



United Kingdom Foreign & Commonwealth Office

**Human Rights and Democracy:  
The 2010 Foreign &  
Commonwealth Office Report**



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# **Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report**

Presented to Parliament by the  
Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty

March 2011

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## **Foreword by Foreign Secretary William Hague**

I am delighted to introduce the 2010 Human Rights Command Paper. Our coalition government is determined to strengthen the human rights work of the Foreign and Commonwealth Office, as part of our commitment to a foreign policy that has the practical promotion of human rights as part of its irreducible core. This new report is one example of this intent.

The report covers the period from January to December 2010, though some key events in early 2011 have also been included. It highlights the important progress being made, serious concerns that we have, and what we are doing to promote our values around the world. It will rightly be studied closely by Parliament, NGOs and the wider public.

Promoting human rights is indivisible from our foreign policy objectives. Ministers and officials always consider human rights in all of our bilateral and multilateral dealings and raise our concerns about human rights wherever and whenever they arise. In my first 10 months as Foreign Secretary I have travelled to many countries including Syria, Afghanistan, Yemen and Tunisia, where I have raised human rights issues. Each member of my ministerial team shares my commitment on this point.

Recent events in North Africa and the Middle East demonstrate the appeal of political freedoms, regardless of nationality or background. As this report highlights, 2010 saw demonstrations in support of greater freedoms for individuals and the press, free and fair elections, and justice and accountability. Protests took place in countries as diverse as Belarus, Yemen and Iran, disproving the myth that these values are “Western” ideals.

I have also established a new human rights advisory group made up of a broad range of experts, with a variety of perspectives on different human rights issues, from NGOs, academia and international institutions. This group met for the first time in December 2010 for a very useful and frank discussion of the important and complex issues facing human rights in the coming years. Our meetings in 2011 will

focus on freedom of religion, which is of increasing concern given the violence suffered by religious minorities over recent months, and the relationship between trade and human rights. We will also look at challenges in specific countries, including Afghanistan. These meetings will be complemented by the various sub-groups which will focus explicitly on torture prevention, freedom of expression and the death penalty. I am determined to seek the views and advice of the members of these groups, as well as that of other interested organisations, on other key issues and events as they unfold, such as in response to events in Libya in February 2011.

I also made a commitment to increase the amount of online human rights reporting by our diplomats. I would encourage you to visit the FCO's website to read about the latest developments and actions being reported by our embassies and high commissions around the world. You can follow our latest work on [Twitter@fcohumanrights](https://twitter.com/fcohumanrights).

This Command Paper is also being posted online in a format that will enable non-government organisations and others to host it more easily on independent websites. The paper will also be viewable by section, so that you can quickly find the information that most interests you. I hope that these features, as well as the comprehensive nature of the content, will bring the report to as wide an audience as possible, both in the UK and internationally.

As recent events have shown, 2011 may prove to be a historic year for democracy and human rights. Throughout the months ahead, we will continue to support those pursuing more open societies, political systems and universal values.



## **Foreword by Minister of State Jeremy Browne**

The Coalition Government is determined to embed human rights at the core of our foreign policy. The many actions and policies outlined in this Human Rights Command Paper clearly demonstrate this. As Minister responsible for human rights policy within the Foreign and Commonwealth Office (FCO), I have overseen much of this work. I am proud of the role that the FCO plays in promoting and protecting human rights around the world, and of the commitment of staff in London and in our embassies and high commissions to this foreign policy priority. I appreciate the support that I and the FCO receive from NGOs and the meetings I have had with organisations such as Amnesty International, UNICEF, Saferworld and Womankind that have helped inform my work.

The British Government is pursuing the cause of human rights in all its bilateral and multilateral relationships. We are determined to support progress across the board and I have emphasised our commitment to advance individual freedoms to governments in Latin America, South East Asia, the Far East and the Caribbean during each of my overseas visits. Where we see progress, Britain's role is to support and encourage its partners, but where we see deteriorating situations we have a moral imperative to stand on the side of those whose rights are being violated.

I am personally very proud to lead the FCO's effort to abolish the death penalty worldwide. When I launched the Government's strategy last October, I emphasised the value of incremental progress and pragmatic engagement on this issue. With Britain's strong encouragement, 107 countries voted for a worldwide moratorium at the UN last year. But the death penalty remains on the books in 58 countries. As chair of the subgroup on the death penalty, set up as part of Foreign Secretary's Advisory Group on Human Rights, I am strengthening our work with countries such as Kenya, Japan and those in the Caribbean, with the ultimate ambition of a global ban.

We are also working to promote freedom of expression on the internet. Networked communications are a revelation in world affairs but too often we have seen states trying to silence dissent by blocking websites and shutting down social networking sites. The internet has an unparalleled ability to mobilise people across the world in pursuit of democratic freedoms. We have a duty to protect it. The Foreign Secretary has reiterated Britain's message that access to the internet is both an economic and a human right and I have discussed how Britain can provide leadership on initiatives on greater access to information with industry leaders such as Facebook and Google. I will be taking forward our work in this area in the coming months.

The Command Paper clearly shows how human rights are central to achieving all of the FCO's three new priorities of safeguarding Britain's national security, building Britain's prosperity, and supporting British nationals around the world. The Government's primary duty is to safeguard our national security. But in doing so, it is vital that we preserve the tolerance and respect for civil liberties that terrorists seek to undermine. We have also been clear that there is no contradiction between our work to build Britain's prosperity and our defence of human rights. Our pursuit of one is not at the expense of the other. As the Foreign Secretary has clearly said, we will never overlook human rights abuses wherever they occur. And as Minister for consular affairs I have seen at first hand the vital work of our consular team in protecting the rights of British nationals, frequently in difficult and demanding circumstances.

The Paper also reports on 26 countries where we have serious human rights concerns. This is not an exhaustive list, nor should it be seen as a league table. Some countries, such as Sri Lanka, were the focus of a high level of UK activity in 2010. In other countries such as Vietnam, significant improvements could lead to positive developments in the wider region. Eritrea and others are included in the report because of a serious lack of progress over recent years.

Although human rights policy falls within my ministerial portfolio, promoting human rights is the responsibility of the whole FCO ministerial team. Ministers believe passionately in this. I hope this comes across in the report.

## **SECTION I: Promoting British Values**

As Foreign Secretary William Hague said on 15 September in his speech “Britain’s Values in a Networked World”, “It is not in our character as a nation to have a foreign policy without a conscience, and neither is it in our interests”. The values of fairness, dignity, liberty and justice, as well as our support for democratic freedom, universal human rights and the rule of law are “part of our national DNA and will be woven deeply into the decision-making processes of our foreign policy at every stage”. They form the essential framework for the pursuit of the Government’s foreign policy.

Our approach is based on realism. Each country is different and we work with the local grain to achieve our goals. This does not mean that we will ever overlook human rights abuses; indeed, we raise our human rights concerns wherever and whenever they arise, including with our allies and those countries with which we are seeking closer ties. But our approach is a practical one, working with others to promote human rights in a pragmatic and effective way that strengthens the global commitment to universal human rights, the rule of law, democracy and respect for all. We also have a strategic interest in promoting these values, as they are integral to long-term stability and prosperity, both for the UK and more widely.

Human rights and the rule of law are inextricably linked. The rule of law is more than a set of legal rules that govern society. It encompasses representative government, an independent judiciary, independent courts and proper systems of accountability. These institutions, at both the national and international level, ensure that individuals are treated equally before the law and prevent those in power from acting in an unfettered or arbitrary way. To achieve this, the rule of law must also guarantee the proper exercise of an individual’s human rights, as articulated in international human rights law, and as set out in instruments such as the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. This international human rights framework is the basis by which we judge human rights in other countries. We are also committed to ensuring that our own standards match those enshrined in international law.

The rule of law underpins democracy. We support democracy worldwide because we believe it is the system of government that best provides for free and fair societies. We recognise that countries develop at different paces and that our support will need to be specific to the context. Establishing stable democracies takes time, but supporting the development of democracy is in our national interest. Societies that enjoy genuinely participative participatory democracy are more likely to be secure and prosperous in the longer term, as democratic development alleviates poverty, reduces corruption and creates the conditions to sustain economic growth.

Democracy rests on respect for each individual in society, regardless of race, religion, gender, sexual orientation or other status. We are committed to fighting all forms of discrimination and intolerance. We place special emphasis on combating the global rise of religious intolerance, including Islamophobia, antisemitism and violence against Christian communities or other faiths. We continue to champion women's rights and gender equality against the discrimination that still exists in both the developed and developing world. We will also promote freedom of expression as an essential element of our work on democracy and all our human rights priorities.

But we will be judged by our actions and not just by our words. In order to achieve our human rights objectives we provided £5 million from our Strategic Priority Fund for Human Rights and Democracy in practical, real world support in 2010 to more than 100 human rights and democracy projects in over 40 countries. These included local-run initiatives to strengthen human rights mechanisms, improve criminal justice systems, promote equality, improve electoral processes, promote and protect the role of civil society and strengthen freedom of expression.

The Government's efforts are focused where we believe the UK is best placed to effect change and to shape international practice. Much of our work is in support of locally based projects, run by local organisations that understand the situation on the ground. But all of our embassies and high commissions have a responsibility to monitor and raise human rights in their host countries and to take action on individual cases of persecution or discrimination. We also lobby for changes in discriminatory

legislation and practices, including through the UN, the EU, the Commonwealth and other multilateral organisations.

## **Democracy**

### **Elections and election observation missions**

Although elections are vital to democracy, they do not guarantee it. As was clear in 2010, elections can be a means of consolidating personal and party power and can act as window dressing, conferring a stamp of legitimacy on an illegitimate regime. This was certainly the case in **Burma** where the regime conducted elections in a deeply repressive environment. Some 2,200 political prisoners, including opposition leader Aung San Suu Kyi, remained under detention with the playing field firmly skewed in the military-backed party's favour.

Despite the risks, in 2010 we worked to support elections around the world and to help them meet international standards. In December, Minister of State Jeremy Browne, with Department for International Development (DFID) Minister Stephen O'Brien, launched new guidance to Foreign and Commonwealth Office (FCO) and DFID staff which provided practical advice on how to support elections overseas. This builds on the work our embassies and high commissions already carry out.

In the run up to the elections in **Ethiopia** in May, our Embassy in Addis Ababa was instrumental in facilitating agreement to an electoral code of conduct by the ruling party and many opposition parties. The code was passed into Ethiopian law and commits the parties to adhere to electoral good practice. The negotiations between the political parties that led to the formation of the code helped build trust and confidence, and reduced the risk of post-election violence. However, as the EU election observation mission stated, while election day was peaceful, there were serious shortcomings in terms of transparency of the process and the lack of a level playing field for all the contesting parties.

The first local-run parliamentary elections since the 1960s were held in **Afghanistan** on 18 September. Through the UN Development Programme we provided financial and technical assistance to the Afghan Independent Election Commission and the Electoral Complaints Commission both before and throughout the electoral process.

We also support election observation missions which can deter fraud and violence and also provide informed recommendations on improving the electoral process. We provide financial and technical assistance to every EU election observation mission. In 2010 the EU sent observation missions to elections in Sudan, Burundi, Ethiopia, Guinea, Tanzania and Cote d'Ivoire. In **Tanzania**, the findings of the EU observation mission helped increase confidence in the electoral process and were acknowledged by the Tanzanian government as providing valuable guidance on how to improve their future electoral processes. In 2010 we also provided British observers to the Organization for Security and Co-operation in Europe (OSCE) election observation missions to Ukraine, Belarus, Bosnia and Herzegovina, Moldova, Georgia, Azerbaijan, Kyrgyzstan, and Tajikistan.

The Commonwealth plays a key role in promoting respect for democracy and political values through its election observation work. In 2010, Commonwealth observer groups observed elections in Sri Lanka, St Kitts and Nevis, Rwanda, Solomon Islands and Tanzania. Their final reports on each of these provided recommendations on how the electoral processes can be further improved. In addition, an assessment team visited Bougainville (Papua New Guinea), and a Commonwealth Secretariat staff team observed the referendum on their new constitution in Kenya. We continued to provide financial and in-country support for Commonwealth observer missions. More broadly, in 2010 the Commonwealth created a network of national election management bodies to promote good practices and facilitate opportunities for peer support, technical assistance and capacity building for election management bodies across the Commonwealth. Representatives of national election management bodies from across the Commonwealth met for the first time in April in Accra, Ghana. We will help to develop the network.

Domestic observation also plays an important role. During **Egypt's** parliamentary elections in November and December, domestic observers and civil society organisations repeatedly raised their serious concerns about the elections and preparations for them. They highlighted the lack of access for international monitors, independent national monitors and candidate representatives to the counting process; and the crack-down on the media in the run-up to the elections in an attempt to limit media comment. In a number of cases, reported voting irregularities and the harassment and arrest of opposition candidates and their supporters amounted to serious interference in the electoral process. This called into question the credibility of the results. The majority of the opposition parties and candidates refused to participate in the second round of elections, citing these issues. We strongly encouraged the Egyptian authorities to address these concerns. We remain convinced that vigorous engagement in a fully transparent, democratic process is the best path to ensure that Egypt realises its full potential.

### **The Westminster Foundation for Democracy**

Established in 1992 to support the newly emerging democracies of Central and Eastern Europe, the Westminster Foundation for Democracy is the UK's primary organisation supporting the development of political parties and democratic institutions around the world. The foundation is a non-departmental public body and in 2010/11 received an annual grant in aid of £3.4 million from the FCO. The foundation works with and through all the Westminster-based political parties, both on a sister-party and cross-party basis, and is now active in Africa, the Middle East and Asia, as well as in Eastern Europe and the Balkans.

The foundation's projects and programmes promote the values of multi-party democracy, good governance, transparency and accountability. It has advanced human rights by ensuring that political parties, parliaments and elected representatives are able to uphold, protect and realise these rights through better legislation, oversight and representation.

In **Macedonia**, building strong democratic institutions that will promote and protect human rights is a vital step in Euro-Atlantic integration. But Macedonia's key political institutions lack an awareness and understanding of universal human rights

standards. The foundation has designed and delivered a tailored programme of support to strengthen the capacity of the Macedonian parliament to uphold and advance human rights, in partnership with the Macedonian Young Lawyers Association and the UK's International Bar Association. The foundation also provided training for members and staff of the Macedonian Assembly's Oversight Committee on Human Rights. This was conducted by local human rights experts, supported by an expert from the UK Parliament's Joint Committee on Human Rights, and focused on the Macedonian parliament's role in upholding the rule of law and implementing constitutional and human rights obligations.

In **Uganda**, the foundation has worked with the Uganda Women Parliamentary Association over a number of years to support gender legislation advocacy. In 2009 the Uganda Women Parliamentary Association launched a common women's legislative agenda in the Ugandan parliament. As a result, four new progressive gender bills were enacted in 2010, improving women's rights and access to justice.

In **Iraq**, the foundation and its local and regional partners developed a think tank to provide specialist advice in parliamentary affairs and public policies. The think tank has since published policy papers on key issues relating to health, education, transparency and women's rights. Women's political rights continue to be the focus of the foundation's work in the Middle East.

In **Lebanon**, the foundation supported the Lebanese parliament's finance committee in strengthening its budgetary oversight function, including through reviewing a new government pensions bill. As a result of its findings, the Lebanese parliament established a sub-committee where the pensions bill could be discussed and analysed by representatives of all political parties and trade unions, with the participation of the minister of labour. The bill was subsequently revised and will improve social and economic rights for Lebanese citizens by providing a pensions law for the first time, fully budgeted by the Lebanese government and consistent with international standards.

In 2010, the foundation also partnered with the International Bar Association's Human Rights Institute under the Westminster Consortium programme, in Ukraine,



Georgia, Uganda, Mozambique and Lebanon and provided training on the rule of law and human rights for parliamentarians and parliamentary staff. The programme's curriculum was developed with local partners in order to ensure that it reflects the local political and human rights context. Workshops organised under the programme provided an opportunity for participants to develop legislative best practice. In **Uganda**, participants focused on the proposed anti-homosexuality bill. This was the first time parliamentary staff had been challenged to debate the issue from a legal and human rights perspective. As a result, the staff agreed that all future legislation should only be presented to parliament if accompanied with a certificate stating that it complied with Ugandan and other international human rights law. The clerk of the Ugandan Human Rights Committee is following up this proposal with the Committee.

Based on the consortium's curriculum, a handbook on the rule of law and human rights will now be produced for parliamentarians and committees which the foundation will share with other countries, including those of the East African Community. The foundation will work with the East African Legislative Assembly, the central legislative body of the East African Community, to provide a tailored programme of support to assembly staff on how to use the handbook.

### **Human rights defenders**

Human rights defenders are individuals or groups who act to promote or protect human rights and include NGOs, lawyers, journalists, academics and politicians. In many countries they and their families face the risk of harassment, arrest, detention or death.

Human Rights Day 2010 focused on honouring those who defend human rights around the world. To mark the day, William Hague highlighted "those who champion the rights and freedoms of their fellow men and women, often at great personal cost", including Liu Xiaobo who was awarded the Nobel Peace Prize but remains imprisoned in **China**; the 2,200 prisoners of conscience still detained in **Burma**; the four people, including Le Cong Dinh, imprisoned in **Vietnam** for expressing their opinions; the human rights activist Azimzhan Askarov, imprisoned for life in **Kyrgyzstan**; and human rights defenders in **Iran** who are harassed, intimidated and imprisoned, including the lawyer Nasrin Sotoudeh.

We encourage governments to see human rights defenders as legitimate actors working in the interests of their countries. Our support can have a real and positive impact, particularly in countries where they face an unfriendly or intimidating government. In 2010, ministers raised individual cases of persecution or harassment, for example when Parliamentary Under-Secretary of State Henry Bellingham called upon the government of the **Democratic Republic of Congo** to ensure a full, proper and transparent investigation into the death of the human rights defender, Mr Floribert Chebeyain. This ministerial support is underpinned by our embassies and high commissions. In **Belarus**, the Embassy worked with the EU and the US to urge the government to uphold the rights of those detained on political grounds following the flawed elections on 19 December. William Hague urged the Belarusian authorities to ensure that all detainees were given access to adequate medical care and legal representation. He also called on President Lukashenko and his government to engage in a dialogue with political parties, NGOs and civil society with a view to allowing them to fulfil their role in a democratic society. Some political activists have since been released.

In **Colombia** indigenous and Afro-Colombian human rights advocates are routinely subjected to threats and intimidation. Many organisations have told us that visible contact with our Embassy improves their security. The Embassy has therefore set out a high-profile programme of support which has included visits to threatened communities in remote parts of the country such as Chocó and Nariño to draw attention to their plight. Jeremy Browne visited Cartagena in August and met representatives of the Association of Displaced Afro-Colombians. He condemned threats against them and gave his public support for the organisation and its work.

### **Freedom of expression**

Freedom of expression is fundamental to building democracy by allowing citizens to challenge their government and make informed decisions. Journalists, bloggers and media organisations must therefore be allowed to work freely and safely in line with international standards.

In the first half of 2010, Reporters Without Borders handled the cases of more than 50 journalists who had fled their home countries. The organisation also reported a

surge in abductions: 51 reporters were kidnapped in 2010, up from 33 in 2009. Throughout 2010 our embassies and high commissions have highlighted the need to tackle impunity for attacks on journalists through: raising individual cases, and calling for prompt and full investigations; supporting criminal justice mechanisms to deal with attacks on journalists; promoting dialogue between the media, civil society and the authorities; supporting effective and well-implemented freedom of information legislation; and supporting broad access to the media and pluralism of media ownership.

We have also used our membership of international institutions to promote freedom of expression. At the OSCE Review Conference in Astana in November we called for journalists, media workers, bloggers and media organisations to be allowed to work freely and safely, and for OSCE participating states to demonstrate their commitment to media freedom in line with OSCE standards. At the UN, the Deputy Prime Minister Nick Clegg emphasised the importance of freedom of expression in his speech to the General Assembly in September. We work closely with the UN Special Rapporteur on Freedom of Opinion and Expression Frank La Rue and have encouraged him to focus his work on freedom of expression and the internet in 2011. We have also encouraged technology companies to behave responsibly in terms of supporting freedom of expression on the internet; for example Jeremy Browne met representatives of Facebook in October and Google in November to explore what more can be done to uphold international freedom of expression standards on the internet.

We also lobbied governments for change on the ground, including by raising individual cases. In Iran, blogger Hossein Ronaghi Maleki was sentenced to 15 years in prison in October. His sentence was upheld by the appeal court in December. Another blogger, Hossein Derakhshan, was sentenced to 19-and-a-half years in prison in September. Derakhshan is informally known as the “blogfather” of Iran for his work in promoting blogging in Farsi. Between September and October, FCO bloggers, including Minister for Europe David Lidington, highlighted his case worldwide.

In Thailand, under state of emergency legislation, the Thai government placed significant restrictions on freedom of expression in 2010. Community radio stations, newspapers and magazines which supported opposition groups were closed down and thousands of websites were blocked. In November, our Embassy in Bangkok hosted a freedom of expression seminar to encourage public debate with journalists, university students, NGOs and government officials. In 2011 the Embassy will hold a similar seminar in Chiang Mai and launch a web-based forum to facilitate public discussion.

We also provided practical support to freedom of expression projects in 2010. In Nigeria we promoted the use of community radio through nationwide training events and provided support to local groups wishing to set up community radio stations. The Nigerian government is now committed to introducing broadcast licences for community radio services.

In **Egypt** there was a growth in the number of independent papers, many of which were critical of the government. However, prosecutions of internet bloggers and activists increased. At the UN Human Rights Council's Universal Periodic Review in June 2010 we called on Egypt to amend its penal code to ensure freedom of expression for journalists, publishers and bloggers. In December 2010 we raised our concerns with the Egyptian government regarding media restrictions in the run up to the Parliamentary elections which took place on 30 November and 5 December.

## **Criminal Justice and the Rule of Law**

### **The death penalty**

Global abolition of the death penalty is a priority for the Government. We oppose the death penalty because we consider that its use undermines human dignity, that there is no conclusive evidence of its deterrent value, and that any miscarriage of justice leading to its imposition is irreversible and irreparable.

The Government publicly launched its strategy for the abolition of the death penalty in October, to coincide with the World Day Against the Death Penalty and the European Day against the Death Penalty. The strategy sets out our policy on the death penalty and provides guidance to our embassies and high commissions on how they can support our efforts to:

- increase the number of abolitionist countries, or countries with a moratorium on the use of the death penalty;
- restrict the use of the death penalty in retentionist countries and reduce the numbers of executions; and
- ensure EU minimum standards are met in retentionist countries.

Our strategy also identifies those countries and regions where our embassies and high commissions have been specifically tasked to implement the strategy. We focus our efforts where we believe that we can achieve real results. We have selected our five priority countries/regions for a number of reasons: **China** is the most prolific user of the death penalty; **Iran** continues to use the death penalty for juvenile offenders and is second only to China in the overall number of executions; **Belarus** is the last country in Europe that retains this sanction; in the **Caribbean**, although the number of executions is low, every English-speaking country retains the death penalty on its books; and abolition in the **US** would send an important signal to the rest of the world.

There have been some positive developments in 2010. **Mongolia** introduced a moratorium on the use of the death penalty in January; **Kyrgyzstan** acceded to the 2nd Optional Protocol to the International Covenant on Civil and Political Rights which aims for abolition of the death penalty; and **Guyana** ended the mandatory death penalty for most categories of murder. But there have also been setbacks. Both **South Korea** and **Singapore** ruled the mandatory death penalty to be constitutional, after unsuccessful legal challenges; Taiwan broke its five-year de-facto moratorium by executing four death row inmates; and the prime minister of **Mauritius** announced his intention to reintroduce the death penalty.

In 2010 we funded project work in the Caribbean, Africa, Asia and the Middle East. We also funded the Death Penalty Project, an NGO with which we work closely. Its work in 2010 on the case of Godfrey Mutiso led to the mandatory death penalty being ruled unconstitutional in **Kenya**, following similar work which led to the 2009 ruling in Uganda that the mandatory death penalty was unconstitutional, resulting in 167 death sentences being commuted to life imprisonment. The Death Penalty Project also ran a successful workshop in **Barbados**, bringing together legal experts from across the Caribbean to consider the issues and challenges that need to be addressed in order to further restrict the death penalty in the region.

In **China** we provided capacity building for legislative reform. A revision to China's criminal code in 2011 is likely to reduce the number of capital crimes from 68 to 55. This will be implemented by a restructuring of the criminal punishment system. In addition, on 1 July China introduced new evidence guidance on death penalty cases. Along with the EU, we are the main foreign donor working closely with the Chinese authorities on reform and eventual abolition of the death penalty. We also fund two death penalty-related projects as part of a wider EU programme.

The UN plays an important role in creating momentum towards global abolition. In December we co-sponsored the cross-regional UN General Assembly resolution on the Moratorium on the Use of the Death Penalty and lobbied actively for support. This resolution calls upon states to establish a moratorium on executions with a view to abolishing the death penalty. The steady increase of support for this resolution, previously adopted in 2007 and 2008, reinforces the international trend towards global abolition. We lobbied **Mongolia** and **Gambia**, both of which voted to support the resolution for the first time. We also raised our concerns about the death penalty during the Universal Periodic Review process in the UN Human Rights Council, including, for example, recommending to the US that it establish a moratorium on the use of the death penalty at the federal and state level as a first step towards abolition.

Bilaterally we raised the death penalty directly with governments in a number of countries and regions, including China, the US, the Caribbean and Japan. Where a UK national faces the death penalty abroad, we use all appropriate influence to

prevent their execution. We also work with the EU to lobby other governments and to raise individual cases of third country nationals facing the death penalty.

### **Torture prevention**

Our work on torture prevention includes encouraging states to sign and ratify the international instruments prohibiting and preventing torture; where appropriate, raising specific cases where allegations of torture are made; strengthening the institutional capacity of the FCO to tackle torture by ensuring that all staff are alert to allegations of mistreatment in their host country; and supporting reform in institutions overseas where torture is most likely to occur, for example in prisons and other places of detention. In September, we hosted a one-day seminar with the Arts and Humanities Research Council which brought together British and European academics and NGO experts on torture prevention. On the basis of this seminar, we will launch an updated global torture prevention strategy in 2011.

The main international instruments which prohibit and prevent torture are the International Covenant on Civil and Political Rights, the European Convention on Human Rights and the UN Convention against Torture and its Optional Protocol. The Convention against Torture obliges states to take measures to prevent acts of torture in any territory under their jurisdiction and to ensure that all acts of torture are criminalised. Under the Optional Protocol, signatories must establish independent safeguards and checks in places of detention so that officials cannot mistreat detainees without being brought to account. We encourage countries to ratify the Optional Protocol and to establish national preventive mechanisms to monitor places of detention. In **Nigeria**, we supported a project to improve the documentation of torture and to achieve redress for victims which led to case reviews and prosecutions and resulted in a group of core volunteer lawyers and medical practitioners being set up to look at cases. Our support for the Geneva-based NGO, the Association for the Prevention of Torture, helped maintain momentum towards establishing a national preventive mechanism in **Kazakhstan** and in **Kyrgyzstan**, and in **Nepal** their work led to the National Human Rights Commission adopting new guidelines on detention monitoring. We also worked with them in Ghana, Lebanon, Paraguay, Senegal and Tajikistan.



We continued to lobby states to sign and ratify the Optional Protocol. As of 31 December, 57 states had become party to it. Seven states ratified the Optional Protocol during 2010: Burkina Faso, the Democratic Republic of Congo, Ecuador, Gabon, Luxembourg, the Netherlands and Togo and a further three states signed it: Bulgaria, Panama and Zambia. In October, the monitoring body established under the Optional Protocol, the Sub-Committee for the Prevention of Torture, grew from 10 to 25 members (its maximum) as a result of the increased number of ratifications. This will significantly increase the capacity of the sub-committee to conduct monitoring visits to places of detention. The Government has pledged an additional £520,000 in 2011 to the Special Fund for Torture Prevention held by the Office of the UN High Commissioner for Human Rights, which will help finance the work of the sub-committee in providing expertise on establishing national preventive mechanisms and in providing assistance to countries on implementing the recommendations of the sub-committee.

We are also strengthening our institutional capability to tackle torture and cruel, inhuman or degrading treatment. We are updating the guidance for all our staff on how to report allegations and concerns they may have about suspected torture or cruel, inhuman or degrading treatment that occur overseas so that they can be acted upon appropriately. The updated guidance will be published and issued to staff in 2011.

### **Prison reform**

Prison conditions in many countries do not meet human rights standards. Independent oversight of prisons is important to maintain prison standards and prevent the mistreatment of prisoners. In 2010, we worked with the International Centre for Prison Studies to bring prison management practices in China towards international human rights standards. Prison construction standards have been updated and in 2011 the prison law will be revised. We also funded a project with the Great Britain China Centre to establish independent monitoring of police detention centres in **China**. After a successful pilot programme, two more lay visitor schemes were launched in October. In **Nigeria** we funded a project to develop a new curriculum for prison service training resulting in a marked improvement in



prison management by those who attended the pilot management and leadership course.

### **International justice system**

The Government is committed to the principle that there should be no impunity for the most serious international crimes. We are unique in being actively engaged with all six existing international criminal tribunals: as a State Party to the Rome Statute of the International Criminal Court; as a member of the Security Council, which oversees the international criminal tribunals for the former Yugoslavia and Rwanda; and as a major donor and member of the management bodies of the voluntary-funded tribunals for Sierra Leone, Cambodia and Lebanon.

### **International Criminal Court**

Since the International Criminal Court was set up in 2002, it has established itself as a corner-stone of international justice. The UK has had a long-standing reputation for promoting and supporting the work of the Court. In 2010, the UK provided political and practical support to the Court for its ongoing cases and investigations. For example, we welcomed the Kenyan government's commitment to co-operate fully with the Court's investigation and provided £200,000 to support measures to protect and relocate vulnerable witnesses. We consistently encouraged the Kenyan government to stand by its obligations under the Rome Statute and as a UN member state. We made clear our disappointment that President Bashir of Sudan was allowed to visit Kenya in defiance of the Court's arrest warrants for war crimes, crimes against humanity and genocide.

We also supported the growth and consolidation of the Court at the first-ever Review Conference in Kampala in June. We made three pledges at the conference, setting out our commitment to cooperate with the Court; deliver justice to the victims of crimes under the Court's jurisdiction; and promote wider ratification of the Rome Statute. We also donated £40,000 to the Court's Trust Fund for Victims, which assists victims to rebuild their lives and communities. We will announce a further substantial donation to this fund in 2011. We will also explore opportunities to provide further support for victims and for developing national capacity and action to combat impunity.

The Review Conference also considered amendments to the original Rome Statute, which has not been revised since it was first agreed in 1998. States Parties considered including a definition of the crime of aggression and establishing the conditions under which the Court could exercise its jurisdiction over this crime; and including the use of certain weapons in a non-international armed conflict as a war crime, in particular bullets that flatten on impact and toxic gases. We will now consider whether to ratify the amendments agreed at the Review Conference.

Throughout 2010, the UK participated actively in working groups in New York and The Hague to support and develop management and oversight of the Court to ensure that it continues to mature as an efficient and effective institution. We led negotiations at the International Criminal Court's Assembly of States Parties in December to agree a new independent oversight mechanism, as part of a robust and transparent management system.

The year 2011 is likely to see the first judgment from the Court, with two other ongoing trials continuing and the possibility of three other trials starting. Further trial and pre-trial activity is likely to take place on the Court's new investigation in Libya, which was opened on 3 March 2011 following a unanimous decision of the UN Security Council to refer the Libya situation to the ICC. We will work closely with key partners to ensure that the Court continues to receive international support and cooperation and to combat attempts to undermine it.

### **International criminal tribunals for the former Yugoslavia and Rwanda**

In 2010, the UK played a leading role in the UN Security Council tribunals working group for the international criminal tribunals for the former Yugoslavia and Rwanda. In December, after three years of discussions, the UN Security Council adopted a resolution to safeguard the legacy of the tribunals, once they have completed their trials and appeals, including by ensuring that any remaining fugitives are not allowed to escape justice; that witnesses remain protected, and that appropriate arrangements are made for the management of the tribunals' archives.

We also offered political and practical support to both tribunals, including ensuring that full cooperation with the tribunal for the former Yugoslavia remains a key precondition for progress towards the EU for the countries of the Western Balkans.

In **Serbia** we funded a project by the Belgrade Centre for Human Rights to change attitudes towards the tribunal for the former Yugoslavia and to promote awareness of war crimes. This included public surveys, conferences and a publication in Serbia, Croatia and Bosnia and Herzegovina. Further conferences in Zagreb and Sarajevo are planned.

In **Bosnia and Herzegovina**, the UK supported a number of activities in the justice sector including a project aimed at enhancing the effectiveness of the State Prosecutor's Office in dealing with Srebrenica-related war crimes, through seconding prosecutors and legal officers, as well as through capacity-building programmes. We also supported the International Commission on Missing Persons to continue its work with the tribunal for the former Yugoslavia and domestic courts, providing DNA reports and expert testimony for war crimes cases.

In **Kosovo** we seconded expert staff to EULEX Kosovo, the EU Rule of Law Mission, including two judges, three prosecutors and the head of the organised crime unit. The Kosovo Special Prosecution Office, under supervision of EULEX prosecutors, filed three war crimes indictments, one of which led to a conviction and seven years' imprisonment. EULEX also increased its cooperation with the Serbian authorities and the tribunal for the former Yugoslavia in investigating ongoing war crimes.

### **Extraordinary Chambers of the Court of Cambodia**

In July, judgment was delivered in Case 1 at the Court. The defendant, Kaing Guek Eav, also known as Duch, was found guilty of crimes against humanity and was sentenced to 35 years' imprisonment. The appeal hearing will take place in March 2011. Throughout the course of Duch's trial we have funded a TV series in Cambodia which has provided information to more than 2 million rural Cambodians each week on the trial's proceedings. Our Ambassador was present at the reading of the verdict and embassy staff joined community members in the provinces to watch it on television. As Jeremy Browne said upon its announcement, the verdict

“will play an important role in helping Cambodians come to terms with the past as they move forward with national reconciliation”.

A closing order in Case 2 at the Court against the four remaining senior leaders of the Khmer Rouge regime was signed in September. This trial is expected to commence in mid-2011 and will address charges of genocide, crimes against humanity, grave breaches of the Geneva Conventions and offences under the 1956 Cambodian criminal code.

We also provided practical support to the Court. We supported it in its efforts to raise funds, which are pledged on a voluntary basis. In December we contributed £215,000 to the Court, bringing our total contribution to date to around £2.3 million, and we also provided additional resources for court monitoring and training for the Office of the Co-Prosecutors and the Victims Support Unit.

### **Special Court for Sierra Leone**

Securing funding for the Special Court, also pledged on a voluntary basis, grew increasingly difficult throughout 2010. The UK contributed more than £2 million but extensive appeals to donors for further essential funds yielded insufficient results and the Special Court faced critical financial shortfalls. In response, we worked to secure emergency UN funding for the Special Court which will move it onto a more secure financial footing for 2011. We also played a key role in securing a provisional agreement with the government of Sierra Leone on a cost effective Residual Mechanism for the Special Court, which should guarantee that essential functions, such as witness protection and security of the archives, can continue effectively.

With trial activity in Freetown already completed, the only remaining trial at the Special Court is that of Charles Taylor, the former Liberian president. This is taking place in The Hague. Mr Taylor is charged with crimes against humanity and war crimes in Sierra Leone. November saw the closure of the defence case in the Taylor trial and a verdict is now expected in the summer of 2011. If convicted, Mr Taylor will serve his sentence in the UK under a 2007 sentence enforcement agreement.

## **Special Tribunal for Lebanon**

During 2010, the tribunal continued its investigative phase and prepared for the start of judicial activity. On 17 January 2011 the Prosecutor submitted the first indictment to the pre-trial judge. The UK announced a further £1 million funding for the tribunal for 2011, which brought our total contribution up to £2.3 million.

## **Equality and Non-discrimination**

### **Freedom of religion or belief**

The Government strongly supports the right to freedom of religion or belief as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. We also encourage the full implementation of the 1981 UN Declaration on the Elimination of Intolerance and Discrimination Based on Religion or Belief. Our embassies and high commissions routinely raise concerns about freedom of religion or belief with host governments and take action on individual cases where persecution or discrimination has occurred. They also lobby for changes in discriminatory practices and laws.

We are concerned about the ongoing conflict in Plateau State in **Nigeria** where Christian and Muslim communities suffered terrible loss of life in 2010 in violence driven by underlying social, political, economic and religious factors. We made clear to the government of Nigeria at ministerial level that the perpetrators of these crimes must be brought to justice and that more must be done to find long-term solutions. Henry Bellingham raised this issue during his meeting with Vice President Namadi Sambo in October. The High Commissioner discussed these issues in September with Chief Solomon Lar, chair of the Presidential Committee on the Jos Crisis, and we have continued to encourage the government of Nigeria to consider implementation of the committee's report. Our High Commission, together with DFID, continues to explore further ways in which we can help the process of reconciliation between the religious and ethnic communities in Plateau State, including by encouraging the involvement of NGOs and governmental, traditional and religious leaders.

In **Egypt**, the constitution provides for freedom of belief and members of non-Muslim groups recognised by the government are generally able to worship without harassment. However, Christians and members of the Baha'i faith, which the government does not recognise, face personal and collective discrimination in many areas of daily life. At Egypt's Universal Periodic Review we called on the Egyptian government to accept and implement recommendations to end legal provisions and policies which discriminate against members of religious minorities and to adopt a new law for the construction and repair of places of worship for all religious groups.

We have also raised our concerns about violence involving Egypt's religious communities, such as the fatal shooting of seven people outside a church in Naga Hammadi on 7 January 2010 and the bomb attack on a Coptic Church in Alexandria on 1 January 2011. In a statement, Minister for the Middle East and North Africa Alistair Burt sent condolences to those affected and stressed the importance of promoting tolerance in the face of the attack, which we believe was designed to provoke violence between Egypt's Christian and Muslim communities.

It is important that the political process which follows the resignation of Hosni Mubarak on 11 February 2011 includes all parts of Egyptian society. We will continue to urge the Egyptian authorities to promote religious tolerance and revisit policies which discriminate against anyone on the basis of their religion.

The domestic legislative framework on religion in **Laos** is such that only registered denominations may operate legally. For Protestants, in practice, this means that only those under the umbrella of the Laos Evangelical Church (LEC) or Seventh Day Adventists are legal. This situation leaves many other Christians vulnerable to the complexities of church politics and LEC Party relations, which fails to protect their freedom of religion. There is a preference for Buddhism in the constitution and there continues to be cultural antagonism towards non-Buddhist religious activities, particularly Christianity, which is often portrayed as a foreign religion. In May, at the Universal Periodic Review of Laos, we called on the Lao authorities to guarantee the right to religious freedom and to ensure state officials were aware of their duty to protect this right.

Freedom to practise religion in **Azerbaijan** has been affected by a change in legislation in 2009 that required all religions to register with the authorities to retain their status. Thirty communities and religions have still not been approved, including Jehovah's Witnesses. Our Embassy in Baku remains in close contact with a number of religious and civil society groups on these issues and we have raised these concerns with the Azerbaijani government.

We continue to urge the government of **Turkey** to take positive steps to resolve a range of concerns, including difficulties with opening seminaries for the training of religious figures and establishing places of worship for minority religious groups. The Turkish government has taken steps to address these issues by introducing a new law on foundations which facilitates the ownership of property by minority groups, but there have been problems with implementation of this law.

In April, in **Kyrgyzstan**, the government of President Bakiev, which had introduced a prescriptive religious law in 2009, was overthrown following a period of unrest. A provisional government subsequently took power and promised to restore democracy and human rights in the country, but members of some minority religious organisations have continued to experience difficulties. During the UN Universal Periodic Review of Kyrgyzstan in May, we encouraged the provisional government to ensure freedom of religion and belief, in particular amongst minority and non-traditional groups. The UK continues to monitor events closely and we will raise our concerns both bilaterally and through the EU with the new government that was formed in December.

**Indonesia's** constitution provides for "all persons the right to worship according to his or her own religion or belief". In practice, all Indonesians are required to identify themselves with one of six faiths: Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. Although Indonesia has a strong tradition of religious diversity and tolerance, there was a rise in the number of attacks on places of religious worship with links to minority faiths during 2010. We frequently raise freedom of religion with the government of Indonesia. In a meeting with the Indonesian foreign minister at the Asia–Europe Meeting Summit in Brussels on 4 October, Nick Clegg stressed the need for Indonesia to address concerns about

religious freedom in the light of attacks on Christians and the Ahmadiyya community. We also pushed for freedom of religion to be included as a substantive item on the agenda of the first EU–Indonesia Human Rights Dialogue on 29 June. We will continue to call for religious tolerance across Indonesia and support the efforts of those working to promote pluralism and freedom of religion.

In December at the European Council, and in response to recent attacks against religious communities, EU foreign ministers agreed that the EU should do more to promote religious freedom, including through assessing the implementation of the 2009 EU Council Conclusions on Freedom of Religion or Belief and the inclusion of a specific section on religious freedom in the EU’s annual human rights report. We welcomed this outcome and will continue to press the EU for more effective action to tackle discrimination and violence against all religious groups.

In July, the three Personal Representatives on Tolerance and Non-Discrimination of the OSCE Chairman-in-Office visited the UK. Their visit included meetings with a number of parliamentarians to discuss Parliament’s role in combating religious intolerance in the UK, as well as with government officials and NGOs who work on interfaith and religious issues.

At the UN, the EU tabled its resolution on “the elimination of all forms of religious intolerance and of discrimination based on religion or belief”. This resolution calls for member states to take a number of measures to protect and promote freedom of religion or belief, including through constitutional or legislative reform, providing protection to places and sites of worship, and ensuring non-discriminatory access to a range of public services. We were disappointed that we were not able to secure language on the freedom to change one’s religion or belief, but pleased that the final resolution was co-sponsored by more than 60 countries.

Some countries have continued to argue that in response to religious intolerance, the international community should adopt a new international legal standard on “defamation of religions” which would provide international legal protection to religions. We believe that this approach is inconsistent with the international human rights legal framework, which exists to protect individuals and should not seek to



protect concepts or specific belief systems from criticism. Protecting religions in this way risks considerably diminishing the right to freedom of expression, as it would limit the ability to question, debate or criticise others' religious beliefs. We believe that international human rights law already strikes the right balance between the individual's right to express him or herself freely including through the manifestation of religious beliefs, and the need for the state to limit this right in certain circumstances, and are concerned that the concept of "defamation of religions" puts in danger the very openness and tolerance that allows people of different faiths to co-exist and to practise their faiths without fear. For these reasons we opposed the resolutions tabled at the UN in 2010 which promoted this concept. We will continue to do so in 2011.

### **Women's rights**

Discrimination and violence against women and girls occur in every country in the world. By preventing women and girls from benefiting fully from health, education and other services, gender inequality increases maternal mortality, vulnerability to HIV and exploitation, and undermines global security and development. Gender equality and women's empowerment is a key priority for the Government. We remain a driving force in advancing women's rights internationally through our work to eliminate discrimination and violence against women and girls and by encouraging other countries to implement international gender equality commitments.

Women's rights is an area where our domestic record can help promote our values internationally. To coincide with the UN International Day for the Elimination of Violence against Women on 25 November, the Government launched a new strategy entitled "Call to End Violence against Women and Girls", which for the first time includes international work. The appointment on 25 November of Minister of Equalities Lynne Featherstone as the government champion to tackle violence against women and girls overseas further reinforced this commitment. Her role will be to provide policy coherence and coordination across UK government departments, represent the UK overseas and encourage all government ministers to ensure that this issue remains high on their domestic and international agendas.

International institutions have a vital role to play in advancing women's rights. The UN Convention on the Elimination of All Forms of Discrimination against Women is a legally binding international treaty designed to end gender inequality and promote women's empowerment. The UK ratified the convention in 1986. In 2011 the UK will submit its report on the measures we have taken to comply with our obligations under the convention. The Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women in Beijing in 1995, embodies the commitment of the international community to the advancement of women, ensuring that a gender perspective is reflected in all policies and programmes at the national, regional and international levels. The year 2010 was the 15-year review of the Beijing Declaration and Platform of Action, undertaken by the UN Commission on the Status of Women. The review recognised that although the international community has made advances in women's rights in the 15 years since its adoption, many challenges remain to women achieving the full enjoyment of their human rights.

In September the UK welcomed the adoption at the Human Rights Council of the resolution on "The Elimination of Laws and Practices that Discriminate against Women." The resolution agreed to establish a new expert working group of five independent and geographically representative experts who will conduct country visits, make recommendations on best practice, and highlight laws and practices that violate women's rights.

The creation of a new UN agency for women, UN Women, in July is a welcome development. UN Women merges four existing UN agencies on gender equality and women's empowerment into one agency to provide a more coherent and coordinated approach to women's rights. In September the UN Secretary-General appointed Michelle Bachelet, the former Chilean president, as the new head of UN Women. Negotiations to agree the size and composition of the governance body of UN Women, the executive board, were lengthy. We supported the final board that includes a diverse representation of countries. The UK will be represented on the board for five out of the next six years. We will actively engage in the development of UN Women during our tenure.

The UK was keenly involved during 2010 in the development of the draft Council of Europe Convention on preventing and combating violence against women and domestic violence. Negotiations on this convention will continue in 2011. In September, the UK welcomed the adoption of the five-year EU Strategy for Equality between Women and Men to promote equality in Europe which sets specific measures to tackle inequality and gender-based violence.

Our embassies also have an important role in promoting women's rights. In addition to lobbying on women's rights, they also supported a number of projects and initiatives. In November our Embassy in Rabat, **Morocco**, in partnership with a local NGO, launched a project to teach women in the Berkane region environmental sustainability and income-generating skills. In **Sierra Leone** our Embassy supported an initiative to broadcast radio programmes against sexual violence.

### **Children's rights**

Our embassies and high commissions promote children's rights internationally. The High Commission in **Jamaica** supported the missing children's support programme to reduce the number of missing children by raising awareness through public education, training, social work personnel, parent support activities and school safety programmes. The High Commission also part-funded a project to conduct a review of child protection procedures in relation to the initial disclosure of sexual abuse, and the investigation, prosecution and trial of such cases. In the Matoto and Ratoma districts of **Guinea** we co-funded, with the French Embassy in Conakry, a project to combat drug addiction and trafficking among young people. The British Embassy in Rabat funded a project to empower young people in **Morocco** through financial autonomy. This project will help around 70 youths from the disadvantaged regions of Kenitra and Casablanca to generate a stable source of income by training them in business skills, as well as providing mentoring in the set-up and initial operation of a small business. The project will conclude in March 2011.

At the international level, the Government was actively involved during 2010 in negotiations on the drafting of a third Optional Protocol to the UN Convention on the Rights of the Child. The Optional Protocol will provide a communication and complaints mechanism under which children will be able to bring allegations of

violations directly to the UN Committee on the Rights of the Child. These discussions will continue throughout 2011.

### **Lesbian, gay, bisexual and transgender rights**

The Government is committed to combating violence and discrimination against lesbian, gay, bisexual and transgender (LGBT) people as an integral part of its international human rights work. As David Lidington stated in his message to mark the International Day Against Homophobia on 17 May “Everybody, including gay, lesbian, bisexual and transgender people should be free to enjoy the rights and freedoms to which people of all nations are entitled.” Unfortunately this view is not universally shared. Same-sex relations remain criminalised in more than 70 countries, while discrimination against LGBT people because of their sexual orientation or gender identity continues to occur, even in countries where laws exist to protect them. Where such illegality and inequality exists, LGBT people worldwide continue to suffer persecution and human rights violations, while stigma and discrimination of sexual minorities helps to fuel the HIV/AIDS epidemic as vulnerable groups are marginalised and unable to access prevention, treatment and care services.

We are at the forefront of international efforts to promote the human rights of LGBT people. Through our embassies and high commissions and through international organisations, including the UN, EU and the Council of Europe, we promote LGBT equality and push for lasting change. In June, the Government published “Working for Lesbian, Gay, Bisexual and Transgender Equality” to guide our future work both at home and abroad. This will ensure a more coordinated approach across the Government and includes an unequivocal commitment to support gay rights internationally.

There was some progress on LGBT rights globally in 2010. Several countries, including Argentina, Iceland, Ireland and Portugal passed legislation which gave legal recognition to same-sex couples. But there were also concerns. In **Uganda**, the High Commission raised our concerns about a private member’s bill that would, if introduced into law, further criminalise homosexuality in Uganda. In the **Democratic Republic of Congo**, we pressed the government against introducing legislation to

criminalise homosexuality. And in **Malawi**, pressure by the UK helped to secure the presidential pardon of a gay couple sentenced to 14 years' imprisonment.

Our embassies also supported the efforts of civil society organisations to change laws and social attitudes by supporting local Gay Pride and anti-discrimination events. In **China**, the Embassy hosted an event attended by more than 100 civil society representatives, journalists, diplomats and international donor organisations in support of a local LGBT organisation that had produced a short film on the role of the media in representing LGBT issues in China. In **Nepal**, our Embassy spoke out publicly in support of the organisers of the local Gay Pride march, and embassy staff took part. In **Poland**, the British Ambassador hosted a group of young British EuroPride participants at his residence. In **Hungary**, the Embassy initiated and issued a joint statement of support for the Pride festival with 16 other like-minded embassies and hosted lectures, working groups and a photo exhibition during the festival. And in **Lithuania**, we co-hosted a reception for LGBT groups in honour of Baltic Pride. Feedback from our embassies, LGBT organisations and local media tells us that our support has had a real and positive impact on local LGBT communities and human rights defenders, and that our contributions have helped advance debate forward on the issue in many countries.

In the Council of Europe, the Government strongly supported a recommendation on measures to combat discrimination on the grounds of sexual orientation or gender identity that was adopted in March. The recommendation was not only the first regional instrument specifically to address discrimination against LGBT people but it was also groundbreaking in the broad range of rights covered. It contained specific recommendations to Council of Europe member states on how to improve their legislation, policies, and practices to address discrimination against LGBT people. At the end of the year, the Council of Europe was concluding a comparative study, launched by the Commissioner for Human Rights, on the situation of LGBT people within Council of Europe countries. This one-year study, which we have part funded, will result in a comprehensive socio-legal analysis of the situation of LGBT people in all Council of Europe member states.

Within the EU, we worked closely with other EU countries and NGOs, to help the Spanish Presidency of the EU develop an EU LGBT toolkit which was adopted by EU ministers in July. The LGBT toolkit will be used by EU diplomats and international and civil society organisations to promote and protect the rights of LGBT people throughout the EU's foreign policy agenda.

