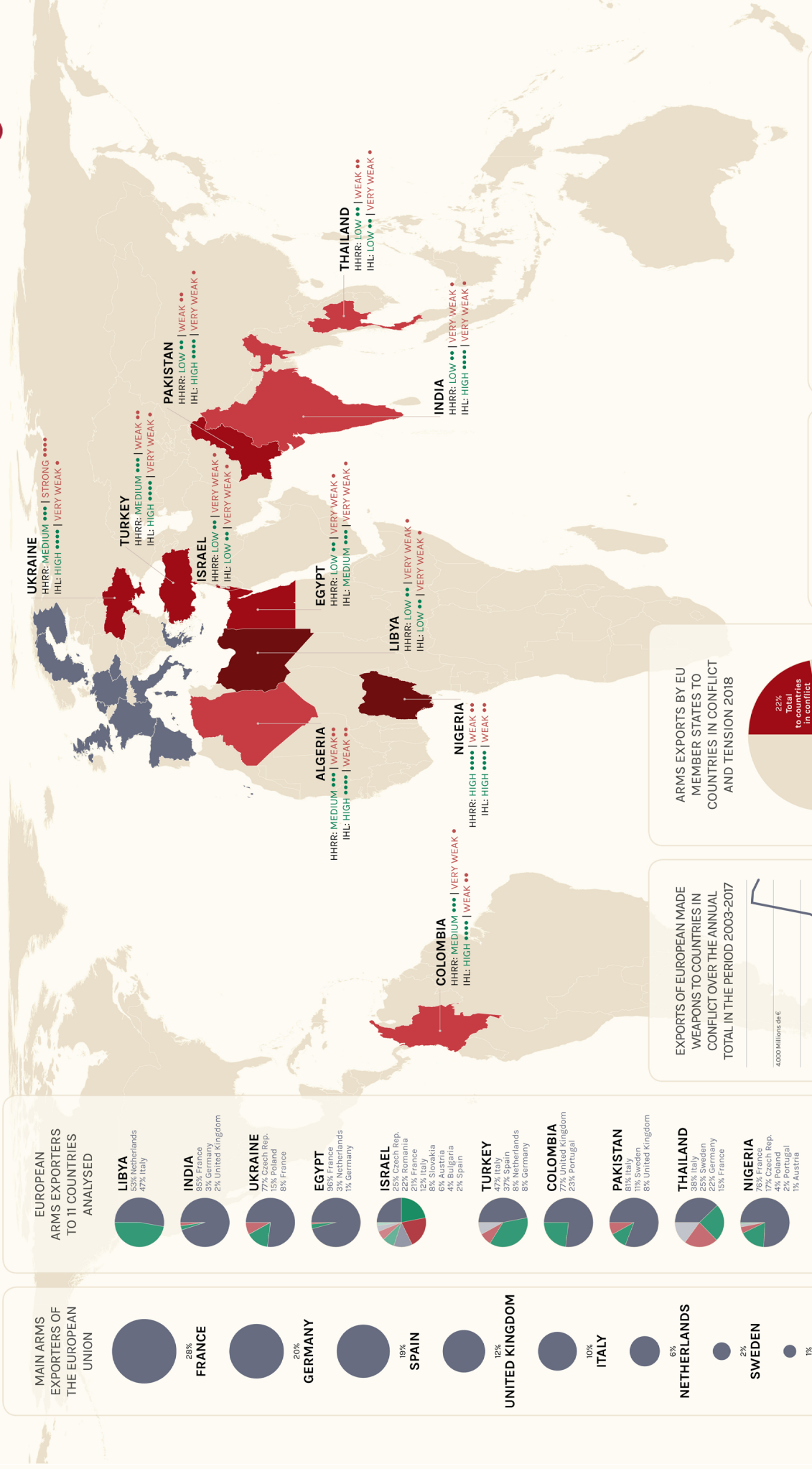
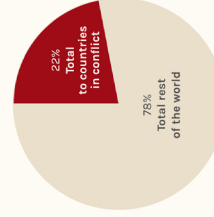
MAIN ARMS EXPORTERS OF THE EUROPEAN UNION



EXPORTS OF EUROPEAN MADE WEAPONS TO COUNTRIES IN CONFLICT OVER THE ANNUAL TOTAL IN THE PERIOD 2003-2017



ARMS EXPORTS BY EU MEMBER STATES TO COUNTRIES IN CONFLICT AND TENSION 2018



DEGREE OF
INTENSITY OF
THE CONFLICT



DEGREE OF COMMITMENT | COMPLIANCE
WITH HUMAN RIGHTS (HHRR) AND
INTERNATIONAL HUMANITARIAN LAW (IHL)



SCHOOL FOR A CULTURE OF PEACE (UAB)

The School for a Culture of Peace (Escola de Cultura de Pau - ECP) is an academic institution of investigation for peace located in the Universidad Autònoma de Barcelona (UAB). It was created in 1999 with the goal of promoting the culture of peace through activities of research, parallel diplomacy, education, and awareness raising. The main areas of investigation include conflict analysis, peace processes, gender, human rights and transitional justice, and peace education.

DELÀS CENTRE OF STUDIES FOR PEACE

The J.M. Delàs Centre of Studies for Peace (Centre d'Estudis per la Pau J.M. Delàs) is an independent organisation analysing peace, security, defence, and the arms trade. The Centre is dedicated to political and social research and action to strengthen the culture of peace and the construction of a disarmed society, making people aware of the negative effects of arms proliferation and militarism. The main areas of research are the arms trade, the financing of the arms industry, military expenditure, weapons research and development (R&D), and military operations abroad.

The Delàs Centre was born in 1999 in Justícia i Pau (Justice and Peace), as a continuation of work within the Campaign against the Arms Trade – C3A which started in 1988. Since February 2010 it is an independent research centre on issues related to disarmament and peace.

THE HUMAN RIGHTS INSTITUTE OF CATALONIA (IDHC)

The Human Rights Institute of Catalonia (IDHC) is an association that was created in Barcelona in 1983 by a group of people with a clear sense of protest and struggle for the progress of freedoms and democracy in the world and with a objective to combine the individual and collective efforts of public and private institutions to promote the expansion of political, economic, social and cultural rights for all people.

The IDHC carries out three parallel and interdependent lines of work adapted to the new reality: training, public advocacy and research. Each of these lines gives special attention to the IDHC's relationships with other institutions, network participation and study and research activities.

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