At the UN, the Government worked with like-minded countries to increase international recognition of LGBT rights. We lobbied other countries to ensure that an LGBT NGO was accredited to work within the UN. We also worked closely with the US and EU partners to ensure a reference requiring countries to investigate killings on the grounds of sexual orientation was included in a resolution on “extrajudicial, summary or arbitrary executions”. As Jeremy Browne said following the adoption of the resolution: “It is vital that States provide the same level of recognition and protection to all its citizens on an equal basis”. Through the UN’s Universal Periodic Review system we also examined the human rights records of member states towards LGBT people, focusing in particular on those countries where homosexuality remains illegal. In November, for example, we encouraged the government of **Jamaica** to promote tolerance and end discrimination against LGBT people and recommended that **Malawi** should review the provisions of its penal code that discriminate against individuals based on sexual orientation or gender identity.

### **Disability rights**

The Government is committed to working towards a world where disabled people enjoy their full human rights and have an equal access to opportunities. We support disability rights internationally by promoting the universal ratification and implementation of the UN Convention on the Rights of Persons with Disabilities which we believe is the benchmark against which countries, including the UK, should be measured. The convention, which 98 countries including the UK have now ratified, sets the minimum standards for protecting and safeguarding a full range of civil, political, social and economic rights for disabled people, and covers all areas of life including access to justice, personal mobility, health, education, work and recreation. In line with the reporting obligations set out in the convention, the Government will report to the UN Committee on the Rights of Persons with Disabilities in 2011 about how the convention is being implemented in the UK, and

what progress has been made. And to coincide with the UN Human Rights Council in March 2011, our mission in Geneva is planning an exhibition to showcase the Government's work to support disabled people through the London 2012 Paralympic Games. The exhibition will demonstrate how sport can be used to promote inclusiveness and tolerance, and empower disabled people.

In 2010, we played a full part in discussions on a code of conduct to allow EU ratification of the convention. The code of conduct, which was adopted by EU ministers in December, sets out the arrangements for representation, monitoring and reporting where there is overlap between the areas of competence of the EU and member states. With the code of conduct in place, the EU formally ratified the convention in January 2011. For the first time in its history, the EU has become a party to an international human rights treaty in its own right, and is the first intergovernmental organisation to do so. In November the EU also adopted a new "European Disability Strategy 2010–2020: A Renewed Commitment to a Barrier-Free Europe." This will complement and support actions by EU member states on disability policies and focus on eliminating the barriers that exist for disabled people within the EU through eight main areas for action – accessibility, participation, equality, employment, education and training, social protection, health, and external action. We will work to ensure that implementation of the strategy focuses on those areas which can make a real difference to achieving equality for disabled people across Europe.

In addition to our work through international organisations, we also supported a number of national projects to support disability rights in 2010. As Jeremy Browne said in his statement to mark the International Day of Persons with Disabilities on 3 December: "I am committed to ensuring that the UK keeps its own promises on human rights, through work to support and protect the rights of disabled people globally."

In **Russia** we funded a project to help local NGOs advocate for the implementation of the UN convention in Russia. In **India**, we worked with civil society organisations to raise the profile of disability issues. Their work helped lead to important changes in the Indian 2011 census. For the first time, the census will register all people with



disabilities and therefore help the Indian government better target their needs. In **Jordan**, we supported a project to enhance the capacity of the Higher Council for the Affairs of Persons with Disabilities to set and monitor professional standards for disability services. In 2010 we also funded a one-year project by the Mental Disability Advocacy Center to develop practical guidelines for governments on establishing and bolstering the effectiveness of independent national bodies to monitor the implementation of the UN convention. These guidelines will help to ensure that countries which have ratified the convention establish the necessary mechanisms to promote, protect and monitor its implementation. Currently only a handful of states, including the UK, have officially designated their monitoring body.

### **Indigenous rights**

The Government works through the UN, EU and our embassies to improve the situation of indigenous people internationally, including by giving political support to indigenous issues and communities around the world. In **Guatemala**, our Embassy is a member of the EU Filter Group on Human Rights, whose role includes promoting and protecting the rights of members of indigenous communities. In **Peru** we funded a project through a local organisation, Instituto de Defensa Legal, to investigate and seek justice for women subjected to sexual violence during the internal armed conflict from 1980 to 2000, the majority of whom were from the indigenous Quechua-speaking communities of the Ayacucho, Huancavelica and Apurimac regions. In **Malaysia**, as part of the EU's year of work to promote the rights of indigenous people, embassy officials visited several indigenous communities to discuss rights, religious conversion, language and education.

### **Dalits**

The UK works with foreign governments to promote the inclusion of Dalits into society and to support the efforts of civil society and NGOs in raising awareness of the situation of Dalits worldwide.

In **India**, Dalits have historically been at the bottom of the Hindu caste system. The Indian constitution (1950) abolished discrimination on the basis of caste and contains provisions to reserve public sector jobs and places in education for Dalits. There are also many successful people in India from the Dalit community. Nevertheless, many



Dalits still continue to face discrimination in their everyday lives, particularly in rural areas of India where the caste system still prevails.

We welcome the ongoing measures that the Indian government has taken to address discrimination, and will continue to discuss these issues with the relevant Indian authorities. We have also supported the Indian government's efforts to help ensure equal treatment and access to services for the most disadvantaged communities in India, including Dalits, through a number of projects. The Indian government will carry out a caste-based census in 2011 which will help it to target assistance and employment opportunities more accurately at disadvantaged groups.

In **Nepal**, our Embassy provided support for a consultation exercise which brought together 235 grassroots NGOs, including organisations representing Dalit rights, to assist in the preparation of a shadow report for Nepal's Universal Periodic Review at the UN's Human Rights Council. The Embassy also funded a Dalit representative to attend the review session to gain first-hand exposure to UN mechanisms.

## **Racism**

Much of the Government's international work to tackle racism in 2010 has been at the global and regional levels and has focused on building support to address all forms of racial intolerance. Through the EU we pursued a policy of fighting all manifestations of racism and xenophobia both within the Union and in the EU's external actions. With EU partners we used political dialogues with third countries to raise our concerns. These issues were also integrated into the EU's cooperation strategies. For example, under European Neighbourhood Policy Action Plans, partner countries commit themselves to cooperate to combat all forms of discrimination, religious intolerance and racism. Under its European Instrument for Democracy and Human Rights, the EU supports the Office of the UN High Commissioner for Human Rights and its programme to support the implementation of the Durban Declaration and Programme of Action, the outcome of the World Conference against Racism, Racial Discrimination, Xenophobic and Related Intolerance, held in South Africa in 2001. Under the same financial instrument, the EU gives support to various NGOs in their work on racism, xenophobia and non-discrimination.

At the UN in October, the UK was instrumental in finding consensus during the October meeting of the intergovernmental working group on the implementation of the Durban Declaration and Programme of Action. During the March and June meetings of the UN Human Rights Council, the UK supported resolutions dealing with racism and sport and the implementation of the Durban Declaration and Programme of Action. At the adoption of the resolution on racism and sport, we spoke out strongly about our commitment to tackle racism whilst showcasing some of the work currently underway in the UK, such as football's Kick it Out Campaign and Sporting Equals programme. As we made clear, we want to see an active world that is free from racial discrimination because it is fair and right, and because the whole of society will benefit.

In December the UK voted against the UN resolution on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action. We were particularly concerned about the late addition of a proposal by the main sponsor, South Africa, for a high-level meeting of the UN General Assembly in September 2011 to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action. We recognise that it is common practice for the UN to convene meetings at frequent periodic intervals to commemorate the adoption of its various social and human-rights-related agendas, such as the Durban Declaration and Programme of Action. We were therefore ready to agree to a limited commemorative event. But in light of the lengthy and difficult 2009 Durban Review Conference, we considered the proposed size and scope of the 2011 event to be inappropriate and likely to undermine potentially more cohesive international action to combat racism.

Throughout 2011 we will work to ensure that the commemorative meeting will address all forms of racism, including antisemitism, and will not provide a platform for the type of offensive antisemitic rhetoric and behaviour that undermined the World Conference against Racism in 2001 in Durban as well as the 2009 Durban Review Conference. We will also work hard to ensure that any outcome from the September 2011 meeting includes a clear statement on the need to further the fight against antisemitism as part of wider efforts to combat racism.

## **Roma**

The Government remains concerned about the violence and discrimination Roma continue to face in many parts of Europe. While the primary responsibility for promoting their inclusion lies with individual countries, we believe that international cooperation also has an important role to play. In 2010, our embassies across Europe helped to promote the rights of Roma people. For example, in **Hungary**, the Embassy held a fund-raising event for the European Roma Rights Centre which helped to raise awareness as well as generate significant funds for the centre. In **Romania**, the Embassy brought an expert from Bolton City Council who specialises in integrating Roma and traveller communities in the UK to speak at a Roma conference, and also hosted an event on Roma discrimination to mark the International Day for the Elimination of Racial Discrimination.

The issue of the integration of Roma communities was brought into focus in the summer of 2010 through the expulsion of Roma from France. This led to a drive for action by countries across the EU. The UK lobbied through its network of embassies and high commissions on issues such as access to education, employment and housing for Roma communities, particularly in countries with large Roma populations. In June we agreed a set of Council Conclusions which pushed for greater social and economic integration of the Roma through EU and national policies. We also worked practically with other EU member states to combat issues such as organised crime and human trafficking, to which Roma communities are vulnerable. Since 2008, the UK–Romania Joint Investigation Team (JIT) has disrupted the trafficking of more than 1,000 children from Romania. While primary responsibility for promoting Roma inclusion rests with EU member states, at EU level, the UK has supported the Commission Task Force to ensure the effective and transparent use of existing EU funds to address the problems faced by the Roma. We will continue to work bilaterally with EU member states to promote this best practice.

At the OSCE Review Conference in October, a working session on tolerance and non-discrimination discussed what else could be done to implement the OSCE's Action Plan on Roma and Sinti. We supported EU recommendations to make the review of the action plan a regular exercise, and to strengthen cooperation between

international organisations on Roma issues. In the Council of Europe in October, participants at the Ministerial Summit on Roma adopted a declaration reaffirming the rights of Roma, setting out priorities for tackling Roma exclusion, and committing the participants to greater cooperation between Council of Europe countries and European organisations on Roma issues. The UK Ambassador to the Council of Europe spoke in strong support of the declaration, as a clear commitment to improving the situation of Roma people in Europe.

### **Antisemitism**

The Government's first progress update report on its work to take forward the recommendations of the 2006 All-Party Parliamentary Inquiry into Antisemitism was laid before Parliament on 13 December. The report was produced by the Department for Communities and Local Government with input from eight other government departments, including the FCO. It highlights our continued work to raise antisemitism issues in international fora, including the UN, Council of Europe and OSCE, as well as our ongoing support for the Inter-Parliamentary Coalition for Combating Antisemitism.

As a member of the Cross-Government Working Group to Tackle Antisemitism established to coordinate work in response to the inquiry, we work to implement the inquiry's recommendations as well as those from the 2009 London Conference on Combating Antisemitism. This work includes our ongoing support for the All-Party Parliamentary Group against Antisemitism to encourage parliamentarians in other countries to instigate similar inquiries into antisemitism; our active role in the Task Force for International Cooperation on Holocaust Education, Remembrance and Research; and our efforts to ensure that work against antisemitism is given due attention in international organisations.

In November, Canada hosted the second conference of the Inter-parliamentary Coalition for Combating Antisemitism, as a follow up to the first conference held in London in February 2009. Some 200 parliamentary delegates from more than 50 countries attended. The UK parliamentary delegation was led by Mr John Mann, MP, chair of the All-Party Parliamentary Group against Antisemitism, supported by Lord Janner of Braunstone QC and Mr Andrew Rosindell, MP. The United Kingdom

Envoy for Post-Holocaust Issues Sir Andrew Burns also attended. In his address to the conference, Sir Andrew Burns highlighted the effectiveness of UK cross-departmental cooperation on combating antisemitism; our concerns about hate speech on the internet and on university campuses; the need for multilateral organisations such as the EU, UN and OSCE to give priority to the issue; and the role of Holocaust education and our support for British organisations such as the Holocaust Educational Trust and the Holocaust Education Development Programme. The conference concluded with the adoption of the Ottawa Protocol which reaffirms the 2009 London Declaration, records alarm at the dramatic increase in antisemitism, particularly on the internet and on campuses, and encourages leaders of all religious faiths to combat antisemitism and all forms of discrimination. A third inter-parliamentary conference is planned for 2011.

At the OSCE, the Government supports activities to combat hate crime, including antisemitic hate crime, across participating states. With an NGO from the Netherlands, supported by the Netherlands government, we co-hosted a side event at the OSCE Human Dimension Review Conference in Warsaw in October about efforts to combat hate crime on the internet whilst respecting freedom of speech. We work closely with the OSCE's Office for Democratic Institutions and Human Rights to implement the commitments from the 2009 OSCE Ministerial Council Decision on combating hate crimes in the OSCE region, particularly in relation to building international cooperation to reduce the harm caused by hate crime on the internet.

The OSCE Chairman-in-Office employs three Personal Representatives on Tolerance and Non-Discrimination, including a Personal Representative on Combating Antisemitism, Rabbi Andrew Baker. The three representatives visited the UK in July and met senior officials involved in combating antisemitism. In November, Rabbi Baker commended the UK for being one of only six OSCE participating states to collect and report data on antisemitic hate crimes.

### **Post-Holocaust issues**

In June, William Hague appointed Sir Andrew Burns as the United Kingdom Envoy for Post-Holocaust Issues. Sir Andrew will help to ensure that the UK takes the

leading role in international discussions on Holocaust issues and best represents the interests of the many Holocaust victims and their families in the UK. As William Hague said: “Sir Andrew’s appointment will ensure that we continue to support those working to right past wrongs and ... to make sure that the lessons of this terrible period in our history are never forgotten.”

Sir Andrew is responsible for leading the UK’s post-Holocaust work, drawing together activity from across government and providing a clearer UK international profile, presence and influence. His work includes driving forward implementation of the Terezin Declaration on Holocaust Era Assets; resolving outstanding issues related to property and art restitution; maintaining the UK at the forefront of discussions on the vital work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research; and ensuring the accessibility and preservation of the Bad Arolsen archival record of the Nazi era and its aftermath. Sir Andrew also provides a senior point of contact for UK non-governmental experts on these issues. Since his appointment Sir Andrew has attended international meetings on Holocaust education, remembrance and research and on restitution issues and has met a range of leading British, US and international Holocaust figures, including from the Jewish community.

Israel chaired the Task Force for International Cooperation on Holocaust Education, Remembrance and Research in 2010. At its plenary meetings in June and December the Task Force adopted a number of decisions concerning its future work, including proposals on issues related to mass graves, the Roma genocide, and Holocaust denial, as well as decisions regarding Finland’s membership of the organisation and its future structure and legal status. We will work closely with the incoming chair, the Netherlands, throughout 2011 as it looks to implement various reforms to streamline working practices as membership of the Task Force continues to expand.

At the June plenary, the UK’s Holocaust Educational Trust gave a well-received presentation of its “Lessons from Auschwitz” project, through which sixth-form students and their teachers take part in two afternoon seminars and a one-day visit to the former Nazi concentration camp of Auschwitz-Birkenau. In December, Sir

Andrew presented the revised UK country report on Holocaust education, prepared by the Institute of Education's Holocaust Education Development Programme at the University of London. This was the first time that any member country of the Task Force has revised, updated and resubmitted its country report and, in addition to providing compelling evidence of the UK's world leading research position into the challenges and opportunities of teaching this complex subject in the school classroom, clearly dispels common myths and misconceptions about the status of Holocaust teaching in the UK.

At its meeting in May, the 11 member-country governing body of the International Tracing Service (the Holocaust-era archive in Bad Arolsen) agreed a revised governance structure for the Tracing Service. This new structure establishes it as "an organisation with international character" with the capacity to act under German law and a role for an "institutional partner" which would work with the governing body and the director of the Tracing Service to implement the organisation's objectives. It was also agreed that the institutional partner's role would be set out in a second agreement to be negotiated during 2011. At the end of the year, discussions were ongoing under the Polish chairmanship and we hope these will be concluded shortly. The two agreements will then be brought into force simultaneously. We will continue to work to ensure that the final agreements support the long-term future of the Tracing Service in terms of ensuring the archive remains intact, conserves its holdings and guarantees accessibility. At the same time, discussions are ongoing with a number of interested bodies and individuals in the UK on the feasibility of bringing a copy of the Bad Arolsen archive to the UK so that it may be even more accessible to British historians and others interested in the information which these very extensive archives contain.

In June the then Czech Prime Minister Jan Fischer hosted a ceremony in Prague to adopt a set of guidelines and best practices for the restitution and compensation of immovable (real) property confiscated or otherwise wrongfully seized by the Nazis, Fascists and their collaborators during the Holocaust (Shoah) Era between 1933-1945, including the Period of World War II. The UK was actively involved in the negotiation of these guidelines, which are a follow-up to the Terezin Declaration adopted at the June 2009 Prague Conference on Holocaust Era Assets. The

guidelines cover three categories of property: property owned by religious or communal organizations; that owned by private individuals; and heirless property. More than forty countries endorsed the guidelines, including the US, Canada and Israel as well as European and Latin American states. These guidelines are not themselves legally binding and need to be reflected in national legislation. But as one of the last outstanding Holocaust-related issues, it was symbolically important that agreement was finally reached. We are encouraging all other countries to adopt these guidelines expeditiously in order that outstanding claims to immovable property may be resolved as soon as possible through fair and transparent processes. Comparable guidelines on the restitution of looted art were agreed as long ago as 1998 in the so-called Washington Principles. In the UK, the Spoliation Commission has adjudicated on a number of cases to return stolen and looted works of art to their rightful owners. We are working with a number of European governments on other cases where it may be possible for the Government to help unblock legal or bureaucratic obstacles to restitution.



## **SECTION II: Human Rights in Safeguarding Britain's National Security**

The National Security Strategy published in October establishes two complementary strategic objectives: to ensure a secure and resilient UK; and to shape a stable world. The Government will tackle potential risks affecting the UK or our direct interests overseas, at source.

The Government's primary duty is to safeguard our national security. The threat from international and domestic terrorism is as serious as we have faced at any time and is unlikely to diminish. It remains real and severe and it is our duty to deal with that threat. It is essential that we give the police and the intelligence agencies the powers they need to protect the public. But it is also important that we ensure that these powers are necessary, appropriate and proportionate and that they support fundamental human rights, the rule of law, and tolerance and respect for the civil liberties that terrorists seek to undermine.

In its Programme for Government, the Government committed itself to looking at some of the most difficult and fundamental issues about how we, as a society, tackle terrorism and other crimes. The Counter-Terrorism and Security Powers Review, which was completed in early 2011, will be the yardstick for the Government's continuing approach to counter-terrorism and security powers: that in protecting the public we will also protect the long-held rights, freedoms and values that are the bedrock of our society. Where the review recommends changes to the law, we will legislate at the earliest opportunity. This will ensure that the police and the security and intelligence agencies can continue their vital work with certainty and confidence about the powers that they have available.

That same approach underpins how we deliver our counter-terrorism strategy, CONTEST, to counter the threat from international terrorism overseas. As we build the political will and capacity of our international partners to counter terrorism and violent extremism, we place a particular emphasis on ensuring that all of our work is

carried out in a way that is consistent with both our values and our human rights obligations.

As a global player whose efforts are underpinned by strong support for international humanitarian law and human rights law, the UK is well placed to help secure a more stable world. The National Security Strategy also makes clear that the Government will stand up for “the rule of law, democracy, free speech, tolerance and human rights”. This is not just because it is the right thing to do, but because if these values are upheld globally, the UK is also safer. This applies in particular to countries at risk of, or suffering from, conflict. Human rights are intrinsically interlinked with every step of the conflict cycle. A lack of respect for human rights can often be a trigger for violent conflict. The most serious human rights abuses occur during conflict. And as countries emerge from conflict, perpetrators need to be brought to justice and state institutions such as the police, army and judiciary need to be re-built to serve the interests of the people and prevent violence from re-occurring.

The Government will publish its Building Stability Overseas Strategy in spring 2011. This will explain how we will work with colleagues across government and in other countries to tackle instability and prevent conflict, and work with others in fragile and conflict-affected regions where we judge our interests are greatest and we have the most chance of making a difference.

## **Countering Terrorism**

On 26 January 2011, the Home Secretary announced the conclusion of the Counter-Terrorism Powers Review. On the basis of the review, the Government will:

- replace control orders with a less intrusive and more focused regime. This will be complemented by additional resources for the police and the Security Service to enhance their investigative capabilities;
- reduce the maximum period allowed for detention of terrorist suspects before charge from 28 days to 14 days;

- end the indiscriminate use of terrorism stop and search powers and replace them with a severely circumscribed version that can only be used where there is a real assessment that an attack is expected;
- extend the use of deportation of foreign nationals engaged in terrorism (also known as the Deportation with Assurances – or DWA – programme). The Government will seek to conclude deportation arrangements with a wider range of countries, in a manner consistent with our legal and human rights obligations;
- ensure that local councils will only be able to use covert investigatory techniques under the terms of the Regulation of Investigatory Powers Act (RIPA) 2000 when these have been approved by a magistrate; and
- make maximum use of existing measures to tackle groups which espouse and incite violence or hatred, but not widen the definition of terrorism or lower the threshold for proscribing these groups.

Led by the Home Office, the review was conducted as openly and transparently as possible. The police, the security and intelligence agencies, the Crown Prosecution Service and other government departments including those in Scotland and Northern Ireland, as well as key organisations and individuals across the UK all contributed to the review, including Liberty and other civil liberty organisations and community groups. Members of the public and interested organisations were also invited to contribute.

A number of the measures will require changes to legislation, and the Government intends to implement these at the earliest opportunity. This will ensure that the police and the security and intelligence agencies can continue their vital work with certainty and confidence about the powers that they have available. In the case of control orders, the Government will extend the current regime until the end of 2011 to allow time for new legislation to be brought forward and for the additional investigative capabilities for the police and Security Service to be put in place. The changes to terrorism stop-and-search powers (known as Section 44 powers, arising from the Terrorism Act 2000), local authority use of RIPA powers, and the permanent

reduction of the maximum pre-charge detention limit to 14 days are in the published Protection of Freedoms Bill.

### **Deportation with Assurances**

We believe that the UK should be able to deport foreign nationals who threaten our national security where we can do so while meeting our domestic and international human rights obligations. In certain circumstances we will seek public and verifiable assurances to ensure that the individual's human rights are respected on their return to their country of origin, known as Deportation with Assurances (DWA).

We take our human rights obligations very seriously. We will never seek to deport an individual where there are substantial grounds for believing that there is a real risk to that person of torture or other cruel, inhuman or degrading treatment or punishment, or in cases where the death penalty will be applied.

We currently have DWA arrangements with Jordan, Libya, Lebanon, Ethiopia and Algeria. The Government is committed to concluding such arrangements with more countries in 2011. DWA policy continued to be criticised by some parts of the human rights community during 2010. However, we believe that the assurances we receive can be relied on, and the courts have so far upheld the principle of relying on government-to-government assurances.

We believe that our approach to DWA demonstrates a strong commitment to dealing with a vital security issue in a way that complies with our human rights obligations. DWA arrangements enable us to promote adherence to human rights standards at the highest levels of government. In addition, the training and investment we provide to the monitoring bodies we work with build human rights expertise, as well as a wider awareness of human rights legislation and practice. In 2010, for instance, we provided funding to monitoring bodies in **Jordan** and **Ethiopia** to increase their capacity to monitor returnees through training on international human rights standards, fair trials, forensic medicine and detecting signs of torture as well as developing their experience through observing trials and prison visits in these countries.

All individuals have the right to appeal against deportation. Such appeals are heard by the Special Immigration Appeals Commission (SIAC) and, if permission to deport is granted by the courts, this can be appealed further to the Court of Appeal and the Supreme Court. In 2010 SIAC heard the case of “XX”, an Ethiopian national and the first Ethiopian case to be brought before the courts, and handed down its judgment in September. Although the court dismissed his appeal and found in the Government’s favour, the case demonstrates how deportation decisions can be challenged in SIAC. In July the Court of Appeal decided that the appeals of seven Algerians and one Jordanian should be dismissed. They have now applied for permission to appeal against that decision at the Supreme Court. However, in the past, SIAC has also ruled against the Government, as, for example, in the Libyan cases of “DD” and “AS”.

The Supreme Court is the last domestic appeal option in DWA cases. However, in some instances cases may be brought before the European Court of Human Rights. The European Court of Human Rights is currently considering the case of Othman, a Jordanian Al Qaida terrorist suspect who is contesting his deportation to Jordan on the grounds that it would breach his rights. This will be the first time the European Court has considered cases involving assurances obtained by the UK under our current programme. We expect a judgment to be handed down in 2011.

### **Counter-terrorism programme work**

We continue to work with a number of international partners through our Counter Terrorism Programme fund, to help develop institutional capacity overseas. For example, we actively promote and develop police investigative capacity, within an ethical framework, to improve further the collection of evidence and its use by overseas police forces.

Human rights are intrinsically linked to the training we provide and the capacity-building work we support. In **Bangladesh**, for instance, we continued a programme training Bangladesh’s Rapid Action Battalion (RAB) in human rights and ethical policing. The training focused on developing the Battalion’s skills in areas such as basic human rights and interview and investigation techniques and the promotion of

ethical policing by training in operational judgments and procedures that comply with modern police standards.

In 2010 we helped to deliver a training package to the Somaliland and Kenyan police forces to enable them to develop further their skills in crime scene management and evidence-gathering techniques. This training highlights the benefits of detailed and thorough searches as a means of gathering evidence, therefore reducing the risk of attempting to extract confessions or force cooperation with a criminal investigation. This strengthens the use of evidence submitted during court proceedings, thus lowering dependence on witness confessions as a means of conviction.

The Counter Terrorism Programme fund also supports work to stop people from becoming terrorists or supporting violent extremism, in order to reduce the risk to the UK and its interests overseas. This work is focused directly against the narratives and ideology exploited by terrorists for the radicalisation of particular vulnerable groups. For example, one project aims, through events in selected schools in Pakistan, to develop the skills of young people and their teachers to articulate the connections between Islam and human rights. Targeted interventions such as these are designed to increase the resilience of particularly vulnerable groups to terrorists' ideologies, and improve their ability to challenge these arguments where they encounter them.

### **Detainee package**

The treatment of terrorism suspects overseas, and the UK's involvement in their detention and alleged mistreatment, continues to come under intense media, judicial and parliamentary scrutiny. In order to address historic issues, and to enable the security and intelligence agencies to focus on the crucial business of keeping the country safe, Prime Minister David Cameron announced on 6 July a series of measures made up of four elements:

- mediation of the civil claims brought against the Government by British nationals and British residents who were detained at Guantanamo Bay;

- an inquiry to examine whether, and if so to what extent, the UK Government and its intelligence agencies were involved in improper treatment of detainees held by other countries in counter-terrorism operations overseas, or were aware of improper treatment of detainees in operations in which the UK was involved;
- the publication of Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees; and
- a Green Paper setting out the Government's proposals for how sensitive material should be treated in non-criminal judicial proceedings.

Mediation with the claimants in the Guantanamo civil cases was successfully concluded in November. The allegations and issues that came to light during these cases will be examined by the independent inquiry announced by David Cameron in July.

### **The Detainee Inquiry**

The inquiry, headed by Sir Peter Gibson, a former Court of Appeal judge and Intelligence Services Commissioner, will examine whether the UK was complicit in the improper treatment of detainees held by other countries after the terrorist attacks of 11 September 2001. Sir Peter will be assisted by Dame Janet Paraskeva, the first Civil Service Commissioner and former chief executive of the Law Society's Council in England and Wales, and Peter Riddell, a respected former political journalist and senior fellow at the Institute for Government. The inquiry will have access to all relevant papers and will be able to take evidence from UK government officials, including members of the intelligence agencies. David Cameron has asked the inquiry to report within a year and has invited Sir Peter to include any lessons learnt and recommendations for the future.

## **Consolidated guidance to intelligence officers and service personnel**

While the Gibson Inquiry will examine historic issues, the Government is committed to being as clear as possible about the standards under which intelligence officers and service personnel operate.

The publication of the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees in July was the first time that guidance for members of the intelligence agencies and armed forces on detainee treatment had been made publicly available. It is right that the public is clear about the high standards under which the intelligence agencies and our armed forces operate.

The Government and its armed forces and intelligence agencies do not participate in, solicit, encourage or condone the use of torture or cruel, inhuman or degrading treatment or punishment for any purpose. The guidance emphasises that there are no circumstances in which our armed forces and intelligence agencies would take action in the knowledge or belief that torture would take place at the hands of a third party. If such a case were to arise, we would do everything we could to prevent torture occurring. It makes clear that we act in compliance with our domestic and international legal obligations and our values as a nation.

## **Guantanamo Bay**

The Government is firmly of the view that the indefinite detention of detainees is unacceptable and that the Guantanamo Bay detention facility should be closed. The UK has made a contribution to the closure of the facility by taking back 14 former detainees. Our priority now is the expeditious release and return of Shaker Aamer to the UK. In July David Cameron underlined the Government's commitment to that objective and since then William Hague and Nick Clegg have both subsequently raised his case with US Secretary of State Hillary Clinton. Discussions between US and UK senior officials have been ongoing since August. Ultimately any decision regarding Mr Aamer's release remains in the hands of the US government.



## **Counter-proliferation**

The Government supports a responsible defence industry that helps meet the legitimate defence needs of other states. However, governments intent on internal repression or territorial expansion, international terrorist organisations and organised crime networks may also seek to acquire weapons, either legally or illegally. The effect of these weapons can remain long after their use; unexploded ordnances, for example from cluster munitions, can remain in the ground for decades, threatening the lives of civilians and hampering post-conflict reconstruction.

We take our role in combating this problem seriously and are committed to ensuring that the legitimate arms trade is properly regulated. The year 2010 demonstrated that our export licensing system can respond effectively to reduce the risk that arms exports are used for human rights abuses. The year also saw important progress towards a global Arms Trade Treaty with the first formal negotiating session in New York. On 4 May, the UK became the 32nd country to ratify the Convention on Cluster Munitions.

### **Export licensing**

The Government believes that support for human rights is wholly compatible with a responsible defence industry.

All arms export licences are examined rigorously on a case-by-case basis under the Consolidated EU and National Export Licensing Criteria. These criteria reflect an EU Common Position and thus ensure consistency across the EU in the control of exports of the military technology and equipment listed in the EU Common Military List.

All export licence applications are considered against the respect for human rights and fundamental freedoms in the destination country, including a consideration of any serious violations of international humanitarian law. If we believe there is a clear risk that the proposed export might be used for internal repression, we will not issue a licence. We take account of the nature of the equipment, the record of the end

user, and how similar equipment has been used in the past. We consult a number of other actors and sources of information, both inside and outside the Government, including reports from international and local NGOs and media reports, to reach a balanced view.

Once approved, export licences are kept under review and every licence is scrutinised in light of changing facts on the ground. We have a cross-Whitehall mechanism in place to revoke licences swiftly if a significant change in prevailing conditions means that it would be against the Criteria for the licence to remain in force.

In 2010, the UK demonstrated that it continues to place human rights considerations at the heart of the export licensing process. Between 1 January and 30 September, 18 export licences were refused under Criterion 2, which prevents the export of equipment when there is a clear risk of its use for internal repression, either exclusively or jointly with another criterion. Case studies based on actual export licence applications are published in the Annual Report on Strategic Export Controls. These demonstrate how human rights, among other criteria, are factored into assessments and provide an insight into how the Government assesses licence applications on a case-by-case basis. For example, an export licence for the supply of armoured vehicles to the Yemeni Ministry of Defence was considered early in 2010. Following reports in 2010 that violations of human rights had occurred in Yemen, and our concern that the items specified in the licence application might be used for internal repression (Criterion 2) or aggravate existing tensions in Yemen (Criterion 3), the licence was refused.

UK export controls also apply to small arms and light weapons, the use of which can destroy livelihoods, displace entire communities and hamper social and economic development.

### **Cluster munitions**

Cluster munitions can have a terrible humanitarian impact on civilian populations and can impose many decades of post-conflict suffering. The Convention on Cluster Munitions, adopted in December 2008, aims to build an international consensus that

the use of these munitions in future is unacceptable under any circumstances. The convention is the most significant international arms control agreement of recent years. It bans the use, production, transfer and stockpiling of cluster munitions. It obliges States Parties to destroy their stockpiles, clear contaminated land under their jurisdiction or control and, for those in a position to do so, offer technical, material and financial assistance to other affected states.

On 25 March the Cluster Munitions (Prohibitions) Bill received Royal Assent. The Act creates offences in UK law that will now prohibit the use, transfer, production and stockpiling of cluster munitions on UK territory or by UK nationals. This Act paved the way for the UK to become the 32nd country to ratify the convention on 4 May, and it came into force for the UK on 1 November. We were therefore able to play a leading role at the first meeting of States Parties to the convention, hosted by Laos in November, working with other States Parties to develop the Vientiane Declaration and Vientiane Action Plan which set out milestones for States Parties to implement effectively their obligations under the convention.

Our ratification will contribute to better international security. The victim support elements of the convention will make a difference to the lives of those already affected by these weapons. Through the banning of the future use of cluster munitions, there will be fewer casualties and less longstanding impact on countries which suffer from conflicts.

In May, the Government made clear its determination to “work for a full international ban on cluster munitions”. The Government has since continued to promote the convention through bilateral and international meetings and our network of overseas posts. Much of this work is done in conjunction with civil society. At the end of 2010, of the 108 countries to have signed the convention, 49 had ratified it, representing an impressive tally for such a new convention.

The Government is also upholding its own obligations and, by the end of 2010, had destroyed 48% of its own stockpiles of cluster munitions. On current planning the programme is expected to conclude by the end of 2013, some five years before the deadline for destruction of stockpiles set by the convention.

## **The Arms Trade Treaty**

In 2010, the Government maintained its prominent international position on the Arms Trade Treaty, following the successful establishment of a UN timetable for negotiating the treaty. Civil society played an important role in supporting our leadership in this process. Securing a robust and effective treaty is a priority for the Government and an essential part of the Strategic Defence and Security Review. In September, in his speech on “Britain’s Values in a Networked World”, William Hague specifically highlighted the Arms Trade Treaty as an instrument with the potential to both promote British values, on issues such as human rights, whilst also benefiting British industry. The Government will continue to work closely with both industry and civil society as we pursue a strong treaty.

Negotiations on the treaty began at the first Preparatory Committee meetings in New York in July, at which we played a full and active role. It proved to be a successful start to the negotiations, with constructive engagement by the majority of UN member states. We highlighted human rights and international humanitarian law as key elements to be considered in the treaty.

There remains a range of views as to what the treaty should contain and how it might work, and we will continue to work with UN member states to ensure we make the most effective use of the time we have available before the UN conference in 2012. We will continue to be a strong advocate for the treaty, and for the inclusion of human rights and international humanitarian law provisions within it. We will seek to ensure that small arms and light weapons are also included in the treaty.

## **Reducing Conflict and Building Stability Overseas**

### **The Conflict Pool**

The Conflict Pool is a tri-departmental fund of the Foreign and Commonwealth Office (FCO), the Department for International Development (DFID) and the Ministry of Defence (MOD) that supports the UK’s efforts to prevent and resolve conflict and build stability. It brings together expertise and management from the three

departments to ensure that the resources are managed as effectively as possible. The Pool comprises five programmes, four of which are geographical in scope – Africa, Middle East and North Africa, South Asia and Afghanistan, and Wider Europe – and one is focused on international organisations. In 2010 the Pool funded a wide range of projects that promote human rights.

## **Africa**

In 2010, the Africa Programme disbursed £42.2 million on projects focused around three broad objectives: to support African conflict-prevention measures at the continental and regional level; to address the underlying causes of conflict in a number of priority sub-regions and countries; and to improve security sector reform. Examples of such activity in 2010 included:

- funding the NGO Conciliation Resources to produce a film, “Talking Borders”, which looks at how petty corruption and routine harassment and bureaucracy blight the daily lives of local people living in the border area of **Sierra Leone, Liberia and Guinea** and which will hopefully contribute to reducing border tensions;
- supporting peace-building efforts which have consequently improved the supply of, and access to, water in **Sudan**, including in some of the most remote areas;
- supporting the African Union Mission in **Somalia**, whose presence in south central Somalia is vital in ensuring the Transitional Federal Government’s survival, and providing support to the Somaliland presidential elections;
- providing technical assistance to the police reform task force in **Kenya**, which has resulted in draft legislation on an agreed process of reform;
- supporting the Liberian National Police in their efforts to reduce armed robberies and other crimes in **Liberia**;
- providing funding to the EU advisory and assistance mission for security reform in the **Democratic Republic of the Congo**, which is supporting the reform of the army's procurement systems. These reforms will ensure the payment of regular salaries, and thereby help reduce the predatory and abusive behaviour of the soldiers against the local population; and

- supporting a peaceful democratic transition in **Zimbabwe** through funding civil society groups to hold the government to account.

### **Middle East and North Africa**

In 2010 the Middle East Programme continued to focus its resources on four priority countries in the region: Iraq, Israel and the Occupied Palestinian Territories, Lebanon, and Yemen. The programme provided £13.8 million to various projects.

In **Iraq** the Pool supported the development of an effective, just and non-discriminatory police and criminal justice system, by training the police, including more than 100 women officers, in the investigation of crimes and the gathering and analysis of forensic evidence and training judges in the use of scientific evidence. This led to an increase in the number of evidence-based criminal convictions and a decrease in the number of cases based on extracted confessions.

In **Israel and the Occupied Territories**, the Pool funded an NGO, the International Peace and Cooperation Centre, to assist Palestinians legalise their rights to land and property in the West Bank and East Jerusalem and to gain planning permission for new housing developments. This has resulted in those Palestinian houses with planning permission not being subject to demolition and also more access for Palestinian farmers to their land. We also funded various Israeli and Palestinian legal support NGOs which has enhanced access to justice and fair trials for Palestinian juveniles detained by the Israeli Defence Forces; and improvements to the juvenile military courts. We fund the Palestinian Independent Commission for Human Rights to monitor and investigate allegations of arbitrary detention, violations of the criminal code and torture by Palestinian security officials. Other initiatives funded by the Pool have focused on building greater trust between groups of Jewish and Arab Israelis and Palestinian citizens, and on improving the authorities' treatment of minority groups.

In **Lebanon**, the Pool provided funding to train security personnel to develop and implement a human rights policy and code of conduct for police. It also provided funding to Palestinian NGOs to monitor, investigate and develop joint mechanisms for redress for alleged violations experienced by Palestinian refugees, especially

those in camps. Successes included a reduction in checkpoints country-wide and improved official behaviour at the checkpoints; psychosocial support and trauma counselling for refugees, especially children; and the building of a human rights community centre where Palestinians can air their grievances and discuss allegations of victimisation and other abuses with Lebanese officials. We also supported the Palestinian Human Rights Organisation to prepare a submission to the Office of the UN High Commissioner for Human Rights on the human rights situation of the Palestinian community for consideration at Lebanon's Universal Periodic Review at the UN Human Rights Council.

In **Yemen**, the Pool focused primarily on two issues: relations between and treatment of Somali refugees by settled Yemeni communities; and access to land and water resources. There has been a marked reduction in conflicts between camp-based refugees and local communities in 2010 through greater integration between incomers and the host population; improved awareness of and attitudes towards refugee issues and rights; and improved living conditions for local communities. We also supported a pilot study to provide water to one city, for the first time delivering water to urban slum areas, whilst protecting water supplies in the rural hinterland. This pilot, which involved all interested parties, is intended to provide a model for the provision of water across the country.

### **South Asia and Afghanistan**

In 2010, the South Asia and Afghanistan Programme disbursed £68.5 million to support civilian-led stabilisation efforts in Afghanistan and £16.3 million to:

- increase the capacity of **Pakistan** and **Afghanistan** to govern in the border areas, reducing popular support for the insurgencies and encouraging better relations between the two countries;
- support confidence-building between **India** and Pakistan;
- support peace in **Nepal**, including by promoting security sector reform, respect for human rights and an inclusive constitutional process; and
- consolidate the peace in **Sri Lanka** by encouraging political dialogue, security sector reform and improved human security.

One of the key unresolved issues of the **Nepal** peace process is the fate of the former Maoist combatants who have been living in cantonments since 2006. At the request of all the major parties, the Pool funded a project to assist the multi-party Technical Committee to develop key documents outlining how demobilisation and integration of the combatants into the Nepalese security forces could be managed. This project should help pave the way for an agreement on this critical issue.

In **Sri Lanka**, the Pool has helped build the foundations for sustainable peace by encouraging public debate over constitutional reforms; supporting moderate, pragmatic voices within the Sri Lankan diaspora; and supporting the police to engage better with local communities. The Pool also supported a UNICEF project to reintegrate suspected child soldiers from the Liberation Tigers of Tamil Eelam back into society.

Reports of human rights abuses on both sides of the Line of Control in **Kashmir** continued in 2010. Some of the human rights concerns in Pakistan also exist in Pakistan-administered Kashmir. In Indian-administered Kashmir there were violent protests during the summer of 2010. More than 100 civilians were killed and a number of security forces personnel were injured during clashes from June to September. There were allegations of excessive use of force by security forces against protesters and that protesters themselves had used violence. In response, Indian Prime Minister Singh said that violations of human rights abuses by security forces in Kashmir would not be tolerated and he instructed security forces to respect human rights. The Indian government sent a cross-party delegation to Indian-administered Kashmir in September, and in October it appointed three interlocutors to engage with a wide range of interested parties to help resolve the situation in Indian-administered Kashmir. These interlocutors have made a number of recommendations to the Indian government including releasing prisoners held without charge; allowing peaceful protest; and exercising proper crowd control.

Officials in our high commissions in Islamabad and New Delhi regularly discuss the situation in Kashmir with the Indian and Pakistani governments and with our contacts in Indian and Pakistan administered Kashmir. We continue to encourage India and Pakistan to seek a lasting resolution which takes into account the wishes of the



Kashmiri people. We also call for an end to all external support for violence in Kashmir and for an improvement in the human rights situation. We continue to urge the government of Pakistan to take action against the presence and activities of militant groups in Pakistan-administered Kashmir. Levels of reported militant violence in Indian-administered Kashmir have been declining since 2008 but Indian authorities report continued infiltration across the Line of Control.

Pool funding supports human rights, conflict prevention and peace-building efforts on both sides of the Line of Control. This includes efforts by academics and opinion-formers to build trust and confidence between India and Pakistan; educational programmes in schools vulnerable to militant influence and the strengthening of civil society networks in Pakistan-administered Kashmir; media development programmes in Indian-administered Kashmir; and civil society exchanges across the Line of Control.

In **Afghanistan** the Pool funded the Afghanistan Independent Human Rights Commission's work on human rights education and advocacy as well as their monitoring and investigation of allegations of human rights abuses. In Helmand Province in south Afghanistan, the Pool funded initiatives by provincial and district government officials and community elders to promote non-Taliban informal justice systems in the province. One notable success is the Gereshk Justice Sub-Committee of the District Community Council, which has female members who deal with disputes affecting women, such as forced marriage. The Pool also supported the Independent Commission for Women and Children's Rights which is now equipped to support local communities and justice institutions and is Helmand's only paralegal institution run by women.

### **Wider Europe**

In 2010, the Wider Europe Programme disbursed £30.6 million with £18.3 million of this supporting the UN Peacekeeping Mission in Cyprus. The remaining funds were split between the Western Balkans and the Caucasus and central Asia.

In the Western Balkans, the Pool focused on three countries which are key for ensuring enduring stability, cooperation and growth in the region: Bosnia and Herzegovina, Kosovo and Serbia.

In **Bosnia and Herzegovina**, the Conflict Pool funded a project to increase the democratic accountability of the Ministry of Justice and Security through the signing of an agreement between the ministry and civil society. In south-west **Serbia**, a severely underdeveloped region which has seen clashes with and between rival Islamic communities, the Pool funded activities to reduce community tensions by encouraging dialogue between Serbia's central government and Albanian and Bosniak minorities, with the aim of improving ethnic minority representation in Serbia.

In the Caucasus and central Asia region, the Pool supported a variety of organisations and activities, including international and local NGOs working with civil society and government, and Ministry of Defence-led work on security sector reform. In **Georgia** we funded several crisis management and security sector reform projects with local civil society and media groups, international peace missions, and the government. In the Nagorno Karabakh region, funding supported the capacity-building of civil society, young people, business and the media. In the Ferghana Valley, our projects focused on education, access to legal assistance and building awareness of human rights.

### **Strategic Support to International Organisations**

Under this programme, £6.5 million was disbursed to support the international community's conflict prevention and response efforts. This included training for military, police and civilian personnel, including through the work of the British Military Advisory and Training Team in the **Czech Republic**, which has trained around 350 instructors from 30 potential and current troop contributing countries for UN mandated missions, as well as through direct training assistance to some 1,400 personnel in formed units. We also provided support to the UN's Rule of Law Unit, the Office of the UN Special Representative on the Prevention of Genocide and the UN's work to develop operational guidance for peacekeeping mission personnel on the protection of civilians.

## **The Responsibility to Protect**

At the UN 2005 World Summit, governments recognised that each state has a “Responsibility to Protect” their own population from genocide, war crimes, ethnic cleansing and crimes against humanity and that the international community has a responsibility to help implement this agenda.

Implementing the Responsibility to Protect remains a challenge, but we are committed to encouraging and assisting states to meet their responsibilities. For example, our support for police reform initiatives in **Kenya** in 2010 helped strengthen the government of Kenya’s capacity to prevent violence around the constitutional referendum in August.

In 2010 the EU reiterated its commitment to promoting the Responsibility to Protect at regional levels by providing financial and political support to the African Union’s Continental Early Warning System and the African-led peace support operations such as that in the **Central African Republic**. A UK-hosted Wilton Park conference of UN, AU and EU participants in June considered how the EU could better implement the principles of the Responsibility to Protect into its broader work on crisis management and conflict prevention.

Early warning is a crucial element in the international community’s ability to prevent the conditions in which the worst atrocities can take place. At the UN we participated in the General Assembly dialogue on the Responsibility to Protect and early warning, at which we joined the majority of member states in reaffirming our support for the Secretary-General’s proposal for a joint office to improve collaboration between the UN Secretary-General’s Special Adviser for the Prevention of Genocide and the Secretary-General’s Special Adviser on the Responsibility to Protect. We also provided funding from the Conflict Pool to the Office of the Special Adviser for the Prevention of Genocide to help enhance their early warning tracking system.

In November, during our presidency of the UN Security Council, we organised a briefing for the Security Council by the Department of Political Affairs on emerging or growing conflicts. We are encouraging future Security Council presidents to make

these briefings a regular monthly event to ensure that the Council is able to focus on preventing as well as resolving conflict.

### **Women, peace and security**

The year 2010 marked the 10-year anniversary of UN Security Council Resolution 1325 on women, peace and security. In October, we led negotiations at the Security Council to agree a set of indicators that will, for the first time, monitor the status of women in conflict-affected states and measure the progress by the UN and member states to improve women's protection and participation. In December we worked closely with our partners in the Security Council to agree a strengthened accountability mechanism to combat sexual violence in armed conflict. This will inform the Security Council of those parties to conflict responsible for committing sexual violence and allow the Council to take further action.

As part of our domestic commitment to protecting women during conflict and promoting their participation in conflict resolution, the Parliamentary Under-Secretary of State Henry Bellingham, along with colleagues from DFID and MOD, launched the new UK National Action Plan on Women, Peace and Security in November. This plan sets out how the Government will adapt its policies and programmes to empower and protect women in all of our conflict-related work and is available on the FCO website. The plan, developed in consultation with civil society and international partners, includes measureable commitments to ensure gender considerations are incorporated into our work, including conflict training delivered by the Stabilisation Unit of the FCO, DFID and MOD and the deployment of female engagement officers to **Afghanistan**, so that the needs of Afghan women are better reflected in our operations. The plan also includes three country strategies for Nepal, Afghanistan and the Democratic Republic of the Congo.

### **Protection of Civilians Strategy**

International efforts to protect civilians in conflict are often insufficient, inconsistent or ineffective. In response, we launched a new national strategy in March on the protection of civilians in armed conflict. The strategy, which was developed in collaboration with DFID and MOD, sets out how the Government will keep the protection of civilians at the forefront of our political, security and humanitarian work.

For the first time the strategy draws together all our work to help protect civilians caught up in conflict, and includes commitments to strengthen the protection mandates of peacekeeping operations; to provide support to transitional and international justice mechanisms; and to improve humanitarian access to populations. The strategy covers the period 2010–2013. We will review our progress annually, with the first review in 2011.

The UK takes the lead in coordinating Security Council activity on the protection of civilians in armed conflict. In November, as president of the UN Security Council, we raised our concerns about the plight of civilians in Sudan, Burma and the Democratic Republic of the Congo. We also continued to chair an expert group, comprised of other Security Council members and the UN Office for the Coordination of Humanitarian Affairs, which looks at how best to deliver the protection of civilians in specific UN peacekeeping operations. We also supported the continued inclusion of the protection of civilians and relevant human rights issues in the mandates of the UN peacekeeping missions in the Democratic Republic of the Congo, Sudan, Liberia, Kosovo, Cote d'Ivoire and East Timor.

### **Children and armed conflict**

Children are often among the most vulnerable to conflict. Children living in war-torn countries are frequently denied even their most basic human rights, are more likely to die as a result of disease and malnutrition, and stand much less chance of becoming productive adult members of their communities. We are committed to ending violations of children's rights in conflict-affected countries and, in particular, to stopping the recruitment and use of child soldiers. In 2010 we worked towards this goal by applying diplomatic pressure on offending governments and armed groups, and by funding projects to help protect and rehabilitate vulnerable children. We targeted our financial support to those areas where we feel most progress is most likely.

In **Nepal** we provided £2 million to help discharge and rehabilitate members of the Maoist Army; approximately 3,000 of those released had been recruited as children. Following the end of the conflict in **Sri Lanka**, we provided £1.5 million to UNICEF which enabled the release and reintegration of former child soldiers.

Many of the projects we finance on security sector reform or disarmament, demobilisation and reintegration contain child protection elements, as it is important that the specific needs of children are recognised and understood. In **Uganda**, for example, we are providing £100 million over five years to the government's Peace, Recovery and Development Plan, more than £16 million of which will be directed towards helping vulnerable individuals and improving young people's prospects.

We have also spoken out publicly against those governments and groups that abuse children's rights. We worked closely with the International Labour Organization to raise greater awareness of abuses in **Burma**, including forced labour and military recruitment. In **Nepal**, our staff in Kathmandu participated in a UN field visit, which resulted in commitments from the Nepalese army to increase their child protection training, and from Nepalese political youth wings to end the use of children under 18 in potentially violent political activities.

We also worked multilaterally, including at the UN where we encouraged the development of action plans to halt abuses against children. These plans will be drawn up and implemented jointly by the UN and by the parties to conflict identified by the UN as responsible for recruiting children or engaging in patterns of killing, maiming or sexual violence against them.

### **UK stabilisation capacity**

When fighting ceases and negotiations for political settlements or peace agreements start, it does not necessarily mean the end of a conflict. Security needs to be established and the underlying causes of the conflict need to be addressed to create lasting stability and peace. Restoring respect for human rights in post-conflict situations is vital in re-establishing a well functioning society.

The UK's Stabilisation Unit is specifically tasked to help rebuild fragile states. Its main roles are to source, manage and deploy civilian experts to conflict-affected countries to help re-establish peace and security; to support cross-government planning for stabilisation; and to draw lessons from our involvement in conflict

affected countries. At the end of 2010, the unit had more than 160 people deployed overseas, in places such as Kosovo and Pakistan.

During 2010 we worked to improve our approach to stabilisation. The unit now has an expanded remit to support conflict prevention, as well as to respond to post-conflict scenarios. We have also strengthened the cooperation between our civilian and military efforts in order to improve the cohesiveness of our stabilisation response. In 2011 we will launch new stabilisation response teams, which will aim to integrate defence, development and diplomacy still further in stabilisation missions.

When providing security and justice advice and expertise, the unit attempts to ensure that a country's police and security forces are accountable and encourage human rights compliance. For example, in **Liberia** the unit funded a police leadership programme, which briefs police trainees on the human rights implications of their actions. The unit has also assisted countries such as **Brazil** in developing their own civilian response to conflict and has worked to build the capacity of international organisations, including the UN, EU, AU and NATO, to deploy civilian expertise for stabilisation missions.

## **Peacebuilding**

A key focus for our work has been the implementation of the recommendations of the UN Secretary-General's 2009 report on peacebuilding in the immediate aftermath of conflict, particularly by encouraging greater coordination between the UN secretariat, UN agencies, donors and bilateral actors. We have also supported the UN-led review of international civilian capacity, which is due to report in March 2011, in order to improve the availability of civilian experts to deliver peacebuilding in post-conflict states.

We support the work of the UN's Peacebuilding Commission, the Peacebuilding Support Office and the Peacebuilding Fund to promote stability in countries such as Sierra Leone, Liberia, Burundi, the Central African Republic and Guinea Bissau. The Peacebuilding Commission has a key role in encouraging these countries to address issues including the rule of law; impunity; access to justice; the provision of basic services; and respect for human rights. The Peacebuilding Commission has made a

good start since its foundation in 2005, but we would like to see it demonstrate greater impact at the country level.

The Peacebuilding Fund has contributed to a wide range of national peacebuilding and human rights activity in-country, for example by supporting diplomatic activities in **Burundi** which enabled the start of the disarmament, demobilisation and reintegration process of former soldiers; and in the **Central African Republic**, where nearly 96,000 children have improved access to formal and informal education, training, support and health care.

### **Private military and security companies**

The private military and security company industry provides essential security services for governments, private companies and humanitarian actors in difficult and dangerous environments. Their services, in particular armed services, also carry serious human rights risks. On 16 September, the Government announced it would promote high standards of private security worldwide to minimise these risks. It also committed to introducing robust regulation in the UK through a trade association based on a voluntary industry code of conduct agreed with and monitored by the Government; using our position as a key buyer of private military and security companies' services to promote compliance with the code; and supporting the agreement of international standards, consistent with the UK code, that would cover all aspects of private security company organisation and operation worldwide.

In November, 60 private military and security companies from across the globe signed a code of conduct. By signing this code, the private military and security companies will signal to potential clients, host governments and civil society that their companies intend to operate to the highest standards. We are now incorporating this code into our contracts and will only award contracts to those companies that can show they are meeting the code's standards. In 2011 we will work with the industry, civil society and other states to establish an international and independent governance and compliance mechanism to enforce the code.



### **SECTION III: Human Rights in Promoting Britain's Prosperity**

Promoting trade is vital for our economy and prosperity. Our commitment to supporting UK business internationally is entirely consistent with our determination to hold human rights at the core of our foreign policy. Our approach is to ensure economic growth, development, human rights and the rule of law are complementary and mutually reinforcing.

Foreign Secretary William Hague has made clear that the Foreign and Commonwealth Office (FCO) will devote extra effort to support the British economy, free trade and sustainable global growth. In a time of austerity, the Government needs to ensure that our foreign policy supports UK jobs and livelihoods. In a networked world of rising economies and shifts in power, the traditional means of influence we have enjoyed in world affairs are eroding. This means that we have to work even harder as a nation to maintain the position of the UK economy as a home of investment and business and to build our relationships with emerging powers.

Good business practice, including due diligence in human rights and corporate social responsibility, can make a positive contribution towards improved awareness and observance of human rights. When doing business internationally, companies prefer a stable, secure and corruption-free trading and investment environment that mitigates against unexpected risk of shock, provides certainty of dispute resolution and offers physical protection of their capital and intellectual assets. In unstable environments, UK businesses risk reputational damage, business disruption, litigation and legal costs. Promoting effective human rights policies – both in country and for businesses – can, over time, help reduce these risks and promote economic development. We are determined to do that in a proportionate manner, using a range of internationally agreed instruments and avoiding unreasonable burdens on business.

We also recognise that some business can have an adverse impact on human rights, whether directly or indirectly. This is a particular risk in countries in conflict, or where the rule of law is weak and the capacity of the host government to hold

companies to account is low. To meet demand for natural resources, oil, gas, and mining companies explore potential deposits and develop projects in increasingly difficult operating environments. The increasing use of developing countries for the production of clothing and footwear has drawn attention to poor working conditions in some global supply chains. We are therefore committed to supporting better business environments in host countries and promoting more responsible business practice as a central strand of our human rights policy.

To achieve this we work with the EU to encourage new trading partners to commit to human rights, through the use of human rights clauses in trade agreements. These clauses provide a framework for dialogue and engagement and also, in the event of a serious breach, the threat of the agreement's suspension. There are a few countries where human rights protection is so poor that we do not encourage UK companies to do business. In these cases, the UK supports the adoption of targeted sanctions focused on individuals and entities in countries with poor human rights records.

We encourage British businesses to adopt best-practice initiatives that will help them to avoid contributing to human rights abuses. We will also encourage countries to put in place higher standards of business accountability and responsibility in their domestic law to ensure, for example, that their natural resources are not used to fund conflict. Through the multilateral system and our bilateral relations we will encourage all countries to implement their human rights obligations, while working to secure the conditions for British companies to succeed overseas. We do not see this in terms of trade off but as two central government objectives which we will pursue with energy and careful diplomacy.

## **EU Trade and Human Rights**

### **The human rights “essential element” clause**

Since 1995 the EU has incorporated a human rights clause as an essential element in all framework agreements with third countries, stipulating that respect for human

rights and democratic principles should form the basis of the agreement. In 2003, all EU member states agreed a position on the inclusion of such human rights clauses in all EU–third country agreements, except sector-specific agreements such as steel and fisheries. This position was subsequently reinforced in 2009 in the “Common Approach on the Use of Political Clauses”. To date, 45 framework agreements containing such a clause have been agreed with more than 120 countries. The clauses provide a peg for dialogue, allowing the EU to engage positively with the third country on human rights. In extreme circumstances, the agreement can also be suspended in the event of a serious breach of the clause.

Since 1995, negative measures have been implemented under the human rights clause framework agreement on 22 occasions, most frequently in response to a coup d’état, for example in the Central African Republic, Fiji and Niger, but also for flawed electoral processes such as in Haiti and Togo, and for violations of human rights, as in Liberia and Zimbabwe.

### **Third-country free trade agreements**

The EU is the world’s largest trading bloc and the combined national output of the 27 EU member states accounts for 25% of world GDP. The EU’s founding documents state that the EU’s commercial policy will be conducted in line with the overriding principles of respect for human rights, democracy and the rule of law. Trade agreements with third countries therefore provide important leverage for the EU to advance global respect for human rights.

The eight core International Labour Organization conventions, on child labour, forced labour, non-discrimination and basic trade union rights, are covered in the sustainable development chapter of the EU’s free trade agreements with third countries. The EU encourages free trade agreement partner countries to engage in constructive dialogue and cooperation to strengthen compliance with domestic and international labour standards. The free trade agreements also include specific mechanisms and structures to monitor and implement the human rights provisions, which may involve NGOs and independent experts.

In May the European Commission concluded negotiations for the EU Multi Party Trade Agreement with **Colombia** and **Peru**. During the negotiations, the UK led efforts within the EU to ensure that a legally binding and robust human rights clause was included in the text of the agreement. The agreement will go through legal scrutiny in 2011.

### **Generalised System of Preferences**

The Generalised System of Preferences (GSP) is one of the most important instruments available to the EU in linking human rights with trade. There are three tiers of benefits: the standard GSP, the special arrangements for sustainable development and good governance (GSP+) and the Everything But Arms (EBA) initiative.

Under the GSP Regulation, the European Commission may launch an investigation if there is evidence of grave and systematic violations of the international human rights and labour rights conventions cited in the GSP Regulation. If the conventions are judged to have been breached, all GSP arrangements may be temporarily withdrawn. Countries where privileges have been withdrawn are encouraged to improve their human rights situation, with a view to renewing the arrangements. To date, standard GSP has been withdrawn on only two occasions: in **Burma** in 1997 due to the systematic use of forced labour; and in **Belarus** in 2007 for the widespread violation of trade union rights.

GSP+ offers additional incentive arrangements to developing countries which have ratified and effectively implemented 27 core international conventions on human rights, labour rights, environment and good governance principles and allows them to export goods to the EU at preferential tariff rates. There are currently 15 GSP+ beneficiary countries. GSP+ privileges can be withdrawn in the event of a serious breach of human rights in the beneficiary country, as well as if the beneficiary country's domestic legislation is amended in such a way that it no longer incorporates the obligations of the relevant international conventions.

**Sri Lanka** had been a beneficiary of GSP+ since 2006. In October 2008, the European Commission initiated an investigation into Sri Lanka's implementation of

three international conventions listed in the GSP Regulation: the International Covenant on Civil and Political Rights; the Convention against Torture; and the Convention on the Rights of the Child. In October 2009, the European Commission concluded that Sri Lanka had failed to implement effectively the obligations arising from the three conventions under investigation during the period covered by the investigation.

On 15 February, the EU decided to withdraw GSP+ preferences from Sri Lanka, with the decision due to enter into force in August. Between February and August, the EU encouraged Sri Lanka to address the concerns highlighted in the Commission's report. As insufficient improvements were made, GSP+ arrangements were withdrawn on 15 August.

In order for the GSP+ scheme to function effectively as an incentive tool, it is important that there is a clear and common understanding on what effective implementation of the international conventions means. The EU is currently conducting a review of the GSP Regulation. As part of the review, we will work closely with the Commission, the European Parliament and other member states to clarify further the standards that the EU expects from its partners, as well as the institutional arrangements for entering, leaving and monitoring the scheme.

## **Sanctions**

The Government supports the use of targeted sanctions to coerce regimes, individuals and groups into changing their unacceptable behaviour.

Sanctions regimes can be imposed by the UN and the EU. The UN imposes sanctions where circumstances are deemed to constitute a threat to international peace and security. The EU, acting autonomously from the UN, can also impose sanctions for these reasons but more often they are imposed to encourage respect for human rights, democracy and the rule of law. The measures most frequently take the form of asset freezes, targeted trade embargoes and travel restrictions.

In 2010 we supported UN and EU sanctions regimes in 20 countries. Some of the sanctions regimes in place are in response to human rights abuses and post electoral instability, such as Belarus, Burma, the Republic of Guinea and Zimbabwe. The measures in place in **Burma** specifically prevent EU companies financing enterprises that are owned or controlled by the ruling body or by persons associated with the regime. Restrictive measures are also in place to prevent imports, exports and investments in Burmese timber, gemstones and precious metals.

Sanctions are not always explicitly invoked to respond to human rights abuses. For example, during 2010 sanctions were imposed on **Cote d'Ivoire** to sustain the ceasefire and encourage national reconciliation. The measures included a ban on rough diamond exports in order to disrupt the links between the rough diamond trade and conflict in West Africa. In **Liberia**, sanctions have been in place since 2003 to promote respect for the cease-fire and to encourage the responsible use of government revenue to benefit the people of the country.

In **Iran**, in addition to the UN sanctions, the EU also decided to implement an autonomous sanctions package targeted at trade, finance, transport and the Iranian energy sector to prevent the development of Iran's nuclear programme. During 2011 a number of EU and UN sanctions regimes will be renewed in countries including Moldova, Belarus, the Democratic Republic of the Congo (DRC), and Cote d'Ivoire. EU discussion has begun on how to ensure that the sanctions regimes in Zimbabwe, Burma and Iran remain robust.

## **Promoting Responsible Business Practice**

We work closely with the Special Representative of the UN Secretary-General Professor John Ruggie, who is tasked with examining the issue of corporate responsibility and accountability for human rights. Professor Ruggie has developed a policy framework known as Protect, Respect and Remedy, which proposes the state's duty to protect against human rights abuses by third parties; the corporate responsibility to respect human rights; and the need for greater access to effective

remedies by victims of human rights abuses by corporate entities. Professor Ruggie is currently preparing a set of guiding principles on business and human rights. We believe that these should offer a sure foundation for states and businesses to improve their human rights performance and we contributed to the public consultation on the draft guidelines during January 2011. We are keen to see the guidelines adopted by the Human Rights Council in June 2011.

### **OECD Guidelines for Multinational Enterprises**

The Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises provide voluntary principles and standards of corporate behaviour in areas such as human rights, the supply chain, employment and industrial relations, the environment, and combating bribery. Governments that adhere to the guidelines are committed to promoting compliance by businesses wherever they are operating, as well as raising awareness of the guidelines and implementing the complaints procedure through the setting up of National Contact Points.

In 2010, the UK National Contact Point considered five complaints about the behaviour of UK and overseas businesses. Of these, one related to a trade union dispute in **India**, which was successfully resolved through the UK National Contact Point's sponsored professional mediation. Three of the complaints were related to business activity in the UK, and the UK National Contact Point concluded that none of the three companies involved had breached the combating bribery chapter of the guidelines. The National Contact Point also rejected the final complaint, related to activity in **Bangladesh**, at the initial assessment stage for lack of sufficient supporting evidence. In addition, the UK National Contact Point published its first "follow up statement" to a complaint against a company previously found to have breached the guidelines. In September 2009, the UK National Contact Point found that a UK company operating in India had breached various chapters, including the human rights provision, of the guidelines. The "follow up statement" reflected the company's and the complainant's responses on the implementation of the recommendations made by the UK National Contact Point to the company.

Negotiations are currently underway in the OECD to update the guidelines. We want to see the guidelines expanded to include practical guidance to assist companies respect human rights, including in their supply chain, and to improve the effectiveness of National Contact Points and of the complaints procedure across the OECD.

### **Voluntary Principles on Security and Human Rights**

The Voluntary Principles on Security and Human Rights were set up in 2000 by the FCO and US State Department to provide guidance to companies in the extractive sector on responsible business practices. The Voluntary Principles advise companies how to engage with public and private security providers, and how they should conduct effective risk assessments so as to ensure their security operations do not lead to human rights abuses or exacerbate conflict. The Voluntary Principles are supported by seven governments; 18 multinational oil, gas and mining companies; and nine NGOs, who meet annually to share best practice and monitor adherence to the principles.

In March, the US assumed the chair of the Voluntary Principles. We continued to play a leading role in supporting reforms to the Voluntary Principles' governance, administrative and financial arrangements. We also provided increased funding to the Voluntary Principles Secretariat for 2010/11. We expect many of these reforms to be adopted at the March 2011 Plenary in Washington DC. The reforms will improve the effectiveness of the Voluntary Principles. This should in turn help attract new interest and membership, which should ensure a broader reach for the Voluntary Principles and greater protection from the risk of abuse for people living in fragile or conflict-affected states.

In 2010 we encouraged a number of governments, including those of Ghana, Peru, the Democratic Republic of the Congo, Indonesia and Nigeria, to join the Voluntary Principles. In **Indonesia** the Embassy supported the efforts of a local NGO, the Indonesia Centre for Ethics, to raise awareness about the Voluntary Principles with senior government officials, police officers and large international companies. The Embassy has also funded a human rights training package which will be provided to



Indonesian Voluntary Principles partners, including the security forces, industry, local government administration and NGOs.

In the **DRC**, embassy officials participated in discussions with companies, governments and civil society about implementing the Voluntary Principles in the DRC, as well as the range of security and human rights challenges facing the mining sector. Participants agreed to try to persuade the DRC government to join the Voluntary Principles.

In **Peru**, embassy officials participated in a number of workshops and meetings with Peruvian government officials from the ministries of mine and energy, defence, and environment to discuss Peruvian membership of the Voluntary Principles. We will continue to encourage the government of Peru to join the Voluntary Principles.

### **The Kimberley Process**

The Kimberley Process Certification Scheme was established in 2002 to combat the trade in rough diamonds to finance armed conflicts, primarily in Africa. With 75 participating countries the Kimberley Process covers an estimated 99.8% of the global production of rough diamonds.

The UK Government Diamond Office and the UK Border Agency and Customs are responsible for preventing illicit diamonds entering or leaving the UK. In 2010 authorities seized a number of shipments of rough diamonds deemed non-compliant with the Kimberley Process. The Government Diamond Office also works with the UK's rough diamond industry to provide expert advice and oversight of industry compliance with Kimberley Process minimum standards.

Experts estimate that since the Kimberley Process was established “conflict diamonds” have reduced from 15% to less than 1% of the global trade in rough diamonds. But significant challenges remain, particularly in certain West African countries and Zimbabwe.

In **Zimbabwe**, there were continued allegations of violence by Zimbabwean security forces at diamond mining sites in the Marange region in 2010. The UK has played

an active role within the EU where we have consistently argued for a robust EU response to Zimbabwe's failure to comply with Kimberley Process minimum standards. We continued our ongoing dialogue with NGOs and the rough diamond industry to encourage Zimbabwe to demonstrate concrete progress towards full Kimberley Process compliance and to end the violence in the Marange diamond fields. Through the EU we funded an independent Kimberley Process monitor to assess Zimbabwean progress towards compliance. At an extraordinary meeting in St Petersburg in July, we played a key role in helping the Kimberley Process negotiate an agreement with Zimbabwe that imposed continued restrictions on exports, set out clear benchmarks for progress and allowed for the setting up of a local civil society monitor. A Kimberley Process expert review mission to Zimbabwe in August reported that progress had been made but that much remained to be done. Exports of diamonds from Zimbabwe's Marange diamond fields cannot take place until a resolution of Kimberley Process negotiations with Zimbabwe. We will continue to seek a robust solution to the impasse that encourages Zimbabwe to progress the Joint Work Plan agreed at the 2009 Plenary.

### **Bribery and corruption**

Bribery and corruption take money out of the hands of ordinary people, add to costs, and result in poor-quality, poor-value infrastructure. They also threaten the integrity of markets, undermine fair competition, distort resource allocation, destroy public trust and undermine the rule of law. They are a severe impediment to economic growth and a significant challenge for developed, emerging and developing countries.

The Government is committed to promoting responsible corporate behaviour amongst UK companies operating or considering operating overseas. We expect British businesses, regardless of whether they receive UK Government assistance or guidance, to respect local and UK laws in all their dealings. Our embassies and high commissions provide information and guidance to UK companies to enable them to do so. UK officials overseas are also required to report allegations of UK involvement in foreign bribery to the Serious Fraud Office.

A new Bribery Act received Royal Assent on 8 April, and will create a modern, comprehensive scheme of bribery offences to replace the present complex and outdated legislation. This will help build on the UK's good reputation. UK companies are not immune to the challenges of overseas corruption but have been assessed by Transparency International's 2008 Bribe Payers' Index as less likely to pay bribes than many of their G8 competitors. The UK is also playing a leading role in the international fight against bribery and corruption, including work through the G20 to help **China** and **Russia** to hold their companies to account. Despite having been criticised in the past for weak bribery legislation, the UK has convicted a number of companies and individuals for overseas corruption and was recently assessed by Transparency International as one of the few active enforcers in the OECD Working Group on Bribery. The Bribery Act is a clear signal of our commitment to ensure that the fight against bribery and corruption supports UK companies.

We are working to tackle international corruption and improve governance through the G20, the OECD and the UN. We support the G20 Anti-Corruption Action Plan, adopted by all G20 leaders in 2010, to encourage the governments of emerging market economies to criminalise and prosecute commercial bribery of foreign public officials by companies from those countries. We also support the OECD Anti-Bribery Convention which establishes legally binding standards to criminalise the bribery of foreign public officials in international business transactions and provides for related measures to make this effective. The OECD convention is the only international anti-corruption instrument focused on the supply side of the bribery transaction.

We also provide bilateral support to governments in their efforts to manage corruption. In 2010 this included:

- working with the **Ghana** Anti-Corruption Coalition to produce a guide to whistleblowing in Ghana;
- working with the government of **Kenya** to improve financial management to address corruption;

- joint-funding, with DFID, **Sierra Leone**'s Anti-Corruption Commission which successfully indicted and convicted two high-profile cabinet ministers on corruption charges;
- playing an instrumental role in the creation of the G20 Working Group on Bribery which commits G20 members to supporting a common approach towards achieving an effective global anti-corruption regime; showing collective leadership on bribery and corruption; and engaging directly with the private sector in developing and implementing practices to support a clean business environment;
- running anti-bribery seminars and round tables at a number of our overseas posts, including Moscow, Kuala Lumpur, Beirut and Luanda, for British and local companies on the implications of the Bribery Act; and
- providing regularly updated information to businesses on bribery and corruption risks, via the Overseas Security Information for Business service, which enabled companies to better inform themselves about the risks posed by bribery in countries in which they operate or may wish to operate.

### **Arms export licensing**

The Government is committed to maintaining a responsible defence industry. All arms export licences are rigorously examined on a case-by-case basis under the Consolidated EU and National Export Licensing Criteria. The criteria reflect an EU Common Position and thus ensure consistency across the EU in the control of exports of the military technology and equipment listed in the agreed EU Common Military List.

Consideration of Criterion 2 of the eight Consolidated EU and National Export Licensing Criteria – the respect for human rights and fundamental freedoms in the destination country – is mandatory for all export licence applications. If we believe there is a clear risk that the proposed export might be used for internal repression, the Government will not issue a licence. The UK's economic, financial and commercial interests are only taken into consideration if the decision under the criteria is not otherwise clear-cut. If there is no basis under the criteria to approve or

refuse an application, consideration of other factors is not relevant; in other words, these factors do not create a self-standing basis for approval or refusal. Only when a decision is marginal do they add weight.

## **SECTION IV: Human Rights for British Nationals Overseas**

Promoting and protecting the human rights of British nationals overseas is central to our work. Our consular staff, working closely with human rights NGOs in the UK and abroad, help British nationals facing the death penalty; those who are being mistreated in detention or who have concerns about the fairness of their trials; and those who have been forced into a marriage, subjected to female genital mutilation or whose children have been abducted by a former partner. We also press foreign governments to respect the rights of British nationals and investigate allegations of abuses.

### **The Death Penalty**

It is the longstanding policy of the UK to oppose the death penalty and we will use all appropriate influence to prevent the execution of any British national. We work in partnership with the NGO Reprieve on cases and in close collaboration with the detainee's lawyers. Interventions include submitting amicus curiae briefs to foreign courts and high-level political lobbying.

In 2010 we intervened on a number of occasions to seek to prevent the execution of British nationals in the US, Pakistan, Afghanistan and the Democratic Republic of the Congo. In several cases we assess that our interventions helped result either in the commutation of the death penalty or in a delay in moving towards an execution date, providing further opportunity for us to make additional representations.

### **Overseas Prisoners**

As of 30 September, we were aware of 2,594 British nationals detained in 139 countries overseas. Consular staff spent a substantial proportion of time assisting British nationals in detention, including visiting them.

One particular case arose in July, when we became aware of a British national detained abroad on drugs charges. We were not notified of his arrest until a week after it happened, in which time he alleged that he had been beaten whilst in custody. Consular staff visited him and offered consular assistance – including information about the prison and legal system – and put him in touch with the NGOs Reprieve and Prisoners Abroad. We also offered to contact his family to make them aware of the situation. After getting his permission to do so, we protested to the authorities about both the lack of consular notification and his mistreatment.

Consular staff aim to contact British detainees within 24 hours of being notified of their arrest or detention, and to visit them as soon as possible afterwards. We work to ensure that countries meet their consular notification obligations under the Vienna Convention on Consular Relations or under any bilateral conventions they have with the UK. If our consular staff are denied access to a detained British national, we will lobby vigorously to ensure that we are allowed to see them, both to check on their welfare and to explain the support we can offer. This support includes direct help, as well as providing information and access to the services of our NGO partners, most notably Reprieve, Fair Trials International, and Prisoners Abroad.

In 2010 we provided funding for a Fair Trials International project to develop a system for providing non-discretionary basic legal assistance, support and referrals to all British nationals facing criminal charges overseas. We also provided core funding for several of our UK NGO partners, including Reprieve and Prisoners Abroad, to help ensure that those detained get the assistance they need.

In 2010 numerous instances of mistreatment were reported to us by British nationals detained overseas. These ranged from being threatened by a police officer to reports of torture. On those occasions where the individual did not wish us to take action about their treatment, especially while they remained in detention, we respected their wishes but sought their permission to pursue the allegations on release. Where we had the individual's permission, we raised the allegations with foreign authorities, often repeatedly, although the responses frequently remained inadequate. We will continue to approach foreign authorities if British nationals are not treated in line with internationally accepted standards.

## **Forced Marriage**

Forced marriage is a form of domestic abuse and, where it affects children, child abuse. The Forced Marriage Unit – a joint initiative of the FCO and the Home Office – leads the Government's work to tackle forced marriage, helping British nationals who are in difficulty abroad and supporting victims of any nationality in the UK.

In 2010, the unit provided help and support in 1,735 cases of potential or actual forced marriage. In many of these cases the unit helped people access appropriate support from other agencies. The unit, working with our embassies and high commissions, directly helped victims to escape forced marriages in 240 cases. Often this involved visiting victims overseas and, if requested, helping them make arrangements to return to the UK. One 17-year-old girl was rescued, with help from the local authorities, from a remote area in South Asia where she was being held against her will, abused and forced into marriage. Our consular team in the High Commission arranged safe accommodation for her and a flight back to the UK, where she was met by social services and the police. With assistance she has taken out a Forced Marriage Protection Order and started to rebuild her life. We also helped 229 people who had been forced into marriage and were subsequently being coerced into sponsoring a visa for their spouse.

People at risk of forced marriage may only have one chance to ask for help, which means that all practitioners need to be able to spot the warning signs and know what to do. We launched an interactive e-learning package in 2010, strengthening the multi-agency response to forced marriage by enabling a wide range of frontline practitioners to access training. We also launched guidelines on forced marriage and learning disabilities, developed in conjunction with leading learning disability NGOs the Ann Craft Trust and the Judith Trust, to help protect some of the most vulnerable people in our society.

During 2010 we continued to work closely with NGO partners. We funded six organisations to deliver projects, including safe places to stay for male victims and couples escaping the threat of forced marriage; community-based peer education;



and an education programme for schools. We also piloted a community engagement programme with communities that experience forced marriage, to highlight the problem and seek their help in changing behaviours and perceptions that lead to abuse. Our High Commission in Islamabad also began a programme of outreach work to highlight the problem of forced marriage in Pakistan. We will review these pilot projects in order to ensure that our work is as effective as possible.

## **Female Genital Mutilation**

The Female Genital Mutilation Act 2003 made it an offence for UK nationals or permanent UK residents to carry out female genital mutilation abroad, or to aid, abet, counsel or procure its carrying out abroad, even in countries where the practice is legal.

In November, the UK developed an ambitious cross-government action plan for tackling female genital mutilation. Drafted in consultation with civil society partners, the action plan aims to raise awareness of the issue of female genital mutilation, its illegality and its severe health consequences to ensure that professionals intervene to safeguard girls and women at risk. As part of this strategy, in August we issued guidance to our consular teams in countries where female genital mutilation is prevalent, to improve the support we offer to British girls and women at risk of suffering this abuse. Early informal evaluation has suggested that the guidance has succeeded in raising awareness of the issue with our overseas staff and improved their confidence in addressing it. A more formal evaluation is planned for early 2011.

## **Child Abduction**

The 1980 Hague Convention on the Civil Aspects of International Child Abduction, to which the UK is a signatory, aims to ensure that abducted or unlawfully retained children are returned to where they normally live for custody matters to be resolved by the local courts. Unfortunately, many countries are not signatories to the convention and it is far more difficult for parents to regain access if their children are abducted to these countries. This is why we strongly believe that all countries should sign and properly implement the convention.

In 2010 we assisted in 312 cases of child abduction to non-signatory countries. In one case a father contacted us about his young son who was abducted by his mother from the UK to a country in Africa. We were able to conduct a consular visit and pass the father information about his son's wellbeing. We also registered an interest in the case with the local courts and lobbied the foreign government at ministerial level. At the end of the year, the father was awaiting the outcome of custody proceedings in the local courts, and we continued to be on hand to give him advice and support.

As well as offering assistance on individual cases, we encouraged foreign governments to sign the Hague Convention and facilitate the return of children to their homes. In 2010 we funded a workshop in Pakistan to increase understanding amongst the Pakistani judiciary of the UK–Pakistan Protocol, a bilateral agreement on child abduction, and in 2011 we are planning two follow-up workshops to disseminate good practice. Our approach means we support parents of abducted children in the short term, as well as promoting international procedures that prevent abductions and resolve cases quickly.

The Government intends to ratify the 1996 Hague Convention on Parental Responsibility and Measures for the Protection of Children in 2011, which will enhance the measures of the 1980 convention. However more needs to be achieved with countries that are not party to the convention. Making greater use of the UK's international influence, for example through ministerial intervention on

cases or linking child abduction to other issues in certain countries, will be key to encouraging wider participation in the convention and improving international procedures on child abduction. Sadly, we anticipate a rise in parental child abductions in 2011 and even greater demand for our assistance. We will address this increased demand by working more closely with, and providing more self-help information to, those affected. We will also continue to raise awareness of the problem so parents have a greater understanding of what they can do to prevent their children from being abducted.

## **SECTION V: Working Through a Rules-based International System**

Effective international institutions are essential for promoting respect for human rights and the rule of law. The UK works in international institutions including the UN, the EU, the Commonwealth, the Organization for Security and Co-operation in Europe (OSCE), and the Council of Europe to encourage the implementation of human rights standards and to strengthen the international response to human rights violations. We also believe that these organisations could do more to promote human rights and democracy.

We work to improve the implementation by UN member states of their human rights obligations under the major UN human rights treaties. We encourage a more effective UN contribution to promoting human rights in practice and press the UN to address all human rights violations. We play a prominent role in the UN Human Rights Council. We give strong support to the UN special rapporteurs, who are tasked by the Human Rights Council to “examine, monitor, advise and publicly report” on human rights issues or abuses in particular countries, and to the Office of the High Commissioner for Human Rights.

The EU is founded on a commitment to human rights, democracy and the rule of law. This was embedded in its founding treaties and reinforced in 2000 when the EU proclaimed the 2000 Charter of Fundamental Rights as a political declaration. The Charter was re-proclaimed in 2007 and accorded treaty status by the Treaty of Lisbon. With the entry into force of the Treaty of Lisbon, the 2007 Charter became legally binding in December 2009.

We support the work of the EU to promote human rights both within its 27 member countries and in its external relations. We agree with High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission Catherine Ashton when she told the European Parliament in December, that human rights should be “the silver thread that runs through all of our external action and a gold standard of our foreign policy”.

The UK sees the Commonwealth as an important partner for promoting human rights. The Singapore Declaration of Commonwealth Principles of 1971 set out the principle that all citizens enjoy equal rights, including the right to frame the society in which they live through free and democratic political processes. These principles were affirmed in the Harare Declaration in 1991, which included a commitment by member states to respect fundamental human rights. We are determined to strengthen the Commonwealth's effort to promote democratic values and human rights.

The OSCE is the largest regional security organisation in the world. It has 56 members including the EU, the US, Russia and countries of Central Asia and the Southern Caucasus. We support the OSCE's work to promote regional stability through three "dimensions" of security, covering political and military work, economic and environmental activity, and the so-called "human" dimension, encompassing human rights, democracy, fundamental freedoms and the rule of law.

The Council of Europe works to promote human rights, democracy and the rule of law across Europe. With 47 members, it works through a system of "peer review" under which member states review each other against their legal commitments. The UK assumes the chair of the Council of Europe at the end of 2011. We will use our chairmanship to push for reform of the European Court of Human Rights.

## **United Nations**

The Human Rights Council adopted more than 70 resolutions on a wide range of issues in 2010. We participated actively in all negotiations, working for strong human rights outcomes.

The UN Human Rights Council improved its response to situations of concern in 2010. Special sessions of the Council on **Haiti** and **Ivory Coast** at the start and end of the year focused on the human rights of the people in both countries and, in the

case of Haiti, helped direct the UN technical assistance in support. Both sessions benefited from the active role played by Latin American and African countries.

The Council kept its focus on countries of concern. It passed resolutions on **Burma** and **DPRK**, confirming the mandates of special rapporteurs. The Council's vote to extend the mandate of the independent expert on **Sudan** ensured that he was able to assist the whole of the country during the referendum on the future of the South. The Council also agreed to continue the mandates of the special rapporteurs for **Cambodia, Somalia** and **Haiti**. At its June session the Council adopted resolutions on the human rights situations in **Kyrgyzstan** and **Afghanistan**. At the same session we joined more than 50 UN members in signing a cross-regional statement expressing concern about the human rights situation in **Iran**.

The US, which joined the Council in 2009, has given an impetus to its work, including by establishing a mandate for a Special Rapporteur on Freedom of Association and Assembly in September. At the same session we supported a Mexican initiative to create a Working Group on the Elimination of Discrimination against Women. Both mandates were agreed by consensus. This should encourage the mandate holders to go about their work with purpose.

At the September session we initiated a resolution to renew the mandate of the Special Rapporteur on Contemporary Forms of Slavery. This was adopted by consensus and with an increased number of co-sponsors. This demonstrates the priority that UN members attach to tackling modern-day slavery and their appreciation for the work of Special Rapporteur Gulnara Shahinian. Minister of State Jeremy Browne welcomed Ms Shahinian to the UK on 2 December, when he had the opportunity to discuss, and put on record, our support for her work.

We were concerned by General Assembly and Human Rights Council resolutions in 2010 recognising a right to sanitation. Rights are legal obligations, created by treaty or customary international law. We recognise a right to water as a part of the right to an adequate standard of living in the International Covenant on Economic, Social and Cultural Rights, but we do not believe that there is sufficient legal basis to recognise a self-standing right to sanitation distinct from other rights such as the right

to health. We abstained on the General Assembly resolution and disassociated from the resolution in the Council. We hope to work with the lead sponsors of these resolutions and the UN independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation in 2011 to agree a mandate that will ensure the important work of the independent expert continues. Our legal position does not undermine our support for addressing sanitation issues. The UK is the biggest donor to low-income countries for basic systems of water supply and sanitation.

We were at the forefront of action to defend the ability of NGOs to contribute to open discussion in the Council. This was particularly evident in our interventions in support of NGOs' attempts to raise awareness of discrimination on the grounds of sexual orientation.

Despite improvements in the Council's performance, it is difficult for us to achieve our objectives. The UK and like-minded states are in a voting minority and have to work hard to persuade other members that the UN should address human rights situations in specific countries. We believe that this is essential to the Council's credibility. We hope that the G20 countries will play a greater role in the promotion of human rights in future.

A review of the Human Rights Council began at the end of 2010 which is due to conclude in the late summer of 2011. We would like the review to make the Council more effective. We have made recommendations to achieve this, including giving special rapporteurs and other independent mechanisms a role in convening the Council and allocating them more time to report at Council sessions. We will continue to take every opportunity to promote institutional changes that will strengthen the Council's performance. However, we are realistic about our chances of success.

The UK's membership of the Human Rights Council will expire in June 2011 after the maximum permitted two consecutive terms. We have announced that we will run again for membership in 2013. In the interim, we will remain actively engaged in the Council's work and in shaping the EU's approach.

In addition to its main sessions, the Council met in February, May and November to conduct reviews of 48 UN member states' human rights records. Overall the Universal Periodic Review system is working well, allowing serious consideration of human rights developments in countries under review. The majority of states took the process seriously; submitting national reports; fielding high-level and expert delegations; working with civil society partners in preparation for and in follow up to the review; and remaining open and self-critical.

Some member states however sought to manipulate the review process, either by stacking the speakers' list with friends ready to praise their performance, such as **Egypt** in February, or by avoiding a clear response to recommendations, such as **DPRK** in March. We were disappointed that **Lebanon** used its review in November to air Middle East political issues, distracting attention from its own human rights performance. We will be seeking further refinements to the review process to make it the most effective multilateral mechanism possible for the promotion of human rights.

While some member states, such as Angola, Qatar, Kazakhstan, Iraq and Bahrain, implemented their review recommendations, others, such as Iran, Egypt and Laos, failed to do so. A full assessment of the review process will come as member states are reviewed for a second time, starting in 2012. We are encouraging member states to report back to the Council at the half-way point between reviews. To show leadership we provided a progress report on the implementation of our review recommendations to the March Council session.

We took further steps to ensure that officials of the Foreign and Commonwealth Office (FCO) are able to strengthen the UK's input into country reviews. Our embassies and high commissions have engaged governments and civil society before, during and after reviews. We have increased our assistance to governments and NGOs to support the implementation of recommendations. For example, in 2010 we provided financial support to Save the Children to work with NGOs in **Sierra Leone** and other countries ahead of their reviews in 2011, and to Article 19 to follow up with **Mexico** on its freedom of expression recommendations. Our High Commission in Freetown and our Embassy in Kathmandu met local NGOs to discuss



priorities ahead of the 2011 reviews of **Sierra Leone** and **Nepal**. Our High Commission in Luanda met representatives of the Angolan government after its review in March to discuss its recommendations. We are paying for a visit of Angolan government officials to the UK in 2011.

At the 65th session of the UN General Assembly in 2010 we were pleased that so many member states joined in condemning human rights abuses in **Burma**, **Iran** and **DPRK**. We hope that the countries concerned will take heed of this strong message from the UN membership. The General Assembly is the UN's only universal membership human rights body and allows the world's smaller nations which do not have the capacity to run for a seat on the Human Rights Council to express their views. We were pleased that Iran's attempt to prevent voting on the resolution dealing with its human rights record was soundly defeated.

We welcomed the opportunity to engage the Organisation of the Islamic Conference on their resolution "Combating defamation of religions". We hope to continue this exchange in 2011. We believe that the concept of "defamation of religions" is incompatible with international human rights law. We oppose discrimination against individuals on the grounds of religion or belief. But we believe that intolerant and xenophobic views should be challenged in open debate and tackled in law only when they restrict the right to freedom of religion or constitute incitement to religious or racial hatred. We were pleased that an increasing number of member states moved away from supporting this resolution in the General Assembly in November.

We worked hard to secure increased support for the resolution promoting a global moratorium on the use of the death penalty presented at the General Assembly by a cross-regional group of member states, including the EU. EU resolutions on the elimination of all forms of religious intolerance and on child rights, the latter tabled jointly with the group of Latin American countries, were passed by consensus, showing again a unity of purpose. We were very disappointed that the language condemning killings on the basis of sexual orientation was initially voted out of a resolution on extrajudicial, summary or arbitrary killings, and we joined successful US-led efforts to have it restored to the text.

The UK has national experts, who work independently of the UK Government, on three of the treaty-monitoring bodies set up under UN human rights treaties: the Human Rights Committee; the Sub-Committee on Prevention of Torture; and the Committee on the Elimination of Racial Discrimination. In 2010 the Subcommittee on Prevention of Torture expanded from 10 to 25 members, to reflect the growing number of states party to the Optional Protocol to the Convention against Torture. On 23 December the International Convention for the Protection of All Persons from Enforced Disappearance entered into force. The UK is confident that it has comprehensive laws to prevent disappearances in the UK, and hopes to sign the convention soon. On 7 August the UK ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities. This allows individuals in the UK to submit complaints to the Committee on the Rights of Persons with Disabilities. We consider that the treaty-monitoring bodies are an essential element in the UN human rights system and will remain actively engaged in discussions to improve their effectiveness.

We gave strong support to the operational structures of the UN in 2010. We provided more than £2.5 million of voluntary, unearmarked funding to the Office of the High Commissioner for Human Rights in addition to our contribution to the regular budget, and a further £500,000 to UN torture prevention work. In statements to the Human Rights Council and General Assembly, we welcomed the work of the High Commissioner and her Office and welcomed the appointment in May of a new Assistant Secretary-General for the Office in New York, former Croatian Justice Minister Ivan Simonovic. We want him to explore how the Office might better integrate human rights into wider UN peace and security, development and humanitarian work. The Office's presence in the field expanded in 2010, for example with the opening of a country office in Guinea following a deterioration in the human rights situation. We support this effort to ensure greater global coverage and have supported its activities on the ground.

## The European Union

The EU's economic size, including its role as the world's biggest aid donor, means that the EU has considerable influence to encourage respect for and implementation of human rights and democracy standards. The EU already has a wide range of mechanisms at its disposal to promote human rights, including more than 40 human rights dialogues with third countries; human rights clauses in political and economic agreements with third countries; sanctions; and project funding and development aid. With the entry into force of the Treaty of Lisbon in December 2009, the EU has a range of new structures through which it can pursue its human rights objectives. The High Representative has also spoken forcefully of the EU's commitment to promoting human rights and democracy in its external action.

We want the EU to have an effective and lasting impact in promoting human rights globally. This means that human rights must be integrated across the whole spectrum of the EU's foreign policy agenda. By assessing existing EU policies and tools, ensuring greater coherence between EU instruments and policies and increasing transparency, we believe the EU can improve its human rights work. We therefore engaged energetically with the EU in 2010, including through the strategic review of the EU's external action on human rights in October where we pushed for the EU to be more efficient and visible.

We work with the EU to make a difference to the human rights enjoyed by people across the globe. Through focused EU's policies and use of its levers, the EU can exert its influence and work with third countries to help them to respect and uphold their international human rights obligations. For example, trade with the EU is very attractive to third countries, and provides a key lever for the EU to encourage third countries to respect the international human rights treaties which they have signed or ratified. Among the various trade options within the EU, the Generalised System of Preferences Plus (GSP+) offers incentive arrangements to vulnerable countries that have ratified and implemented 27 conventions on human rights, labour rights, environment and good governance principles. GSP+ privileges may be withdrawn

for violations of human rights after a full investigation, as in the case of **Sri Lanka** in August.

EU member states have agreed eight sets of common human rights policies which provide the framework or principles for lobbying and other activity by the External Action Service and member states. These policies cover the death penalty; torture; human rights defenders; human rights dialogues with third countries; children's rights; violence against women; children in armed conflict; and international humanitarian law. Although these are not legally binding they express the EU's political commitment to carry out systemic and sustained action in these specific areas. They also serve as a framework for protecting and promoting human rights in third countries. Under this framework, the EU has frequently spoken out on particular cases or areas of concern and has also lobbied many governments on their human rights records and on individual cases. Under the guidelines, the EU convened talks with a wide range of third countries in 2010, including Tajikistan, Georgia, Colombia, Russia and the US.

The EU has an agreed common position on **Burma**, enshrined in the set of targeted restrictive measures against the military regime, which were renewed again in a Council Decision in April. The EU issued a strong statement after the November elections and tabled the tough and widely supported UN resolutions on Burma in both the Human Rights Council and the General Assembly. As local EU presidency in Rangoon, the UK also played a key role in lobbying heavily on behalf of the EU for the release of Aung San Suu Kyi.

The EU has been active in highlighting **Iran's** human rights record in 2010. It has focused particularly on death penalty including the threatened execution of Sakineh Mohammadi Ashtiani, who was originally sentenced to death by stoning for adultery. In July, the High Representative publicly condemned executions in Iran, including the sentence of Ms Ashtiani. At the end of 2010 Ms Ashtiani still faced the possibility of execution on charges of murder. The EU will continue to monitor closely and lobby on her case. The EU also co-sponsored the Iran human rights resolution at the UN General Assembly which passed with the biggest margin for eight years, with a wide range of countries in support.

With support from several other member states, we also took a leading role in pushing for the EU to improve its work on lesbian, gay, bisexual and transgender (LGBT) rights. Working closely with other member states and NGOs, we helped the Spanish presidency develop an LGBT “toolkit”, loosely based on our own FCO toolkit. The EU LGBT toolkit, adopted by EU ministers, gives practical guidance to EU diplomats in third countries on working with international and civil society organisations and local governments to promote and protect LGBT rights. The European Council also agreed conclusions on child labour and on democracy in 2010, helping to promote awareness and action on these important issues.

### **EU enlargement**

The European Union is founded upon the values of “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.” It also stipulates that any European state that respects and is committed to promoting these values may apply to become a member of the EU. EU enlargement is therefore a powerful mechanism for helping to improve human rights records in countries wishing to join the EU.

The Government is a strong supporter of EU enlargement, and is committed to supporting the membership aspirations of any European country that meets these criteria, and its right to progress towards membership on the basis of its own merits. We will encourage the EU to conclude accession negotiations only when we are confident that a candidate country is able to meet the political, economic and legal obligations of membership. These include the protection of human rights. Furthermore, we will be active in determining how the membership criteria are met, for example, by setting benchmarks which tackle important issues at an early stage in the process. We will also work within the EU to influence the allocation of EU pre-accession assistance to ensure that aspirant countries tackle effectively and at an early stage those issues that matter most to us, including human rights violations.

In 2010 we provided technical support to human rights reform in candidate and pre-candidate countries in order to help these countries meet EU standards. We worked with the government of **Croatia** to improve court administration by introducing modern case management techniques to reduce the backlog of cases and improve

the quality of court service. We also supported the Croatian government's introduction of a national probation system to reduce prison populations and improve offender community reintegration. We will undertake similar future projects under the auspices of the EU twinning mechanism to introduce a probation service in Croatia and to strengthen their capacity to manage a sexual offender database.

We lobbied hard to achieve comprehensive benchmarks under Chapter 23 of Croatia's accession negotiations dealing with the judiciary and fundamental rights. As a result of this, Croatia is taking steps to ensure it has an independent and efficient judicial system. For example, the government has adopted new legislation that strengthens judicial independence and the case backlog has been further reduced. Croatia is strengthening its fight against corruption at all levels, as demonstrated by the indictment in December of former Prime Minister Sanader on corruption charges. Croatia is improving the handling of domestic war crimes trials, strengthening protection for minorities, and settling outstanding refugee return issues. The revised constitution now explicitly lists all 22 national minorities and the government's self-imposed 2008 benchmark for the provision of 1,400 accommodation units for refugees under its housing care programme has been met. We also helped to ensure that full cooperation with the International Criminal Tribunal for the former Yugoslavia is a requirement for closure of this chapter.

Although Croatia is making progress on human rights issues, work remains to be done. The EU will continue to monitor these areas in 2011 and in March will produce a report on Croatia's progress under Chapter 23. We will continue to support and monitor this progress and will ensure that Croatia is upholding EU human rights standards and has met the requirements of the chapter, before agreeing to its closure.

In **Serbia**, where minorities remain under-represented in public institutions and public companies, we funded several election-related and capacity-building projects to strengthen Bosniak and Albanian minority rights. Among other achievements, these projects have led to the setting up of an Albanian national minority council and a multi-ethnic local government in Bujanovac in southern Serbia and more balanced representation of Albanians in state- and local-level institutions. In 2011 we will

continue to communicate the achievements of the International Criminal Tribunal for the former Yugoslavia of which many Serbs still have limited understanding; support the work of the Regional Council for Reconciliation; and strengthen protection for LGBT and ethnic minority rights.

In **Bosnia and Herzegovina** we promoted human rights in a range of areas, including improving access to justice and reconciliation; helping ensure that war crimes cases are dealt with impartially and effectively; improving prison management in line with European best practice; supporting the identification of missing persons; supporting the promotion of human rights; strengthening civil society organisations and their role in policy dialogue; and strengthening independent and investigative media. Specific projects included enhancing the effectiveness of the State Prosecutor's Office on Srebrenica-related war crimes and supporting the International Commission on Missing Persons. We worked closely with EU member states, including on implementing the EU's Human Rights Defenders Strategy and designing a local strategy to combat violence against women.

In 2011, we will focus on improving the ability of Bosnia and Herzegovina institutions to implement legislation and tackle human rights violations more effectively. This includes implementation of the 2008 National War Crimes Strategy and the State Law on Missing Persons, as well as building the capacity of the Bosnia and Herzegovina justice and security institutions. We will support the Bosnia and Herzegovina authorities' work to ensure an efficient and sustainable system for processing war crimes cases before the State Court and State Prosecutor's Office, particularly focusing on crimes committed in Srebrenica area.

Despite the adoption of a human rights strategy and action plan in 2009, **Kosovo** made limited overall progress during 2010. However, progress was made on the return and re-integration of minority communities in Kosovo, a subject on which we worked closely with the government of Kosovo. April saw the completion of a UK-funded project, managed and implemented by the UN Development Programme, which enabled nine Kosovo-Serb families to return to the village of Softaj/Softovic. We also funded an income generation project for returnees from the Roma, Ashkali and Egyptian communities and supported the strengthening of the rule of law in



Kosovo through the secondment of expert staff to the EU Rule of Law Mission in Kosovo (EULEX), including two judges, three prosecutors and the head of the organised crime unit.

In 2011 we will continue to support Kosovan efforts to improve the human rights situation; for example, by working with the Kosovan Ministry of Communities and Returns on a returns project in the historic town of Prizren. This is the first urban returns project in Kosovo and it will reconstruct homes for 10 returning Kosovo-Serb families and refurbish homes for up to a further 10 families.

In **Macedonia** in 2010 we addressed the lack of a legal and institutional framework within the prison management system by supporting the introduction of the UK's Offender Assessment System to Macedonian prison staff and a feasibility study on the applicability of a probation service in Macedonia. Both initiatives were designed to reduce the load on overcrowded prisons and improve prison management. We also worked with the Macedonian Young Lawyers Association to strengthen judicial practice in the fight against corruption and organised crime, through a project to enhance the efficiency of the Macedonian judiciary that will ensure free and efficient access to justice services.

We supported the multi-ethnic fabric of Macedonia through continued insistence on the full implementation of the Ohrid Framework Agreement. We encourage all political parties to adhere to its spirit, in particular in the areas of: language, education, decentralisation of budgets, interethnic relations and religion. The UK's public administration effectiveness project enables more transparent and effective management within the civil service, including on recruitment of minorities under the provisions of the Framework Agreement.

Our work in **Albania** has focused on transparency, democracy and equality. We have funded a high-level mentoring project which works closely with judges to improve the efficiency and transparency of the Albanian Supreme Court. We also pushed for a settlement to the long-standing political impasse between the government and the opposition. In addition, we worked with the British Council to promote diversity and equality in Albania. The London 2012 Diversity Champion



David Morris visited Albania in 2010, and the Embassy will again support the British Council's "Inclusion Week" in April 2011. Our support has helped the Inclusion Week to achieve a markedly higher profile for disability issues in Albania, as demonstrated by an unprecedented public rally of disabled people's groups in Tirana as well as action from the Tirana authorities to improve wheelchair access across the city.

We continued to support **Turkey's** EU accession process and strongly encouraged them to make progress with their reform agenda. The September Constitutional Reform referendum was a positive step and demonstrated wide support for judicial and military reform. We will continue to emphasise to the Turkish government the importance of swift and effective implementation of the reform package.

Turkey has made progress in certain areas of human rights, but there is more work to be done before it meets EU standards, particularly on freedom of expression and the rights of ethnic and religious minorities. We support Turkey's efforts to address these issues and in 2010 we agreed to fund the largest ever number of human rights projects across the widest ever range of issues in Turkey, including on LGBT, children, women and disability, and helping refugees and asylum seekers better understand their rights and access legal remedies. The year 2011 promises to be an important year for Turkey. Several key pieces of legislation have been drafted and will pass through the Turkish parliament, including on anti-discrimination, data protection and human rights. There is a parliamentary election in June, and should the current government retain power it has announced it will draft a new constitution. This would give renewed impetus to Turkey's reform programme. We will continue to encourage the government of Turkey to make progress towards EU standards.

## **The European Neighbourhood Policy**

The European Neighbourhood Policy is the EU's main framework for engaging with the 16 countries which share its borders to the east and south. Human rights and democracy are a central part of the policy. EU funding to support reform in the neighbourhood is approximately €12 billion for 2007–2013.

Each year, the EU and partner countries agree action plans which detail reforms in democratisation, human rights and the rule of law. Progress under each action plan is monitored through sub-committees. Progress reports are published annually.

The second round of the EU–Armenia human rights dialogue took place on 7 December. This provided an opportunity for the EU to reiterate to **Armenia** the importance of human rights as an essential element for Armenia's development into a fully democratic society.

On 15 June the OSCE Representative on Freedom of the Media commented that amendments to the law on television and radio broadcasting in Armenia were not sufficient to improve media pluralism. The EU encouraged the Armenian government and legislators to continue to work closely with civil society, the Council of Europe and OSCE experts to ensure that its broadcasting law promotes media freedom and is in line with international standards.

In March, the OSCE's Office for Democratic Institutions and Human Rights issued its report on the conduct of the trials that took place in the aftermath of the March 2008 post-election violence in Yerevan. The report revealed shortcomings in Armenia's justice system and made a number of recommendations. It is important that the Armenian government implements these recommendations as part of its judicial reform programme.

Although Armenia has ratified the Convention on the Elimination of All Forms of Discrimination against Women and its principles are addressed in the constitution, women continue to suffer significant discrimination in economic and political life. On 25 November, the International Day for the Elimination of Violence against Women,

the EU announced the launch of 10 new human rights and democracy projects including one that aims to reduce gender-based domestic violence in Armenia.

In **Azerbaijan**, EU member states continued to express concern about the restrictions to freedom of assembly, including in the run-up to the November parliamentary elections. The High Representative shared the concern of the OSCE's Office for Democratic Institutions and Human Rights that the conduct of the elections was insufficient to constitute "meaningful progress in the democratic development of the country" and called on the Azerbaijani authorities to address these shortcomings. In November the EU welcomed the release of the youth activist bloggers Emin Milli and Adnan Hajizada, but expressed concern over Azerbaijan's reluctance to implement the European Court for Human Rights' judgment on Eynulla Fatullayev's conviction for alleged terrorism.

Association Agreement negotiations between the EU and Armenia and Azerbaijan were launched in July. The first EU–Azerbaijan Sub-committee on Justice, Freedom, Security and Human Rights and Democracy took place between 30 November and 1 December.

In **Egypt**, progress on human rights and democracy has been an important principle of the EU–Egypt Action Plan. The plan, which was adopted in 2007, sets out priorities in the areas of strengthening democracy, judicial reform, freedom of association and expression and the rights of women. However, in 2010 only limited progress was made in these areas. The state of emergency, instituted in 1981, was renewed in 2010 and continued to present a major obstacle to the full implementation of Egypt's human rights obligations, with provisions for administrative detention and curtailing the right to assembly a particular concern. No amendments were made to the election law in advance of the 2010 elections and the EU's offer of technical assistance in this area was not taken up.

On 12 May 2010, the High Representative made a statement in response to Egypt's decision to extend the state of emergency and encouraged the Egyptian government to take the steps needed to adopt an anti-terrorism law fully compliant with international human rights standards. Following the flawed elections in November

and December, the High Representative released a statement on 6 December in which she raised her concerns about reports of irregularities, as well as arrests of opposition activists.

We are working closely with the High Representative and EU partners to put together a plan for long-term economic and institutional assistance to assist Egypt's orderly and peaceful transition to a civilian-led democratic government, through free and fair elections.

In 2010 the government of **Georgia** approved constitutional changes reducing the power of the president in favour of parliament, and started negotiations with the opposition on further electoral reform. The Public Defender's Office received increased government funding despite widespread cuts elsewhere, and continues to provide independent and critical advice. The government also created human rights monitoring and protection units in various state ministries. The local elections on 30 May marked evident progress towards meeting OSCE commitments and other international standards. But the OSCE mission and observers from individual EU member states noted persistent shortcomings, notably in the legal framework.

Georgia's Euro-Atlantic aspirations provide the EU and its member states with a strong lever to promote reform, including in the field of human rights. A key area of support has been in the justice sector, with a focus on the rule of law and criminal justice reform. Other areas of EU activity include work to promote media independence, electoral reform and participative democracy. An EU–Georgia human rights dialogue takes place bi-annually, providing a forum to discuss trends and individual cases. But whilst some progress has been made, there were continuing concerns over media freedom, electoral reform, judicial independence, religious freedoms, prison conditions, and the rights of internally displaced persons and minorities.

Continued political instability presented an obstacle to progress on human rights in **Moldova**. Abuse of police powers remains a problem. Restrictions on the freedom of assembly still exist and, although gender equality is enshrined in law, women still frequently face discrimination. The rights of lesbian, gay, bisexual and transgender

persons continue to face severe challenges and a peaceful demonstration supporting the adoption of anti-discrimination laws was prevented from taking place in Chisinau city centre by a court ruling in April. There were, however, some positive developments in 2010. Moldova ratified the Rome Statute of the International Criminal Court and the UN Convention on the Rights of Persons with Disabilities. In January, Moldova commenced negotiations on an EU Association Agreement, in the framework of the Eastern Partnership. The EU Association Agreement includes human rights requirements. The Moldovan government has no *de facto* control over the Transnistria region, where the human rights record of the separatist regime is particularly poor.

Despite considerable advances in the protection of human rights over recent years in **Morocco**, the progress of reform slowed in 2010. We are particularly concerned about media freedoms and the closure of a number of independent publications. We continued to support Morocco's progress towards ratifying the Optional Protocol to the Convention against Torture and hope to see this take place soon.

## **The Commonwealth**

In August William Hague endorsed a strategy to reinvigorate the Commonwealth. The strategy underlines the UK's commitment to the organisation and our determination to work closely with the Commonwealth Secretariat, the wider network and fellow member states to strengthen it as a focus for democracy, development and trade.

In 2010 we also supported the work of the Eminent Persons Group, established at the Commonwealth Heads of Government Meeting in 2009 to review and strengthen the work of the Commonwealth. The Eminent Persons Group met for the first time in July and again in October. The Rt Hon Sir Malcolm Rifkind MP is one of the 11 members chosen from across the Commonwealth. There will be two further meetings in 2011, and the group's final report will be issued after the final meeting in

March. Heads of state and government will consider it in October at the Commonwealth Heads of Government Meeting 2011 in Perth, Australia.

We are encouraging the Eminent Persons Group to recommend a new Commonwealth Charter, a strengthened Commonwealth Ministerial Action Group, and a modernised secretariat. We would like the Commonwealth to be more active in upholding its core values. The Commonwealth Ministerial Action Group should also react more quickly to events and have a wider range of responses that allow it to address situations in a way that reflects the nature and gravity of the violation. The Secretary-General should also be mandated to make timely statements in support of Commonwealth values when they are at risk. We also support the appointment of a Commonwealth Commissioner for the Rule of Law, Democracy and Human Rights to advise the Secretary-General and the chair of the Commonwealth Ministerial Action Group on violations of human rights and international law.

Separately, the current members of the Commonwealth Ministerial Action Group – Ghana, Australia, New Zealand, Vanuatu, Namibia, Maldives, Bangladesh, Jamaica and Trinidad and Tobago – are carrying out a review of the Group. All members agree that the Group is vitally important as a custodian of the core Commonwealth values and that it should be proactive rather than reactive and able to respond and take appropriate action when it is satisfied that human rights violations have occurred in a Commonwealth member state. Recommendations from this review will also be considered at the Commonwealth Heads of Government Meeting in 2011. We will work with member states to ensure that the outcome is a stronger, more responsive group.

In 2010 we supported the work of the Commonwealth Secretariat's Human Rights Unit in facilitating and strengthening member states' engagement with the UN's Universal Periodic Review process. This included part-funding a project officer to facilitate sharing of expertise between Commonwealth member states on the review. In 2011 we will support the Secretariat as they shift their focus away from helping member states to prepare for the review to helping them implement the recommendations they receive during the review. This will include regional seminars

to enable Commonwealth countries to discuss, develop and share good practices and lessons learned.

We also worked with the Secretariat to strengthen electoral processes in 2010, by providing financial and in-country support for Commonwealth observer missions and supporting the creation of the network for national election management bodies.

## **The Organization for Security and Co-operation in Europe**

The Government is a strong supporter of the Organization for Security and Co-operation in Europe (OSCE) and the work of its Office for Democratic Institutions and Human Rights, particularly its election observation activities. In 2010, we funded British nationals to take part in election observation missions in several OSCE states including Ukraine, Belarus, Bosnia and Herzegovina, Moldova, Georgia, Azerbaijan, Kyrgyzstan and Tajikistan. But we also support OSCE election observation across all OSCE participating states and the Government will be considering the OSCE's report on the UK's General Election in May in the context of wider electoral reform.

In 2010 we worked to bolster human rights in the region. We supported the work of the OSCE's independent human rights institutions, publicly condemned serious human rights violations, sought to make OSCE activities more focused on core human rights issues, and helped to protect the important role of civil society in holding governments to account.

UK officials from the Ministry of Justice worked closely with the OSCE's Office for Democratic Institutions and Human Rights to help develop their guidance documents to assist OSCE states enhance their capacity to prevent hate speech and hate crimes. The UK is considered by many independent observers to be a world leader in responding to hate crime through legislative, political and criminal justice responses. We have also been praised for the transparency of hate crime data and the close relationships that government authorities have with civil society

– all practices which UK officials have been able to share with the office and OSCE states. UK officials, police and prosecutors have also assisted the office in capacity-building events in OSCE states, including Moldova and Georgia, by providing training to counterparts on the lessons learned in the UK and advising on effective criminal justice responses.

The most significant OSCE event in 2010 was the OSCE Summit in Astana on 1–2 December, the first OSCE summit for 11 years. The UK's delegation was led by Deputy Prime Minister Nick Clegg, accompanied by Minister for Europe David Lidington. In Astana, they discussed human rights issues directly with their counterparts from a number of OSCE states, including **Kazakhstan**, as hosts, where there remain concerns about the democratic process and freedom of the media in particular. Nick Clegg also held meetings with Kazakh opposition leaders and NGOs.

In the Astana Summit Declaration, heads of states and government reaffirmed all OSCE commitments and their responsibility to implement them fully. The Declaration reaffirmed that states are accountable to their citizens and to each other for the full implementation of their OSCE commitments. It also acknowledged that more had to be done to implement these commitments, in particular those on human rights and fundamental freedoms.

As chair of the OSCE in 2011, **Lithuania** has set an ambitious work programme with a particular emphasis on the safety of journalists, freedom of expression on the internet, and freedom of the media. We very much support this focus and are keen to see progress made on each of these issues across the OSCE area. However, the background political dynamic in the OSCE remains a barrier to progress. Divisions remain among the participating states over key principles, including democracy and free and fair elections and on security issues ranging from arms control to the future of **Georgia**. These problems will continue to define the context in which the OSCE operates, and in which the UK operates within the OSCE, including our ability to make progress on human rights.



Despite these difficulties the UK will continue to provide all possible support to the OSCE's work in the field to protect and promote human rights. This will be particularly important through 2011 in states such as **Kyrgyzstan** where democracy remains fragile after significant national and political upheaval. The UK will continue to give political and practical backing to the work of the OSCE's institutions, particularly on election observation. We will also continue to seek opportunities to update or strengthen OSCE commitments, for example to reflect the significant impact of the digital age on freedom of expression and association.

## **The Council of Europe**

The UK contributed fully to the negotiations and final agreed Declaration at the High Level Conference at Interlaken in February on reform measures to improve the efficiency of the European Court of Human Rights. This Declaration included a set of specific measures to be introduced by mid-2012. In June, Protocol 14 to the European Convention on Human Rights came into force. This Protocol streamlines the way certain cases are dealt with in the Court and will contribute to the longer-term aim of reducing the backlog, and the time taken to process cases.

We also championed an initiative on measures to combat discrimination on the grounds of sexual orientation and gender identity, which was adopted by the Committee of Ministers on 31 March. This was a notable landmark, as it is the first international instrument to protect the rights of individuals from discrimination on the grounds of sexual orientation or gender identity.

In July, talks began on EU accession to the European Convention on Human Rights. This process will ensure that the institutions of the EU are covered by the same human rights standards under the convention as all Council of Europe member states. The successful conclusion of these negotiations will complete a commitment in the Treaty of Lisbon.

In October, a high-level meeting on the Roma resulted in Council of Europe member states adopting the Strasbourg Declaration on protecting Roma across Europe. This Declaration included actions on discrimination, citizenship, social inclusion and better joint working between international organisations and Roma communities. The UK played a key role in bringing together those with differing views.

The Parliamentary Assembly of the Council of Europe, a key consultative and advisory body in the organisation, held debates at its four regular meetings in 2010 on a number of human rights issues. Key outcomes from these debates included recommendations urging **Russia** to stop terrorism in the North Caucasus in line with human rights and calling on the authorities in **Armenia** to revise media legislation.

Each of the 47 member states of the Council holds the chairmanship in turn for six months. This is effectively the executive presidency of the organisation. We will hold this position from November 2011 to May 2012, and the promotion and protection of human rights will lie at the heart of our priorities. We will focus on reform of the European Court of Human Rights during our chairmanship to ensure it fulfils its work appropriately and effectively. We also want to see the conclusion of negotiations on the Convention on Preventing and Combating Violence against Women and Domestic Violence in 2011.

## **SECTION VI: Promoting Human Rights in the Overseas Territories**

As Foreign Secretary William Hague told the Foreign Affairs Committee in September, the Government has “a responsibility to ensure the security and good governance of the Territories and to support their economic wellbeing. This is a responsibility I take extremely seriously. I also recognise that the Territories can create substantial challenges for the UK Government. We need a vigilant and active approach to managing these risks. This is especially true at a time when a number of our Territories have been hit hard by the global recession.” The Government is determined to reinvigorate the UK’s relationship with the Overseas Territories and Parliamentary Under-Secretary of State Henry Bellingham is currently leading a review of our overall policy towards them. The conclusions of this review will be announced in 2011.

The Overseas Territories have their own constitutions and domestic laws with a substantial measure of responsibility for the conduct of their internal affairs. The Government is responsible for their security, defence and international relations. The protection and promotion of human rights in each Territory is primarily the responsibility of the Territory government. But the UK Government is ultimately responsible for ensuring the Territories fulfil their obligations arising from international human rights treaties which have been extended to them. Our objective is for the governments of the Overseas Territories to abide by the same human rights standards that British people expect of the UK Government.

There are 14 UK Overseas Territories: Anguilla; Bermuda; the British Antarctic Territory; the British Indian Ocean Territory; the British Virgin Islands; the Cayman Islands; the Sovereign Base Areas in Cyprus; the Falkland Islands; Gibraltar; Montserrat; the Pitcairn Islands; the Territory of St Helena, Ascension Island and Tristan da Cunha; South Georgia and the South Sandwich Islands; and the Turks and Caicos Islands. There is no right of abode on Ascension Island and consequently no permanent settled population. The British Antarctic Territory, British Indian Ocean Territory and South Georgia and the South Sandwich Islands also have no permanent settled populations.

## Constitutional Development

In conjunction with Overseas Territories' governments we are continuing to review and modernise the constitutions of the Overseas Territories. All Territory constitutions agreed by the Government since 1999 include a Bill of Rights, including a non-discrimination clause that reflects at a minimum the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

In March the Pitcairn Islands' new constitution came into force. This enshrined human rights for the first time; provided for an attorney-general; affirmed the authority of the Island Council; updated the role of the governor; and brought the judicial system into the constitution. In October, following agreement with the government of Montserrat, a new constitution order was made which is scheduled to come into force in 2011. It also contains an updated Bill of Rights. This is an important improvement on the outdated 1989 constitution, and will offer a sound basis for human rights and good government in Montserrat. The present government of Anguilla had not, by the end of 2010, made a formal request to renegotiate its constitution but the UK Government stands ready should it choose to do so.

During 2010 we worked with the Department for International Development (DFID) on a number of projects to promote human rights in the Overseas Territories. These included a DFID-funded £1 million project run by the Commonwealth Foundation to help both governments and civil society realise the rights set out in the new or revised constitutions. The project aims to build the capacity of governments, national institutions and civil society to address human rights issues and to strengthen human rights reporting and monitoring arrangements. The project organised human rights training workshops in Anguilla, the Cayman Islands, Montserrat, St Helena, Ascension and the Falkland Islands for officials and civil society on how to apply, monitor and report on human rights and examined the situation in each Territory to help identify where further work was necessary. As a result of these workshops, national human rights action plans will be developed by

the end of 2011. Similar training will take place in the British Virgin Islands, the Turks and Caicos Islands, Ascension and the Pitcairn Islands in 2011.

## **Turks and Caicos Islands**

On 14 August 2009, following the finding by a Commission of Inquiry that there was a high probability of systemic corruption among members of the Turks and Caicos Islands government and legislature and public officers, the governor of the Turks and Caicos Islands, on the instruction of the Foreign Secretary, brought into force an Order in Council suspending parts of the Turks and Caicos Islands' constitution. This action was taken to enable the governor to restore the principles of good governance, sustainable development and sound financial management to the Territory. In September, Henry Bellingham announced that this suspension would continue and that the elections that it had been hoped would take place in 2011 would be postponed. In December, Henry Bellingham and Minister of State for International Development Alan Duncan set out the milestones which they envisaged would need to be met before elections could take place.

The 2009 Order left in place the fundamental rights chapter of the constitution which reflects the European Convention on Human Rights and the International Covenant on Civil and Political Rights. It removed the constitutional right of an individual to trial by jury. This does not mean that trial by jury has been abolished; rather it allows the local law to provide for trials without a jury in appropriate cases. This is wholly consistent with the European convention, under which there is no automatic right to trial by jury.

On suspension of the Islands' House of Assembly by the 2009 Order, the UK withdrew its acceptance of Article 3 of Protocol 1 of the European convention in respect of the Turks and Caicos Islands. Article 3 requires the holding of free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature. The

withdrawal is for a limited period until the principles of good governance have been restored and elections held in the Islands.

## **Pitcairn Islands**

The UK Government has introduced a series of measures to improve child safeguarding and offender monitoring on the Pitcairn Islands since Operation Unique, the police investigation into allegations of child abuse that concluded in 2006 with the conviction of nine men on child sex abuse charges. Members of the Pitcairn community have engaged constructively in improving child safety on the island. The 2010 Pitcairn constitution contains a specific provision on children's rights. A Pitcairn Sex Offenders Register was also established in 2010. In the same year, the FCO and DFID funded a New Zealand NGO, the Institute for Child Protection, to provide training for key child safeguarding workers on the Pitcairn Islands. Child safeguarding training was also provided to off-island professionals, such as doctors and policemen, before they visited Pitcairn.

A Pitcairn Child Safety Review, commissioned by the FCO and DFID and completed by independent experts in June 2009, made a number of recommendations to improve child safety. A follow-up review is planned for 2011 to provide an up-to-date assessment of the child safety risk; the current safeguarding measures in place; and, where appropriate, additional recommendations for future risk management.

## **Supporting the Extension of the International Human Rights Conventions to the Overseas Territories**

Most of the Overseas Territories face resource and capacity constraints that affect their ability to consider or implement treaties. Within this context, we continue to encourage all Territories to agree to the extension of the UN human rights conventions that the UK has ratified.

Almost all populated Overseas Territories have had the following conventions extended to them: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child. We continue to work with the government of Anguilla to enable them to have the conventions on civil and political rights and on economic, social and cultural rights extended to them. The government of Gibraltar continues to keep under consideration extension of the Convention on the Rights of the Child.

The Convention on the Elimination of All Forms of Discrimination against Women has been extended to the British Virgin Islands, the Falkland Islands, South Georgia and South Sandwich Islands and the Turks and Caicos Islands. In October, we supported a workshop in Anguilla for all the Caribbean Territories and Bermuda to educate key government workers and other interested parties about the convention and explain the reporting requirements under the convention. The workshop also looked at the various obstacles to extending the convention to Anguilla, Bermuda, the Cayman Islands and Montserrat. As a result, each of these Territories agreed to draw up three-year action plans for working on the convention. The government of Bermuda has since indicated its wish to have the convention extended to them in early 2011.

We continue to encourage the remaining Overseas Territories governments to join the Falkland Islands and St Helena in accepting the extension of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Turks and Caicos Islands have expressed interest in having the convention extended to them. We await their formal request. The British Virgin Islands, Gibraltar and Montserrat are considering what changes would be needed in their domestic legislation to enable extension.

In 2010 Anguilla, Bermuda, Montserrat and the Territory of St Helena, Ascension and Tristan da Cunha agreed to accept, on a permanent rather than a renewable five-yearly basis, the competence of the European Court of Human Rights to receive

applications from individuals, NGOs or groups of individuals. This means that all the Overseas Territories to which the European Convention on Human Rights applies now have the right of individual petition on a permanent basis.

## **Other Projects**

In 2010, we also supported projects to safeguard children in the Overseas Territories and to promote HIV/AIDS awareness.

We continue to work with DFID on a three-year project entitled “Safeguarding Children in the Overseas Territories” in Montserrat, Anguilla, the Turks and Caicos Islands, the British Virgin Islands, St Helena, Ascension Island and the Falkland Islands. This project is designed to improve policy-making, implementation and professional practice with regard to the protection of children, young people and their families by promoting greater Overseas Territory government recognition and ownership of the safeguarding agenda; strengthened inter-agency collaboration; and more effective regional collaboration. As part of this project, three government officials from Anguilla visited the UK during 2010 and met officials in relevant government departments; local authorities; Local Safeguarding Children Boards (which have the statutory responsibility to oversee the policies and practices of agencies and organisations dealing with child protection); the courts; NGOs working with children; and training institutions, including the Social Care Institute for Excellence.

The governments of Anguilla, the Turks and Caicos Islands, Montserrat and St Helena have formed groups drawn from across relevant ministries and departments to promote the safeguarding of children. They have also made public statements in the local media publicising this activity. Politicians and senior officials have participated in training programmes in St Helena, Ascension, Anguilla, the Turks and Caicos Islands and Montserrat and front line staff training has also been delivered in these Territories. In the Turks and Caicos Islands specific training has been devised and delivered for church pastors, who play a key role in the lives of children and their



families, which addressed their role and responsibilities should cases of child abuse surface either within their congregations or involving church leaders. The training will be extended to other Territories.

We also supported a DFID HIV and AIDS project in Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands, the Territory of St Helena, Ascension Island and Tristan da Cunha, and the Falkland Islands.

This project helps governments in the Caribbean Territories strengthen and implement country-specific HIV/AIDS plans, and in the South Atlantic aims to ensure the full integration of sexually transmitted infections/HIV programmes within health sector plans.

## **SECTION VII: Human Rights in Countries of Concern**

The countries included in this section are amongst those where we have the most serious wide-ranging human rights concerns. When deciding on which countries to include, we also considered whether the country had been the target of a high level of UK engagement on human rights in 2010, and whether it would be likely to effect positive change in the wider region if their human rights record improved.

This is not intended to be an exhaustive survey of human rights violations, either globally or in the featured countries, of the type published by some international NGOs. Neither is it a league table. We continue to have concerns about countries not included in this section. The reports in this section are instead designed to provide an insight into some of the key concerns and actions of the Foreign and Commonwealth Office (FCO). Other UK government departments, notably the Department for International Development (DFID), also undertake substantial work abroad in the field of human rights that is not covered here.

Our human rights reporting on the FCO website has been expanded. This is frequently updated and provides the most current information about the latest developments. More information about the human rights situation and the work of our embassies and high commissions in these countries of concern is available online.

We will continue to raise our human rights concerns wherever and whenever they arise, including with those countries with which we are seeking closer ties. All of our embassies and high commissions monitor and raise human rights issues in their host countries. Where possible, we also respond to individual cases if persecution or discrimination has occurred. We also work bilaterally and with other EU member states to encourage changes in practices and laws to strengthen the local human rights situation.

## **Afghanistan**

The Afghan government, interested states, NGOs, local organisations and the international community made commitments to support human rights in Afghanistan at two international conferences on Afghanistan that were held in London and Kabul during 2010. At the Kabul Conference in July, the government of Afghanistan committed itself to finalise and begin implementation of its National Priority Programme for human rights and civic responsibilities and to undertake human rights, legal awareness and civil education programmes targeting communities across Afghanistan. We welcomed these important commitments.

During 2010 we continued to work with the Afghan government and the international community to make progress on human rights and to ensure that the groundwork for any political settlement should be inclusive and address the concerns of all Afghan citizens. In keeping with the London and Kabul 2010 commitments to follow an increasing Afghan lead, much of our work focuses on supporting Afghan voices calling for change by empowering individuals and groups to play a local and national role, including Afghan human rights institutions; supporting legislation and national policies; and providing practical support to people in need in their communities.

2011 will be an important year for human rights in Afghanistan. We will work alongside our international partners to support the Afghan government make progress, particularly on implementing their commitments from the London and Kabul conferences.

### **Elections**

The first Afghan-run parliamentary elections since the 1960s were held on 18 September. More than 2,500 candidates stood for election across 34 provinces. While by no means free of irregularities or fraud, there is general consensus that they represented a significant improvement on the 2009 presidential elections. Following polling day, cases of malpractice were investigated and the new anti-fraud mechanisms implemented by the Independent Election Commission and the

Electoral Complaints Commission resulted in the disqualification of 1.3 million fraudulent ballots.

We continued to support the democratic process in Afghanistan and worked with the international community to support the Independent Election Commission and the Electoral Complaints Commission for the 2010 parliamentary elections. We have contributed \$28.5 million to the UN Development Programme's "Enhancing Legal and Electoral Capacity for Tomorrow" project between 2009 and 2011, which provides technical support for Afghan electoral institutions. We supported the deployment of election observer missions from the EU and the OSCE. Staff from our Embassy in Kabul also participated in election observation alongside other missions.

Credible and inclusive elections are central to the process of building a secure and democratic Afghanistan. The UK is committed to supporting Afghan democratic institutions and processes, including the newly elected parliament. We also stand ready to assist the Afghan government advance the electoral reform agenda in line with the commitments it made at the Kabul Conference, and respond to the lessons learned from both the 2010 and 2009 elections.

### **Access to justice**

Access to justice is key to creating stability and protecting human rights. At the July Kabul Conference the Afghan government recognised the importance of state provision of justice, and committed to a programme of reform to strengthen justice institutions. The international community has committed to support this programme. There is, however, much to be done. We work closely with the Afghan government and the international community in supporting this work.

In 2010, we supported national judicial reform through building the capacity of the Criminal Justice Task Force, a multi-departmental Afghan detention, investigation, prosecution and judicial team, to target the narcotics trade. Between March 2009 and March 2010 the Primary Court of the Criminal Justice Task Force convicted 440 people, including several leading figures of Afghanistan's largest drug trafficking rings. We also provided specialist mentor support to the Afghan Attorney-General's Office to improve the ability of the Afghan system to prosecute, and where

appropriate, convict insurgents and terrorists and support anti-corruption prosecutions.

Due process and clarity of legal procedures are also important for protecting human rights. During 2010 we worked with the Afghan government and the international community to progress the new criminal procedure code. We also worked extensively with the Afghan government to hold them to their commitments to improve access to, and accountability in, the justice system. Increasing access to legal representation is another crucial aspect of improving the justice system. We provided an international adviser to the Afghan Independent Bar Association and funded training and outreach events for defence lawyers.

In Helmand Province, we improved access to the state-administered justice sector through a range of initiatives. We provided ongoing mentoring and case-tracking support to judges, prosecutors and *huquq* representatives who form part of the Ministry of Justice, coupled with salary support and performance management for prosecutors. In addition, we provided training for legal professionals on criminal procedure, judicial ethics and fair trials and funded Helmand's only "publicly funded" lawyers to provide criminal defence representation.

### **Rule of law**

Corruption remained a serious problem. The Afghan government entered into important anti-corruption commitments at the London and Kabul conferences and progress was made on some of these commitments, including the filing of asset declarations. The international and Afghan members of the Monitoring and Evaluation Committee, which will monitor the implementation of anti-corruption commitments, are now in place and we are looking to the Afghan government to support the work of the Committee in 2011. We will continue to support the Afghan government as they translate anti-corruption commitments into action.

In 2010 we provided support to the Afghan government on tackling corruption through supporting law enforcement and the management of public finances. This included developing the capacity of the Ministry of Interior to investigate cases of corruption within the police force, and building sustainable internal and external

accountability mechanisms. We supported the ministry in introducing a range of anti-corruption measures, such as a crime-stoppers helpline and mobile anti-corruption teams. Other steps, such as the payment of police through electronic funds transfer to a personal bank account rather than cash-in-hand, have been rapidly expanded. In 2010 we also provided support to the Major Crimes Task Force, an investigative unit focusing on serious cases of corruption, organised crime and kidnapping and the Anti-Corruption Unit within the Attorney-General's Office. Modest progress is being made, but this will be a long term effort.

A professional, well-trained police force is critical to ensuring that human rights are respected in Afghanistan. That is why, in conjunction with the government of Afghanistan and the international community, we are focusing efforts on the development of law-enforcement policing skills; the institutional capacity of the Ministry of Interior; and sustainable mechanisms to hold the Afghan police to account for corruption and poor performance.

An effective police force, alongside the other Afghan security forces, will also help ensure that communities are safe and secure, providing an environment where the human rights situation can improve. There are still many challenges relating to the integrity and professionalism of the Afghan National Police, but progress is being made. In 2010, the size of the police force exceeded growth targets. More effective training programmes raised standards of leadership and discipline and helped the police to protect their communities better. Training programmes, which include human rights awareness, became mandatory for new recruits. The minister of interior has implemented programmes to improve discipline structures, including the authorisation of the Afghan National Police code of conduct, and drug rehabilitation programmes have been initiated.

We are a major contributor to the EU Police Mission to Afghanistan. We have 14 senior UK police officers in key positions, including the Deputy Head of Mission, and lead the Mission's work in Helmand. Our EU Police Mission contingent will soon rise to 19, with five officers deploying to the new police staff college that will open in 2011. The Mission's objectives include implementing an anti-corruption strategy, strengthening cooperation between the Afghan police and the judiciary, and building

structures throughout the Afghan police to improve their understanding and respect for human rights and gender issues. In 2010 seminars on gender issues were introduced to improve the knowledge and sensitivity of the Afghan National Police leadership on issues such as domestic violence, gender integration and the prevention of violence against women. These seminars are a significant step towards an improved, more professional police force.

Gender integration in the Afghan National Security Forces can lead to greater enfranchisement of women in the Afghan government and society as a whole. In line with the Afghan National Police Strategy, the Afghan government and the international community are working to create opportunities for women within the police force. By the end of December, there were more than 900 female officers in the Afghan National Police, and the Ministry of Interior is working hard to increase the number of female recruits. In Helmand, UK police officers are providing support and training to the 16 female police officers in the province. The women have their own training facility at the Provincial Headquarters and the Provincial Reconstruction Team also fund a scholarship programme to support the next intake of women to the Afghan Uniformed Police.

Throughout 2010, we worked to embed human rights-compliant practices within the Afghan National Police and other Afghan institutions. We continued to train the police in human rights awareness and supported the development of systems to ensure that any claims against them are investigated, and members prosecuted if appropriate. We also mentored the inspector-general and senior members of both the Ministry of Interior and the Afghan National Police, to help strengthen Afghan capacity to investigate complaints against the police force.

### **Death penalty**

Afghanistan retains the death penalty under current law. The majority of crimes punishable by the death penalty are terrorism-related, although it can also be applied to other crimes, such as murder. There were no executions carried out in Afghanistan during 2010, although the courts handed down several death sentences and more than 350 prisoners remain on death row. Together with EU partners, we

regularly raise our concerns about the use of the death penalty with the Afghan government, including our concerns about particular cases.

### **Torture and other ill treatment**

If the international community come across incidents of torture or cruel, inhuman or degrading treatment or punishment in Afghanistan, immediate steps are taken to raise the issue at appropriate levels, including with the Afghan authorities and human rights institutions.

### **Prisons and detention issues**

Detaining those who pose a threat to Afghanistan's security is vital for maintaining stability. The UK and Afghan governments have put in place safeguards so that the human rights of detainees captured by British forces are respected once transferred to Afghan custody. These measures include a memorandum of understanding on the transfer of detainees backed up with practical steps. The memorandum sets out the responsibilities of both countries in respect of human rights, including an assurance that UK-captured detainees will not face the death penalty.

We have a policy of visiting UK-captured suspected insurgents held in Afghan facilities in order to monitor their welfare and to inform decisions about future transfers to those facilities. We also transfer detainees to the Afghan Counter Narcotics Police if they are captured with narcotics over the Afghan legal threshold. In 2010, we strengthened our monitoring of detainees through the establishment of the Detainee Oversight Team, a dedicated team of military police and a legal adviser responsible for visiting UK-captured detainees throughout Afghanistan and assisting the Embassy in engaging with organisations such as the International Committee of the Red Cross and the Afghan Independent Human Rights Commission. The establishment of the Detainee Oversight Team has led to an enhanced level of consistency in reporting on the welfare of detainees and improved engagement with the Afghan authorities.

In 2010, our policy on the transfer of detainees to the Afghan authorities was judicially reviewed in the light of a claim that detainees transferred into Afghan custody faced a real risk of torture or serious mistreatment. In a small number of



cases, UK-captured detainees have alleged mistreatment against the Afghan authorities. In such cases, and subject to the detainees giving their consent, we ensure that the Afghan authorities, the International Committee of the Red Cross and the Afghan Independent Human Rights Commission are informed of the allegations. The court found that our policy of not transferring individuals where there was a real risk of serious mistreatment was unimpeachable and that in practice we could continue to transfer detainees to facilities at Kandahar and Lashkar Gah with various provisos. These included strengthening the existing monitoring arrangements, which we did through establishing the Detainee Oversight Team.

Afghanistan's prison sector faces significant challenges, including non-existent or poor infrastructure, lack of basic amenities, overcrowding, little separate provision for women and children and a lack of accountability. There has, however, been some progress in this area. UK offender management experts have worked closely with the US to promote the development of a safe and secure prison sector by assisting the Afghan Ministry of Justice's Central Prisons Directorate in developing prison infrastructure, policies and working practices.

We also continued to share best practice through training and mentoring, for example, by running courses on prisoner and detainee management. By December, more than 270 Afghan detention officers had completed the course. In addition, we delivered basic training to National Directorate of Security officers in conducting investigations into allegations of mistreatment by both detainees and staff. A new training wing at the National Directorate of Security Academy is expected to become fully functional in 2011.

In 2010 we continued to fund the construction of a prison in Lashkar Gah, in Helmand Province, which will conform to international standards. This project is one of the ongoing prison building and refurbishment programmes in Afghanistan which will help address overcrowding and poor infrastructure. By March 2011, there will be capacity for up to 1,000 inmates, as well as other amenities. A new fit-for-purpose juvenile facility and a dedicated female facility will be completed by November 2011. The building of a separate National Directorate of Security facility with capacity for

152 inmates was completed in January 2011. We also supported nascent rehabilitation programmes.

### **Human rights defenders**

Human rights defenders and human rights-focused civil society organisations are growing in strength and number in Afghanistan. An international civil society conference on Afghanistan took place in January, which made recommendations direct to the foreign minister-level London Conference. Civil society campaigned for and won a place at the table at the Kabul Conference, demonstrating the determination of Afghan civil society groups and human rights defenders to make their voices heard on the international stage.

There is an ever-growing network of women's NGOs and advocacy groups across the country. These groups are increasingly leading the way in calling for change on both women's rights issues and on the wider human rights agenda.

In 2010 preparatory work was completed on a multi-donor Civil Society Fund, which will launch in 2011. This fund aims to increase civil society's capacity for advocacy and constructive engagement with the Afghan government to improve results in human rights, access to justice, anti-corruption, peace-building and conflict resolution, and the media. We will contribute £20million over five years to this fund.

In 2010 the UK continued to provide support to the Afghanistan Independent Human Rights Commission. We also supported the creation of a new Afghan-led Human Rights Support Unit in the Ministry of Justice, which opened on 29 September, to coordinate and advise on human rights policy and legislation across the Afghan government.

### **Freedom of expression**

The principles of free speech and free media are enshrined in the Afghan constitution and the mass media law. However, while the mass media law was passed in 2008 by the Afghan parliament and published in 2009, it has yet to be fully implemented. Journalists continued to face intimidation and restrictions.

Television and radio stations, websites and the print media also continue to face difficulties. In 2010 the Afghan cabinet ordered the closure of several news outlets in contravention of the mass media law, which stipulates that all media violations should be reported to, and resolved by, the newly established Mass Media Commission. While the news outlets are now operating again, without full implementation of the mass media law the Afghan media continues to operate in a restricted space.

### **Freedom of religion and belief**

In 2010 Afghan parliamentarians publicly called for the execution of Christian converts. Several Afghans were subsequently imprisoned on charges of converting to Christianity from Islam. Afghanistan remains a deeply conservative country, and there is little public empathy for converts from Islam. Article 2 of the Afghan constitution provides for freedom of religion and Afghan law does not criminalise conversion, but the constitutional provision for Sharia law allows the death penalty for conversion. The Afghan parliamentary debate on conversion followed the screening on Afghan television of alleged footage of Afghans converting to Christianity. As a result, two international aid NGOs were suspended and investigated under suspicion of promoting Christianity. The organisations have now been permitted to resume their work.

In 2010 we continued to press the Afghan government to implement fully the provisions in the constitution and to uphold national and international human rights obligations on freedom of religion and belief. We also supported projects that have helped to promote religious tolerance and understanding. We ran a series of successful exchanges between UK and Afghan religious leaders aimed at countering radicalisation and building understanding of the compatibility of Christianity and Islam. As part of this programme, a group of religious leaders from Helmand visited London where they were impressed by the breadth of Muslim life and the diversity and tolerance of British culture. We also funded a similar and successful study visit to Egypt for a group of 10 Afghan religious leaders.

## **Women's rights**

Women in Afghanistan continued to face huge challenges throughout 2010, including high illiteracy rates, domestic violence, forced marriages, poor access to healthcare and lack of livelihoods. However, some encouraging gains were also made.

Women played a full and active role in the June Consultative Peace Jirga – an event hosted by the Afghan government to gain the support of the Afghan people for their reconciliation and reintegration proposals – where they made up almost 25% of all participants. There are nine female members of the High Peace Council, including at least one woman on each subcommittee. In the parliamentary elections, women won 69 seats in the Lower House, breaking through the constitutional quota of 68.

The Afghan government has pledged to improve the situation of women through its conference commitments and efforts to include women in the political process. However, there remains much to be done by the government to promote women's rights in Afghanistan and, particularly, to improve the lives of women in rural communities across the country. The London and Kabul Conference communiqués contained clear commitments on women's rights, including implementing a National Priority Programme for Human Rights and Civic Responsibilities and the implementation of the National Action Plan for Women and the law on elimination of violence against women. Committed implementation of these programmes and legislation will be key to ensuring improvements over the next few years.

We continued to work closely with Afghan women's rights advocates to improve the status of women in Afghanistan. In 2010 we supported a Kabul women's legal aid centre run by the NGO Humanitarian Assistance for the Women and Children of Afghanistan, which provides legal assistance to female and child victims of violence and discrimination. As part of our work to empower Afghan women, we funded a project to provide support to female parliamentary candidates. The year 2010 was also the final year of the UK's five-year women's empowerment project with Womankind Worldwide in Afghanistan. The UK's National Action Plan on UN Security Council Resolution 1325 on women, peace and security was launched on 25 November and contained a specific country action plan for Afghanistan. This plan sets out how our defence, diplomatic and development work in Afghanistan will

reduce the impact of conflict on women and girls and promote their inclusion in conflict resolution.

In addition to project funding, we continued to press the Afghan government to implement national and international human rights commitments, including the law on elimination of violence against women and the UN Convention of the Elimination of All Forms of Discrimination against Women. We also continued to support progress on women's rights through the Afghanistan Independent Human Rights Commission and the Ministry of Justice's Human Rights Support Unit.

We also provided assistance to human rights civil society groups in Helmand Province. We provided infrastructure support to the Helmand office of the Afghan Independent Human Rights Commission and mentoring and legal awareness training to elders and mullahs, including the Justice Sub-Committee members of district community councils.

### **Children's rights**

There have been some improvements in the situation of children in Afghanistan in recent years. According to the Afghan Ministry of Education there are currently more than 7 million school students in Afghanistan, of whom 38% are girls. In 2010, 135,000 children enrolled in schools across Helmand Province, a 250% increase on the previous year. Child mortality rates are down with more than 80% of children now reaching their fifth birthday, compared to approximately 75% in 2005.

We fully support the UN's work to protect children in armed conflict in Afghanistan, including the establishment of an in-country monitoring team to investigate children's rights, including the sexual abuse of children. This monitoring mission has the full backing of the Afghan government. Prosecution of a small number of cases of child sexual abuse has been reported by the UN, and more initiatives, including studies on this issue, are being developed.

### **Conflict and protection of civilians**

Afghanistan has suffered from three decades of conflict and currently faces an insurgency in several parts of the country. Operations by the International Security

Assistance Force have helped to bring rule of law, democratic government and human rights improvements to an increasing proportion of the population.

However, despite Afghan government and International Security Assistance Force successes in 2010, the insurgency continued to wage an aggressive campaign in several provinces, including by targeting civilians. The conflict resulted in 3,368 civilian casualties in the first half of 2010, including 1,271 deaths, according to the August report on the protection of civilians from the UN Assistance Mission in Afghanistan. While the International Security Assistance Force takes the strongest possible measures to prevent civilian casualties, the insurgency deliberately targets civilians. This distinction was reflected in the London and Kabul communiqués and UN Security Council Resolutions 1917 and 1943, all of which condemned the Taliban's responsibility for causing civilian casualties. In 2010, the insurgency made increasing use of improvised explosive devices and stepped up a campaign of intimidation and murders of civilians. During the first half of the year, insurgents killed approximately 30 civilians a month. They targeted teachers, nurses, doctors, officials, tribal elders, community leaders and civilians working for international organisations.

The International Security Assistance Force and UK forces take the strongest possible measures to protect civilians. In 2010, the International Security Assistance Force continued to revise its tactical directives and standard operating procedures to give greater protection to civilians and learn the lessons from earlier incidents. Air-to-ground munitions and indirect fire are only used against residential compounds in an extremely limited set of conditions. Furthermore, international forces routinely work with Afghan forces that have local knowledge of residential areas and can assist with culturally sensitive searches and operations. As a result of International Security Assistance Force and Afghan National Security Forces measures taken to protect the local population, the number of civilian fatalities fell 29% from the first half of 2009 to the same period in 2010, according to the UN. In particular, the number of casualties resulting from aerial attacks was cut by more than a half. We will continue to work with International Security Assistance Force and the Afghan government to take the strongest measures to protect the local population.

## **Belarus**

After some small steps towards political liberalisation in 2008 which led to more productive relations between Belarus and the EU, 2010 turned out to be a disappointing year. The political and human rights situation deteriorated between February and June and Belarus failed to build on the modest progress achieved in 2008. The EU therefore kept in place the asset freezes that were imposed against members of the regime in response to the fraudulent presidential elections in 2006 and the regime's failure to properly investigate the disappearances of four members of the opposition in 1999 and 2000, although the travel bans against 40 individuals remained suspended. The human rights situation in Belarus is now critical following a violent crackdown on protesters by the authorities after fraudulent presidential elections on 19 December and subsequent successive waves of repression.

We believe that a more democratic Belarus, which acts in accordance with EU values, would contribute to enhanced security in the region. Our Embassy represented the local EU presidency in the first half of 2010 and used the opportunity to uphold a strong focus on human rights issues, particularly on the death penalty. While we managed to raise the profile of the issue both domestically and internationally, it was not possible to make progress in the absence of commitment from the Belarusian government. At the start of 2011 we worked with EU partners to re-impose targeted sanctions on Belarus. We plan to identify further measures to put pressure on the Belarusian authorities to release those detained on political grounds and to support Belarusian civil society, the independent media and those who advocate pluralism.

## **Elections**

Presidential elections took place on 19 December. According to official figures, the incumbent President Lukashenko won the elections with 79.6% of the votes. We provided 19 short-term observers, four long-term observers and three embassy observers to the OSCE's Office for Democratic Institutions and Human Rights observation mission. There were some small improvements in certain aspects of the electoral process compared with previous elections. For example, several

presidential candidates were allowed to collect the requisite number of signatures without being harassed, and were even given some limited state media exposure. The OSCE's Office for Democratic Institutions and Human Rights' preliminary report concluded that there was a perceived risk of fraud during the early voting system, and that 46% of the observation teams had judged the vote counting process to have been either "bad" or "very bad". The report commented that, regardless of the fact that some specific improvements had been made in the run-up to the elections, Belarus still had a considerable way to go in meeting its OSCE commitments.

The elections were an important opportunity for the authorities to demonstrate a commitment to improving standards of democracy in Belarus. They failed to deliver. Furthermore, Belarus refused to renew the mandate of the OSCE mission in Minsk. The UK, EU and US publicly expressed our regret that the authorities had taken this decision.

### **Access to justice**

Following mass street protests in Minsk on 19 December, more than 700 people were arrested. Around 600 were imprisoned for 15 days as an administrative punishment. Thirty-two prisoners remained in detention by the end of the year, including four ex-presidential candidates and two prominent independent journalists. Those still detained had been charged with the organisation of, and participation in, mass riots. We, along with EU partners, consider the cases against them to be politically motivated. The UK, EU and US urged the Belarusian authorities to release those detained for politically motivated reasons and to ensure that all detainees were given proper legal representation and any necessary medical care.

### **Rule of law**

Despite their formal protection in the constitution, human rights are not consistently defended or understood by the authorities in Belarus. At best, they are seen as aspirational as opposed to obligatory. At worst, they are used as a bargaining chip to extract economic or political benefits from the international community. The biggest challenge in Belarus is that the court system is seen as an extension of government power and not a check on the abuse of power.



## **Death penalty**

Belarus is the only remaining European state that retains the death penalty. It is one of our five target countries for the abolition of the death penalty. The issue became prominent following the execution by shooting of two convicts in Minsk on 1 March which took place despite a formal request by the UN Human Rights Committee to postpone the executions until it could consider the convicts' complaints about the judicial process. On 30 March, the EU condemned the executions and urged an immediate moratorium. Two more death penalty verdicts have since been confirmed and a further one was before the court of appeal in December.

We have worked with local and international NGOs to promote public debate and to publicise EU views on the death penalty. The EU has urged Belarus to abolish the death penalty or, as an initial measure, to introduce a moratorium.

Our Embassy in Minsk, together with Amnesty International, supported local human rights organisations campaigning against the death penalty. In 2010, this included the organisation of an on-line petition which was signed in London by Minister of State Jeremy Browne. As part of the Council of Europe and EU-supported campaign against the death penalty, our Embassy hosted a screening of "Dance with a Stranger", a film about the last woman to be executed in the UK. This was followed by a panel discussion with experts, which provoked a lively debate among the students attending the screening.

The authorities continue to insist that their hands are tied by a 1996 referendum which purportedly showed that 96% of the population supported the death penalty. However, recent independent opinion polls indicated that 49% supported its retention while approximately 40% opposed it. However, in the light of recent human rights set-backs and the resulting deterioration of relations between Belarus and the EU, we are not optimistic that the Belarus authorities will change their policy soon. Nevertheless, we will continue to highlight the death penalty as an issue in Belarus.

## **Torture and other ill treatment**

General concerns relate to the conduct of public institutions, such as the police and prison authorities, and the lack of effective investigations by the authorities into

allegations of torture.

To give a specific example, Andrei Sannikov is an ex-presidential candidate and one of the political detainees in Belarus. Mr Sannikov was injured when police broke up the 19 December protest. According to eyewitnesses, he was assaulted by police who pinned him down with a riot shield and repeatedly jumped onto it, severely injuring his legs. Friends attempted to drive him to hospital, but the car was stopped by police and Mr Sannikov was arrested. Witnesses claim that at this time he had no visible head injuries. Mr Sannikov's lawyer visited him in detention on 20 December. According to the lawyer, he had new cuts and bruises on his arms, face and head. He was unable to stand and could barely move. The new injuries suggested that Mr Sannikov had been beaten again while in custody. The lawyer described his condition as "horrendous" and said that the way Mr Sannikov spoke and held himself suggested he had suffered brain damage. On 23 December, Amnesty International representatives announced that they believed Mr Sannikov had been subjected to torture.

### **Prisons and detention issues**

As well as the politically motivated detentions related to the events following the presidential elections of 19 December, we remained concerned about the cases of Mikalai Autukhovich and Mikhail Kazlou, who were both convicted for "illegal actions with explosives, firearms and ammunition" in May. The UK, acting as local EU presidency at the time of their conviction, expressed the EU's concern that the trial could be seen as politically motivated.

### **Human rights defenders**

Many human rights defenders and NGO workers have been detained, interrogated and have had their homes and offices raided by the authorities since 19 December. Our embassy staff visited raided organisations to show the UK's support.

We remained concerned about the disappearances of four individuals: former Minister of the Interior Yuri Zakharenko; former Vice-President of the Parliament of Belarus, Victor Gonchar; a TV cameraman, Dimitri Zavadski; and businessman Anatoly Krasovski. They all disappeared in unexplained circumstances in 1999 and

2000. The Belarusian authorities have failed to open an independent investigation into these disappearances. We support the efforts of activists in Belarus to maintain public awareness of the disappearances.

### **Freedom of expression**

The Belarusian state controls all media outlets and only officially approved views are heard by most of society. The authorities hinder the activities of both independent domestic and foreign media journalists. Denial of accreditation to journalists, as well as their harassment, acts as a means to restrict media freedom. When unsanctioned demonstrations have been forcibly broken up, plainclothes policemen have prevented journalists from performing their jobs. Following the presidential election of 19 December, the independent media was specifically targeted. Premises were raided, equipment was seized and journalists were interrogated and in some cases beaten up.

Articles in the civil code that envisage criminal responsibility for defamation and insult of the president, state officials and judges, and discredit of the Republic of Belarus remain in place. Media organisations can be shut down after a single “gross” violation of the law or after two warnings from the Ministry of Information. A number of independent media organisations received such warnings.

Two independent journalists, Irina Khalip and Natalia Radina, are currently in detention following the 19 December election events. Independent journalists are constantly harassed by the State Security Agency of Belarus (known as the KGB). The Polish-based TV and radio stations “Belsat” and “Radio Ratsyja” have been unable to accredit their correspondents in Belarus, and journalists working for these organisations received official warnings from the Prosecutor’s Office and the KGB.

A number of independent newspapers have managed to defend their editorial independence in recent years, albeit under constant pressure. These include *Norodnaya Volya*, *Nasha Niva* and the local *Bobrujski Kurier* and *Volnaje Hlybokae*. However, at least eight new non-state newspapers were refused registration in 2010. Ten independent publications still have no possibility of being distributed through the state press distribution system.

### **Freedom of religion and belief**

While the Catholic and Orthodox churches are largely able to operate unhindered, Protestant churches face some difficulties. We have worked closely with EU partners to raise concerns about these issues with the Belarusian authorities in 2010.

The UK, as local EU presidency in Belarus during the first half of 2010, arranged a meeting of EU heads of mission with the Belarusian Commissioner on National Minorities and Religion. The case of the New Life Church, which is under pressure from the authorities to close – by means, amongst others, of an unaffordable fine for alleged environmental damage – was one of the issues of concern raised. Our Ambassador attended a human rights round table in April, at which participants were briefed by a representative of the church.

### **Other issues: Political activists**

The authorities routinely harass political parties and any NGOs not directly controlled by the government. All attempts at official registration by new parties and organisations which might follow an independent line to the government have been declined by the Ministry of Justice on a raft of spurious grounds. In 2010, the Belarusian Christian Democratic Party, which has links with a number of Christian conservative parties around Europe, was yet again denied registration, as was the “Molody Front” youth organisation. The fact that one of the leaders of the Christian Democratic Party, Vitaly Rymasheusky, is currently facing a prison term of up to 15 years and that the leader of the Molody Front, Zmitser Dashkevich, is in prison on what appears to be trumped-up charges of assault highlights the dangers of engaging in democratic activism in Belarus.

## Burma

The year 2010 saw the first elections in Burma for 20 years and the release, shortly thereafter, of pro-democracy leader Aung San Suu Kyi. Neither event, however, signified a material improvement in the human rights situation nor a weakening of the military regime's grip on power. Human rights abuses continued to be widespread and severe. Restrictions on fundamental freedoms intensified in the run-up to the November elections and, according to the Assistance Association for Political Prisoners Burma, the number of political prisoners increased to 2,189 by the end of the year. There was also further conflict between the Burmese army and ethnic groups on the Thai/Burma border, prompting thousands more civilians to flee into Thailand.

At the end of 2010, therefore, we had seen no evidence that the elections were intended to bring about greater political openness, genuine democratic reform or increased respect for human rights. The further marginalisation of ethnic and opposition groups may lead instead to increased instability, conflict and an even greater deterioration in the human rights situation.

During 2010, we took every opportunity to make our concerns clear to the Burmese authorities and to Burma's neighbours. Prime Minister David Cameron raised the situation in Burma directly with his counterparts in both India and China, and Foreign Secretary William Hague and other ministers of the Foreign and Commonwealth Office (FCO) have raised UK concerns with their counterparts worldwide.

In the UN, we worked hard to keep Burma on the Security Council agenda, remained in close contact with the UN Secretary-General, and supported his Good Offices Mission to Burma. In November we played an important role in securing the toughest and most comprehensive human rights resolution on Burma to date at the UN General Assembly. We also supported the maintenance of strong targeted EU sanctions against the regime. We will continue to do so in the absence of positive developments on the ground, while providing ongoing assistance to the people of Burma through our significant and increasing programme of humanitarian aid.

Inside Burma, our embassy staff stayed in close contact with ethnic and opposition groups and civil society representatives, as well as UN agencies such as the International Labour Organization. Embassy reporting, for example on the election results and their implications, helped us to bring important issues to the attention of our partners in the international community. Our Embassy also ran a programme of projects with smaller NGOs throughout the country, designed to empower local communities and increase accountability at the grass-roots level.

Our Embassy remained the designated EU liaison point of contact for human rights defenders and promoters. The Department for International Development (DFID) also continued its expanding programme of aid to the Burmese people. Alongside Japan, the UK was the largest humanitarian aid donor to Burma in 2010.

A substantive improvement in the human rights situation in Burma is unlikely in the short to medium term, despite the creation of a nominally civilian government. Democratic and ethnic opposition parties have a very limited voice in the new legislative assemblies. Significant armed ceasefire groups did not participate in the elections and remain outside the political process. Tensions between the Burmese military and the armed ethnic military groups are high and further fighting and instability along the Chinese and Thai borders remains an ongoing concern.

We will continue to highlight human rights concerns directly with the Burmese authorities, including through Burma's Universal Periodic Review in 2011. We will work with Burma's neighbours and through the UN and EU to press for improvements and continue to work to build international support for the UN special rapporteur's call for the UN to consider a Commission of Inquiry into human rights abuses in Burma.

## **Elections**

On 7 November, elections took place in Burma for the first time since 1990. The pre-election period was heavily controlled by the regime. Tight regulations allowed the authorities to deny registration to some parties without explanation and to restrict campaigning and funding sources. The playing field was therefore heavily tilted in favour of the regime-backed Union Solidarity and Development Party. Furthermore,

under the new constitution, 25% of the seats in both national and regional parliaments were allocated to military appointees. In some areas of the country, elections were cancelled on security grounds. This effectively disenfranchised around 400,000 people, the majority of whom were from ethnic minority groups.

Although the process on the day was calm and orderly, vote counting was subject to significant manipulation. Large numbers of pre-counted advance votes were delivered to polling stations just as the observed counting of the votes cast on the day was coming to a close. These advanced votes consistently swung the result for the Union Solidarity and Development Party. There were also a number of reports of voter coercion and intimidation.

The official results announced by the regime gave the Union Solidarity and Development Party a landslide victory. The combined Union Solidarity and Development Party-military bloc will control 84% of the total seats in the upper and lower national parliaments and hold an overwhelming majority allowing them to pass or block legislation without opposition or accountability.

We lobbied hard throughout 2010 for the elections to be conducted in a manner that was free and fair. We raised the issue directly with the Burmese regime, as well as with neighbouring countries. William Hague stated on 7 November that “holding flawed elections does not represent progress. For the people of Burma, it will mean the return to power of a brutal regime. The British Government will stand by the people of Burma and will continue to maintain pressure on the regime until we see real progress on democracy, governance and human rights.” At the UN General Assembly, supported by extensive reporting from our Embassy in Rangoon, the EU highlighted the flaws in the elections and called for the regime to begin a meaningful dialogue with all political groups, and for a legitimate and accountable system of government based on the rule of law and respect for human rights.

### **Access to justice**

At the end of 2010, 2,189 political prisoners remained in detention in Burma, and trials of political activists were characterised by the denial of legal representation, accounts of torture and mistreatment, and harsh and disproportionate sentences.

The regime exerts control over the judiciary at all levels and manipulates the justice system in pursuit of political ends. Members of the Supreme Court are appointed by the head of the military regime. More generally, ordinary Burmese citizens are unable to seek legal redress for a range of actions by the state, including the confiscation of land to make way for development, or to challenge extortion or violence at the hands of local officials or the military.

Forced labour remains widespread in Burma. The International Labour Organization continued to operate a mechanism to allow individuals to raise complaints with the authorities and a number of cases were referred successfully to the authorities. However, concerns remain about the regime's tendency to view complaints as politically motivated. The International Labour Organization's efforts in 2010 were focused on increasing awareness throughout the country of the complaints mechanism, and encouraging the regime to seek out instances of forced labour (including in the military) rather than relying on complainants to come forward. We worked closely with the International Labour Organization and supported their efforts, including attendance at their Governing Body meetings throughout the year.

At the UN Human Rights Council in March and at the UN General Assembly in November, we urged the Burmese regime to ensure the independence and impartiality of the judiciary and to guarantee due process of law.

### **Rule of law**

In September, the UN Special Rapporteur for Human Rights in Burma reported that crimes against the civilian population in Burma were "widespread and systematic" and that they were perpetrated by representatives of the government within a culture of impunity. We subsequently announced our support for the UN special rapporteur's call for the UN to consider establishing a Commission of Inquiry into human rights abuses in Burma and we worked with international partners to build support for this initiative.

### **Death penalty**

Although no one has been executed under state law since 1988, two Burmese officials were sentenced to death in late 2009. The men were reportedly arrested for



leaking confidential information. The death sentences imposed were part of a wave of harsh punishments handed down by Burmese courts as the regime cracked down on dissent ahead of the elections in November 2010.

### **Prisons and detention issues**

The use of torture and inhumane treatment of prisoners of conscience continued throughout 2010. There were numerous accounts of torture, abuse and of prisoners being placed in solitary confinement, denied adequate medical treatment and transferred to remote prisons far from their families. At least 59 political prisoners reported new health problems in 2010, bringing the total number of political prisoners in poor health to at least 142. Two political prisoners held in poor prison conditions died in 2010. Since 2005, the International Committee of the Red Cross has been denied permission to visit prisons unescorted.

We had hoped that a general amnesty before or shortly after the elections would be announced. But this was not the case; indeed election laws required political parties to expel detained members as a condition of registration. Of those currently detained, at least 45 were also in prison at the time of the 1990 elections. Of these, 30 had been held continuously for the entire 20 years.

We have consistently placed a high priority on the release of political prisoners. William Hague raised concerns over political prisoners with the Thai foreign minister in November. Throughout 2010 our Embassy lobbied the Burmese authorities frequently on the issue and we highlighted our concern in the UN General Assembly and at the UN Human Rights Council. Our Embassy also kept in close contact with local and international organisations supporting political prisoners and their families.

### **Freedom of expression**

The media in Burma continued to be subject to significant censorship in 2010. All publications are required by law to be submitted to the Press Scrutiny and Registration Board for approval. Journalists continue to exercise self-censorship, aware that they otherwise risk imprisonment or having their licences revoked or suspended. The activities of bloggers were closely monitored and the 2004 Electronic Transactions Law allowed the government to imprison those

disseminating information deemed critical of the regime. In spite of a pervading fear of monitoring by the state, control over internet use was weak in practice and Burmese citizens with access to the internet could usually find a way round the restrictions. Facebook and other social networking facilities were accessible.

Political parties were not permitted to campaign freely or to set out any policies which were critical of the regime in the run-up to the November elections. Campaign regulations issued in June required parties to request advance permits to give public speeches and banned the use of flags or slogans outside their headquarters. All campaign material, including the content of TV broadcasts, had to be submitted to the state censorship board.

In spite of the deeply flawed nature of the elections, reports suggest that they led to a limited revival in political debate in Burma and a sense that it was safer to talk about politics in public. After her release, national reporting about Aung San Suu Kyi was heavily censored and several newspapers were suspended for publishing her photograph. She was, however, allowed to speak freely about her views to a range of national and international contacts in media, NGO and diplomatic circles.

We supported the inclusion of strongly worded text in resolutions tabled by the EU in the UN General Assembly and the Human Rights Council which called for the government to lift restrictions on the freedom of expression and to end the use of censorship. Locally, we promoted freedom of expression and information through the British Council's English teaching and library and IT facilities. At ministerial level, Minister of State Jeremy Browne raised our concerns about Burma's elections with the governments of Japan, Thailand, the Philippines and Indonesia during his visit to these countries.

### **Freedom of religion and belief**

Burma is a predominantly Buddhist country and the government promotes Buddhism over other religions. However, restrictions on freedom of expression and assembly imposed limits on the religious activities of all faiths, including Buddhists, Muslims and Christians.

Surveillance of the Burmese Buddhist community and individuals, which began following the involvement of Buddhist monks in the protests against rising fuel and food prices in 2007, the so-called Saffron Revolution, continued in 2010. Many monks who were arrested in 2007 remain in prison.

Election laws published in March perpetuated previous restrictions barring members from Buddhist, Christian, and Hindu religious orders from voting and joining political parties.

### **Women's rights**

Women's participation in public life, such as village meetings, continued to be very low, as was their participation in, and access to, social networks. Although the Burmese government has stated its commitment to the Millennium Development Goals and while Burma was on track to meet some gender inequality goals such as school enrolment for girls, women were routinely excluded from decision-making bodies. Gender-based violence perpetrated by the military continued to be of particular concern, especially in ethnic minority areas on the border affected by conflict.

A National Action Plan for the Advancement of Women was developed through a collaborative process between civil society organisations, international NGOs and the Ministry for Social Welfare, with the aim of securing the approval of the new government in 2011. DFID and our Embassy in Rangoon supported women's groups helping to promote economic empowerment, access to social services and improved gender relations both within Burma and with groups in exile.

### **Children's rights**

In 2010, many children in Burma continued to receive inadequate education, health care or social protection. On average, one in 10 children dies before the age of five and few more than 50% finish primary education. The use of child soldiers continued to be a problem in the Burmese military and in some armed ethnic groups. Many children work, largely owing to poverty. This is despite the UN Convention on the Rights of the Child being one of only two UN human rights conventions ratified by

Burma. The Burmese authorities continued to allow UNICEF and a number of NGOs, such as Save the Children, to operate large programmes in Burma.

We promoted children's rights through direct support from DFID and our Embassy to national and international NGOs working in Burma, and to UN agencies, including the International Labour Organization. We raised the use of children in armed conflict in Burma in the UN Security Council and supported robust language on the issue in the resolution on Burma at the UN General Assembly.

### **Minorities and other discriminated groups**

Burma has a diverse population with around two-thirds of the people considered to be Burman and the other third belonging to one of the many ethnic groups of Burma. Since independence, the government has promoted a pro-Burman, pro-Buddhist approach in its policies, and many ethnic minorities have felt that their culture, language and land were under threat from "Burmanisation". There were reports of land confiscation, the promotion of education in Burmese rather than local languages, restrictions on religious practices, and the authorities' control over cultural practices such as the Kachin New Year. In conflict areas, there were reports of rape, forced labour, multiple taxation and child military recruitment.

The treatment of the Rohingya Muslims in Northern Rakhine state in 2010 remained of particular concern. The Rohingya continued to face restrictions on their freedom of movement and related restrictions on finding employment and the right to marry. The authorities continued to refuse to issue birth certificates to Muslim children, denying them citizenship which has led to further discrimination in access to health services, education and employment. The resulting hardship has caused the migration of thousands of Rohingya refugees across the border to Bangladesh, and from there to other countries in the region.

A number of ethnic parties participated in the elections, mainly in the regional parliaments. They intend to take up their seats in the hope that they will be able to promote ethnic agendas, while acknowledging that the election process was not free or fair.

We regularly raised the need for dialogue with ethnic groups and for a just and inclusive political settlement. We also raised our concerns in the UN General Assembly in November about the marginalisation of ethnic groups, including the Rohingya, resulting from the regime's border guard force policy, their rejection of specific ethnic parties who wished to register to participate in the 2010 election, and the cancellation of the elections in some ethnic areas. Minister of State at the Department for International Development Alan Duncan raised concerns over the Rohingya with the Bangladeshi foreign minister in July 2010 and Minister of State Jeremy Browne underlined his concerns with the Thai and Malaysian foreign ministers at the EU-ASEAN summit in May.

### **Conflict**

Discrimination, poverty and governmental neglect have fuelled decades of conflict and insurgency in ethnic areas. A ceasefire policy has been pursued by the regime since 1989, but insurgencies have continued in several border areas and groups who agreed to ceasefires have maintained their arms. During 2010, there was heightened tension in ethnic areas due to the regime's attempt to subsume the military wings of ceasefire groups into a border guard force under Burmese army control. At the end of the year, three ceasefire groups, including the Kachin and Wa, had not agreed to join the force and the situation remained tense.

Fighting between the Burmese military, the Democratic Karen Buddhist Association and a Democratic Karen Buddhist Association splinter group continued sporadically. On the day of the election, an outbreak of fighting led an estimated 20,000 refugees to flee across the border to Thailand.

Skirmishes between the Burmese army and the Karen National Union/Liberation Army continued throughout 2010. These were often localised, but occasionally they escalated into more prolonged clashes and further displacement of civilians.

We continued to emphasise the need for dialogue and for a viable political settlement addressing the aspirations and concerns of Burma's ethnic groups.

## **Protection of civilians**

In 2010 we received a number of reports that the Burmese military had targeted civilians in border areas where ethnic conflict is ongoing. Since 1996, around 1 million people have been displaced within Burma. Half of these were from the eastern border area. Hundreds of thousands of others have fled to neighbouring countries, including Thailand, India and Bangladesh.

Abuses by the military, documented by the UN special rapporteur in his September report, included military recruitment of children, forced portage including in landmined areas, forced labour on heavy construction projects, and rape and sexual violence. Armed ethnic minority groups were also reported to be responsible for planting landmines and demanding financial and other support from civilians in conflict areas.

We raised the protection of civilians in Burma in July and October during debates in the UN Security Council. We condemned these alleged abuses and called on the regime to begin a meaningful dialogue with ethnic groups.

## **Other issues: Civil society**

In the absence of basic state service provision, a small but energetic civil society has emerged. Networks of organisations with common goals have developed and are building a role for civil society advocacy at local and national levels. Civil society groups have encouraged the establishment of governance structures and democratic norms at community level. In 2010, civil society groups worked with the Burmese government to report to the UN Universal Periodic Review of human rights in Burma, and helped draft a National Action Plan for the Advancement of Women. They also worked at local level to enable international and local aid programmes to support communities in need. They played a key role in building awareness of citizens' rights in the election process; facilitated mediation efforts and local protection strategies in ethnic and conflict areas; and promoted awareness of the social and environmental impact of major infrastructure projects. The Burmese government's relationship with civil society representatives continued to be complex. They viewed some NGOs as threatening, but worked with others to develop national strategies in certain areas, for example, on women's advancement and HIV/AIDs.

DFID and our Embassy reinforced civil society activity through capacity building and organisational development support for local NGOs. The British Council implemented a project funded by the FCO's Strategic Programme Fund to build NGO leadership capacity, as well as other skills. The Chevening Fellowship continued to be a valuable tool in developing a cadre of civil society leaders with an understanding of UK values.

## Chad

Chad was ranked 163rd on the UN Development Programme Human Development Index in 2010. Chad is a typical post-conflict country which, until 2008, was tackling a significant domestic threat from rebels as part of its long-running proxy war with neighbouring Sudan. Following a convincing defeat of the rebels in May 2008, the government of Chad has pursued a policy of rapprochement with both domestic rebel groups and its neighbours. There are approximately 254,000 Sudanese refugees and about 130,000 internally displaced persons in the east, with a further 63,000 refugees from the Central African Republic in the south.

Chad's performance on human rights has historically been poor with evidence of targeted abductions and mistreatment of opponents of the state; widespread impunity; a chronically underdeveloped judicial system; poor prison conditions and issues around the treatment of women and children. These systemic concerns were exacerbated in the east amongst vulnerable refugee and internally displaced populations, although better protection for these groups has arguably been provided than for those in more isolated areas of Chad where the international community and humanitarian organisations have paid comparatively less attention.

There was evidence in 2010 that the government's positive rhetoric on human rights was matched by a genuine willingness to improve the country's performance. This is particularly true for women's rights, where the president and the first lady have taken a clear lead. The Chadian government's request to the UN in 2008 to establish a permanent Office of the High Commissioner for Human Rights in Chad led to a field mission in July. Nonetheless, systemic issues around resourcing and capacity, particularly in the justice sector, make real change much harder and difficult to sustain.

Our High Commission in Yaoundé, Cameroon, oversees our relations with Chad. There is no permanent British diplomatic representation in the country and our ability to take action in Chad is therefore constrained. We work primarily through the EU, UN and local NGOs.



Our high commission staff from neighbouring Cameroon, including the High Commissioner, regularly visited Chad to engage with the government, diplomatic missions, the UN and the resident NGO community. In 2010, our focus was on securing the human rights of refugees and internally displaced persons in the east of the country, including by supporting the peacekeeping work of the UN Mission in the Central African Republic and Chad that was established in September 2007 by the UN Security Council. Our High Commission engaged with the full range of NGOs operating in the east, as well as the *Détachement Intégré de Sécurité*, a police force composed of Chadian officers who provide security in and around refugee camps and sites for those internally displaced in eastern Chad.

The departure of the UN Mission in the Central African Republic and Chad, uncertainty on funding the *Détachement Intégré de Sécurité*, and four months of elections represent considerable risks for Chad in 2011. But the expectation of continued peace and stability, coupled with a higher oil price, should give the government the space and resources to consolidate progress on human rights. The progress of the Support to Justice in Chad Construction Program, PRAJUST, in 2011 will be particularly important given the weakness of the judicial sector.

## **Elections**

In August, political parties agreed a code of conduct for the electoral period. At the end of 2010, the president of the National Independent Electoral Commission was removed for allegedly tampering with the candidate lists for the legislative elections. These elections, which are due in February 2011, have been delayed by one week as a result but preparations appear to be on-track with 4 million registered voters, despite some issues with voter cards. The National Assembly has established a quota of 30% for women. The local elections, due in June 2011, will be the first time in Chad's history that local communities have been allowed to choose their own mayors rather than their being appointed by presidential decree. The EU agreed to provide a large multi-national Observation Mission headed by former EU Development Commissioner Louis Michel. There will also be presidential elections in April 2011.

## **Rule of law**

The application of the rule of law remains significantly under-developed in Chad and is perhaps the greatest challenge facing the country. Impunity, including for members of the security forces and senior government officials across the country, is endemic. National legislation is patchily implemented and is often inconsistent with international obligations and treaties to which Chad is a party. The current legal code considers torture to be an aggravating circumstance of a crime rather than a criminal offence in itself. There is a chronic lack of legal expertise which undermines the application of justice and limits the access of most defendants to legal counsel. The justice sector remains significantly under-funded. There are inconsistencies between the application of the penal code and traditional practices.

The EU is working with the government of Chad on a £30.5 million Support to Justice in Chad Construction Program, of which £8.6 million is provided by the Chadian government. The project, which will run from 2009 to 2013, seeks to improve the justice sector in Chad by training of police, penitentiary administration and judges, the setting up of scientific and technical police departments and improving infrastructure. It also promotes judicial reform and amends legislation in line with Chad's international human rights commitments.

In 2010, the project carried out several activities in the judicial sector, including training 237 judicial police officers; undertaking projects to increase the capacity of prison managers; recruiting a number of consultants to work with the Chadian judiciary on regulating the judicial profession; technical support for the introduction of new laws; support for civil society projects; and building a Detention Centre in Doba and rehabilitating another in N'Djamena. The UN Development Programme is supporting "*maisons des avocats*", resource centres for lawyers and legal aid offices in the east.

Corruption is endemic at various levels but there was some evidence in 2010 that the government was serious about addressing the problem with the arrest, investigation and sentencing of some senior government officials. However, many others were released without charge and there remains a perception that some individuals are above the law because of their political influence.

## **Death penalty**

The death penalty remains on the statute books but there were no reported cases of it being implemented in 2010. A number of high-profile political figures arrested in 2008 continued to be held on death row throughout 2010, though some were released following President Deby's pardoning of political detainees on 11 January 2011.

## **Prisons and detention issues**

Prison conditions are extremely poor with crumbling infrastructure; over-crowding; poorly trained personnel including at management level; limited medical facilities and insufficient visits by medical personnel; inadequate sanitation and food provision; and poor recreational facilities. There has been credible reporting that some prisoners are chained, with consequent medical implications.

The International Committee of the Red Cross had regular access to civilian prison facilities managed by the Ministry of Justice in 2010. It did not have access to Koro Toro, a Ministry of Interior facility, although we understand that the prison has now been handed over to the Ministry of Justice which should lead to the International Committee of the Red Cross being granted access in 2011.

There were several reports of detentions beyond the 48 hours provided for by the Chadian penal code and widespread reports of individuals being detained for civil rather than penal matters. There were also allegations of protective detention, which allows police to take individuals into custody for their own safety, being applied incorrectly and without the authorisation of a judge.

There were widespread, credible allegations of violence being used by officers of the state for their own purposes and limited evidence that such cases had been properly investigated or that any action had been taken against offenders.

We are not aware of any reports of political figures being arrested in 2010. Political prisoners who were previously arrested remained in detention, although President Deby in his address at Chad's 50th anniversary celebrations on 11 January 2011 announced that they would be released.

There was limited progress on several outstanding cases from 2009, including on the case of Ibni Oumar Mahamat Saleh, an opposition leader arrested in 2008 who has not been heard from since.

### **Freedom of expression**

Overall the media environment has improved, although access to information remains difficult and individual cases of violence against journalists continue.

The 2008 media law which limited press freedoms was lifted in June and a new media law was adopted in August. The new law was widely welcomed by the media. It decriminalised virtually all media offences and introduced a reasonable level of fines. We have concerns about the provision under which journalists can be detained, and media organisations suspended for six to 12 months, if their stories are considered to have incited ethnic violence. Some journalists are concerned that this could be used to stifle reporting of the imbalance in the distribution of wealth and power in the country. This provision had not been used by the end of the year.

Chad has a dynamic private press and the government has expressed a commitment to its development. In 2010, the government established a “*Maison des Media*” project to set up a centre of excellence for journalism in Chad, with £320,000 in funding from the EU and £125,000 from the government over two years. Further government funding has been promised. The government has also provided small grants to private media outlets.

In October a journalist was allegedly beaten by security forces while covering a presidential visit to flood-affected areas. A journalist from FM Liberté, a private radio station, was arrested and his equipment seized for interviewing prison detainees despite having been granted permission by the relevant authorities. A reporter was arrested in October for comparing South Sudan’s situation with that of southern Chad.

### **Freedom of religion and belief**

The Chadian constitution provides for religious freedom as long as it does not infringe on the rights of others from practising their belief. The principal religions in

Chad are Islam (52%), Christianity (46%) and Animist (2%), although these figures are widely accepted as unreliable. In general, these religious communities peacefully co-exist. There were, however, some incidents of religious conflict in 2010. Attempts by a Wahabi Sunni preacher to promote violence in the north led to clashes which allegedly left 100 Chadians dead. The Chadian authorities were able to calm the situation, although there were concerns at the delay in doing so. There was an alleged attack in Ndjamena on a Christian wedding motorcade; the security forces that patrolled the streets intervened and the violence died down.

### **Women's rights**

President Deby delivered a keynote speech on human rights at the country's first National Human Rights Forum in March, with particular focus on the rights of women; the importance of ensuring that women are not disadvantaged in Chad; the need to tackle under-age marriages; and the importance of educating girls. Nonetheless, women remain at a disadvantage in this traditionally male-dominated society. They face difficulties in inheriting wealth, in securing fair access to services, and in seeking employment. Maternal mortality is high, with limited access to adequate medical facilities and properly trained midwives. The proposed law on a family code, which seeks to establish gender equality, had not been adopted by the end of the year.

Sexual violence against women, including rape, is common, particularly in vulnerable refugee and internally displaced populations in the east. Cases are rarely brought against the perpetrators. Domestic abuse is also common, with limited recourse to legal redress. Female genital mutilation has been illegal since 2002 but the law has not yet been approved, so it cannot be implemented.

### **Children's rights**

A regional conference held in Chad led to a binding declaration by Chad and five other central African nations on 9 June to end the use of child soldiers and to meet international standards for the protection of children.

Children are vulnerable throughout Chad. Access to education is uneven and unaffordable to many. Girls are particularly unlikely to benefit from full-time

education. Child trafficking is a concern, including in the north of the country where they are traded as shepherds to work across the border in Libya. Children are targeted by organised armed gangs as hostages, particularly in the east and the south of Chad. On 23 September, for example, five children were kidnapped on the Cameroonian border in Mboursou and held for a ransom of £6,500. The children were subsequently abandoned and escaped, and no ransom was paid. Child abuse was also widely prevalent.

The law prohibits forced marriages, consensual marriages of boys under 18, girls under 15 and sex with a child under 14 even if married, but these laws are poorly enforced.

Following the defeat of the rebels in 2008, UNICEF sought and was granted government permission to enter the camps where captured rebel child soldiers were being held to be able to identify and remove underage combatants. The government agreed that they could be released into the care of UNICEF who will demobilise and reintegrate them into normal society. More than 1,000 child soldiers have been through this process and more continue to arrive voluntarily as remaining rebel groups in Sudan and elsewhere disband. UNICEF has trained senior commanders in child protection issues. No former child soldiers are currently believed to be detained with adults. There is no evidence that the recruitment of child soldiers remains a major problem.

## **Racism**

Chad is traditionally a tribal society, and there is a perception that justice and access to resources is unfairly balanced towards the president's Zaghawa tribe at the expense of other groups. Tribalism is embedded in Chadian culture with political parties, alliances and even NGOs splitting on largely ethnic lines. These tribal tensions can often boil over into inter-ethnic violence, exacerbated by competition for often scarce resources. There has been violence between nomadic cattle herders and pastoralists in the east, facilitated by the proliferation of small arms in the area.

## **Conflict**

Since the comprehensive victory over rebels in the east in 2008, the government of Chad has sought to consolidate the peace, including through closer cooperation with Sudan and Libya. The Chadian government encouraged rebel Sudanese movements, who had historically benefited from Chadian support, to seek a negotiated solution with the Sudanese government, including by placing pressure on individual Justice and Equality Movement leaders. The convincing victory of the well-equipped and increasingly well-trained army reduces the risk of a return to violence in the near future. The two countries have created a joint force to monitor the border, making it harder for armed attackers – including bandits and rebels – to cross and escape pursuit. However, there are regional risks that could influence events, including the South Sudan referendum, the situation in Darfur and general regional instability. In addition, borders are porous and small arms are widely and cheaply available.

Continued instability in the east was reflected in the kidnap of a number of humanitarian workers. All were subsequently released. The departure of the UN Mission in the Central African Republic and Chad, the UN Security Council mandated peacekeeping force, on 31 December, at the request of the Chadian government, risks reducing the security capacity in the east.

## **Protection of civilians**

There are approximately 254,000 Sudanese and 68,000 Central African Republic refugees as well as 130,000 internally displaced persons in Chad. Approximately 40,000 internally displaced people in the east are thought to have voluntarily returned to their villages. These communities are particularly vulnerable given the instability in the border areas of Chad. However, security in the east has improved with the creation of a joint Chadian-Sudanese border force based in Abeché, although the situation remains precarious and subject to events in Darfur. Security in the south is also a concern, although a joint Chadian–Central African Republic operation against Central African Republic rebels in Birao demonstrated the value of closer military cooperation in establishing security in these areas. The referendum in South Sudan could also pose challenges for Chad, particularly in terms of a possible further influx of refugees.

**Other issues: Forced evictions**

Since 2008, the government has been forcibly evicting many inhabitants from their homes in N'Djamena. The Chadian government claim that the evicted homes are government-owned property, even though some tenants hold evidence of ownership. In December, inhabitants from Toukara, N'Djamena were evicted, had their homes destroyed and were left homeless with little or no notice. No efforts to resettle or compensate inhabitants with land titles were made, in breach of Article 41 of the Chadian constitution. There were allegations that some of this land is now in the hands of, for example, senior state officials and influential members of the president's tribe. A further 100 sites have been earmarked for destruction in 2011.



## China

China has made huge progress in improving economic and social conditions, lifting nearly half a billion people out of poverty between 1990 and 2010. But these changes have not gone hand in hand with improvements in civil and political rights. Indeed there was no significant progress on civil and political rights in China in 2010 and in some areas there were negative developments, such as worsening treatment of activists and greater limitations on freedom of expression. The award of the Nobel Peace Prize on 10 December highlighted the plight of Liu Xiaobo, an activist whose calls for political reform and respect for human rights in China led to his imprisonment. Neither his wife nor his lawyer were permitted to leave the country to pick up the award on his behalf. A significant number of other activists were also placed under various forms of unlawful detention, or convicted at trials which were not conducted in accordance with international standards. China's National Human Rights Action Plan reached the end of its two-year period and lapsed. No evidence of progress against its benchmarks has been presented, and no successor plan has been announced.

China signed the International Covenant on Civil and Political Rights in 1998, but has not ratified it. Whilst China has publicly committed to ratification, it has also downplayed the likelihood of this occurring in the short term. In our view, serious barriers to ratification remain in areas, including the right for individuals sentenced to death to seek pardon or commutation; forced labour; the right to liberty and security of person; the right to a fair trial; freedom of religion; freedom of expression; and freedom of association.

We adopted a three-pronged approach to our engagement on human rights with China in 2010. This involved high-level lobbying, led by Prime Minister David Cameron; a human rights dialogue between officials and experts; and a portfolio of projects funded by the Strategic Programme Fund of the Foreign and Commonwealth Office (FCO), worth around £1.5 million in the period 2008–2011. Our engagement focused on criminal justice reform, abolition of the death penalty, freedom of expression and civil society. We worked with Chinese officials and

experts to ensure the provisions of the 2008 Lawyer's Law, aimed at protecting the practice of law by lawyers, can be properly applied in future. And we continued to focus on the death penalty through our human rights dialogue and project work.

In March, the 18th round of the UK–China Human Rights Dialogue was held in Beijing. The UK delegation comprised academics and experts as well as government officials. The dialogue is a forum to raise our most serious areas of concern whilst also presenting opportunities for more detailed technical-level exchanges. Discussions took place on the full range of human rights issues, and there were also detailed expert discussions on minority rights in employment and the role and regulation of lawyers in human rights protection.

We are committed to continuing our engagement with China on human rights. Ministers have been clear that they will continue to raise human rights issues with China at the highest level. We will continue to use the UK–China Human Rights Dialogue as a means to foster exchanges between UK policy-makers and experts and their Chinese counterparts and to raise in a robust manner the full range of issues of concern. We will also continue to support projects on the ground in China, building on areas where there has been evidence of progress in procedural and legislative reforms.

### **Access to justice**

We remain seriously concerned about access to justice in China, in particular about the lack of transparency and consistency in the application of the law. Whilst many legal rights are enshrined in the Chinese constitution, there are real problems in ensuring these are protected in practice.

Judges continued to rely on confessions, often signed in police-run pre-trial detention facilities. Manfred Nowak, the UN Special Rapporteur on Torture, concluded in February in a follow-up report to his 1995 visit that “China has failed to take concrete steps to guarantee the right to legal counsel, the presumption of innocence and the right to remain silent”. Police continued to receive incentives based on targets for conviction, which in turn placed pressure on them to extract these confessions. Additionally, a series of high-profile trials failed to meet international standards in

2010. One ended with the execution in Chongqing of a businessman, Fan Qihang, on the basis of a confession that he had subsequently claimed was obtained through torture. Harassment and intimidation of defence lawyers increased.

### **Torture and other ill treatment**

We welcomed commitments by China in its National Human Rights Action Plan to take measures to prohibit acts of corporal punishment, insult of detainees, or the extraction of confessions by torture. However, the effectiveness of these measures was difficult to determine. The National Human Rights Action Plan does not specify the agencies responsible for implementation, nor which mechanisms will be used to evaluate progress.

A widely reported problem by lawyers and scholars in China is the transfer of prisoners from detention centres for interview at another unspecified location. Most recent reports of torture that we have received from defence lawyers and civil society representatives allege that the torture occurred in such places. The existing legislation is vague and does not specify in clear terms where or when the interrogation of criminal suspects may take place, how long interrogations may last, or the frequency of subsequent interrogations.

Despite the provisions of Article 46 of the criminal procedure law, which state that confessions should only be considered as complementary to other material evidence, confessions remain central to securing a conviction in China. Because the security of suspects in detention cannot be guaranteed, and because police investigators retain the power to remove detainees at will from detention centres, measures aimed at preventing torture will remain difficult to monitor or implement effectively.

Our project work has supported Chinese experts and officials conducting pilot independent monitoring of pre-trial detention facilities, and we have used our human rights dialogue to maintain a focus on the rule of law and criminal justice. In September we used the UK pavilion at the Shanghai Expo as a platform for promoting engagement on the rule of law by holding a Law and Justice Week. Events included a mock trial at Fudan University, a rule of law round table at the

Shanghai Academy of Social Sciences in which Minister of State Jeremy Browne participated, and a visit to the UK pavilion by a range of senior Chinese officials from relevant judicial ministries. The Law and Justice Week received a significant amount of positive press coverage in China, helping to publicise our messages on the importance of the rule of law and independent courts to the widest possible audience.

### **Death penalty**

There was some positive progress on the death penalty in 2010. A revision to the Chinese criminal law in 2011 is expected to reduce the number of capital crimes from 68 to 55. However, whilst exact numbers remain a state secret, this year China almost certainly continued to execute more people than the rest of the world put together. Estimates for the number of executions in the last year have ranged from 2,000 to 10,000. We were also concerned at the lack of transparency regarding the use of the death penalty by special tribunals set up in the aftermath of the 2008 Tibet protests and the 2009 Xinjiang riots.

In August the National People's Congress reviewed a draft amendment to China's criminal law which proposed reducing the current 68 crimes punishable by death to 55. If passed, this would be the first reduction in the number of capital crimes since China's criminal law was enacted in 1979. The Chinese government has stated that abolition is its ultimate goal, but has indicated that this is not an immediate prospect.

In 2010 we funded a number of human rights projects on the death penalty, which looked at sentencing guidelines and alternatives to capital punishment.

### **Prisons and detention issues**

The Chinese media confirmed the existence of 'black jails' in November 2009, but the reports were subsequently denied by the government. We believe these facilities are primarily used by local officials to stop petitioners taking their cases to Beijing. The extralegal status of these facilities gives rise to concerns about unlawful detention, torture and other ill treatment.

The use of a system of administrative detention called Re-education Through Labour

has continued. Under this system police can unilaterally impose sentences of up to three years without any trial or independent oversight. Inmates include minor criminals, human rights defenders, political activists and Falun Gong practitioners. The Chinese government had committed itself to abolish the Re-education Through Labour system in 2004, but has since reversed this decision. Reforms to the Misdemeanour Correction Law drafted in 2005, which would have included improvements such as access to a court review for police sentences and increases in institutional transparency, continued to be stalled by strong opposition from the Ministry of Public Security.

We understand that the number of detainees being held in Re-education Through Labour facilities has reduced to 80,000 in 300 institutions in 2010, from a stated figure of 220,000 in 320 institutions in 2008 and NGO estimates of around 300,000. But the drop in inmates may largely be due to the removal of those charged with drug-related offences from the Re-education Through Labour system. This remained a vulnerable group. Under China's 2008 anti-drug law, those accused of drug-related crimes can be held for up to six years without charge or judicial recourse. The UN Joint Programme on HIV/AIDS has estimated that 500,000 drug users may be held in mandatory drugs detention centres at any given time.

We worked closely with the Chinese Ministry of Justice to establish a dialogue between officials, experts and prison governors on prison reform. In June, more than 10 prison governors from Anhui, Hubei and Xinjiang provinces visited the UK to learn more about a human rights-based approach to prison management. They visited prisons in Yorkshire and London and a community drugs project, and had meetings with Her Majesty's Chief Inspector of Prisons, the Chief Executive of the National Offender Management Scheme, the Prisons and Probation Deputy Ombudsman and parliamentarians.

### **Human rights defenders**

Throughout 2010 the Chinese authorities used house arrest or denial of basic freedoms to put pressure on human rights defenders and activists. This was particularly the case during sensitive events and anniversaries, for example, the Tiananmen Square anniversary on 4 June. In the run-up to the 10 December Nobel

Peace Prize award ceremony, more than 100 people were reportedly detained or threatened. We were able to verify restrictions on more than 20 activists which were not made on any stated legal basis. These included Liu Xia, Liu Xiaobo's wife, who has not been contactable since the announcement of the award.

Lawyers, particularly those involved in human rights cases, continued to be subjected to significant restrictions. Incidents of harassment and intimidation by state security forces increased. Of particular concern to us is the fate of human rights lawyer Gao Zhisheng, whose whereabouts remain unknown. We are aware of reports that he was tortured during his last disappearance. We have also been monitoring the situation of ethnic Mongolian activist Hada, who was released from prison after 15 years in December and immediately disappeared with his wife and son, as well as that of blind lawyer Chen Guangcheng, who is apparently being held under house arrest without charge and denied medical treatment.

Foreign Secretary William Hague stated at the time of its announcement that the decision to award the Nobel Peace Prize to Liu Xiaobo shone a spotlight on the situation of human rights defenders worldwide. In 2010 UK ministers, including William Hague, raised concerns on individual cases.

### **Freedom of expression**

The number of internet users in China grew to 450 million in 2010 and there was a vibrant online community. But where the internet was used to call for political reform, "state subversion" laws were increasingly used to silence dissent. On 8 June the Chinese government released a white paper on internet policy, which defended its right to censorship. The Chinese government maintain that only a limited number of websites are blocked and that these are mainly pornographic, violent or 'separatist' in nature. Websites containing information on Tibetan independence, Falun Gong and "separatism" are regularly blocked. Twitter, Facebook and YouTube remained inaccessible across the mainland and thousands of blogs were censored or blocked. In January, Google announced that it was no longer prepared to filter content on its Chinese search site and subsequently re-routed it to its Hong Kong site.

Liu Xiaobo, who is currently serving an 11-year sentence for his part in drafting and disseminating a document advocating democracy and human rights, was awarded the Nobel Peace Prize in 2010. The Chinese government branded Liu's award a "desecration", and worked to ensure that no mainland citizen could pick up the award on Liu's behalf whilst putting pressure on countries not to attend the 10 December ceremony in Oslo. Zhao Lianhai, who set up a website to warn parents about tainted baby milk, was sentenced to two-and-a-half years in prison.

China dropped three places to 171 in the Press Freedom Index 2010, as compiled by Reporters Without Borders. Despite the publication of some articles criticising government policies, the print media remained tightly controlled. Some international journalists complained that they had come under pressure from the Chinese government to produce more "objective" reporting on China and had been told that failing to do so may cause problems with renewal of their visas.

### **Freedom of religion**

Article 36 of China's constitution stipulates that "citizens of the People's Republic of China enjoy freedom of religious belief." However, such guarantees are not extended to the right to manifest one's belief, and while some religions, such as the Russian Orthodox Church, are tolerated in addition to the five official ones, Buddhism, Taoism, Islam, Catholicism and Protestantism, their status is less secure and can be subject to more arbitrary treatment by the state. Each official religion is governed by its own state-sanctioned body, but these official religions alone do not have the capacity to serve the religious demands of the population. For example, in Beijing there are only about 20 registered buildings serving 150,000 registered Christians. This has led to a large increase in the number of unofficial "house churches", the existence of which is denied by the Chinese government. In some areas these are tolerated, but in others members are subject to harassment, fines and confiscation of property and assets. In October, 200 house church leaders were prevented from travelling to an evangelical conference in South Africa and some of these have since reportedly been the subject of threats and intimidation. We also noted reports that the state-sanctioned Catholic Church appointed a bishop without Vatican approval and forced other Chinese bishops to attend his ordination in November.

**Other issues: Tibet**

Dialogue between representatives of the Dalai Lama and the Chinese government resumed in January but there were no substantive outcomes. China maintained that the sides disagree on the scope of the negotiations and the status of the negotiators. The Tibetan government in exile maintained that the Chinese have no real interest in engaging.

Restrictions on Tibetan Buddhism remained a particular area of concern. It is apparent that the Chinese government places restrictions on the number of monks and nuns permitted to join religious institutions and interferes with their practices through “patriotic education campaigns”, which include forced denunciations of the Dalai Lama. Meanwhile, protests were sparked in October over the Qinghai provincial government’s plans to make Mandarin Chinese the primary language of instruction in the province’s Tibetan schools by 2015.

Our embassy officials visited Tibetan areas in Sichuan and Gansu in December. They found that, since 2008, basic stability had returned and the visible security presence was low. But sporadic protests continue to occur across the region. There was clear evidence on the ground of high levels of government development spending but local Tibetans reported obstacles to full participation in the economic opportunities flowing from this. Tibetans’ dissatisfaction with their political and economic circumstances is entrenched. Many maintain that only government suppression is preventing a recurrence of the 2008 unrest.

We remain concerned over the rights and freedoms of the Tibetan people. We have urged China to renew its dialogue with the Dalai Lama’s representatives as the best way to reach a solution.

**Xinjiang**

The Chinese media reported that 197 deaths occurred in unrest in Urumqi on 5 July 2009. Sources of Uighur discontent included the continued influx of ethnic Han Chinese into Xinjiang, bilingual education policies, restrictions on freedom of religion and access to employment. Approximately 45% of the population of Xinjiang is Uighur, and approximately 40% Han Chinese.



We believe that the special tribunals set up to try those arrested in relation to the 5 July unrest do not comply with international standards for fair trials. Our main concerns include the potential for political interference, that trials were not open, and the limits on the rights of defendants to choose their counsel.

We do not have comprehensive information regarding the use of special tribunals, but we have noted that by the end of 2010 at least 26 death sentences had been handed down and nine of these have been subsequently carried out.

### **Refugees and asylum seekers**

China continued to consider individuals who cross the North Korean border into China as illegal economic migrants, and not refugees, despite evidence that many may be detained in prison, or even executed, on their return. Little reliable information is available, but the UN has estimated that 30,000–50,000 North Koreans cross the border every year, including people fleeing religious and political persecution as well as those escaping starvation and other economic difficulties.

Separately, China has not responded to UK and international requests in 2010 for information about a group of 20 Uighur asylum seekers returned to China by the Cambodian government in 2009. We remain concerned about their treatment and wellbeing.

### **Civil society**

Many of the NGOs that concentrate on providing services thrived in China in 2010. But some NGOs engaged in advocacy or working in sensitive areas continued to suffer. Our Embassy in Beijing used the FCO's Strategic Communications Fund to mark six "international days", including International Women's Day, World AIDS Day and the International Day Against Homophobia, with the aim of supporting independent civil society. David Cameron met some 50 NGOs receiving "social entrepreneurship" training from the British Council during his visit in November. We also used the UK pavilion at the Shanghai Expo to hold a "Civil Society Week", to promote emergence of an independent civil society. We worked with the Central Executive Leadership Academy Pudong, local universities and NGOs to set up the event, and covered a variety of themes including corporate social responsibility,

disability rights, and lesbian, gay, bisexual and transgender rights.

## **Hong Kong**

The 1984 Sino-British Joint Declaration outlines the “One Country, Two Systems” model for Hong Kong. It provides that Hong Kong’s capitalist system and way of life will remain unchanged for 50 years, including the full range of autonomy, rights and freedoms.

In order to meet our commitments under the Joint Declaration, the FCO produces and publishes a six-monthly report to Parliament which assesses whether the “One Country, Two Systems” model is working in practice. Thirteen years after the handover, we have been able to conclude consistently that it is and that Hong Kong’s rights and freedoms continue to be respected. A striking recent example was the blanket media coverage given to the award of the Nobel Peace Prize to Liu Xiaobo. Despite strong Chinese opposition to the award, a number of Hong Kong legislators travelled to Oslo to take part in the ceremony. The rule of law and judicial independence continue to be seen by virtually all shades of opinion in Hong Kong as central to Hong Kong’s continued success, and are strongly upheld.

The year 2010 also saw an important step forward on constitutional reform in Hong Kong, with agreement on the next stage of democratic development. In June, Hong Kong’s Legislative Council passed the Hong Kong government’s proposals for changes to electoral arrangements for the chief executive and Legislative Council elections in 2012, making both more democratic. In regular statements, we have said that Hong Kong’s rights and freedoms are best guaranteed by Hong Kong moving to a system of full universal suffrage as soon as possible.

Article 23 of Hong Kong’s Basic Law provides for the Hong Kong Special Administrative Region to enact national security legislation. However, an attempt to introduce such legislation in 2003 brought half a million Hong Kong people to the streets in protest. At his annual policy address on 13 October, Hong Kong’s Chief Executive Donald Tsang said the government would not attempt to re-introduce Article 23 “national security” legislation during the remainder of its term. Human rights groups welcomed the decision.

## Colombia

The tone of the national debate on human rights in Colombia changed markedly after the new government of President Juan Manuel Santos took office on 7 August. In his inauguration speech President Santos declared that the defence of human rights would be a “firm and unavoidable commitment” of his government. In a meeting following the inauguration he told Minister of State Jeremy Browne of his determination to make human rights a “non-issue” in Colombia. These commitments have so far translated into an improved dialogue with civil society, better relations with the judiciary and improvements in some areas under the direct control of the government, such as the conduct of the military. The Colombian government embarked on an ambitious reform programme which includes new legislation to combat corruption, reform the judiciary, restitute land to displaced people and compensate victims.

Nevertheless, the situation on the ground continued to cause concern. Human rights defenders were frequently victims of violence and intimidation and murder; indigenous and Afro-Colombian people suffered displacement, threats and massacres; and impunity levels remained high. The activities of illegal armed groups were a significant obstacle to progress in many parts of the country. Further barriers include corruption, the worst winter floods in Colombia’s history, the complicated situation of land distribution, and the government’s lack of control over many remote areas.

Our Embassy in Bogotá implemented a comprehensive and high-profile programme of human rights work, offering advice and assistance to the Colombian government and delivering tangible progress. We also intervened in individual cases of concern. Our Embassy worked closely with UK NGOs and on Human Rights Day in December we issued Bogotá’s first-ever joint statement between civil society representatives and an embassy, which recognised the work of Colombian human rights defenders in confronting the country’s problems. During Jeremy Browne’s meeting with President Santos in Bogotá in August – where the vice president, foreign minister, defence minister, environment minister and the director of the

Colombian police were present – he welcomed the president’s clear statement of intent on human rights and called for continued improvements. Mr Browne held many meetings on human rights in Colombia in London during 2010, including with the Colombian ambassador, the director of CINEP (a respected Colombian think-tank), and the NGOs ABColombia, Peace Brigades International, Justice for Colombia and Amnesty International.

In November Vice-President Angelino Garzón signed a tripartite agreement with civil society and the Group of 24, comprising various EU countries, the US, Japan, Canada, Argentina, Chile, Brazil and Mexico which committed the government to holding a National Human Rights Conference in December 2011. The government also pledged to create a National Human Rights Centre. The British Ambassador will chair the Group of 24 in 2011. The UK and Colombian governments have many interests in common and the relationship between us is set to deepen and widen. Helping Colombia deal with its human rights issues will continue to be part of this relationship. We acknowledge the Colombian government’s intention to improve its human rights record but also recognise that this must translate into results on the ground.

### **Access to justice**

In his inauguration speech, President Santos set out a programme which included reform of the justice system. He held early meetings with senior judges and committed to implementing a package of reforms to depoliticise the judiciary, improve its administration and give it greater resources. To support this process, our Embassy funded a project with the Attorney-General’s Office, the Supreme Court of Justice and the Ombudsman to produce a set of legal and administrative recommendations to strengthen the criminal justice system. Some of these have already been included in the text of the new Justice and Peace Law which is expected to be approved in the second half of 2011.

The controversial issue of the appointment of the new attorney-general was resolved on 1 December. The Supreme Court had been unable to agree on any of the candidates proposed by former President Uribe which meant that the post has been vacant for 15 months. The election of ex-Congresswoman Viviane Morales by a

clear majority –14 of 16 judges – within hours of the candidates’ first appearances before the court was a clear sign that relations between the government and judiciary had improved. This was a welcome outcome which we hope will pave the way for much needed judicial reform.

Despite these positive developments, the number of individuals who did not face justice for their crimes remained high. There was a lack of accountability for state representatives guilty of human rights violations, as well as crimes committed by non-state groups and individuals. The 2005 Justice and Peace Law, set up to demobilise paramilitaries, has so far failed to ensure accountability for killings or reparations for victims. Of more than 3,000 individuals facing charges under the law, only two have been convicted to date.

### **Rule of law**

The so-called “*falsos positivos*”, extrajudicial killings attributed to security forces, have been one of the most high profile and disturbing human rights abuses of the past decade in Colombia. The UN Office of the High Commissioner for Human Rights estimated that 3,000 civilians were victims of extrajudicial execution between 2004 and 2008. In 2009 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions described the killings as systematic and perpetrated by significant elements within the military, albeit there was no evidence to suggest they were carried out as a matter of official government policy. In 2010 the Office of the Inspector-General stated that the killings were a result of the armed forces’ desire to show results for military commanders and the government. This was the first time any official body had made such a statement.

Extrajudicial killings have reduced significantly over the past two years and perpetrators of past crimes have been brought to justice. According to President Santos, 298 members of the military have been convicted so far, though this represents only a fraction of the outstanding cases. The international community has criticised the Colombian state for the slow speed at which the killings have been investigated. It has also called for all outstanding cases to be handed over from military to civilian justice and for closed cases to be re-opened. In a meeting with Vice-Minister for Defence Yaneth Giha on 11 January 2011, Mr Browne sought

assurances that the matter would be addressed promptly and thoroughly. The vice-minister assured him that effectively addressing the “*falsos positivos*” was one of President Santos’s top priorities. The UN Office of the High Commissioner for Human Rights estimates that 100 additional prosecutors and 500 more investigators would be needed to investigate the remaining cases.

### **Human rights defenders**

The operating environment for human rights defenders and civil society groups improved in 2010. In the past, even senior government officials had equated their work with support for terrorist organisations. This has had serious consequences for their safety. This changed with the election of the new government and President Santos’s subsequent discussions with civil society leaders soon after his inauguration.

Nevertheless, many human rights defenders, including trade unionists, indigenous and Afro-Colombian leaders, teachers, journalists and members of NGOs reported that they continued to face the risk of attack from illegal armed groups and criminals in 2010. At least 40 human rights defenders and community leaders were killed during 2010, as well as 25 trade unionists.

Our Embassy implemented a high-profile programme of activities to demonstrate support for human rights defenders under threat. This has included visits to the offices of threatened organisations. In May the Ambassador visited the Luis Carlos Perez Lawyers’ Collective in Bucaramanga, whose members receive frequent threats and harassment. In August he hosted a reception for human rights defenders and representatives of the Colombian government to promote the idea that human rights defenders are “part of the solution, not part of the problem”. Our Embassy also highlighted the work of human rights defenders through the “Human Rights Defender of the Month” section of its Human Rights Bulletin. English and Spanish versions of this bulletin have a large civil society and government readership in both Colombia and the UK.

Our Embassy also raised a number of individual cases with the Colombian government. For example, in December the Chargée d’Affaires contacted the

Presidential Programme on Human Rights to express concern for Berenice Celeyta, president of the Association for Investigation and Social Action, which investigates human rights abuses in Valle del Cauca, after she had received threats against her. Following our representations, the Presidential Programme instructed national and provincial authorities to put in place measures to ensure the safety of members of the association. It also instructed the relevant authorities to investigate the case.

Previous stigmatisation of human rights defenders as guerrilla sympathisers meant they often faced hostile public opinion. Our Embassy supported a project with Oxfam GB to mobilise public opinion in their favour. As a result of the project, the Bogotá regional government is implementing a plan to include human rights defenders and civil society organisations in public debate.

### **Freedom of expression**

Journalists are subject to threats and violence in Colombia. The number of journalists murdered for their work remained low – one per year in both 2009 and 2010 – but violence and intimidation continued.

Our Embassy supported a project implemented by Media for Peace to strengthen the Colombia Reporters' Network of investigative journalists who cover conflict and peace issues. The project brought five sensitive stories to public attention via national print media and radio, whilst putting in place measures to ensure the reporters' safety.

### **Minorities and other discriminated groups**

Indigenous and Afro-Colombian people continued to face significant obstacles to the enjoyment of their human rights. They were affected severely by threats, violence, murder and displacement. Official figures suggest 3.5 million Colombians are displaced, the majority of whom are indigenous or Afro-Colombian.

The Awá indigenous people were affected particularly badly. The Awá's ancestral homelands on the border with Ecuador are of interest to illegal armed groups – because of the strategic importance of the location of their land – and coca producers, as well as companies involved in mining, rubber and palm oil cultivation and



infrastructure mega-projects. As a result, the Awá were subject to violence, threats, disappearances, forced displacement and massacres. On 9 November, a judge in Tumaco sentenced three alleged members of a criminal gang to 52 years in prison for the massacre in 2009 of 12 members of the Awá community. The victims included a three-year-old child and an eight-month-old baby. Whilst it is encouraging that the state is investigating crimes against the Awá and that perpetrators are being brought to justice, the violence continues. A further four members of the community were reportedly massacred five days before the verdicts were handed down. Official data showed that massacres increased by 41% in 2010.

The new Colombian government committed itself to tackling forced displacement and started work on a new Land and Victims Law which will provide for the restitution of land to displaced individuals and communities. In advance of the new law the government began using existing legislation to implement an accelerated restitution programme, “*el plan de choque*”, in certain areas of the country. On 17 January 2011 President Santos announced that 121,000 hectares had already been restituted to 38,000 families. However, a huge challenge remained and there were fears that violence would increase as beneficiaries began to return to their land. These fears were realised on 24 November with the brutal murder of Oscar Maussa, leader of the Blanquicet Farmworkers’ Cooperative and beneficiary of protection measures granted by the Inter-American Court on Human Rights.

In August, Mr Browne met representatives of Plan International in Cartagena to raise awareness of the internally displaced population, with a particular focus on the plights of over 2 million forcibly displaced children in Colombia. Our Embassy, in coordination with like-minded embassies and international organisations, visited a number of communities under threat to show solidarity with displaced and threatened people and draw attention to their plight. In December, an embassy official visited the Las Camelias humanitarian zone in Urabá to meet representatives of several displaced communities. On the day of the visit so-called “invaders” arrived to establish a new settlement on collective land. The “invaders” are allegedly part of a strategy by powerful economic entities to exploit the communities’ land commercially. Our embassy representative raised the case with the commander of the army



brigade in Apartadó and the Chargée d’Affaires made representations to the Presidential Programme on Human Rights. The Presidential Programme subsequently instructed the relevant provincial authorities to take measures to end the illegal occupation of collective territory but the “invaders” remain. Our Embassy continued to follow the situation with other diplomatic missions and the Inter-Ecclesiastical Commission for Justice and Peace, which works with the local community.

Like Colombia’s indigenous groups, Afro-Colombians make up a significant proportion of the displaced population. In April, our Embassy supported the launch of a report by the National Association of Displaced Afro-Colombians which includes recommendations on how to include the views of displaced Afro-Colombians in public policy-making. In August, Mr Browne met representatives of the association in Cartagena and publicly condemned the threats against them. Afro-Colombian communities are particularly vulnerable because they occupy land of strategic importance to guerrilla groups, cocaine cultivation or narco-trafficking. Mr Browne’s visible support for the association gave recognition to the organisation which – as testified by its members – contributed to their security and helped strengthen the message that NGOs are an integral and important part of democratic society.

We co-funded a project with the Norwegian Refugee Council which supported hearings before the ombudsman to highlight violations of land and territorial rights in Nariño and Santander provinces. As a direct result of the hearings the ombudsman signed two new resolutions which oblige state authorities to investigate the allegations and to monitor the protection of human rights in both regions.

## Cuba

There were significant developments in the human rights situation in Cuba in 2010, with progress in some areas but negative trends elsewhere. In a positive step forward, the Cuban government began a programme of releasing political prisoners, whose numbers are now at the lowest level recorded. However, there was continued repression of dissidents and human rights defenders, and a high number of short-term detentions. The Cuban Catholic Church assumed an important new role in 2010, mediating between the government and human rights defenders, which is yielding positive results.

In December, the Cuban government announced a package of economic reforms, with the granting of some greater freedoms. The government has pledged to maintain Cuba's universal access to free healthcare and education, which has led to a 99.8% literacy rate and average life expectancy and infant mortality indicators on a par with developed countries. The government has increasingly become more open to criticism on economic issues, but this does not apply to the political system where there are no signs of democratic reforms.

We also raised human rights in concert with EU partners, including through the bilateral EU–Cuba political dialogue. The Cuban government continued to react strongly to criticism of its human rights record, as it did to a European Parliament resolution in March condemning Cuba's treatment of independent journalists and human rights defenders. Human rights remained a priority in our engagement with the Cuban government, both in London and in Havana. Our Embassy maintained contact with human rights defenders and monitored significant human rights events.

The first Communist Party Congress since 1997 is scheduled for April 2011 to pass economic changes. It is not due to address democratic reforms. Given Cubans' concerns over job losses and welfare cuts, we hope that the government's openness to debate on the economic reforms, including President Castro's statement that "difference of opinion is a right that shouldn't be denied", will translate into respect for peaceful protest and wider freedom of expression for all Cubans.

## **Elections**

Cuba held municipal elections in April. Although candidates could be nominated at a grassroots level rather than being chosen by a political party, in practice all candidates were members of the Communist Party or one of its affiliate organisations. One illegal dissident group, the Liberal Party of the Republic of Cuba, tried to put forward potential candidates, but was unsuccessful. The government did however make a conscious and successful effort to increase the levels of women and younger people as candidates as well as a greater racial mix: almost 36% of candidates were women and 41% were black or mixed-race.

## **Access to justice**

There is no separation of powers in Cuba, and the judiciary is heavily controlled by the state. The government has the authority to appoint and dismiss judges at any time. Opponents of the regime tend not to gain proper or timely access to independent legal advice. They are unlikely to receive a fair trial and may also receive disproportionate sentences. Lay judges, elected by Communist Party members and often lacking legal training, sit alongside appointed judges, occupying two of the three seats on judicial panels, further undermining any court independence.

## **Rule of law**

The Cuban government cracked down on high-level corruption in 2010, including dismissing the civil aviation minister, General Rogelio Acevedo, and other high-ranking officials. Low-level corruption remains endemic, with many state employees supplementing their meagre income (the equivalent of around \$20 per month) by stealing from their employers and selling goods and services on the black market. The law is often selectively applied, with dissidents more likely to be arrested than government supporters. Prominent government critic Darsi Ferrer was arrested in July 2009 for illegally obtaining two bags of cement and assaulting a neighbour but was only charged and tried in June 2010. He was sentenced to 15 months' imprisonment, but was released after his trial due to the time already spent behind bars. The authorities fail to routinely follow their own legal procedures and frequently detain suspects without charge.

## **Death penalty**

In December, the Supreme Court commuted the sentences of the three remaining prisoners facing the death penalty who had been convicted of terrorism. Capital punishment remains on Cuba's statute books, although there has been a *de facto* moratorium since the last executions in 2003.

## **Prisons and detention issues**

In January 2009 the Cuban government invited the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to visit the island. In June 2010, Manfred Nowak, the former special rapporteur, expressed disappointment that the Cuban authorities had been unable to arrange a visit before the end of his mandate in October. We urge the Cuban government to set a date for Mr Nowak's successor, Juan Méndez, to visit, which should include granting Mr Méndez unrestricted access to any detention centres and prisoners in Cuba.

In June, the authorities released political prisoner Ariel Sigler Amaya, who had been jailed in 2003, and allowed him to travel to the US for medical treatment. His release followed lobbying from the EU, at our instigation.

On 7 July, the Catholic Church announced that the remaining 52 political prisoners from the 75 arrested in 2003 would be released to Spain. This followed talks between the head of the Cuban Catholic Church Cardinal, Jaime Ortega, and former Spanish Foreign Minister Miguel Ángel Moratinos. By mid-February 2011, 46 had been released, with 40 travelling to exile in Spain and the rest permitted to stay in Cuba. Minister of State Jeremy Browne welcomed the releases, saying: "The release of political prisoners in Cuba has been a longstanding priority for the UK, and this is a welcome and positive step. I hope this will help lead to further human rights improvements, including the release of all political prisoners, in Cuba." In addition, the authorities released a number of other political prisoners convicted of common offences, including violent crimes, who agreed to move to Spain. Other former political prisoners who had been granted conditional release were also offered exile in Spain, which some accepted. We continue to insist that all released prisoners should have the option of remaining in Cuba.

The Cuban government also released Rolando Jiménez Posada, a prisoner of conscience recognised by Amnesty International, who was granted asylum in the Czech Republic in October.

The illegal but tolerated Cuban Commission for Human Rights and National Reconciliation estimated that at the end of 2010 there were still around 100 political prisoners in Cuba. This figure includes the remaining political prisoners from the group of 75 who are recognised as prisoners of conscience by Amnesty International. Due to the opaqueness of the Cuban legal system and lack of independent access to prisons, it is impossible to verify numbers.

Although the number of political prisoners is at its lowest level since the 1959 revolution, arbitrary short-term detentions, where activists are detained between a couple of hours and a few days, usually to break up or prevent a demonstration or meeting, have increased. Human rights defenders in Cuba estimate that there were more than 2,000 short-term detentions in 2010.

In 2010 we continued to receive reports of poor prison conditions in Cuba, particularly for political detainees, such as poor quality food, unsanitary conditions, high heat and humidity levels and mistreatment by some prison wardens. Prisoners' families allege that these conditions have led to serious health problems. These claims are unverifiable, since the Cuban government does not allow independent inspectors access to prisons. With EU partners, we urged the government to agree to independent international inspection of its detention facilities.

### **Human rights defenders**

In February, imprisoned activist Orlando Zapata Tamayo died after more than 80 days on hunger strike. This provoked increased criticism of the Cuban government, which in turn led to greater repression of human rights defenders. The *Damas de Blanco* (Ladies in White) are the relatives of the 75 dissidents arrested in 2003. They have protested peacefully every week for seven years outside a church in Havana, calling for the release of their relatives. On the anniversary of the 2003 arrests in March, the Damas were confronted by mobs that were clearly organised by the authorities, and subjected to verbal and physical abuse. Following the

unprecedented intervention of Cardinal Ortega and his meeting with the president, the Damas were able to resume their weekly protests.

But repression of protesters has continued, with particular heavy-handedness reserved for Orlando Zapata's mother and her supporters. Pro-government mobs also harassed the *Damas de Blanco* again around Human Rights Day on 10 December. Other protests planned for that day in support of the political prisoners were disrupted by the government through pre-emptive short-term detentions. Some civil society groups claim that 100 to 200 human rights activists were detained. The violence witnessed on 10 December 2009 was not repeated although there were reports that one dissident, Eduardo Pacheco Ortiz, was severely beaten, together with his wife and daughter.

Our Embassy in Havana continues to engage closely with human rights defenders and political activists in Cuba and regularly monitors planned protests. We also raise individual cases, such as the *Damas de Blanco*, with the Cuban government.

### **Freedom of expression**

Freedom of expression and access to information are severely restricted. The International Telecommunications Union estimates that 14% of Cuba's population has access to the internet, although this includes those who only have access to e-mail or a Cuban intranet. Therefore the true figure is likely to be far lower. The Cuban government restricts internet use through limited availability of access points and high charges (one hour of internet use costs around a third of the average monthly state salary). The government blames the US embargo for limits on internet access. We welcome the government's recent decision to unblock access to websites considered to be against the regime, including those from the growing movement of bloggers who, together with independent journalists, have faced repression from the authorities.

Guillermo Fariñas, a dissident who spent more than 130 days on hunger strike, was awarded the European Parliament's Sakharov Prize for Freedom of Expression in October. Like most opponents of the regime, he was denied an exit visa so could not travel to Strasbourg to collect the prize in December.

## **Democratic People's Republic of Korea**

The Democratic People's Republic of Korea (DPRK) has repeatedly claimed that international concern about its human rights has the sole aim of undermining the regime, and that it has its own, adequate system for the protection of human rights. However, information from a variety of sources, much of it from North Korean defectors, paints a picture of serious and widespread abuse. This includes political prisons and labour "rehabilitation" camps; regular use of the death penalty, including extrajudicial and public executions; routine use of torture and inhumane treatment; and severe restrictions on freedom of speech, movement, assembly, and information. Human rights, as understood by the rest of the world, do not exist in the DPRK.

In March, the UN Human Rights Council adopted a resolution condemning the "systematic, widespread and grave violations of civil, political, economic, social and cultural rights" in the DPRK. Similar UN Human Rights Council resolutions have been passed annually since 2003 and are likely to continue unless there is evidence of improvement. In December, the UN General Assembly adopted a resolution expressing "very serious concern" at the "persistence of continuing reports of systematic, widespread and grave violations" of human rights in the DPRK. We worked alongside EU Partners to ensure the success of the initiative. The UN adopted the resolution with more support than in previous years. We remain greatly concerned at the DPRK's continued refusal to grant access to the UN Special Rapporteur on Human Rights in the DPRK. We take every appropriate opportunity to urge the DPRK to allow the UN special rapporteur access to conduct a full assessment of the human rights situation. This was raised most recently during the EU delegation's visit to Pyongyang in November.

In October, we discussed the human rights situation in the DPRK with the newly appointed UN special rapporteur, Marzuki Darusman, at his first presentation to the UN General Assembly. We expressed deep concern at the DPRK's refusal to engage constructively on serious human rights issues, and were disappointed that once again the DPRK used the opportunity to state that it did not recognise the

mandate of the special rapporteur. Until the DPRK begins to engage with UN human rights mechanisms and allows the special rapporteur unrestricted access, it will remain difficult to verify reports about human rights conditions in the country.

In November, an EU delegation visiting Pyongyang raised human rights issues and called on the authorities to respect all human rights and freedoms, and to agree to restart the human rights dialogue with the EU that was terminated by the DPRK in 2003. We hope that the DPRK will follow through on the positive signals given to the delegation of its willingness to re-engage with the EU on these issues.

Throughout 2010, our Embassy pursued bilateral confidence building measures that could have a practical impact. These included providing support for projects involving children, food security and the disabled. Our Embassy also encouraged activities that exposed the people of the DPRK to British values and our way of life.

Seoul is a major centre of information about human rights in the DPRK and activism on the issue. Our Embassy in Seoul has a long history of capacity building with groups who work on DPRK human rights issues. In 2010, it hosted an event on Human Rights Day to celebrate the work of groups which assist North Korean settlers, and in particular those who help settlers adjust to life in South Korea. It piloted an English language programme designed to build leadership capacity amongst the defector community. Our Ambassador also hosted a guest blog for a student who had defected from North Korea.

Throughout 2011, our Embassy in Pyongyang will explore further alternative areas of engagement with the DPRK through small projects where we might find common ground. We will also seek opportunities for DPRK officials to participate in human rights programmes in the UK.

### **Access to justice**

The legal system in the DPRK is completely opaque. These institutions are subservient to the state and do not uphold the principles of the rule of law. Senior DPRK officials appear to enjoy a degree of impunity and there is a lack of a



developed juvenile justice system. Ordinary citizens are not able to get legal advice from defence lawyers, and many endure public trials.

### **Death penalty**

Executions, including public executions and extra-judicial killings, continue to be reported. Some testimonies indicate that the frequency of public executions has increased again, although the DPRK does not make any public announcements, perhaps in an attempt to hide the number of executions from international attention.

### **Prisons and detention issues**

According to accounts by defectors, torture and beatings are still widely practised in the DPRK's correctional centres, labour-training camps, collection points and detention centres. Most inmates in these camps endure inadequate meals, hard labour and lack of medical care. Some 150,000 to 200,000 political prisoners are reported currently to be serving terms in DPRK camps.

A lack of transparency and independent verification mean that we are unable to assess the situation in the DPRK's prisons.

### **Human rights defenders**

We are not aware of any human rights defenders operating within the DPRK, and ordinary citizens have little understanding of human rights.

### **Freedom of expression**

The DPRK authorities enforce strict bans on listening to radio or watching TV programmes broadcast from outside the country. The use of mobile telephones in the border regions is restricted, and circulating or watching foreign DVDs, particularly those from South Korea, is forbidden. These restrictions have been enforced more strictly in recent years, and include fines, forced relocation or imprisonment. Access to information from outside the DPRK remains limited.

In December, at the request of our Embassy, the DPRK authorities showed the British film "Bend it Like Beckham" on national TV. It exposed the DPRK population

to the British way of life and values, as well as such themes as multiculturalism, equality and tolerance.

### **Freedom of religion and belief**

There is no freedom of religion in the DPRK. We believe that the Protestant and Catholic churches in Pyongyang are show churches, aimed at foreign visitors. The Russian Orthodox Church has a regular foreign congregation from within the Russian community. The state ignores the “freedom of religion” provision in the constitution, and persecutes all illegally held religious services and bans missionary activities.

### **Women’s rights**

The rights of women are enshrined in the DPRK constitution. However, sexual harassment and violence, both domestic and in detention, against women are widespread. There have also been reports of forced abortions in prisons and infanticide. Human trafficking remains one of the gravest crimes against North Korean women and we understand that the victims are not helped, but treated as criminals within the DPRK system.

### **Children’s rights**

Children in the DPRK are not guaranteed the right to food and health. Due to economic hardship, children below the age of 16 are routinely used as cheap labour in the workforce.

### **Other issues: Right to food**

A severe famine in the 1990s is estimated to have caused up to 2 million deaths. There is no evidence of such levels of starvation now. However, the DPRK continues to deny the population access to sufficient food, directing its scarce resources instead to missile, nuclear and other military programmes. A Crop and Food Security Assessment carried out by the World Food Programme/Food and Agriculture Organization in 2010 estimated that the DPRK would face a shortfall of more than 1 million tons of grain in 2011.

The World Food Programme remains concerned about high rates of chronic malnutrition within the DPRK, particularly amongst the aged, pregnant women, nursing mothers and young children.

## **Democratic Republic of the Congo**

The year 2010 saw a range of serious human rights abuses committed across the Democratic Republic of the Congo (DRC), including killings, rape and looting in conflict areas; harassment of journalists, political activists and NGOs; and impunity for human rights offenders. The main causes were continuing conflict, a lack of state capacity and presence in many areas, and an ineffective judicial system.

Our policy has been to work with the government of the DRC, providing financial and practical support. We aim to build the capacity of the state to enable it to protect its civilians and address human rights issues. We have consistently lobbied the DRC government, both bilaterally and with our EU partners, to implement necessary reforms and tackle impunity. We also work with NGOs and other local and international civil society groups and the UN peacekeeping mission to the DRC, which is an important tool in monitoring and addressing human rights abuses. The mission needs to work alongside the Congolese state including the army and we continued to fund major security sector reform projects to improve the effectiveness and accountability of the Congolese army. However, progress has been slow. We also funded projects to disarm militia fighters and reintegrate them peacefully into the community.

The Parliamentary Under-Secretary of State Henry Bellingham visited the DRC in July. He pressed the government to implement essential reforms to the security sector and bring to justice those responsible for the death of prominent human rights defender Floribert Chebeya.

A UN mapping report of human rights violations committed in the DRC between 1993 and 2003 was published in October. The DRC reaction to the report and its recommendations was constructive. They proposed establishing a mixed court under Congolese jurisdiction with the participation of international judges to implement the recommendations. We believe that the report contains some valuable recommendations on potential mechanisms for justice and reconciliation, and we

engaged with the relevant DRC authorities to follow up the Congolese Ministry of Justice's proposals.

The elections in November 2011 will be a key milestone in the development of the DRC. We will work with the government of the DRC, UN, EU and other donor states to ensure that they are conducted peacefully and serve to advance democracy in the country. We remain concerned that freedom of expression, particularly for dissenting voices and critics of the government, will continue to be threatened.

### **Elections**

Preparations for the 2011 presidential and parliamentary elections began in 2010. We lobbied the government of the DRC to ensure elections take place as scheduled and that they are peaceful and credible. DFID is one of the largest donors to the electoral process with a total contribution of around £22 million by the end of 2010. This contribution is specifically focused on voter registration, supporting the transition to a new independent electoral commission and voter education. Our work with voters aims to encourage as wide participation as possible in the electoral process.

Although elections are nearly a year away, we are concerned over the role of government security forces in interfering in meetings of opposition parties and disrupting rallies. Monitoring and supporting the elections will be a priority for our Embassy in 2011, and we will work with the EU and other partners to press for free and fair elections. This will include monitoring freedom of expression and of assembly.

### **Access to justice**

The judicial system in the DRC remained flawed with a culture of impunity for perpetrators of even the most serious crimes. It lacks both resources and capacity in all areas. As a result, few cases reached court, with corruption a major problem within all areas of the legal system. However, the UN reported an improvement in the number of convictions for human rights offences in the latter part of 2010, particularly cases processed through the military justice system. In 2011, we will support reform in the military justice sector, focusing initially on sexual and gender-based violence offences.

## **Rule of law**

Establishing effective rule of law is crucial for the successful reconstruction of the DRC. Weaknesses within the judicial system are compounded by problems within the national police force, which is poorly resourced, trained and equipped. The UN reported that members of government security services, including the army and national police force, are involved in incidents of summary execution, sexual violence, pillaging and forced labour.

There are several ongoing cases before the International Criminal Court relating to crimes in DRC. The cases of Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui have been ongoing since 2009. Meanwhile the trial of Jean-Pierre Bemba Gombo, a former vice-president and runner-up in the 2006 DRC presidential elections, commenced in November. Mr Bemba is accused of offences committed in the Central African Republic. Callixte Mbarushimana was arrested in October by the French authorities, who were acting on an International Criminal Court warrant. We continued to lobby the government to hand over Bosco Ntaganda, an army commander, to the International Criminal Court.

We lobbied the government of the DRC to make the most of international assistance and implement urgently needed reform of the DRC security sector. The Department for International Development (DFID) is funding a £60 million programme over five years to promote improved security sector accountability and police reform in the DRC. The programme is focused on supporting the development of an effective police service that is responsive to the needs of communities, acts with respect for human rights and within which officers are fully accountable for their actions.

## **Death penalty**

In November, the DRC parliament rejected by a large majority a bill aimed at abolishing the death penalty. In practice, however, there is a moratorium on carrying out the death penalty. We have repeatedly lobbied the government of the DRC at senior ministerial level to abolish the death penalty, including in relation to the specific case of Joshua French, a joint Norwegian and UK national sentenced to death. We have secured a specific commitment in this case that the sentence will not be implemented.

## **Prisons and detention issues**

Prison conditions in the DRC are very poor. Many institutions lack basic security and there are frequent cases of mass escapes. One example concerned Gemena prison, from which 167 out of 210 detainees escaped in November. Prisoners suffer poor health, disease and malnutrition. The death in custody of Armand Tungulu in October provoked international condemnation of detention conditions in DRC.

Disappearance and imprisonment without charge are commonplace in the DRC. In 2010 there were several cases of human rights defenders and journalists being held for periods of several days or weeks without their families being informed of their whereabouts, and without access to legal representation or any explanation for their detention. Our Embassy closely monitored high profile cases and raised our concerns with the government. Cases that we raised included journalist Tumba Lumembu, held without charge for 57 days, and the arrest and detention of Nicole Mwaka Bondo, a human rights defender from the NGO Toges Noires.

## **Human rights defenders**

Human rights defenders continued to face serious threats, intimidation, and violence throughout 2010. In early June, the murder of Floribert Chebeya, a prominent human rights activist and executive director of NGO *Voix des Sans Voix* (Voice of the Voiceless), elicited widespread condemnation from Congolese civil society and the international community. He was last heard from en route to a meeting with the inspector-general of the Congolese National Police, John Numbi. President Kabila pledged to bring the perpetrators to justice, whilst the international community offered assistance with the investigation.

Our officials had met Mr Chebeya regularly, including a few weeks before his death. Henry Bellingham issued an immediate statement expressing our deep concern at the circumstances surrounding the death of Mr Chebeya and called for a credible and transparent investigation to bring the perpetrators to justice. In July, Henry Bellingham discussed the situation with Prime Minister Muzito during his visit to Kinshasa, reiterating UK concerns. We continued to press the DRC authorities to take action throughout the year. Following an investigation the trial of six suspects began in December.

Mr Chebeya's case is the first of 11 deaths of human rights defenders since 2003 to reach trial. While Mr Chebeya's family and supporters are disappointed that Mr Numbi will only be appearing as a witness, he has been suspended from his post. Our Embassy, along with EU partners, attended hearings of this case and we will continue to monitor the trial in 2011.

We also provided practical help to civil society through our implementation of the EU guidelines on protecting human rights defenders. The EU embassies in Kinshasa, including ours, meet routinely with representatives from local NGOs, and the EU has appointed a liaison officer to act as a contact point for civil society.

### **Freedom of expression**

Journalists and NGOs reported that freedom of expression deteriorated in 2010 as they continued to face threats and violence from local and state authorities. This trend was confirmed by the UN Joint Human Rights Office in Kinshasa.

In April, journalist Patience Bankome was murdered by men in uniform at his house in Beni, North Kivu. He was the fourth journalist to be killed in recent years, and the case drew the attention of the international community. President Kabila was quick to condemn the incident. Two soldiers have been convicted for the killing.

We provided £11 million in 2010 to a media fund (co-funded by France and Sweden) to support the professional development, independence and economic viability of the Congolese media. This programme included support to the prominent NGO Journalists in Danger which campaigns for freedom of the press.

### **Women's rights**

Women continued to face extremely high levels of sexual and gender-based violence throughout 2010. Nearly two-thirds of married women reported being physically or sexually abused by their partners. There are also extremely high levels of conflict-related sexual violence. All the regional armed actors in the DRC's various conflicts are guilty of offences. The DRC authorities have a stated policy of zero tolerance of sexual violence, but this has not been implemented. The lack of discipline and accountability in the Congolese army means that they are often a threat themselves,



rather than a source of protection. To address this we funded a project to reform the Congolese army with the long-term goal of enabling it to provide better protection to civilians.

In August, reports of the mass rape of more than 300 men, women, and children in Walikale district, eastern DRC, shocked the local and international community. The attacks took place within 30 km of the UN peacekeeping mission's operating base. This served to highlight the difficulties in providing civilian protection, particularly in areas with poor communications infrastructure. Minister for Europe David Lidington made a statement condemning the attacks and calling for the perpetrators to be brought to justice. We also pressed for the UN peacekeeping mission to implement key recommendations made by UN Assistant Secretary-General Atul Khare to enhance efforts to protect and defend civilians, and in particular for the mission to improve their communications with the local population. In October, the mission captured and handed over to DRC authorities Colonel Mayeli of the Mai Mai Cheka militia, alleged to be one of the commanders leading the attacks. However, by the end of December no suspects had been brought to trial.

Reports of the rape of at least 13 women by government soldiers on the night of 1 January 2011 in Fizi territory, South Kivu, were particularly concerning. The UN Joint Human Rights Office in Kinshasa has carried out subsequent investigations.

The DRC is one of the priority countries identified in our national action plan on implementing UN Security Council Resolution 1325 on women, peace and security. Our work will focus on four key areas: raising the profile of the issue throughout the DRC; supporting the Ministry of Gender and organisations working to increase the political participation of women; reform of the security and policy sectors, as well as strengthening the DRC legislative framework; and relief and recovery through DFID infrastructure programmes.

Special Representative of the UN Secretary-General on Sexual Violence in Conflict Margot Wallstrom visited the DRC twice in 2010. We will continue to work with her office in 2011.

## **Children's rights**

In many parts of DRC poor infrastructure, poverty, and a lack of development means that there is little access to education for many children. Since 2007, DFID, through its community recovery programme in the east, has built 553 classrooms and rehabilitated 835 more. A DFID humanitarian programme provided school kits, vaccinations, and therapeutic nutrition assistance for 90,000 children, and reunited children with their families.

Child soldiers continue to be recruited by militia groups, including the Lord's Resistance Army and the Democratic Forces for the Liberation of Rwanda (FDLR). There are also child soldiers in Congolese army uniforms. Through the European Defence Reform mission, we funded a biometric census project to give accurate data on soldiers in the army allowing child soldiers to be identified and removed.

In December, the UK, France and the US successfully pushed for UN sanctions against Lt Col Innocent Zimurinda of the Congolese army for serious human rights abuses, including his role in the recruitment of child soldiers.

## **Minorities and other discriminated groups**

In October a bill was introduced by an MP to the Congolese Assembly which would criminalise homosexuality. The bill, which would also criminalise the promotion or encouragement of homosexuality, carries sentences of up to five years imprisonment. After being declared admissible by the Assembly, the bill was referred to the Parliamentary Socio-cultural Committee for scrutiny. A delegation of representatives of EU embassies in Kinshasa met the head of this Committee to outline the EU's opposition to this proposal. In addition, our Ambassador also outlined our opposition to the criminalisation of homosexuality in meetings, including with the minister of justice. The bill remains under consideration by the parliamentary committee and our Embassy will continue to lobby against its introduction.

## **Conflict**

The DRC has suffered the effects of conflict for more than 15 years. In 2010, the army, with the support of the UN peacekeeping mission, secured some successes, such as a reduction in numbers of fighters in some of the main armed groups, and many surrenders, including those of senior officers. But civilian populations, particularly in the east, continue to face insecurity owing to the presence of armed groups and DRC security forces. Small armed groups are able to terrorise large areas, as is the case with the Lord's Resistance Army.

We are working to reduce the conflict and its negative impact on the civilian population through a multi-donor humanitarian fund which is administered by the UN. The UN pooled fund is used by various NGOs and civil society organisations on humanitarian projects.

## **Protection of civilians**

The UN Security Council has invested considerable effort and political credibility in the UN's effort in DRC. We contribute approximately £62 million a year to the mission through assessed contributions. With a force of around 20,000 peacekeepers and police, in addition to its civilian contingent, the UN peacekeeping operation in the DRC is considered to be a flagship for UN peacekeeping.

The mission's top priority, as defined by the Security Council, is to protect civilians. The mandate also includes the disarmament and demobilisation of armed groups, security sector reform, and providing logistical support to national elections in 2011. The mandate permits robust peacekeeping, meaning that troops can use force to protect civilians, although the mission mainly provides logistical support to the government in conducting joint operations. The UN mission has often been criticised by NGOs and the media for failing to implement fully its mandate in the face of hostile rebel combatants, and in particular for failing to prevent atrocities such as the mass rapes in Walikale in 2010, despite their proximity. However, their presence is considered by most to prevent the violence from getting worse. Recent joint operations have met with more success, and the mission's policy of conditionality has resulted in support being withdrawn from those army battalions which contain human rights offenders.

Adoption of UN Security Council Resolution 1925 to renew the mandate for the UN peacekeeping mission followed extensive negotiation with President Kabila on the drawdown of UN troops. President Kabila had previously requested that the UN withdraw from the country, but their presence remains important to allow humanitarian and human rights organisations to carry out their work. Although 2,000 troops withdrew in 2010, decisions on future numbers will be informed by joint assessments of the security situation by the DRC government and UN mission.

## Eritrea

The real lack of progress over recent years in addressing the human rights situation in Eritrea is particularly worrying. The Eritrean government says that tensions resulting from the ongoing border dispute with Ethiopia underpin current restrictions on freedoms in Eritrea. It says that the country must remain on a “war footing”, which prevents it from making policy changes relating to human rights. We recognise that the Eritrean government has valid security concerns, but reject the notion that this justifies the current severe restrictions on human rights.

During 2010 we raised human rights issues with the Eritrean government on many occasions. Parliamentary Under-Secretary of State Henry Bellingham discussed human rights with the Eritrean foreign minister in New York in September, emphasising in particular our concerns over the imprisonment of people for their political and religious views. We raised human rights issues in Asmara with the Eritrean Ministry of Foreign Affairs and senior ruling party officials, and in London with the Eritrean ambassador. We emphasised the importance of adhering to international human rights standards. We also stressed the negative impact that the human rights situation has on other issues, including the high number of Eritreans leaving the country and the reluctance of some foreign investors to be associated with a country with a poor human rights record. In addition, human rights concerns were raised as part of a regular political dialogue between the EU and the Eritrean government. A number of specific cases were raised, including political prisoners, religious freedoms and freedom of the press. The dialogue also covered areas where there have been positive developments, such as health and education.

Addressing human rights issues in Eritrea is very difficult. There are serious obstacles to obtaining reliable information from inside the country: there are no independent journalists in Eritrea; foreign diplomats require travel permits to travel outside Asmara, which are often refused; and the Ministry of Information tightly controls access to information and will not engage with foreign embassies or international bodies unless approved at a very senior level. The Eritrean government frequently claims that reports on Eritrea’s human rights situation are

outdated or inaccurate. We have called on the Eritrean government to allow access to the country and to the people of Eritrea by journalists, human rights groups and foreign embassies to ensure accurate reporting. The Eritrean government has consistently refused these requests.

In 2011 we expect large numbers of Eritreans, particularly those who are young and educated, to continue to leave the country illegally. As a result, pressure on the Eritrean government to address the causes of this emigration will remain high. We expect a growing international focus on commercial opportunities in Eritrea as the first gold is extracted from the country's mines. Some foreign companies, however, may feel uncomfortable with close association with a country whose human rights record is so flawed.

In our engagement with the Eritrean government, both bilaterally and through the EU, we will advocate the importance of human rights as universal values, and we will emphasise the relationship between progress on human rights and economic growth, development, political stability and reduced emigration. While we will remain clear that the border dispute with Ethiopia does not justify the current human rights abuses in Eritrea, we will also continue to encourage both countries to find ways to resolve their dispute, including allowing demarcation of the border in line with the Eritrea–Ethiopia Boundary Commission's ruling.

### **Elections**

The Eritrean constitution, which was ratified in 1997, provides for a National Assembly elected by all citizens over 18 years of age. However, the constitution has not been implemented and there have been no national elections since Eritrea gained formal independence in 1993. Eritrea is presently a one-party state. Regional representatives for the National Assembly are elected, although the elections are tightly controlled. Local elections for village elders also take place.

### **Access to justice**

The judicial system in Eritrea is often opaque, arbitrary and harsh. It is impossible to obtain accurate figures on the number of political and religious prisoners as the Eritrean government does not allow access to most of its prisons, but some

estimates are in the tens of thousands. These include the so-called “G11”; 11 senior government officials imprisoned without trial since 2001 after openly criticising President Isaias Afwerki. The condition of the 11, or even whether they are still alive, is not known. Basic legal rights afforded by Eritrean law, including the prohibition of arbitrary and indefinite detention, are routinely violated. President Isaias confirmed this approach in May 2009 when he said publicly, in reference to the detention of Swedish-Eritrean journalist Dawit Isaac, “We will not have any trial and he will not be released”. In August, a senior government official confirmed that, in the case of Mr Isaac, “it was a conscious decision from the government not to hold a trial”. A special court is widely held to exist where judges who also serve as prosecutors are selected by, and only accountable to, the president. Trials are conducted in secret and defendants are not allowed legal representation. Released prisoners and other sources also describe a system of extra-judicial sentencing by secret committees. Although we have no reports of the death sentence being passed by the courts there are numerous reports of summary executions.

### **Prisons and detention issues**

Conditions in prisons and detention centres are reported to be harsh and life-threatening. The location of most detention centres is not publicised and visits are usually prohibited, including by family members, who are often not officially informed of the detention. The International Committee of the Red Cross is denied access to Eritrean prisoners. Many sites are below ground where prisoners are kept in dark cells. Elsewhere, detainees are held in metal shipping containers where temperatures are believed to reach the high 40s (°C). There are reports of severe overcrowding. Former guards and detainees describe food, water and medical supplies being strictly limited or withheld. There are multiple reports of systematic torture and people dying in detention. Detainees have described a series of punishments where people are tied in painful positions, for as long as weeks at a time.

### **Freedom of expression**

Eritrea’s un-implemented constitution was intended to guarantee freedom of speech and the media. However, independent civil society has effectively been shut down. NGOs are not allowed to operate independently and there are presently no

independent journalists in Eritrea. The Reporters Without Borders 2010 annual report ranked Eritrea bottom of 178 countries worldwide for press freedom, and the organisation estimated that around 30 journalists were imprisoned in Eritrea. Political opposition and dissenting views are not tolerated and people are liable to be imprisoned for expressing opposing opinions.

### **Freedom of religion and belief**

The Eritrean government permits four faiths: the Orthodox, Catholic and Lutheran churches and Islam. All other religious practice and worship was banned in 2002. During 2010 there were many reports of arrests during religious gatherings. High-profile religious figures in detention include Abune Antonios, the patriarch and former head of the Eritrean Orthodox Church, who has been under house arrest since May 2007 for resisting government interference in church affairs. Pastor Ogbamichael Teklehaimot of the Kale Hiwot Church has been in detention since his arrest in October 2007.

### **Women's rights**

The Eritrean government made progress on gender equality in 2010. It demonstrated a commitment to preventing female genital mutilation, which is still practised in some regions, by making the practice illegal and working with local communities on the issue. Our Embassy in Asmara supported the Eritrean government's work in this area by funding initiatives led by UNICEF in conjunction with the National Union of Eritrean Women. Our Embassy also funded UN and British Council leadership and management training for women.

### **Children's rights**

In 2010 more schools were constructed in Eritrea, especially in rural areas, and there was a particular improvement in girls' access to primary education. The Eritrean government also made progress on children's health, and the child mortality rate was reduced. Our Embassy in Asmara supported two youth education projects; one on drought risk reduction, based in Asmara; the other on food security and the environment, in the rural communities of Gash Barka and Dehub. The projects ran in conjunction with the National Union of Eritrean Youth and Oxfam GB, and targeted schools in areas affected by these issues to address the problem of recurring



drought and to promote the voluntary contribution of youth in development efforts, especially food security.

### **Minorities and other discriminated groups**

The Eritrean government does not recognise the specific needs of minority groups, and we had particular concerns over the treatment of the Kunama, one of the country's smallest ethnic groups, in 2010. Relations are tense between the Kunama and the Eritrean government, and there is periodic armed conflict. There have been reports by Kunama refugees of the Eritrean government obstructing the Kunama from performing traditional worship and seeking to drive them from their land. Tensions are also high between the Eritrean government and the Afar, which has resulted in armed skirmishes and deaths on both sides.

### **Protection of civilians**

Eritrea is not a signatory to the 1951 Refugee Convention but its government works with the UN High Commissioner for Refugees to ensure that refugees are treated properly, including having access to education and healthcare. There are two main refugee camps in Eritrea: Elit, which houses around 600 Sudanese refugees, and Emulkulo, which houses around 3,500 Somalis. There are also a number of Ethiopian refugees, with more arriving daily, who are kept in a separate camp believed to be in Asmara. Eritrea does not operate a system of forced repatriations but assists those who wish to return to their country of origin and cooperates with the UN High Commissioner by allowing those offered settlement in a third country to leave Eritrea.

### **Other issues: Freedom of movement**

Movement in Eritrea is restricted and travel permits, or proof of completion of national service, are required for Eritreans to travel between towns and regions. Eritreans are prevented from holding a passport unless they can prove that they have completed national service. Married women with children are exempt from national service but because they have not completed national service they still cannot obtain a passport. Thousands risk their lives to leave the country illegally every month, despite the shoot-to-kill policy reported to be in force on the border. This is fuelling a demand for people smugglers. Unable to leave by normal means,

many Eritreans decide to risk kidnap, extortion, rape and death at the hands of the smugglers in order to leave the country. Despite government statements regarding the status of those who return having left illegally, the reality is unclear. Many are afraid to return as they fear detention and forced entry into national service.

### **Military service**

Young Eritreans are obliged to undertake national service, which for many means conscription into military service. The duration is officially 18 months, but many thousands are trapped in indefinite military service, often serving more than 10 years in very harsh conditions and receiving extremely low remuneration. The uncertainty around the length of service and the notoriously harsh conditions awaiting those called to do military service are believed to be significant reasons for the high number of young Eritreans illegally leaving the country.

### **Right to health**

In 2010 the Eritrean government increased the provision of healthcare, an area which it prioritises, and made progress on a range of health indicators, including maternal health and the number of incidences of malaria. We supported work in this area by contributing to UN and Oxfam projects providing water and sanitation outside Asmara. Eritrea's progress in this area could be more rapid if the Eritrean government was more willing to accept assistance from NGOs and international development agencies.

## Iran

The year 2010 was marked by a determined government crackdown against protesters and a continuation of the suppression of rights that followed the disputed June 2009 presidential election. January saw a further wave of arrests, and riot police and armed militia members were a visible presence on streets across the capital Tehran; peaceful vigils were broken up, and on 28 January, two young political prisoners were executed. By mid-February, an overwhelming security presence put an end to large public demonstrations. Throughout the year arrests and intimidation continued, particularly among lawyers, opposition politicians, journalists, student and trade unionists, and religious and ethnic minorities. An already heavily proscribed media faced further restriction, and military resources were increasingly used to monitor and restrict internet usage. Alongside the political repression, executions increased to over 650 in 2010, according to NGO figures, an execution rate surpassed only by China. Iran ended the year with human rights more restricted than at any time during the last decade.

The opportunity for our Embassy to engage with local human rights groups was limited due to the state-sanctioned intimidation of individuals or organisations working with the international community to improve human rights in Iran, including lengthy sentences for crimes such as “contact with foreign diplomats”. The majority of our work continued to focus on highlighting human rights violations, with the aim of holding Iran to account internationally and showing solidarity with those Iranians who campaign for respect for human rights. We played an active role in highlighting the deteriorating human rights situation in Iran through EU co-sponsorship of a UN General Assembly resolution on Iran’s human rights record. As well as being more robust than in previous years, the UN resolution passed with more votes in favour, sending a clear signal to Iran that concern about its human rights record is widely shared by countries from every continent.

We were actively engaged in Iran’s Universal Periodic Review, which was held before the UN Human Rights Council in Geneva in February. Despite the dire human rights situation on the ground, Iran presented its report with no mention of the

abuses that had occurred in the months prior. During the debate a large number of countries expressed concern over the deteriorating human rights situation, prompting accusations by the Iranian delegation of “Western” involvement in the post-election protests of June 2009. The UN report highlighted a wide range of concerns about the human rights situation in Iran, and about discriminatory legislation. It also expressed concern about the complete lack of meaningful cooperation with a long list of UN human rights mechanisms.

We called for Iran to end the culture of impunity by allowing the judiciary to investigate allegations of abuse in an independent and transparent manner; to declare an immediate moratorium on juvenile executions; and to bring its new penal code into line with the provisions of the International Covenant on Civil and Political Rights.

Iran’s policies are unlikely to change significantly in 2011. We expect that the authorities will continue to try to silence those who have been victims of abuse and those trying to defend the victims of human rights violations. The reforms to the penal code, which remain stalled in the Majlis, will need to be unlocked and debated. While there are reported to be some welcome additions, including the official removal of stoning as a punishment, a number of other areas must still be addressed. We will continue to urge Iran to officially accept and provide unrestricted access to all thematic UN special rapporteurs to enable them to conduct investigations under their mandates. We will also urge Iran to allow UN High Commissioner for Human Rights Navanethem Pillay unrestricted access to all interested parties and locations during her planned visit in 2011.

### **Access to justice**

A dramatic increase in executions in 2010 and the growing number of arrests highlighted the importance of fair and transparent access to justice. However, for both drug-related and political cases, reliable reports continued to emerge of forced confessions, staged trials and a lack of access to independent legal counsel or even basic services such as translation and consular access for foreign nationals. There was a report of one execution where the victim did not even know that he had been sentenced to death.

We were deeply concerned about the persistent use of ill-defined or vaguely worded charges. In 2010, there were at least 27 executions on the charge of “moharebeh” (enmity towards God). This charge has been applied both to political protesters and to those accused of terrorism, with the distinction being occasionally blurred. The vague and political nature of the charge makes any case very difficult to defend, and in a number of instances, the Ministry of Intelligence reportedly pushed for swift and harsh judgment on the accused.

One of the most alarming trends this year was the increased intimidation and harassment of lawyers. A significant number of lawyers, particularly those involved in high profile cases, were arrested, intimidated into dropping sensitive cases, or forced to flee the country for fear of their and their families’ safety.

Mohammad Mostafaei was one example. He was the original lawyer defending Sakineh Mohammadi-Ashtiani, condemned to death by stoning for adultery. When her case came to global prominence in July, he gave a number of interviews and released documents into the public domain to highlight the flaws in her case. As a result, his offices were repeatedly raided. Refusing to back down, Mr Mostafaei was arrested a number of times and questioned about his activities in defending Ms Ashtiani. Facing growing and determined harassment, and with another arrest warrant out against him, Mr Mostafaei was forced to flee Iran. Close family members were then arrested in an attempt to make him return to Iran. Another lawyer took up Ms Ashtiani’s case. When he continued the publicity campaign to keep her sentence in the global conscience, he too was arrested. He remains in prison. These were not isolated cases. A number of other lawyers have been arrested and several have been handed lengthy prison sentences, such as Nasrin Sotoudeh who was given 11 years, invariably on ambiguous charges such as “offences against national security”.

In 2010, Iran increased its use of televised confessions in response to heavy criticism for its human rights abuses from NGOs and from the international community. Used in high-profile cases, including that of Sakineh Mohammadi-Ashtiani, these acts are contrary to Iran’s international and domestic commitments to human rights. The UN High Commissioner for Human Rights and the international

community strongly condemned these televised confessions on a number of occasions in 2010.

Access to justice is central to upholding human rights and we made it a key area of activity, working closely with the EU and other international states. We repeatedly raised our concerns with the Iranian authorities, both in private and publicly. For example, showcasing the struggle of Iranian human rights defenders was a central part of the campaign organised by the Foreign and Commonwealth Office (FCO) on Human Rights Day in December.

### **Rule of law**

Law enforcement in Iran is performed by a number of groups. The key duties fall to the Iranian police, the Intelligence Ministry, the Iranian Revolutionary Guard Corps and the Basij government-sponsored militia. The actions of each of these branches in the post-election protests of 2009 contributed to a climate of fear surrounding their activities and greatly reduced the confidence of ordinary Iranian citizens in their ability to enforce the law impartially. The year 2010 began with a massive security crackdown on protesters that effectively ended the cycle of post-election demonstrations. Subsequently, there were numerous examples of small scale peaceful protests and vigils that were broken up by the violent actions of the authorities.

In a number of high-profile cases, we were aware of unwarranted raids against offices and private houses. There were a number of instances, including in Mr Mostafaei's and Dr Shirin Ebadi's cases, when family members and friends were detained in order to put pressure on suspects either to confess or to turn themselves in. Alongside other countries, we raised these issues directly with the Iranian authorities.

### **Death penalty**

The government of Iran continued to use the death penalty extensively. We had grave concerns over its application, not least because of limited respect for fair trial rights, lack of transparency, and repeated reports of forced confession. Iran also

continued to execute those who committed crimes as minors, and to conduct public executions.

Estimates suggest that Iran executes more people per capita than any other country in the world. The year 2010 saw a steep increase in the number of executions in response to a tough new anti-drugs policy. Credible reports suggest that the execution figure rose from at least 388 publicly reported executions in 2009, to more than 650 in 2010. Reports indicate that roughly 590 people were executed for drugs trafficking in 2010.

In addition to the number of executions, we also had serious concerns about the methods used. The Iranian penal code still allows for execution by a range of methods that we consider to be cruel and that prolong the suffering of the condemned. Suspension strangulation – in which the victim is winched slowly upward – is still applied in some cases, and stoning sentences were handed down, despite a non-binding moratorium on its use. Although, we are not aware of any stoning sentences being carried out since 2008, it is important that Iran abolishes these sentences in order to meet its international obligations on minimum standards when conducting capital punishments. A bill removing several sentences, including stoning, has been stuck in the Iranian parliament for several years.

The extent of international feeling about the use of stoning was made clear to Iran in July when the case of Sakineh Mohammadi-Ashtiani, sentenced to be stoned on alleged adultery charges, was brought to global attention. As the case developed and publicity grew, the charges against her evolved into murder charges for involvement in the killing of her husband. The international outcry against her stoning may have contributed to the temporary stay of Ms Ashtiani's execution, and highlighted the importance of continuing to raise such cases internationally.

The UK, along with EU partners, continued to raise these concerns with the Iranian authorities. This included discussing methods of execution, transparency of judicial process in execution cases, concerns over juvenile executions, and other cases where we believe due process was not met. We raised these concerns in meetings with Iran and in bilateral and multilateral statements, such as during Iran's Universal

Periodic Review and in the UN General Assembly resolution on the human rights situation in Iran.

### **Torture and other ill treatment**

There were frequent and credible reports of torture and repressive treatment of protesters still detained following the 2009 protests. There are many cases documented by protesters and journalists showing that the most common of these methods were beatings by guards, and psychological torture. There is clear evidence that a large number of confessions, particularly in high-profile cases, are extracted under duress and later retracted.

The use of flogging as a punishment for a wide range of crimes is frequently applied, as are amputations and “*qisas*” – an eye for an eye – punishments. An increase in public amputations as a deterrent against robbery was a disturbing trend in the latter half of 2010. Capital punishments amounting to cruel and degrading treatment continued in 2010 and in a number of cases the condemned were lashed prior to execution, increasing their suffering.

Despite widespread internal anger about the treatment of political prisoners, the Iranian government’s response remains limited. Following the public outcry about the death of three detainees in July 2009 after sustained torture in Kahrizak detention centre, authorities launched a lengthy investigation. In June, 11 prison officers were convicted, but two sentenced to death were later pardoned by the victims’ families. Public demands for senior officials to be held accountable continue.

Torture is contrary to Article 38 of the Iranian constitution and the Iranian government claims it does not sanction or permit it. However, Iran has not yet signed or ratified the UN Convention against Torture, and shows no willingness to do so. During its Universal Periodic Review, Iran also rejected a number of recommendations to allow the UN Special Rapporteur on Torture to visit Iran.

We continued to raise individual cases directly with the Iranian government, where we believed torture, or cruel and inhumane sentencing had occurred. In 2010, we



repeatedly called on the Iranian government to prosecute those guilty of abuse and we will continue to follow these cases into 2011. We also urged Iran to sign and ratify the UN Convention against Torture, and to adhere to its protocols.

### **Prisons and detention issues**

The Iranian authorities continued to use detention as a political deterrent in 2010. Arrests and intimidation of groups opposing the government continued. These included lawyers, opposition politicians, journalists, student and trade unionists, and religious and ethnic minorities. Unofficial figures placed the number of those detained since June 2009 in the thousands. A majority were swiftly released, but reportedly with the explicit threat of re-arrest if they continue to protest against government policy. Arrests without a warrant, particularly in political cases, reportedly continued throughout 2010. These often took place at night and family members could spend days without knowing where detainees were being held, let alone on what charges.

The large number of ongoing detentions following the disputed 2009 elections highlighted a range of concerns about prison conditions. At a minimum, many of those detained have been subjected to overcrowded and/or insanitary conditions. As a result of a number of deaths from previous medical conditions, concerns were also expressed about the level of medical care provided. Abuse of prisoners' rights was also rife, with numerous reports of violence and sexual abuse against prisoners, regular beatings, credible allegations of torture and increased and extended use of solitary confinement.

Political prisoners asked us to raise public awareness about the use of solitary confinement to place prisoners under psychological pressure. Reports from NGOs and from those who have been released suggested that prisoners can spend up to 23 hours a day in solitary confinement, where they were subjected to insanitary and cramped conditions.

Iran regularly highlights its progressive approach to drugs rehabilitation in detention centres and its pragmatic approach to HIV and AIDS prevention. During a visit to a drugs rehabilitation detention centre on 29 April, diplomats were told that prisoners

received clean needles and condoms. However, NGOs cautioned that such programmes are patchily applied, often at the discretion of the prison governor, and that many facilities provide no such services. Iran is to be praised for these programmes, but we would welcome further transparency about the extent of their application.

The treatment of prisoners is central to a number of our human rights concerns. While we are clear in a number of cases that the detention of prisoners is arbitrary and unlawful, it is important that their rights are not further violated. We have consistently pushed with the Iranian authorities for a prisoner's right to due process to be respected, so that those wrongfully accused are given full opportunity to defend themselves without prejudice. In 2010, we called for Iran to show full cooperation with all UN special procedures, including on the issues of arbitrary detention and judicial independence. These issues were also highlighted in Iran's Universal Periodic Review and in the UN General Assembly resolution.

We continued to raise both the level and use of detention with the Iranian authorities, urging Iran to live up to its domestic and international obligations.

### **Human rights defenders**

With the government having almost total control over the media in Iran, the work of human rights defenders in promoting civil liberties and highlighting abuses was key to showing the true story of what was occurring in post-election Iran. This made them a key target of the government crackdown, with a large number of prominent defenders and lawyers arrested in 2010.

One such case was that of Nasrin Sotoudeh. As one of Iran's most prominent lawyers, she worked hard to secure the release of a number of protesters who had been arbitrarily arrested and jailed without charge following the post-election protests. As a close friend and associate of Nobel laureate Dr Shirin Ebadi, she also represented Dr Ebadi's interests in Iran while Dr Ebadi remained in exile. On 4 September, Ms Sotoudeh was arrested on charges of acting against state security and spreading propaganda against the regime. There was convincing evidence that the charges against her were simply for daring to speak up about ongoing abuses

and for continuing her work as a lawyer despite threats from the authorities and demands that she drop Dr Ebadi's case.

While detained, Ms Sotoudeh was denied her rights as a prisoner to visits or regular phone calls from her family. She was held in solitary confinement for an extended period of time. In protest, Ms Sotoudeh went on hunger strike twice in six weeks, not eating for approximately five of those weeks. When she was finally granted a family visit from her two young daughters, Ms Sotoudeh was in a grave physical condition having lost a significant amount of weight. On 9 January 2011, Ms Sotoudeh was sentenced to 11 years in prison and a 20-year ban from practising law and leaving Iran. Her official charges were acting against national security, propaganda against the regime and membership of the Human Rights Defenders' Centre.

Despite this ongoing campaign of fear, lawyers showed courage in continuing their work while facing the real possibility of imprisonment. It remains vital that they are allowed to continue their work unimpeded and are supported by the international community. Our Ambassador's blog to mark Human Rights Day focused on Nasrin Sotoudeh. The blog generated intense media and government interest in Iran.

In addition to statements highlighting our concerns, we continued to work closely with the EU in cases involving human rights defenders. It was important that Iran remained aware that the international community was united in condemnation of their actions to pervert the course of justice and to silence the oppressed. Over the course of the year, the EU démarched the Iranian authorities on a number of occasions to highlight our shared concerns. We also held a number of meetings both in London with the Iranian Embassy, and in Tehran with the relevant government ministries to highlight our concerns and remind Iran of its international commitments.

### **Freedom of expression**

In 2010, freedom of expression continued to be severely restricted, in spite of constitutional protections for freedom of expression and the press. The crackdown on journalists, bloggers and opposition figures following the disputed 2009 elections continued during 2010, with journalists, bloggers and filmmakers harassed and

imprisoned: publications suspended; and continued restrictions on internet access. It is clear that, as in 2009, Iran failed to meet its obligations to protect freedom of expression as a signatory to the International Covenant on Civil and Political Rights.

In early December, Reporters Without Borders and the Committee to Protect Journalists identified 37 journalists imprisoned within Iran. This was the highest number of any country in the world. In September, journalist and human rights defender Emadeddin Baghi was sentenced to six years in prison, which was added to an earlier one-year sentence imposed in July. Mr Baghi was convicted on the vague charges of “propaganda against the system” and an offence against national security. In September, young journalist and rights activist Shiva Nazar Ahari was also sentenced to six years and 74 lashes. Ms Nazar Ahari’s charges included “disturbing public peace of mind”. These are typical charges used against journalists and bloggers. In December, six journalists from *Shargh* newspaper were arrested. Two remained in detention at the end of the year. The Iranian authorities also continued to suspend or close publications. In June, Amnesty International estimated that at least 20 publications had been banned since the 2009 elections.

Iranian film-makers also faced harassment and imprisonment in 2010. In December, award-winning Iranian film-maker Jafar Panahi was sentenced to six years’ imprisonment and a 20-year ban on film-making for “propaganda against the system” and participating in a gathering. He had earlier been released on bail after an international campaign launched at the Cannes festival.

The Iranian authorities continued to actively censor the internet, restricting access to a wide range of sites including Facebook and YouTube and targeting bloggers and online journalists. The military-run Cyber Army was reported to have taken a leading role in monitoring and disrupting internet sites and other online tools, including email and blog sites. In September, prominent blogger Hossein Derakhshan was sentenced to 19-and-a-half-years in prison, and blogger Hossein Ronaghi Maleki to 15 years. These are the longest sentences ever handed down to bloggers in Iran. By the end of 2010, Reporters Without Borders estimated that seven bloggers were imprisoned in Iran.

The Iranian authorities also continued to jam periodically satellite broadcasts into Iran, including BBC Persian, Voice of America and new entertainment channel Farsi 1. In spite of this, Iranians continued to be inventive in evading censorship through using proxies and blogging anonymously.

Freedom of assembly was also severely curtailed in Iran in 2010. The heavy crackdown by the authorities on widespread protests on Ashura Day on 27 December 2009, and a heavy security presence on the streets during key national holidays and anniversaries, contributed to an atmosphere of fear, providing a strong deterrent against free association and peaceful protest.

During the Universal Periodic Review of Iran's human rights in February, Iran expressed its willingness to accept visits from UN special rapporteurs. In February, the Special Rapporteur on Freedom of Opinion and Expression asked to visit Iran. We understand that, by the end of the year, he was still to receive a response from the Iranian authorities.

We continued to raise our concerns about freedom of expression with the Iranian authorities in private and in public, including the cases mentioned above. We also sought to raise awareness of the state of freedom of expression in Iran through digital channels. For example, FCO bloggers from around the world blogged in solidarity with Hossein Derakhshan in September, seeking to raise the profile of his case. We also used Facebook, Twitter and Iranian link-sharing websites, such as Balatarin, to increase access to information within Iran on the areas where Iran did not meet its international obligations, and to show the international community's concern about human rights in Iran.

### **Freedom of religion and belief**

Under the Iranian constitution, Christianity, Judaism and Zoroastrianism are protected religions. However, in 2010, religious minorities in Iran continued to face restrictions on the right to practise their religion, and faced discrimination and restrictions on access to employment and education. Muslims do not have the right to change their religion in Iran, and apostasy is punishable under law.

Baha'is, who are not a recognised religious minority, continued to face particular harassment and discrimination. In August, seven Baha'i leaders were sentenced to 20 years in prison, a sentence that was subsequently reduced to 10 years on appeal. They were acquitted of the original charges relating to state security and propaganda against the regime, but convicted of charges relating to establishing an illegal organisation in a trial that failed to meet international standards. Other members of the Baha'i community in Iran face discrimination, harassment or imprisonment, with reports of more than 50 Baha'is being detained in Iran at the end of the year.

Christians from more informal "house churches", those who had converted from Islam and those involved in evangelism faced mounting harassment at the end of 2010. Christian pastor Youcef Nadarkhani was reportedly sentenced to death on charges of apostasy in September. His appeal was still outstanding at the end of the year. Pastor Behrouz Sadegh-Khanjani was arrested in June and was charged with apostasy and blasphemy. Christian Solidarity Worldwide reported that 25 Christians from house churches were arrested on 26 December, and up to 100 others were detained and then released. Both Baha'is and some Christians are regularly accused by the Iranian authorities of acting as foreign agents.

We raised the plight of the Baha'i and Christian communities of Iran repeatedly with the Iranian authorities during 2010, urging the government of Iran to cease all harassment and accord them freedom to adhere to their beliefs. We also worked with EU partners to lobby the Iranian government on a number of cases involving religious freedom.

### **Women's rights**

A number of worrying practices remained common in Iran, including forced marriages, temporary marriages, and the legal right of a husband to polygamy without his wife's consent – or even knowledge. In addition, a woman has limited rights within marriage, including being unable to refuse sexual relations with her husband. The Protection of Family Bill, which further limits a number of a wife's rights within a marriage, continues to be discussed in the Iranian parliament.

Women continued to be at the forefront of political protest in 2010, and a significant number of high-profile cases involved female activists, journalists, students and lawyers. When larger-scale protests had ended, mothers of the detained formed small vigils to protest against the arrests of their children. A number of reports indicated that these were broken up with violence and threats against future protests.

Iran has taken a number of steps to promote female access to education. Recent figures indicated that between 60 and 65% of university students were women. Despite the large number of highly qualified women leaving university, women continue to highlight difficulties in accessing the job market. There are a number of professions that are barred to women, and a gender bias in favour of male employees remains widespread.

We were vocal on women's rights, including releasing a statement directly to Iranian women on Iranian Women's Day. We raised concerns about discriminatory laws on a number of occasions with the Iranian government. The issue was also discussed in the UN General Assembly.

### **Children's rights**

Juvenile offenders continued to suffer because of the low legal ages of maturity in Iran in 2010. Iranian law continued to view girls as young as nine as adults and answerable for their actions in a court of law, with the age of maturity for boys set at 15. A non-binding moratorium on the use of the death penalty for crimes committed as a minor issued in 2008 indicated unease about the practice within the Iranian system. Despite this, Iran carried out at least two "juvenile executions" in 2010. We continued to urge Iran to implement a full ban on juvenile executions and raised the issue in Iran's Universal Periodic Review.

### **Minorities and other discriminated groups**

In 2010, there were a number of executions of members of minorities who the authorities alleged were involved with terrorist factions. On 9 May, authorities executed Kurds Ali Heydarian, Farhad Vakili, Mehdi Eslamian, Shirin Alam Hooli and Farzad Kamangar. There were severe flaws in their trial. They were executed without notifying the families or lawyers of the condemned. Amnesty International

called the executions “a blatant attempt to intimidate members of the Kurdish minority”. The Iranian authorities have used their fight against the Party of Free Life of Kurdistan to suppress the rights of the Kurdish minority, including cultural and linguistic rights, with the ostensible aim of ending the Kurdish call for an independent Kurdistan region.

Homosexuality in Iran continues to be illegal and carries extremely harsh punishments, including the death sentence. One of the most prominent cases in 2010 was that of Ebrahim Hamidi. Mr Hamidi was accused of sexual assault of another male in 2008, when aged 16. He was sentenced to death on the basis of the “judge’s knowledge” and has been on death row ever since. In July, it was revealed that the person who accused Mr Hamidi had withdrawn his statement, saying that he had fabricated the story. Since then, the Iranian Supreme Court has attempted to overturn the judge’s sentence, but to date has not been able to do so owing to the original judge blocking it. At the end of 2010 Mr Hamidi remained on death row.

We continued to condemn discrimination on the basis of gender or sexuality and were very active on the above cases, and in others relating to these issues. We regularly raised our concerns with the Iranian Embassy in London, and with the Iranian authorities.

### **Antisemitism**

The small Jewish population in Iran remains protected as an officially recognised minority. However, some antisemitic news articles were reported which accused the Jewish population of espionage for foreign countries. Vitriol against Israel remained standard practice from all sections and echelons of government, with Israel and “Zionists” being blamed for most of Iran’s ills. These comments are widely replayed in the media. The line between statements against Israel and against Jews outside Iran often remained blurred. Senior government officials, including the president, continued to cast doubt on the historical accuracy of the Holocaust.



## **Protection of civilians**

Iran is home to the second largest group of long-staying refugees in the world. According to the Iranian Bureau for Aliens and Foreign Immigrant Affairs, in March there were 1,065,000 registered refugees and according to the UN High Commissioner for Refugees, a further 2 million unregistered refugees. The vast majority of the refugee population are Afghan and many have been in Iran since fleeing Afghanistan after the Soviet invasion in 1979. Those who are registered have access to some primary healthcare facilities, primary and secondary education and some state benefits. The 300,000 in possession of a temporary work permit are able to work legally and therefore contribute to municipality taxes. However, unregistered refugees are not able to access these entitlements and live hand to mouth, working as cheap labour. Registered refugees must also re-register on an annual basis, a process that is haphazard and incurs a fee.

On 28 June, after a three-year suspension, the tripartite agreement between Afghanistan, Iran and the UN High Commissioner for Refugees was re-activated with the aim of creating the conditions conducive to voluntary repatriation. Before the suspension of the agreement in 2007, the UN High Commissioner for Refugees had assisted in the return of more than 870,000 refugees since 2002. Voluntary repatriation is the preferred solution for Iran, but the security situation and the socio-economic conditions in Afghanistan make people reluctant to return. Owing to the lack of progress made on voluntary repatriation, Iran forcibly deports newly arrived Afghan refugees and seeks to disrupt refugee settlement by insisting that refugees either re-locate from towns and cities to refugee settlements or opt for voluntary repatriation.

There is currently no direct UK assistance to refugees in Iran. Iran was invited to January's International Conference on Afghanistan hosted by the UN, UK and Afghanistan in London. Iran declined to accept the invitation, despite repeated public insistence that Iran should be allowed to play a key role in securing Afghanistan's future.

In 2011 we expect the situation of the refugee community to get worse. High inflation and the introduction of the targeted subsidies plan have removed the

subsidy on basic goods and refugees are not eligible for the cash compensation allowance paid to the poorest Iranians. They will be hit hardest by the plan and are likely either to return to Afghanistan or to seek passage to other countries.

## Iraq

The year 2010 saw the government of Iraq make clear their commitment to human rights at the UN Human Rights Council Universal Periodic Review in February, where it accepted a number of recommendations from the UK and other countries. These included taking steps to eliminate torture and mistreatment in detention centres, address violence against women and ensure the rights of minorities. In November, progress was made to ratify the International Convention for Protection of All Persons from Enforced Disappearance, paving the way for the convention to come into force. In addition, legislation regulating the framework for NGOs was approved. The legislation encourages the development of an independent NGO sector. It also promotes the freedom to establish and join NGOs, as well as creating a central mechanism to regulate their registration. But challenges remain. Several attacks against the Christian community throughout 2010 highlighted how minority communities continue to face violence and persecution because of their religious beliefs. It is disappointing that Iraq has still not fully established an Independent Human Rights Commission, despite legislation being passed in November 2008.

The promotion of human rights remains an important focus for us in Iraq. The Iraqi constitution embodies a number of human rights principles and freedoms. Throughout the year we have had an open dialogue with the Iraqi government on human rights issues. We continued to raise our concerns with the Iraqi government, including at senior level, and encouraged it to take appropriate action where necessary. Elections in March were followed by nine months of political negotiations before a government was formed. This process slowed progress, though on human rights we still lobbied the caretaker government to improve legislation which would protect and enhance the rights of Iraqi citizens. We funded a number of projects in 2010 to promote human rights, including a human rights awareness campaign in the Kurdistan Region. This involved training 1,200 people on Iraqi constitutional protections, legal rights, democratic principles, respect for the rule of law, advocacy against domestic violence, and strengthening the role of women in Iraqi society.

## **Elections**

In March 2010, Iraq held its second national elections since the fall of Saddam Hussein's regime. Our diplomatic officials visited polling stations across Iraq and witnessed Iraqi people voting in large numbers. We funded, in coordination with the Independent High Electoral Commission, a voter education programme in Basra Province, through the medium of radio and theatre. EU, UN and independent observers reported that the elections were free and fair. It took, however, nine months of political negotiation for a new government to be formed. On 21 December, incumbent Prime Minister Nuri Al-Maliki announced he had secured sufficient support to form a cabinet.

## **Rule of law**

The security context in which Iraq operates is a challenging one. Despite some high profile attacks, independent organisations reported a reduction in the number of violent attacks across the country compared to 2009.

The Iraqi government continued to take steps to promote a strong adherence to the rule of law and measures to ensure security for its citizens. However, there are still significant weaknesses and the absence of strong rule of law remained a serious obstacle to an effective and functioning human rights culture in Iraq.

In March, the UK, together with the EU, funded a visit for six judges from the Kurdistan Region to visit the UK for training in forensics, court management and coordination with the police.

In Basra, our Consulate-General has established a close working relationship with the local Iraqi judiciary and police which has assisted in the resolution of several consular cases. Our missions in Baghdad, Erbil and Basra also work with the EU Integrated Rule of Law Mission for Iraq, established to strengthen the rule of law and to promote a culture of respect for human rights in Iraq by providing professional development opportunities.

## **Death penalty**

The death penalty continued to be carried out in Iraq throughout 2010. Iraq continued to defend the right to use the death penalty and has consistently opposed UN General Assembly resolutions calling upon states to establish moratoria on executions, including that in 2010.

During 2010, we raised our opposition to the death penalty with senior Iraqi government figures including the president, prime minister and minister for human rights. Our Embassy in Baghdad also joined the local EU presidency to lobby the minister for human rights on the EU's opposition to the death penalty. During the Universal Periodic Review at the UN Human Rights Council, we included as one of our recommendations that the government of Iraq establish a moratorium on the death penalty. The government of Iraq did not accept this recommendation.

## **Torture and other ill treatment**

There were allegations that torture and other ill treatment were used in Iraqi detention centres to extract confessions. In a report in September called "New Order, Same Abuses: Unlawful Detentions and Torture in Iraq", Amnesty International claimed that in some cases detainees were severely beaten, often in secret prisons, to obtain forced confessions.

Torture is prohibited by the Iraqi constitution. The prohibition against torture and cruel, inhuman or degrading treatment or punishment is enshrined in the International Covenant on Civil Political Rights, to which Iraq is a party. The government of Iraq has enacted all domestic formalities for the ratification of the UN Convention against Torture, but it has not yet formally ratified the treaty with the UN. Despite this, allegations of torture and mistreatment in detention centres in Iraq continue. Throughout 2010, the Ministry of Human Rights continued to conduct inspections of places of detention and conducted preliminary investigations into these allegations.

The Amnesty International report highlighting allegations of abuse in Iraq's detention facilities included the case of Ramze Ahmed, a dual British/Iraqi national. We understand that Mr Ahmed, who was detained in December 2009, had still not been

charged by the end of 2010. Our embassy officials made consular visits to Mr Ahmed and raised concerns about his treatment with senior Iraqi government officials, including the Iraqi foreign minister. The Iraqi government agreed to carry out a full investigation into the allegations made by Mr Ahmed and to share their findings with us when completed.

We continued our efforts to promote the use of forensic evidence in the Iraq courts and thereby reduce the reliance on confessional-based evidence. Throughout 2010 a UK police forensic team continued to deliver specialist and general training in Basra, Baghdad and Erbil. In September, the DNA laboratory in Erbil became operational and made a significant and immediate impact by resolving current and historical cases. In one case, this exonerated a person who had already served 10 years in prison.

Participants who have benefited from UK forensics training include representatives from the police, medical and judiciary sectors. The UK forensic team delivered specialist training courses to over 200 police personnel in techniques such as crime scene investigation and firearms analysis. The team also provided general awareness training to an additional 500 police and judiciary and medical personnel. Forensic awareness training was also delivered to more than 10,000 trainee police officers by Iraqi forensic instructors who have previously benefited from UK “train the trainer” programmes.

### **Prisons and detention issues**

A lack of capacity in Iraq’s judicial system and the inability to cope with large numbers of detainees means many remand prisoners are forced to wait several years in detention before facing trial. Under Iraqi law, a detainee must be brought before an investigative judge within 24 hours of arrest. In practice, this can often take several months. Whilst the situation in the Kurdistan Region has improved, there were still reports across the country of individuals being detained without charge or for longer periods than were warranted by the crimes of which they were accused.

Prison facilities in Iraq remained an area of concern. Overcrowding and poor sanitation are commonplace. A number of ministries and agencies operate detention facilities and they do not operate under a single authority. A Coalition Provisional Authority Order of 2003 recommended the alignment of all detention facilities under the Ministry of Justice. This had not happened by the end of 2010. The UN encouraged the Kurdistan Regional Government to move all prisons under the remit of one ministry. The International Committee of the Red Cross had regular access to detention centres and played an important role in monitoring the situation. During 2010 they conducted 227 visits to 82 different places of detention.

In early 2010 there were media reports of “secret prisons” operating in Baghdad, where torture and other ill treatment were common practice. The Iraqi government agreed to conduct a thorough investigation and to punish any perpetrators of such acts. The results of that investigation have not been made public.

Overcrowding in southern Iraqi jails was relieved by the opening in 2010 of a large new men’s prison in Basra, enabling women and juveniles to be located separately. Our officials visited the new Basra Central Prison in December to see at first hand the Iraqi government’s commitment to providing modern facilities. Our Consulate-General in Basra has helped the EU to deliver a comprehensive training programme to southern Iraqi prison governors.

### **Freedom of expression**

Journalists are generally able to voice their concerns and opinions freely. In 2010, Iraq was listed 130 out of 178 countries by the Reporters Without Borders Index of Journalistic Freedom. This is an improvement on the previous year. Media articles criticising public officials and stories of corruption in business and government increased. But risks remain and there were some high-profile attacks against journalists. In May, Zardosh Othman, a journalist and blogger, was murdered in the Kurdistan Region. We raised concerns with the Kurdistan Regional Government’s Foreign Relations Department and Ministry of Interior. Whilst the Kurdistan Regional Government publicly condemned the murder, it was disappointing to see that, by the end of 2010, the perpetrators of the crime had yet to be brought to justice.

We funded a number of projects to promote freedom of expression in Iraq. These include a post-graduate journalism training course to improve media professionalism across Iraq. The course was designed to embed media best practice in the next generation of journalists.

### **Freedom of religion and belief**

The Iraqi constitution provides for freedom of worship and the protection of places of worship for all religious communities. But the attack on the Our Lady of Salvation church in Baghdad on 31 October, in which 58 Christians were killed, showed that many Iraqis continued to face violence and persecution because of their religious beliefs. Extremist groups claimed responsibility for this and other attacks. There were also several attacks on Christians in the Mosul area in early 2010 which led to protests throughout the country and further attacks against predominantly Christian areas in Baghdad and Mosul later in the year.

In response to the attack on the Our Lady of Salvation church, the Iraqi prime minister repeated his government's commitment to take whatever measures are necessary to ensure the safety of the Christian population in Iraq. Christians continued to flee Baghdad for the relative safety of the Kurdistan Region. More positively, there have been signs of elements of the Muslim community rallying to reassure the Christian community in Basra.

Parliamentary Under-Secretary of State Alistair Burt and our Ambassador to Iraq publicly condemned the attack on Our Lady of Salvation church, calling on Iraq's politicians and communities to work together to tackle the threat of violent extremism. Our missions in Baghdad, Basra and Erbil worked closely with members of the Christian, Muslim and other religious communities in Iraq to help promote tolerance amongst religious communities. We continue to urge the Iraqi government to protect all its citizens and deliver security for all Iraqis.

### **Women's rights**

Women in Iraq continued to face challenges. Iraq ranked 93 out of 102 on the OECD Social Institutions and Gender Index in 2009. Very recent figures are not readily available. However, according to previous UN figures, female illiteracy was



twice as high as in men in rural areas of Iraq, and 82% of women remained outside the labour force. According to UN reports, one in five women claimed to have been a victim of domestic violence. The situation for widows remained particularly bad; local traditions discourage them from taking employment and access to pensions is limited.

Iraq has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). During Iraq's Universal Periodic Review at the UN Human Rights Council in February, the Iraqi government made a commitment to continue its efforts to improve the situation of women. It also agreed to take steps to address violence against women.

There were some signs of improvement for women. The national elections in March saw the emergence of an all-female political party formed by 12 women. The Iraqi parliament, the Council of Representatives, continued to allocate 25% of its seats to women.

We continued to lobby the Iraqi and Kurdistan Regional Government on the need to improve the situation for women living in Iraq. In November, Mr Burt released a statement supporting a comprehensive study into honour-based violence and honour-based killings in the Kurdistan Region and in the Kurdistan diaspora in the UK. In his statement, Mr Burt made clear that honour crimes have no place in a modern society and welcomed the Kurdistan Regional Government's efforts to crack down on them. In December, our Consul-General in Erbil met the speaker of the Kurdistan Regional Parliament to lobby on the outstanding domestic violence law.

We provided funding to a number of projects related to women's rights, including the refurbishment of three women's centres in the Kurdistan Region of Iraq. In Basra Province, we funded agricultural development programmes to help rural widows towards financial security. We also contributed funding to a project run by UK NGO War Child to establish a teaching programme in Dhi Qar Province for girls excluded from mainstream education.

For generations, female genital mutilation has been a traditional practice in the Kurdistan Region, but, with the help of a UK-funded project, this is starting to change. The project raised awareness of the issue using computer equipment and a specially produced film. Some 7,000 information booklets were distributed to MPs, health workers, imams, teachers, social workers and community leaders to encourage them to speak out against female genital mutilation.

### **Other issues: Freedom of association**

The right to form and join trade unions in Iraq is embodied in Article 22 of the Iraqi constitution. There has, however, been an ongoing petition by the Iraqi National Labour Campaign to replace the existing restrictive trade unions laws with ones that guarantee freedom of association and the right of collective bargaining to all workers. More than 80 Iraqi MPs signed the petition. A new draft law prepared by the former Iraqi deputy prime minister was widely welcomed and was still in circulation in December. However, with the existing law still in place, several trade unions reported difficulties throughout 2010, including unions associated with the Ministry of Electricity.

Our Embassy remained in regular contact with the UK's Trades Union Congress about the issue of unions in Iraq. Our Ambassador and embassy officials in Baghdad also met the former acting minister of electricity, Dr Hussein Shahrstani, to discuss our concerns. Our embassy officials also raised concerns with the inspector-general of the Ministry of Electricity, and with the leader of the Electricity Workers and Employees Union in Basra. We were told that a full investigation into events at the Ministry of Electricity would be conducted and the results made public.

### **Camp Ashraf**

Camp Ashraf, now renamed "Camp New Iraq" by the Iraqi authorities, is home to approximately 3,400 members of the Mujahedin e-Khalq (MeK), which claims to be the Iranian opposition in exile. Human rights groups have been sharply critical of the MeK and its practices. The MeK has banned marriage in the camp. Throughout 2010 there were reports of numerous small scale disputes between the Iraqi authorities and the camp residents, where camp residents claimed to have been

badly treated by the Iraqi authorities. There were also demonstrations outside the camp by the local community.

The Iraqi authorities have already made clear their commitment to close the camp and move residents elsewhere. The authorities have given assurances that none of the residents will be forcibly transferred to a country where they have reason to fear persecution, or where substantial grounds exist to believe they would be tortured.

Officials from our Embassy made three consular visits to the camp in 2010 to assess whether any of the residents qualified for consular assistance. The UN made regular weekly visits to the camp. We continued to urge the Iraqi authorities to deal with the residents of the camp in a way that meets international human rights standards and we maintained regular contact with the government of Iraq and UN, US and EU colleagues on this issue. We also continued to urge both the government of Iraq and the Mujahedin e-Khalq to refrain from actions that could lead to increased tensions and a deterioration of the situation.

## **Israel and the Occupied Palestinian Territories**

We welcome the steps that Israel and the Palestinian Authority have taken to protect human rights, but the situation in Israel and the Occupied Palestinian Territories (OPTs) continued to be of concern to the UK in 2010. Israeli actions in East Jerusalem, its restrictions on Gaza, and the application of a military justice system for all Palestinians were of particular concern in 2010, as was the continued failure of Palestinian militants to renounce violence and the allegations of abuse of detainees in Palestinian Authority prisons. We also continued to be concerned about the human rights record of Hamas in Gaza, including the ongoing threat to Israel's civilian population of indiscriminate rocket fire and the continued detention of Gilad Shalit without access to the International Committee of the Red Cross or contact with his family.

Many of our concerns about the human rights situation stem from Israel's occupation of Palestinian territories. Foreign Secretary William Hague raised our concerns during his November visit to Israel and the OPTs and made clear the need to make urgent progress on a two-state solution to the Israeli-Palestinian conflict before the window to such a solution closes. The conflict matters to British national security, and we will take every opportunity to help promote peace. Our goal is a secure, universally recognised Israel living alongside a sovereign and viable Palestinian state, based on the 1967 borders, with Jerusalem the future capital of both states, and a fair settlement for refugees. The specifics of these should be agreed by both sides through negotiations.

On 31 May, Israeli Defence Forces intercepted a flotilla of vessels attempting to break the naval blockade of Gaza and, following the boarding of one vessel by the Israeli Navy, nine civilians were killed. William Hague made clear that he deplored the loss of life. We have underlined the need for a full, credible, and independent investigation into the events of 31 May. We welcomed the establishment of both an Israeli commission of inquiry into the incident, headed by Judge Turkel and with international participation, and a UN panel, headed by former New Zealand Prime Minister Geoffrey Palmer which has both Israeli and Turkish participation.

One of the key tools we have to promote change on human rights issues is the Middle East and North Africa Conflict Pool, which is a tri-departmental programme fund, jointly managed by the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MOD) and the Department for International Development (DFID). We spent approximately £4 million on projects in Israel and the OPTs in the financial year 2009/10. In 2011 we will continue our focus on the status of Israel's Arab minority; the treatment of Palestinian prisoners in Israeli prisons, including human rights defenders; the increase in internal oppression in Gaza under Hamas rule; settlement expansion and violence; and demolitions and evictions.

### **Access to justice**

We remain concerned over the use of a dual court system in Israel and the OPTs. Palestinians, except East Jerusalem residents, are subject to the Israeli military court system, irrespective of the charge, whereas Israeli settlers who commit violence against Palestinians and their land are dealt with by Israel's civil justice system.

In 2010 the Middle East and North Africa Conflict Pool contributed to the translation of military orders into Arabic, the training of Palestinian lawyers in the Israeli military justice system, and the provision of Palestinian lawyers for prisoners.

We were concerned about the deaths of Palestinians during Israeli military arrest operations in the West Bank. In 2010, four Palestinians were killed during arrest campaigns. One man, Iyad Abu Shalabiya from Nul Shams refugee camp, was killed one metre from his bed during an Israeli military operation in September in which 12 other people were arrested. Israeli NGO B'Tselem reported that the man was alone at home and not armed at the time of the incident. While the Israel Defence Force held an internal operational inquiry into all such incidents, no independent investigations have been opened into any of these deaths. We urged Israel to ensure that all cases where Palestinians are killed by Israeli security forces are investigated openly and transparently. Where actions are found to be outside the military's rules of engagement, charges should be brought against those involved.

We also had concerns about the Palestinian Authority security agencies' widespread use of military courts for trying civilians. We made direct representations to the Palestinian Authority about this.

### **Rule of law**

We are concerned that Israel intends to expel a number of Palestinians, including legislators, from their homes in East Jerusalem. Three Palestinian, Hamas-affiliated, politicians have been living at the International Committee of the Red Cross building in East Jerusalem since 1 July, after their Jerusalem residency was revoked. A fourth was arrested on 30 May for illegally entering Jerusalem after his residency was revoked. He remained in Israeli detention at the end of 2010. Forcible transfer of people out of the city for political reasons is illegal under international humanitarian law. The EU raised specific cases with the Israeli government, making its views clear.

### **Death penalty**

While the Palestinian Authority statute permits the use of the death penalty, an informal moratorium has been in place since the end of 2009 after Palestinian President Abbas undertook not to ratify any death penalty sentences. No death penalty sentences were carried out by the Palestinian Authority in 2010. The Palestinian Ministry of Justice, working closely with Palestinian legal and human rights NGOs, is working on a new penal code. The current draft abolishes the death penalty. The new penal code would need to be ratified by presidential decree to become law.

However, in 2010, five people sentenced to the death penalty for various crimes including murder and collaborating with Israel were killed by the *de facto* Hamas government in Gaza. A further 10 people were sentenced to the death penalty in Gaza during 2010, and remain on death row.

### **Torture and other ill treatment**

Palestinian and international NGOs, including Human Rights Watch and Amnesty International, have made detailed allegations of mistreatment of detainees by the

Palestinian Authority security forces. Most allegations refer to physical abuse and the use of stress positions and other coercive interrogation techniques.

We take allegations of human rights abuses extremely seriously and took extensive action to help the Palestinian Authority eliminate the mistreatment of detainees. Through the Middle East and North Africa Conflict Pool, we funded the 12-strong British Support Team in Ramallah, which worked with the Palestinian Authority Ministry of Interior to train its forces to be responsible, professional security agencies, working to international human rights standards and responsive and accountable institutions. The British Support Team helped deliver leadership courses including International Committee of the Red Cross human rights training to senior and intermediate Palestinian Authority security officers. Building the capacity of the security forces is extremely important in helping lay the ground work for a future Palestinian state and a lasting solution to the conflict in the region. It is specifically laid out as a Roadmap obligation and our work is in line with this.

We also provided funding to the Independent Commission for Human Rights Palestine section to monitor Palestinian places of detention and provide guidance on improving standards to internationally recognised levels.

We were concerned about allegations of mistreatment of Palestinian detainees during arrest and in Israeli prisons and detention centres. A joint report produced by Israeli NGOs Hamoked and B'Tselem detailed testimonies from 121 prisoners held in Petah Tikva prison who reported being held in poor conditions, denied basic hygiene and in some cases deprived of sleep for long periods. Some 56% reported being threatened by interrogators, including with violence. Since 2001, 645 complaints have been made to the Israeli Ministry of Justice, but none has led to a criminal investigation.

### **Prisons and detention issues**

We had concerns about the widespread use of administrative detention by the Israeli authorities, which, according to international law, should be used only when security makes this absolutely necessary rather than as routine practice, and as a preventive rather than a punitive measure.

We welcomed the drop in the number of Palestinians in Israeli administrative detention in 2010. However, according to the NGO B'Tselem, 204 Palestinians remained detained without charge by the end of 2010. Many were detained for minor actions such as throwing stones. Cases heard before the military court system are frequently based on secret evidence not made available to detainees and their lawyers. Many convictions are also based on confessions – either from the defendants themselves seeking a shorter sentence under plea bargaining or from the evidence of minors also facing detention. The Israeli NGO Yesh Din reported that more than 95% of convictions in military courts are plea bargains based on confession through interrogation. Access to lawyers is often restricted, with many lawyers not being able to meet their clients until they see them in the courtroom.

In 2010 Palestinians from the West Bank were routinely detained in prisons inside Israel or on the Israeli side of the separation barrier, in contravention of the Geneva Convention. Wives of security prisoners are not entitled to apply for a permit to enter Israel, so are unable to make prison visits. In addition, security prisoners are not allowed to receive letters or phone calls from home.

Our officials continued to attend military court hearings in 2010 as part of an EU rotating team monitoring cases of Palestinians identified as human rights defenders. In all cases of detention, we called on the authorities to take immediate action to ensure that due process was adhered to, that all cases were reviewed by a court in accordance with fair procedures and that detainees' rights were upheld.

### **Human rights defenders**

We are concerned about an apparent rise over the last year in the number of Palestinian human rights defenders who have been arrested and detained by the Israeli authorities for their involvement in demonstrations.

We recognise the right of Palestinians to protest peacefully against occupation, including against the illegal route of the separation wall that cuts into the West Bank, often severing villages from land on which their livelihoods depend. Peaceful protests formed an important element of the Palestinian Authority's two-year plan, published in August 2009. This plan was explicitly supported by the 27 member



states of the EU in the December 2009 conclusions of the EU Foreign Affairs Council.

We attended the court cases of many human rights defenders detained for demonstrating. Mohammed Othman and Jamal Juma'a were subsequently released. We continued to lobby the Israeli government on specific cases, including that of Abdallah Abu Rahma. William Hague, when he visited the West Bank in November, met a number of human rights defenders, including some who had been detained, and reassured them of our support for the right to peaceful protest.

### **Children's rights**

We are concerned about the treatment of Palestinian children under the Israeli military court system. Under international law and Israeli civilian law, a child is recognised as anyone under the age of 18. Under Israeli military law, however, the age is under 16. At the end of 2010, at least 213 Palestinian children were being held in Israeli prisons, including one child, aged 17, who had been held under administrative detention for 10 months. As is the case with adult prisoners, Palestinian child detainees are often transferred to prisons located within Israel and Palestinian child administrative detainees are held with adult administrative detainees. In most cases, their families are not informed of their arrest.

We welcomed Israel's announcement in 2009 of a new juvenile court within its military judicial system and that all judges presiding over juvenile cases would receive specialist training. We have continued to follow this in 2010 to make clear that it is even more important that the announcement is now translated into changes on the ground in the treatment of minors. We would like to see the amendments to the Israeli youth law, brought into force in June, formally expanded to cover the OPTs.

In late 2010, the Middle East and North Africa Conflict Pool approved funding for a project run by the NGO Defence for Children International. This project is intended to monitor, defend and promote the rights of Palestinian children, as decreed under the UN Convention on the Rights of the Child, and to reduce the number directly and indirectly affected by the Israeli–Palestinian conflict.

## **Minorities and other discriminated groups**

Israel's Declaration of Independence calls for the establishment of a Jewish state with equal social and political rights for all citizens, irrespective of religion, race or sex. We are disappointed, therefore, that a number of minority groups within Israel continue to suffer discrimination, particularly in access to housing, education, employment, healthcare and welfare services.

We welcome the efforts, including by the Israeli government, to tackle discrimination and inequality between Jews and Arabs in Israel. But we are concerned by a growing climate of intolerance. This has been exacerbated by a number of proposed Knesset bills which, if passed, would further discriminate against minorities in Israel. We believe that the Israeli government could do more to close the gap and speak out against such discriminatory proposals.

We are further concerned that the government of Israel has not sought to implement the recommendations from the 2003 Or Commission to tackle discrimination against Israel's Arab community, or the 2008 Goldberg Commission, which recommends recognising most of the remaining unrecognised Bedouin villages. The demolition of Bedouin houses and villages continues.

In 2010 we worked with a range of partners in Israel to address the issue of inequality and promote co-existence between Jews and Arabs in Israel, including through both education and sport.

## **Conflict**

The ongoing Israeli–Palestinian conflict and the occupation of Palestinian territory, remain the chief source of human rights violations. This includes settlements and settler violence; demolitions and evictions; the Israeli separation barrier; movement and access restrictions; rocket and missile fire; hostage-taking; and the current situation in Gaza.

Settlements are illegal under international law and in direct contravention of Israel's commitments under the 2003 Quartet Roadmap for Peace. Settlements are a major obstacle to peace. The Israeli government's policy of connecting settlements to

already scarce water supplies and restricting Palestinian movement and access in occupied territory, including establishing a secondary road system to separate Palestinian and Israeli traffic, make matters worse. Whilst the 10-month moratorium in place until September was welcome, we were disappointed by Israel's decision to restart settlement construction. We continue to call for a complete cessation of all settlement activity in both the West Bank and East Jerusalem. William Hague made this clear to the Israeli government during his visit to Israel in November.

We were also concerned at reports of settler violence in the West Bank and East Jerusalem. It is vital that the same level of protection be afforded to both Palestinians and Israelis. In 2010, as well as frequent reports of violent attacks against Palestinians and their property, there were three separate attacks against mosques in the West Bank, reportedly carried out by settlers as part of their "price tag" policy – a reaction by some settler elements to Israeli government policies that they see as against their interests. By the end of 2010, no one had been brought to justice for any of these attacks, feeding the perceived sense of impunity for settlers amongst Palestinians.

We contributed to the work of a number of organisations who monitor and document Israeli settlement activity. These included the Israeli NGO B'Tselem, which also seeks to educate the Israeli public and policy-makers about human rights violations in the OPTS.

House demolitions and evictions are, in all but the most limited circumstances, in breach of Article 53 of the Fourth Geneva Convention. We were concerned at what appeared to be a sharp increase in the level of demolitions and evictions in East Jerusalem and Area C – the Palestinian territory under Israeli military and civilian control. According to UN statistics, 431 structures, including 137 homes, were demolished in 2010, affecting 594 people, including 299 children. These figures represent a 60% increase in demolitions compared to 2009. Israel argued that these buildings had been constructed without the required Israeli permits. However, in Area C the UN reported that only 4% of Palestinian planning applications are approved. Israeli planning regulations in East Jerusalem prevent Palestinians from obtaining the necessary permits to build.

We contributed towards the ongoing work of the International Peace and Cooperation Centre in East Jerusalem and the West Bank, which helps Palestinians better understand and effectively use the Israeli planning laws. In 2009/10 the centre worked to protect successfully 3,000 Palestinian houses in East Jerusalem from demolition.

We remained deeply concerned about restrictions on freedom of movement between the West Bank and East Jerusalem. It remained difficult for Palestinians from the West Bank to enter East Jerusalem for work, education, medical treatment or religious worship. They must apply for a permit, which often takes a long time to obtain and can be refused without explanation. They must enter the city only through certain limited checkpoints, at which there are often lengthy queues. The opening times and operating procedures for the checkpoints can change suddenly and unexpectedly.

Within the West Bank, according to UN Office for the Coordination of Humanitarian Affairs, there are now 505 obstacles including 65 manned checkpoints which restrict Palestinian access, compared with 578 at the end of 2009. We welcome these improvements but it is clear that more could be done, particularly in the Jordan Valley and Palestinian lands on the Israeli side of the separation barrier where access is becoming increasingly restricted.

The separation barrier contributes to the isolation of East Jerusalem from the West Bank. We recognise Israel's right to defend itself but the Israeli separation barrier, where it is constructed on the Palestinian side of the UN recognised 1949 armistice line delineating Israel's borders (known as the Green Line after 1967), is illegal under international law. By separating families and denying farmers access to their land, it causes great distress and understandable anger amongst the Palestinian population. The Israeli courts have held that parts of the barrier constructed outside of green-line Israel should be re-routed. We look to the government of Israel to comply fully with the courts' decisions.

Palestinians from East Jerusalem risk losing their permanent right to live in East Jerusalem if they cannot prove residency for the previous seven years. According to

Israeli NGO Hamoked, many of those whose residency rights have been revoked are students who have been studying abroad and who will now not be able to rejoin their families in East Jerusalem. Records by Hamoked, an Israeli human rights organisation, show that more than 13,000 Palestinians have lost their Jerusalem residency status since the Israeli annexation of East Jerusalem in 1967. There has been a freeze on family reunification permits allowing West Bankers to move to Jerusalem since 2000. In addition, Jerusalemites who move to the West Bank risk losing their Jerusalem residency status.

The situation in Gaza continued to cause concern and was high on William Hague's agenda during his visit to Israel and the OPTs in November. While we welcomed the Israeli announcement on 20 June to ease restrictions on access, we have pressed Israel for swift implementation of these measures. The move from a list of permitted items to a list of banned and dual-use items, which resulted in an increase in the variety and volume of goods entering Gaza, was welcome, as was Israel's December statement that it would allow some exports. However, the approvals process for dual-use items used in UN reconstruction projects is slow and the economy in Gaza remains stagnant. It is important that these measures are now fully implemented so that there can be real change on the ground. We are working closely with the UN, the Office of the Quartet Representative and the EU to coordinate the international community's continued involvement in seeking to relieve the situation in Gaza.

According to the Israeli Defence Force, during 2010, 248 rockets and mortars had been fired at Israel. The Israeli Defence Force notes that 2010 saw the lowest number of rocket attacks since 2002. However, this is small comfort to those at the receiving end and we continue to condemn all rocket attacks. Such acts of terrorism are indiscriminate and target civilian populations. We were concerned that towards the end of 2010 rocket attacks began to increase. We call for a halt to all such attacks, urge Israel to exercise restraint in its response, and call on all parties to respect the ceasefire that brought to an end the 2009 conflict in Gaza.

We were concerned by reports of children being maimed by Israeli soldiers on the Gaza border. Defence for the Child International has documented 23 cases of

children shot while collecting wood and building materials near the border with Israel. While we recognise Israel's security concerns, we expect Israel to uphold international and human rights law and have requested assurances about the veracity of these reports.

It is comparatively more difficult to acquire reliable information on human rights in Gaza but we were deeply concerned about reports of human rights abuses under the *de facto* Hamas rule in Gaza, including arbitrary detention. Palestinian human rights NGOs reported that senior judicial positions in Gazan courts were filled by political appointment by the *de facto* Hamas government, calling into question the independence of the judiciary in Gaza. In addition, there were reports of the mistreatment of detainees during interrogation, leading to concerns about reliability of evidence.

All marches, demonstrations and private meetings in Gaza require prior approval by the *de facto* Hamas authorities. Civil society organisations reported that these restrictions continued to have an impact on their ability to operate in the Gaza Strip in 2010. In the same year the Gazan authorities started summoning Fatah activists in Gaza to the security headquarters, where they were held for up to 12 hours before being released. Some reported being handcuffed and interrogated by the Hamas authorities. This form of political harassment impacts on their right to freedom of expression and association. We were also concerned about the repression of dissent, curtailment of free speech, suppression of women's rights, and harassment and detention of individuals suspected of "morality" offences.

We were very concerned about the ongoing threat to Israel's civilian population from indiscriminate rocket fire from Gaza. We continued to call for the immediate release of Gilad Shalit who has been held hostage in Gaza since June 2006 in denial of the most basic human rights. Gilad Shalit should have communication with his family and access to the International Committee of the Red Cross, and receive full and impartial medical attention. On the fourth anniversary of Gilad Shalit's detention in June, William Hague said:

“Today marks the fourth anniversary of the abduction of Israeli soldier, Staff Sergeant Gilad Shalit. My thoughts are with Gilad's parents today. I sincerely hope that they will soon be able to welcome their son home.

“The UK has long called for Gilad Shalit's immediate and unconditional release and we reiterate that call today. It is also vital that the Hamas authorities allow the International Committee of the Red Cross to visit Gilad immediately and ensure that he is in good health. His continued captivity without any ICRC access and with only very occasional, minimal contact with his family is utterly unacceptable. We continue to call on Hamas to renounce violence and take immediate and concrete steps towards the Quartet principles and to free Gilad Shalit without delay.”

## Libya

We remain concerned, in particular, by restrictions on freedom of association and expression; continued incidences of arbitrary detention; shortcomings in Libya's respect for the rights of migrants; and mistreatment of detainees. In June we raised with the Libyan government our concerns about reports of human rights abuses at migrant detention centres. We also raised a number of individual cases with the Libyan authorities. These included the case of Jaballa Matar, who disappeared in Cairo in 1990 and was later reported to be imprisoned in Libya, and a British national who was held in detention *incommunicado* in Libya for five months in 2010. We continued practical cooperation with Libya on a prison reform project. In November, we made a statement at Libya's Universal Periodic Review, in which we highlighted visits to Libya in 2009 by Amnesty International and Human Rights Watch, and called on the government to issue a standing invitation to the UN Special Procedures of the Human Rights Council to visit Libya.

Limited positive human rights developments in 2010 included the release of a large number of political prisoners who had either been acquitted or had completed their sentences, continued improvements to the standards of Libyan prisons and changes to the law to give mothers and fathers equal standing in the determination of their children's nationality. A review of the Libyan penal code was also in progress at the end of the year.

Internationally, Libya was elected to the UN Human Rights Council for a three-year term in May. Libya made a number of pledges and commitments to promote and protect human rights when presenting its candidature for election. Although we did not support Libya's candidacy due to its human rights record, it is nevertheless important that Libya honours these commitments, particularly to establish a constructive dialogue with civil society and NGOs at national, regional and international level and to cooperate with other countries to ensure the full implementation of international human rights instruments. Libya underwent the Council's Universal Periodic Review in November.



## **Death penalty**

The Libyan penal code still provides for the death penalty. In a statement at its Universal Periodic Review, Libya said that it had applied the death penalty in 201 cases since 1990. In May Libya executed by firing squad 18 prisoners convicted of murder. The Libyan penal code also allows the death penalty for crimes such as the formation or support of illegal organisations or the promotion of principles that undermine the constitution or the social structure.

We were encouraged, however, by signs that Libya was considering reforming its penal code to restrict the use of the death penalty to the most serious crimes. In our statement at Libya's Universal Periodic Review we called for Libya to amend its penal code in this regard. We recommended that Libya commute all existing death sentences and impose a moratorium on the use of the death penalty as a first step towards its abolition. Libya was due to respond to our recommendation at the UN Human Rights Council in March 2011.

## **Torture**

Torture is considered a crime under the Libyan penal code, but prosecutions are rare and elements of the Libyan security services seem able to act with impunity. Both international and domestic human rights organisations have received credible reports of torture and mistreatment in recent years. In response to recommendations at the Universal Periodic Review that it should adopt domestic legislation in line with international standards on the definition of torture, Libya claimed that these had already been, or were in the process of being, implemented.

As part of the Universal Periodic Review we urged Libya to investigate reports of torture thoroughly and to ratify the Optional Protocol to the UN Convention against Torture, which establishes an international inspection system for places of detention.

## **Prisons and detention issues**

We continue to have strong concerns about the practice of extra-judicial detention and the ability of the security forces to act outside of the law with impunity. These problems were highlighted by the case of a British national who was detained incommunicado without being charged for five months. We raised our concerns

about the circumstances of his detention with the Libyan government on numerous occasions, but have yet to receive a response. We also raised the case in our advance questions at Libya's Universal Periodic Review. We called for an investigation, noting that the Libyan code forbids kidnap and imprisonment.

A large number of individuals remain in arbitrary detention in Libya's high-security prisons. Some are reported to have been detained without charge or remain in pre-trial detention. Others have been acquitted or have been convicted through court proceedings that do not meet international standards for a fair trial. At the General People's Congress in January, the secretary of the General People's Committee for Justice highlighted this problem and said that the Committee was not able to resolve it. He claimed that more than 300 individuals remained imprisoned without any legal basis.

In January 2010 the Libyan authorities released prisoners of conscience Muhammad Aqilah al-Abbar and Umran Muhammad Al-Mahdawi, who had been arrested in Zliten in April 2008. On 23 March, following three years of negotiation, Libya announced the release of 214 prisoners with links to Islamist groups. Many of these prisoners had either already served their sentence in full or had been acquitted. This followed the release of smaller groups in 2009.

In response to international concern about arbitrary detentions, Libya claimed that it had released all of its arbitrary detainees and political prisoners who had "abandoned the use of terrorist acts". In our advance questions during Libya's Universal Periodic Review we asked whether those released included Mahmoud Mohamed Aboushima, Abdellatif Al Ragoubi and Mahmud Hamed Matar, who had been mentioned in human rights reports. Libya has not provided a detailed response, but Mahmud Hamed Matar was among the 12 prisoners released in February 2011.

We also asked about Jaballa Matar, who disappeared in Cairo in 1990 and is believed to have been transferred to detention in Libya shortly afterwards. Ministers and embassy officials in Tripoli raised Jaballa Matar's case with the Libyan

government on a regular basis throughout 2010. The Libyan government had not responded by the end of the year.

Since 2004, the Foreign and Commonwealth Office (FCO) has funded the International Centre for Prison Studies in London to conduct a prison reform project in Libya. The project is due to conclude in February 2011. It has made considerable progress in bringing those Libyan prisons falling under the control of the General People's Committee for Justice into line with international human rights standards. It has implemented improvements in many areas, including the quality of accommodation; the provision of basic services, such as food, sanitation and medical facilities; and the introduction of education and rehabilitation programmes for prisoners. A dedicated prison improvement team has also been established within the Ministry of Justice. But challenges remain, including serious overcrowding.

As outlined in our statement at the Universal Periodic Review, we encouraged Libya to bring all of its prisons under the control of the General People's Committee for Justice. This includes high-security prisons controlled by the General People's Committee for Public Security, such as Abu Selim, in which up to 1,200 inmates and guards were reported to have been killed during disturbances in June 1996. The Libyan government launched a judicial inquiry into the deaths at Abu Selim in 2009 but no report had been published by the end of 2010.

### **Freedom of expression**

Libya's laws severely restrict freedom of expression. Organised political opposition is not tolerated. Libya's media is one of the least free in the world, with laws prohibiting publication of material which does not fall "within the framework of the principles, values and objectives of society". Access to a number of international websites, including YouTube, is blocked in Libya.

In 2010 two newspapers (*Oea* and *Qurayna*), which had been launched by the al-Ghad Media Corporation in 2007, ceased production of their printed editions. On 7 December, the al-Ghad Corporation also announced the closure of the Libya Press news agency office in Libya. The statement indicated that the decision to close the agency had been made to protect its staff from harassment by security forces. It

followed the temporary arrest of 22 Libya Press journalists in September. The launch in 2007 of the two newspapers, and of the Al-Libiyya satellite TV station (which closed in 2009), had been a positive step towards greater freedom of the media in Libya.

### **Minorities and other discriminated groups**

Libya's population is predominantly Arab. Its Constitutional Declaration of 1969, and other official documents, define Libya as Arab and Muslim. As such, minority communities are not recognised as being distinct from the wider Arab population. This has implications for the official recognition of their languages, including in the media and in education.

The largest non-Arab population in Libya is the Amazigh (Berber) community in the west of Libya. Individuals calling for improved recognition of Amazigh rights can be subject to harassment and detention. In December, four Amazigh activists were arrested. Two Moroccans were subsequently released and returned to Morocco; but two Libyan citizens remained in custody.

### **Other issues: Migration and refugees**

The rights of migrants, particularly those who have entered and remain in Libya illegally, are a cause for concern. The total number of migrants in Libya is estimated to be between 1.5 and 3 million.

Libya has no asylum system and is not a party to the 1951 Convention Relating to the Status of Refugees. Migrants are often detained in poorly equipped detention centres. International human rights organisations, such as Amnesty International, have highlighted reports of human rights abuses, including beatings and other forms of mistreatment. For example there were allegations of mistreatment of Eritrean refugees at the Misurata and Sabha detention centres in June. Our Embassy raised the reports with the Libyan government and in response to international criticism, the Libyan Foreign Ministry issued a statement rejecting the allegations, but agreeing to provide residence permits for the detained Eritrean migrants. It remains unclear, however, what long-term rights of residence these migrants will have.

In June Libya asked the UN High Commission for Refugees to close its office in Tripoli temporarily. We and the EU subsequently lobbied the Libyan government to allow the Commission to re-open. We welcomed the agreement which led to the resumption of the Commission's operations in Libya, albeit with restrictions. We call on the Libyan authorities urgently to give official approval for the UN High Commission for Refugees to resume the full range of its activities in Libya, particularly its work with vulnerable migrants.

## Pakistan

The 2010 UN Development Index ranked Pakistan at 125 out of 169 countries, down from 112 in 2008. Global indices relating to gender, children's rights and corruption showed Pakistan near the bottom. Women and vulnerable groups faced legal discrimination and high levels of abuse and violence. Weaknesses in the rule of law, along with a dysfunctional criminal justice system, restricted access to justice for the vast majority of those who needed it. NGOs continued to make allegations of extra-judicial killings, other ill treatment and torture by state agencies. Devastating flooding in August coupled with poor governance resulted in the ineffective delivery of basic services such as education and healthcare. Freedom of expression and of religion or belief remained limited, in part because of repressive measures by the state, but also because of increased religious conservatism within society, and the activities of violent extremist organisations. The ongoing conflict in the border regions caused a huge displacement of the resident population, and associated rights violations.

Internal instability, conflict and humanitarian disaster have taken their toll on human rights. However, the current administration did make some progress, notably ratification of the International Covenant on Civil and Political Rights and the Convention against Torture (although with reservations); reform of the constitution to decentralise power; and moves towards electoral reform. The democratically elected government of Asif Zardari passed the halfway mark of its term in office, a notable landmark in a country where no elected government has seen out its tenure. A vibrant media and civil society continued to flourish, albeit within certain parameters, and the judiciary, although heavily politicised, remained highly independent of the executive.

Pakistan remains one of our highest foreign policy priorities, and 2010 saw ministerial visits from the Foreign Secretary William Hague, Home Secretary Theresa May, International Development Secretary Andrew Mitchell and Minister without Portfolio Baroness Warsi. Implementation of Pakistan's international human

rights commitments is integral to ensuring long-term prosperity and stability, and is in our national interest.

In 2010 the FCO continued to work closely with other UK government departments, the government of Pakistan, other governments and NGOs to address key human rights challenges. In particular, we focused on supporting the government of Pakistan in ratifying and implementing key international human rights instruments; tackling the discrimination and abuse faced by women and minority groups; and enhancing international coordination on human rights. Our lobbying contributed to the government of Pakistan's decision to ratify the International Covenant on Civil and Political Rights and the Convention against Torture, although we are concerned by the reservations that it made when doing so. Our support also helped the Ministry for Women's Development to make significant progress towards the criminalisation of domestic violence, along with other legal measures to remove discrimination against women. We also provided capacity building and support to civil society groups to support their work in speaking out against extremism and intolerance, and in support of democracy and reform.

The year 2010 was an extremely challenging one for Pakistan, and 2011 is likely to follow a similar course. It is estimated that 20 million people were directly affected by the unprecedented flooding. We are working closely with Pakistan and international partners to ensure that there is a credible recovery plan in place.

We will continue to intervene on human rights issues in Pakistan where we believe we can make a positive difference. For 2011, our focus will be on four key priorities: to support an end to discrimination and violence against women; to strengthen freedom of expression, religion and belief; to encourage stronger implementation of Pakistan's international commitments; and to build the capacity of civil society and bodies mandated to challenge the state's effectiveness on human rights, such as the Parliamentary Committee for Human Rights.

## **Elections**

The elections of 2008 were described by the EU as relatively fair and free. Election observation missions made several recommendations about how the electoral

process could be improved. The Election Commission of Pakistan, with the support of the international community, continued to push ahead with its five-year strategy for electoral reform, which began in 2009; this is focused on policy, administrative and legal reforms. Some real progress was made during the course of 2010. The list of registered voters continued to be revised by the National Data Registration Agency in conjunction with the Election Commission, who also put in place several internal reforms to improve the way they work. We have been highly supportive of these efforts and have lobbied the government and parliament on the need for such reforms. There is senior political support for change in this regard but the momentum needs to be maintained to ensure freer and fairer elections, scheduled for 2013.

### **Access to justice**

The justice sector in Pakistan is under-trained, often politicised, corrupt and under-resourced. The courts currently face a backlog of more than 1 million cases. Successful convictions are rare. Police investigations are often seriously flawed, based on allegation rather than evidence, and trials cannot be described as either fair or free in many cases, being marked by delay and intimidation. The government has made little progress on a comprehensive national strategy towards improving the situation, instead focusing on ad hoc measures such as increasing police salaries in Punjab. This is in part because the responsibility for formulating and implementing policy rests with the provincial rather than the federal-level government. The chief justice of the Supreme Court published a national judicial policy to tackle some of these issues amongst the judiciary in 2009, which in 2010 achieved a slight reduction in the huge backlog of cases.

Because the problems are on such a significant scale, we focused on particular issues or areas where we can make a difference. In 2010, we worked with local partners to improve the awareness of legislation around juvenile detainees which led to improved handling of these cases in several large districts across Pakistan. Project work focused on informing local police and other officials about forced marriage and child abduction issues to prevent them from happening, particularly to UK nationals, and to handle these cases sensitively when they occurred. This work received positive feedback from those involved. With an estimated 2,000 deaths due



to terrorism in Pakistan in 2010, we also worked with the police and the military to strengthen their legislative framework to tackle this violence. We delivered training to the Pakistan military and police that incorporated relevant human rights components, which was monitored and evaluated within this context.

### **Rule of law**

The rule of law is fundamental to tackling many of the challenges faced by Pakistan, from the effective protection of human rights to poverty reduction and good governance. It is at the heart of a stable democracy and strong civilian institutions. However, the rule of law remains weak. This has led to widespread allegations of human rights violations and a poor response from the criminal justice system to the continued terrorist and sectarian violence which killed thousands of people in 2010.

This issue is a matter of concern for the Pakistani people; 39% felt law and order was the most serious issue facing the government in a 2010 UK-Gallup poll. The British Council's "Next Generation Report" showed 30% felt injustice was the main reason for violence and terror in Pakistan. The reasons behind weaknesses in the rule of law in Pakistan are complex, and require significant senior political will to overcome them.

In addition to terrorist-related atrocities, 2010 saw continued and serious allegations of disappearances, abductions and extra-judicial killings made against state security forces and the police by international and national human rights organisations. In response to a video, purporting to show extra-judicial killings in Swat, posted on YouTube and aired on BBC News on 2 October, the Chief of Army Staff launched an official enquiry which has yet to report publicly. We raised our concerns with the military and the government at the most senior levels. Human rights bodies continued to record deaths in police custody, which they alleged were the result of torture or other ill treatment.

Civil society organisations reported enforced disappearances and extra-judicial killings, including targeted killings, in Balochistan. As a result of civil society lobbying, in early 2010 the Supreme Court called on the Ministry of Interior, the military and the intelligence agencies to defend themselves against allegations of

enforced disappearances involving hundreds of specific individuals. The government, military and intelligence agencies were called before the Supreme Court and several people were released from illegal detention. The Ministry of Interior established a cell to examine the remaining “missing persons” and committed to work with all parts of the security apparatus to report back on the whereabouts of these individuals. The UK, alongside EU partners, supported these moves towards greater transparency and continued to advocate full disclosure of the whereabouts of all those missing.

### **Death penalty**

Twenty-seven offences carry the death penalty in Pakistan, and the country has more than 7,000 inmates on death row. There is significant public support for capital punishment, including for blasphemy offences. However, in 2010, no one was executed by the state. In October 2009, the prime minister began a consultation with provincial governments about the legislation governing the use of the death penalty. This consultation is ongoing and there is a *de facto* moratorium on its use. We welcomed this, but continued to work with civil society, and lobby the government and parliament – alongside the EU – to reform the relevant legislation with a view to abolishing the death penalty.

### **Torture and other ill treatment**

The media and civil society made regular allegations of torture in 2010. Torture is prohibited under the constitution of Pakistan. A large number of these alleged incidents are reported to have occurred in police or security agency custody during attempts to extract confessions or force cooperation with an investigation. Similar abuse has also been widely reported in prisons, perpetrated by both officers and inmates.

The extent of such abuse is hard to determine given the nature of the problem and the lack of accurate data, but the number of allegations remained fairly consistent. In 2010 the Pakistani government ratified the Convention against Torture and the Ministry of Human Rights is clear that its intention is to prevent such mistreatment of individuals. However, by the end of 2010 Pakistan had yet to withdraw or amend the reservations it had lodged against some of the core provisions of this treaty when

ratifying it. It had also not amended the national law to bring it into line with international minimum standards.

### **Prisons and detention issues**

At the end of 2010 the prison system was operating at 194% capacity, with more than two-thirds of all detainees in 'pre-trial' detention, detained for months or years before facing trial. Most detainees endured harsh, basic conditions and limited recourse to legal aid. In 2010 efforts were made by the government of Pakistan to segregate vulnerable prisoners by reducing the number of juveniles in detention and placing women in female-only detention centres. However, a lack of reliable data makes it difficult to assess the extent to which these efforts have been successful. The president has also led efforts to improve the conditions for those convicted or awaiting trial for capital offences. The current government claimed to have released all "political prisoners" – which numbered in their hundreds during the Musharraf era – but there is limited objective evidence available to support such statements. There is no effective national policy towards managing the increasing numbers of detainees.

In 2010, we worked with senior prison officials in different provinces in Pakistan to enhance their understanding of international best practice, exposing them to offender management in the UK, and our ongoing efforts to improve and reform our own system.

### **Human rights defenders**

Civil society in Pakistan is vibrant and energetic, with thousands of NGOs involved in advocacy and grass-roots support. However, NGOs can face threats from violent extremists, bureaucratic hurdles and political pressure. As a result, the NGO community does exercise a degree of self-censorship. During 2010, we engaged with the government of Pakistan on behalf of specific NGOs that have faced particular problems, urging the government to protect the fundamental rights of all citizens, as laid out in the Pakistani constitution. Through the EU, we raised our concerns regarding human rights defenders with the government of Pakistan.

There was slow progress towards setting up a Human Rights Commission for Pakistan. The federal Ministry of Human Rights has undertaken to pass the necessary legislation in 2011. A Human Rights Commission for Pakistan will be a vital pillar to help ensure that the fundamental rights of all Pakistanis are upheld by working to provide a more secure environment in which NGOs can operate.

### **Freedom of expression**

In 2010 media freedom continued to improve, with more of the press openly challenging the government and increasingly the military and security agencies over matters such as enforced disappearances. The constitutional reforms included a new article which guaranteed the right of every citizen to freedom of information. This was partly influenced by a UK-funded project to promote the value of improved freedom of information in support of better governance. We worked closely with the Ministry for Information to support its work to formulate a freedom of information law, through the provision of information and exposure to the UK system and the challenges we have faced in implementing such a law.

However, despite these positive developments, Reporters Without Borders rated Pakistan as 151 out of 178 countries in its “Freedom Index 2010”, making it one of the most dangerous countries in the world to be a journalist. There were several high-profile cases last year where journalists were attacked by unknown assailants. Several journalists were killed in the border areas in terrorist incidents.

In order to restrict media reporting of issues deemed to be of national security, the Pakistani government made moves to amend the current legislation governing the activities of the media by imposing fines and the threat of imprisonment for any reporting considered to be detrimental. These changes are still proceeding through parliament. The government also intervened to block transmission – via the state regulatory authority – of several channels, including the BBC Urdu radio service. This action was challenged in the Supreme Court, who ruled in the media’s favour, ending these restrictions. Effective self-regulation has yet to take root, and much of the media is heavily politicised and partisan, and liable to interference by powerful corporate owners. Overall, the media continued to become more open and hold the

government to account, although some outlets remained focused on conveying the “official” position on many issues. We lobbied strongly at senior levels against media restrictions.

### **Freedom of religion and belief**

The assassination of the governor of Punjab in early January 2011 because of his outspoken position in favour of religious tolerance indicated an increasing culture of intolerance and violence perpetrated against minority groups and their supporters. The blasphemy legislation continued to be misused to target both Muslims and non-Muslims, often resulting in prison sentences. In one high-profile case, Asia Bibi became the first woman to be sentenced to death for blasphemy. Several people accused of blasphemy died in custody, or were murdered by unknown individuals when they were granted bail or acquitted. Attacks against Christians and other religious minorities, particularly Ahmadis, continued, with suicide bombers in Lahore killing more than 100 people in May. The case of Shazia Masih, an adolescent girl employed illegally as a domestic servant who was allegedly tortured and murdered by her employers, underlined the marginalised position of the Christian community.

The government’s Ministry of Minorities, along with the president and the prime minister, have made public their commitment to protect minorities and their freedom to worship. Some positive measures have been taken such as reserving quotas in the public sector and parliament for minorities and setting up complaints procedures for those encountering discrimination or abuse. However, this is countered by a growing culture of intolerance led by religious groups who have stepped into the gap left by the government’s inability to deliver justice or basic services. We continued to support those who wish to see reform through lobbying and project work.

Parliamentary Under-Secretary of State Alistair Burt has engaged regularly on this issue with Pakistan’s Minister for Minorities Shahbaz Bhatti. Unfortunately efforts by the Pakistani government to reduce the abuses associated with the blasphemy law have been stalled by public opposition to any reform following the assassination of Governor Taseer, and there is little likelihood of much-needed reform in the near future.

## **Women's rights**

International and national NGOs report serious concerns about the extent of violence against women, with discrimination against women enshrined in law. The 2010 UN Development Programme Gender Equality Survey showed that women represented only 21% of the workforce. Human Rights Watch estimated that 90% of women in Pakistan are affected by some kind of domestic abuse. Violence against women, including sexual violence, continued to be reported by the media in 2010. The Federal Shariat Court issued a highly unwelcome judgment reinstating its right to act as the court of final appeal on cases of rape, which it had previously given up in response to significant domestic and international pressure during the previous decade.

We actively supported the work of the Ministry for Women's Development, both financially and politically. The ministry drafted, and at the end of 2010 was currently working with parliament to pass, two bills to criminalise domestic violence and to make it easier to convict those responsible for acid attacks, or similar crimes against women. However this legislation became stuck in parliament owing to opposition from the religious conservatives. There continued to be a strong and outspoken civil society campaigning on women's issues. Several high-profile roles in government are filled by women, including the speaker, who is the first female speaker in South Asia, and the president of the Supreme Court Bar Association. Women played an active role in the parliament this year, tabling as much as 80% of the legislation according to one monitoring body, and actively debating key issues on the floor of the assembly.

We continued to work to support civil society and those parts of government which aim to support and protect women. Progress remains slow, and moves towards greater empowerment for women are challenged by the gradual growth of a culture of intolerance within Pakistani society, exploited by extremist groups for their own agendas. However, ministerial and senior-level intervention, UK-supported activity around international days to mark women's rights, and a campaign of action to prevent domestic violence helped to reinvigorate the public debate and maintain momentum towards reform. Through public engagement with women

parliamentarians and activists, we also helped to protect and encourage these leaders to challenge abuse and discrimination and reduce the risk of reprisals.

### **Children's rights**

The situation for children in Pakistan was not significantly improved in 2010. Despite the efforts of civil society and the international community, UNICEF and Save the Children estimate that millions of children still suffer as bonded labourers, often as a result of their parents' poverty. Access to primary school education remained limited, with only 57% of children enrolled. Progress to further education was also restricted. According to the UN Development Programme, 2010 statistics showed that only 23% of women and 46% of men had a secondary education and the education received was often of poor quality. The floods in August adversely affected children in terms of their environment, education and health, with the Department for International Development (DFID) estimating that more than 10,000 schools were damaged or destroyed. This was exacerbated by terrorist attacks in the border regions that often focused on schools and female students.

For these reasons, a central part of our development programme is to improve the quality, access to, and availability of primary schooling in Pakistan. Improvements have been made at national, provincial and community levels to the way the education sector functions, but there is still some way to go before Pakistan can be said to have reached the Millennium Development Goal for education of ensuring that all children have access to a full primary school education. We continue to lobby the government at all levels and to work with civil society to advocate for education reform and better conditions for children.

## Russia

Despite some minor reforms and encouraging public statements about human rights in 2010, there was no evidence of systemic, far-reaching change. Continuing negative trends included restrictions on freedom of assembly, harassment and obstruction of NGOs and journalists, and racial discrimination and racist violence. The trial of Mikhail Khodorkovsky and Platon Lebedev was widely condemned for failing to adhere to basic standards of justice. No new information emerged in the investigations into the murders of the human rights defenders Anna Politkovskaya and Natalya Estemirova, or the death in custody of Sergei Magnitsky. Frequent reports of grave human rights abuses in the North Caucasus continued. The government also failed to provide full redress to victims of past abuses in Chechnya and elsewhere in the region.

The UK is the only EU member state that has an ongoing formalised process of government to government bilateral consultations on human rights with Russia. This dialogue took place in January and we used this, the Foreign Secretary's visit to Moscow in October and other opportunities to lobby Russia on human rights issues and to identify areas for cooperation. UK funding helped to support conflict prevention and resolution efforts in the North Caucasus, encourage free and fair elections, and support independent media.

Human rights will remain central to the UK's bilateral relations with Russia in 2011. We will continue to press the Russian government to systematically address the human rights situation in the country – including at the 2011 UK–Russia Human Rights Dialogue. Several key areas of past concern are likely to remain in the forefront of public interest. Parliamentary elections will take place at the end of 2011. Freedom of assembly, in particular, is at risk of further restrictions. Justice will continue to be an issue – including appeals by Mikhail Khodorkovsky and Platon Lebedev. Activists for LGBT rights are likely to seek to exercise their right to demonstrate following the European Court of Human Rights ruling in 2010. The outlook for the North Caucasus also remains bleak, particularly in Dagestan. We believe that achieving a sustainable long-term solution to the problems in the North



Caucasus depends on human rights being central to the security strategy for the region.

In 2011 the Russian government will proceed with a number of reforms initiated in 2010. These include the draft law “On Police”, which is set for passage through parliament in February, and the establishment of an independent Investigative Committee. These changes could deliver a measure of much needed reform to the country’s law enforcement institutions, especially if the concerns of human rights activists are addressed before implementation. We will continue to work with the Russian Federation on human rights in international institutions, including in the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), and the UN.

### **Elections**

Local elections took place in Russia on 14 March and 10 October. Independent electoral observers reported widespread irregularities and evidence of electoral malpractice, both during the electoral campaigns and on election days. These included vote-counting violations, the fraudulent use of absentee ballots, employers pressurising staff to vote, and voters receiving gifts. Monitoring organised by Russian NGO Golos also noted that some opposition figures were prevented from registering as candidates due to alleged administrative errors, and that United Russia incumbents had been using state resources to support their campaigns.

We supported Golos’s efforts to raise awareness of legal regulations and voting procedures, and to counteract electoral malpractice. This included online information and analysis, as well as a number of practical tools for voters and Russian rights activists, such as the Golos Short-term Election Observer’s Manual.

### **Access to justice**

Access to justice remained inconsistent in Russia, and the incomplete implementation of European Court of Human Rights judgments continued. The UK All-Party Parliamentary Human Rights Group emphasised this issue following their fact-finding mission to Chechnya in February. Their report of the visit noted that although Russia routinely paid compensation to the victims of human rights

violations, it frequently failed to follow this with meaningful investigations into the violations themselves – fuelling a climate of impunity and increasing the chances that similar cases would occur in future.

We provided financial support to a number of Russian and international NGOs involved in litigating cases of human rights abuses domestically and through the European Court of Human Rights. In 2010 the Court handed down judgments in favour of 17 applicants supported by one of these organisations – the Russia Justice Initiative – and awarded more than €1,720,000 in damages.

On 15 January, Russia became the last Council of Europe member to ratify Protocol 14 to the European Convention on Human Rights, designed to streamline the way certain cases are dealt with in the European Court of Human Rights. This welcome move enabled the protocol to enter into force on 1 June.

In February, President Medvedev announced plans for a major reform of the Ministry of Interior and the police force, with the aim of reducing corruption and increasing public accountability. The draft law “On Police” was opened to public consultation over the summer. Some of the concerns of human rights activists had been addressed when the bill was submitted to parliament on 27 October, but reservations remained that the law might increase the powers of the police in ways that could be unduly invasive.

We continued to fund projects aimed at improving access to justice in Russia. One of these, run by the Independent Council for Legal Expertise, developed a new system for assessing police performance, establishing conciliation services across Russia to reduce police abuse of juvenile offenders, and creating arbitration tribunals allowing public participation in administering justice.

### **Rule of law**

We continued to support President Medvedev’s modernisation agenda, particularly the focus on strengthening the rule of law. This included the development of a UK–Russia memorandum of understanding on justice cooperation, signed in November.

However, events in 2010 demonstrated the scale of reform necessary. The conduct of the second trial of Mikhail Khodorkovsky and Platon Lebedev, which concluded on 30 December, raised serious questions about the application of justice in Russia. In his statement on the verdict, William Hague called on Russia “to respect the principles of justice and apply the rule of law in a non-discriminatory and proportional way.” The EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Catherine Ashton, described the conduct of the trial as “a matter of serious concern and disappointment”.

The investigation into the death in pre-trial detention of Sergei Magnitsky due to inadequate medical treatment had not concluded by the end of 2010. On the anniversary of his death on 16 November, the Prosecutor-General’s Office announced that it was extending the “preliminary” investigation until 24 February 2011. On the same day, the European Parliament passed a resolution calling for sanctions against officials involved in Magnitsky’s death to prevent them from entering the EU, and to freeze their assets.

During 2010 we supported the Social Partnership Foundation’s work to establish a network of independent prison monitoring boards and conduct an independent investigation into the Magnitsky case.

In October, the Russian government introduced penal system reforms to provide healthcare for detainees and eliminate inhuman and degrading treatment of prisoners. It also began a process to amend the criminal procedure code in order to abolish the pre-trial detention of individuals with ill health.

Human rights activists expressed concern at controversial new legislation expanding the competence of the Federal Security Service (FSB) and allowing them to issue official warnings to those suspected of planning or “creating the conditions for” criminal activities. The law also introduced a new penalty of up to 15 days’ detention for obstructing or refusing to obey the request of an FSB officer.

Corruption remains a widespread feature of Russian society. Transparency International’s 2010 Corruption Perceptions Index ranked Russia 154 out of 178

countries. They also reported that 53% of Russians believe that corruption had increased in the country over the past three years. Russia's Presidential Anti-Corruption Council made little impact in 2010. Russia failed to meet its obligations to the Council of Europe's Group of States against Corruption, fulfilling just nine out of the Group's 26 recommendations. The Group assessed that Russia had failed comprehensively to criminalise corruption or create effective punishments for offenders.

### **Death penalty**

Since 1996 Russia has had a *de facto* moratorium on the use of the death penalty. This was extended indefinitely by the Russian Constitutional Court in November 2009. However, Russia remained the only Council of Europe member state not to have ratified Protocol 6 to the European Convention on Human Rights, requiring the abolition of the death penalty, despite undertaking to do so when it became a member. At the UK– Russia Bilateral Human Rights Consultations, we urged Russia to abolish the death penalty.

### **Human rights defenders**

Human rights defenders in Russia remained at high risk in 2010. A widespread climate of impunity continued, resulting from a long-standing series of unsolved attacks on human rights defenders. Human rights defenders, particularly those working on issues related to the North Caucasus, were subjected to frequent intimidation, threats of violence and physical attacks.

The Mothers of Dagestan for Human Rights received persistent threats. In June, human rights lawyer Sapiyat Magomedova was beaten by police officers in Khasavyurt, Dagestan while attempting to gain access to one of her clients in the police station. By the end of the year no prosecutions had been made. In July, Oleg Orlov, head of the human rights organisation Memorial, was charged with slandering Chechen President Ramzan Kadyrov. He faced up to three years' imprisonment as a result. Several international human rights organisations believed that the charges against him were politically motivated and expressed concern over the conduct of the trial, set to continue in 2011. Other human rights defenders in the North

Caucasus region, particularly in Chechnya, reported receiving threats during 2010. They feared for their safety and did not wish to be named.

Such threats were not confined to the North Caucasus. In May, a court in the Sverdlovsk region sentenced the human rights activist Alexei Sokolov to five years' imprisonment. Human Rights Watch believed that the charges were false and likely to have been a retaliatory punishment for his work as a human rights defender. On 4 November, Konstantin Fetisov, an environmental activist who had campaigned against the construction of a new motorway through the Khimki forest north of Moscow, was hospitalised following a vicious attack.

NGOs continued to face general intimidation. In September, Russian authorities carried out snap inspections on 38 Russian and international NGOs. Officials demanded financial and organisational information at short notice and threatened to prosecute NGOs for administrative offences if this information was not supplied in time.

There was little progress in 2010 in the investigations into the high-profile murders of Russian human rights defenders in previous years. The investigations into the murders of Anna Politkovskaya in 2006, and Natalya Estemirova in 2009, had produced no results by the end of the year. The trial of those accused of the 2009 murder of human rights lawyer Stanislav Markelov was set to open in early 2011.

We maintained close contact with many Russian human rights defenders and organisations working to protect their interests. We supported Russian NGOs such as Agora, which provides legal protection for human rights defenders across Russia, and the Nizhny Novgorod Committee Against Torture, which runs an innovative network of investigation teams in Chechnya. We also contributed to the implementation of a new EU strategy to protect human rights defenders in Russia, participated in the trial monitoring of cases against human rights defenders, and raised individual cases with the Russian authorities in our bilateral contacts and together with EU partners.

## **Freedom of expression**

Media freedom in Russia remained limited in 2010. The NGO Reporters Without Borders ranked Russia 140 out of 178 countries in their 2010 Annual Press Freedom Index. According to the Glasnost Defence Foundation, 12 journalists were killed and a further 58 attacked in Russia during the year. Ninety journalists were detained by the FSB and 45 criminal prosecutions were brought. In November, the Kommersant reporter Oleg Kashin was brutally beaten outside his home in central Moscow. President Medvedev was swift to condemn the attack and order an investigation, but no suspects had been apprehended by the end of the year. The chair of the Presidential Council on Human Rights said that the attack was undoubtedly linked to Kashin's reporting of sensitive topics and proposed stricter penalties for those convicted of threatening or attacking journalists.

Television news remained dominated by state-owned news channels, which very rarely provided coverage of opposition politicians or viewpoints critical of the government. Some newspapers and radio stations were able to take a more independent line, but self-censorship was widely practised and editors avoided highly sensitive topics such as criticism of the government's policies on human rights and the North Caucasus or allegations of official corruption. The internet, however, continued to be predominantly free, although it is not used as a source of news by the majority of people in Russia.

Broadcast and print media freedom in the North Caucasus were particularly restricted. Online news is therefore often the only source of impartial reporting. We continued to support the work of the independent media agency Caucasian Knot which provides balanced and objective online media reporting of news from across the Caucasus region. More than 3 million people accessed the site in each quarter of 2010.

## **Freedom of religion and belief**

In general, the government continued to respect the constitutional provision for religious freedom, although some minority religious groups were subjected to restrictions. Believers of those religions considered to be traditional – Russian Orthodoxy, Islam, Judaism, and Buddhism – were able to operate and worship

freely. But the vagueness of the law “On Freedom of Conscience and Associations” continued to leave potential for abuse, with minority religious groups more likely to be targeted. For example, Russian authorities in several regions prevented Jehovah’s Witnesses from opening places of worship, citing alleged administrative offences such as the contravention of fire regulations.

We made our concerns in this area clear to the Russian government, including at our bilateral Human Rights Consultations in January.

### **Women’s rights**

Domestic violence remains a major problem in Russia. The Ministry of Internal Affairs estimates that 80% of women have experienced domestic violence at least once in their lives. According to the women’s rights NGO ANNA, many women are reluctant to report violence, and law enforcement agencies frequently failed to respond to reports when they were made. Gender discrimination in employment remains commonplace, with many job descriptions specifying gender and age requirements. In some parts of the North Caucasus, women continue to face honour killings, bride kidnapping, polygamy, and enforced adherence to Islamic dress codes.

On 18 June, uniformed men drove around the centre of the Chechen capital Grozny firing paintball guns at women who were not wearing headscarves. Human rights activists, including the head of the Moscow Helsinki Group, Lyudmila Alexeyeva, believed that these attacks were carried out by police. Chechen President Ramzan Kadyrov welcomed the incidents, calling the victims “naked women” and announcing his “gratitude” to the assailants.

### **Minorities and other discriminated groups**

In 2010 the Moscow city authorities again refused to permit a Gay Pride march to take place in the city. In October, the European Court of Human Rights ruled that the persistent banning of gay rights demonstrations violated the right to freedom of assembly. It also underlined that preventing such rallies was illegal discrimination on the basis of sexual orientation.

We raised the issue of non-discrimination with Russia bilaterally, and also championed the cause within the Council of Europe, which resulted in the adoption of the Committee of Ministers' recommendation against discrimination on grounds of sexual orientation and gender identity in March.

According to the Russian disability rights NGO Perspektiva, there are more than 12 million disabled people in Russia. People with disabilities continue to face barriers to employment and education, and widespread discrimination. Russian laws on accessibility for disabled people exist, but are frequently unenforced. Although Russia signed the UN Convention on the Rights of Persons with Disabilities in September 2008, ratification had not taken place by the end of 2010. We supported work by Perspektiva and the Mental Disability Advocacy Centre to bring Russian legislation into line with the standards required by the convention.

### **Racism**

Human rights organisations continued to express concern over ongoing incidents of racial discrimination and racist violence in Russia. According to the Russian NGO Sova, grassroots xenophobic violence increased in 2010, with 37 people killed and 368 injured in racially motivated attacks. In December, a series of demonstrations by nationalist groups culminated in a serious outbreak of violence in Moscow's Manezh Square. Demonstrators clashed with riot police, before carrying out attacks on people of non-Slavic appearance. The UK welcomed steps taken by President Medvedev to condemn the violence.

### **Conflict**

The situation in the North Caucasus remains of deep concern, with human rights violations continuing in a context of resurgent terrorist violence and ongoing conflict between state security forces and militant groups. Russian official figures stated that more than 300 militants were killed in the region in 2010. The North Caucasus Federal Government reported that murders across the region increased by 5% during the year.

Violence in Dagestan continued unabated. Incidents of violence increased in Kabardino-Balkaria, and a number of terrorist attacks took place in Chechnya. The



security situation in Ingushetia remained serious, but with overall levels of violence decreasing. The Parliamentary Assembly of the Council of Europe's report in June on human rights in the North Caucasus called the situation "the most serious... in the entire geographical area encompassed by the Council of Europe in terms of human rights protection and the affirmation of the rule of law".

We supported a number of Russian and international NGOs seeking to mitigate and resolve conflict in the North Caucasus region. This included funding for Nonviolence International to build understanding and trust between youth and law enforcement officers, and the NGO Memorial to monitor the human rights situation in the region and collect first-hand evidence of human rights violations for use in trials.

Reports of torture, abductions and extra-judicial killings by federal security personnel in the North Caucasus continued in 2010. We worked with the Russian NGO Committee Against Torture to facilitate independent investigations into allegations of torture. Evidence from these enabled the prosecution of cases in Chechnya, as well as entrenching local courts' knowledge and use of human rights law.

### **Other issues: Freedom of assembly**

The year 2010 began with the detention of a veteran human rights defender, 82-year-old Lyudmila Alexeyeva during a New Year's Eve demonstration at Triumphalnaya Square in central Moscow. The demonstration was part of the Strategy 31 campaign, named after the article of the Russian constitution which guarantees freedom of assembly. The campaign holds demonstrations in cities across Russia on the 31st day of every month with 31 days. Over the course of the year Moscow authorities continued to ban Strategy 31 demonstrations from taking place in the square, despite authorising other protests in the same location, such as those by pro-Kremlin youth groups. When the demonstrators sought to assert their right to assemble, police carried out mass arrests, often using violence in order to do so. The Moscow authorities did grant permission for the 31 October rally and again for a rally on 31 December. Although the October rally passed off peacefully, mass arrests of protesters and opposition politicians in December reversed this positive trend.

We continued to address the issue of freedom of assembly with the Russian government, including at the UK–Russia Human Rights Dialogue in January. We urged Russia to adhere to its UN and Council of Europe commitments and underlined the importance of peaceful protest and democratic dialogue.

## **Saudi Arabia**

Many of our concerns associated with human rights in Saudi Arabia are societal as much as they are governmental. The Saudi government has, however, made some limited improvements. It has praised families who have shown clemency by waiving their private right under Sharia law to have their relative's killer executed, and have encouraged women to work in occupations previously closed to them. The governmental Human Rights Commission promoted human rights in schools and universities in 2010. But these changes have not been institutionalised. The guardianship system, under which women need permission from a male relative to travel, work and study, remained in place. The Saudi legal system, despite increased judicial training, failed to provide basic standards of international justice. And the sponsorship system which governs the employment of foreign nationals failed to provide safeguards against abuse.

We continued our frank dialogue with Saudi Arabia about the human rights situation in 2010. Working both bilaterally and with the EU, we encouraged progress in four priority areas: women's rights, the death penalty, rights of foreign workers and judicial reform. Progress on implementing the 50 recommendations Saudi Arabia accepted during its UN Universal Periodic Review in Geneva in February 2009 was very disappointing, despite encouragement from our Embassy in Riyadh. The Two Kingdoms' Dialogue, the bilateral forum for discussing social and economic issues between the UK and Saudi Arabia, was planned for 2010, but was postponed until 2011. Formal *démarche* protests were delivered concerning custody rights for women and the case of Rizana Nafeek, a Sri Lankan national sentenced to death for killing a baby in her care, when she may have been under 18 years old. Our Embassy provided training to Saudi security forces in forensic analysis and investigative methods, including DNA analysis, which has helped to improve the treatment of suspects. The British Council has trained female entrepreneurs through its Springboard training programme.

The process of very gradual reform is likely to continue in 2011, with further incremental developments on women's employment opportunities and in spreading

awareness and acceptance of human rights. An important indicator of progress will be whether the number of executions continues to fall. The municipal council elections scheduled for October 2011 may allow women to vote. We will provide support to the Ministry of Rural and Municipal Affairs as it prepares for the municipal elections and continue to urge for the opportunity for women to participate. But the slow nature of reform will remain frustrating for those Saudis committed to promoting human rights.

We will take forward a range of human rights work in 2011. We will host the Two Kingdoms' Dialogue in London, after it was delayed in 2010. We hope this will be an opportunity to strengthen our dialogue on civil society issues. Our Embassy will work with the National Family Safety Programme to develop literature and resources as it campaigns on children's rights in schools across the country. We are also helping to prepare training from HM Prison Service to the Saudi prison service, which we hope to pilot in February 2011. The British Council will continue to deliver the Springboard training programme which trains young female entrepreneurs in the skills required to start and develop their businesses. We will also support the Shura Council in understanding parliamentary oversight, through a visit to London and meetings with Parliament, government departments, civil society and the media.

### **Elections**

Saudi Arabia's second round of municipal elections, planned for October 2009, were delayed for two years after the existing councils had their terms extended. The Embassy in Riyadh continued to offer support to the Ministry for Municipal and Rural Affairs in preparing for these elections and encouraged the ministry to permit women to stand for election and to vote.

### **Access to justice**

Within the Saudi criminal justice system, many legal safeguards, such as presumption of innocence, access to evidence, public trials and juries, do not exist. Judges apply their own interpretation of Sharia law. There is no codified legal system, leading to wide variations in punishment for the same offence.

In October 2008 King Abdullah launched a major judicial reform project, which was given further momentum with the appointment of a new minister of justice in February 2009. In 2010 new courts were built and judicial training extended but there was no progress in developing a system of precedent or codifying the law, and public concern remained about the length of time trials took. In January, the Shura Council, the appointed, all-male council which acts as a fledgling parliament, recommended a system of public defenders to ensure legal advice for accused parties in criminal trials. But this recommendation was still awaiting the required approval from the Council of Ministers by the end of 2010.

Despite some courts trialling alternative punishments such as community service orders, the use of corporal punishment remained widespread in 2010. In August, a court in the northern town of Tabuk considered paralysing a man as a punishment for a fight where another man had been paralysed. Following international outcry and medical advice, the court eventually decided against paralysis as a punishment in this case.

We continued to support the Saudi Ministry of Justice in its reform efforts and also developed links with some of the professors and students at the Higher Judicial Institute at the Imam Mohammed University in Riyadh, where the majority of Saudi judges study.

### **Death penalty**

In 2010 an estimated 26 individuals were executed, down from 67 in 2009, 97 in 2008 and 157 in 2007. The reasons for this decrease in numbers are the cause of some debate. The King and senior princes have encouraged a culture of clemency by meeting and praising victims' families who have waived their right under Islamic law to see the killer executed. But the number of crimes which retain the death penalty is a serious concern. For example, sorcery, drugs smuggling, homosexuality and apostasy technically carry the death penalty, although the vast majority of those executed in 2010 were convicted of murder. In addition the death penalty is applied after a legal process that fails to provide basic legal safeguards.

While the Saudi government has encouraged a culture of forgiveness, it continued to stop short of abolishing the death penalty or fundamentally reforming its application. The Saudi government has always qualified its acceptance of international treaties by saying that it accepts them in so far as they do not contradict Sharia law. And its position on the death penalty remains governed by its adherence to its understanding of Sharia law. There remains overwhelming public support for the death penalty.

In 2010 Rizana Nafeek, a Sri Lankan national sentenced to death in 2007 for the killing of a baby in her care, had her final appeal rejected. The EU and our Embassy raised the issue with the Saudi government. The Saudi government argued that the case rests with the victim's family who have a private right under Sharia law to demand her execution. High level Saudi efforts to encourage the family to show clemency were continuing at the end of 2010. But there remains very little debate in Saudi society about the application of the death penalty. While maintaining our clear and principled opposition to the death penalty in all cases, our efforts were particularly focused on the debate around the age of legal responsibility. Under the Saudi interpretation of Sharia law, children become legally responsible at the age of puberty. Saudi Arabia is one of five states to execute minors. While there is almost no public discussion of the principle of the death penalty, there is debate about protecting children's rights; the Shura Council has debated the issue of setting a minimum age for marriage and there has been discussion about setting an age of adulthood with regard to human trafficking. By engaging in and encouraging this debate, we are working to see the establishment of a specific age of legal responsibility.

### **Torture and other ill treatment**

There were a number of cases of individuals alleging mistreatment at the hands of Saudi authorities. In counter-terrorism cases, we assess that the Saudi policy of rehabilitation actually prevents torture and other ill treatment, because such treatment would further radicalise individuals and would undermine the work to convince the detainees that the government has religious legitimacy. In cases of petty crime and immigration offences, sporadic mistreatment still occurs.

The Saudi Ministry of Interior is committed to preventing torture and mistreatment, and claims to discipline or punish officials responsible. But in 2010 no police officers were prosecuted for mistreatment. UK training to Saudi security forces continued to provide advanced investigative techniques which reduce the tendency to rely on confessions.

### **Prisons and detention issues**

Conditions in Saudi prisons vary considerably. Some of the detention centres for terrorist detainees are amongst the most advanced in the world. But normal prisons and, in particular, immigration detention centres are often old and overcrowded. The governmental Saudi Human Rights Commission undertook an extensive programme of prison inspection in 2010.

We are developing training and mentoring for Saudi prison officers and governors, which we hope will be piloted in 2011, to support them in detaining prisoners in line with international human rights standards.

Many prisoners in Saudi Arabia can be imprisoned for months or even years as they wait for trial. In early 2011, the Ministry of Justice announced that 765 individuals had been convicted of terrorism offences in the Hijri year 1431 (18 December 2009 to 6 December 2010). Many of these detainees had been awaiting trial since the Al-Qaeda terrorist campaign of 2003–5 which targeted government figures and foreign compounds. In addition to lengthy detention while awaiting trial, Saudi Arabia detains individuals whom it considers a security threat for engaging in political activity. Former Judge Suleiman al Reshoudi remained detained throughout 2010 despite legal challenges to his detention, and Professor Mohammed Abdullah Abdulkareem was detained in December after publishing an article which discussed the potential for violence between members of the royal family. Our Embassy monitored these cases throughout 2010 and urged the Saudi government to respect the right to free speech.

### **Human rights defenders**

Saudi Arabia has no law governing the formation of NGOs. There are two legally recognised human rights bodies: the governmental Human Rights Commission and

the government-funded, but independent, National Society of Human Rights. The National Society in particular was more outspoken in 2010 on a range of issues. Other human rights organisations, most notably Human Rights First and the Association for Civil and Political Rights, remain illegal. During its Universal Periodic Review at the UN Human Rights Council in February 2009, we recommended that Saudi Arabia enact a law allowing the formation of civil society organisations. We repeated this recommendation to the governmental Human Rights Commission in 2010.

### **Freedom of expression**

The limits on freedom of expression have widened significantly since King Abdullah came to the throne. The media now reports on issues previously considered unacceptable, such as social problems and the performance of ministries. But limits remain, particularly around criticism of individual members of the government and around religion. In May, the editor of Saudi Arabia's most liberal newspaper *Al Watan* was removed after allowing an article critical of religious practice in Saudi Arabia to be printed. In October, a journalist for the *Al Jazeera* newspaper in Qubba was sentenced to 50 lashes for allegedly inciting unrest by reporting protests about electricity prices. He appealed and the case was still outstanding at the end of 2010.

Our Embassy continued to promote greater freedom of expression through contacts with journalists and bloggers.

### **Freedom of religion and belief**

Saudi Arabia forbids the public practice of religions other than Islam. Private religious observance is tolerated, but non-Muslim religious communities live under fear of persecution if they seek to come together to worship. Conversion from Islam technically carries the death penalty, although no cases were reported in 2010.

The treatment of Shia minorities in Saudi Arabia remains of concern. The Shia of the Eastern Province and the Ismailis of Najran face restrictions on the building of mosques and other civic restrictions. The King's initiative to promote interfaith dialogue internationally has had a limited impact inside the Kingdom.



The National Dialogue, which was launched in 2005 with the intention of encouraging a culture of tolerance and diversity, runs meetings across the country bringing together those interested in specific issues. It visited Najran in April and focused on health care. The situation in Najran continued to improve after the appointment of a new governor in March 2009. But mosque closures in the Eastern Province continued in 2010, particularly in Al Khobar. In December, violence was reported between Shia and Sunni youths in Madina.

We continue to support King Abdullah's interfaith dialogue initiative and have engaged with Saudi authorities on the issue of freedom of worship.

### **Women's rights**

The treatment of women in Saudi Arabia remained a very serious concern in 2010. At the root of the problem is the guardianship system, which grants a male relative authority over every woman in his family. The male family member can refuse permission for the woman to study, travel or work. There is also an extensive system of segregation which limits women's ability to play a full part in public life. Women, with limited exceptions, may not work in a workplace with men. They may not drive a car. While the number and quality of female universities continues to rise, many subjects are deemed inappropriate, and therefore unavailable, for women.

The Saudi government, under the leadership of King Abdullah, has undertaken a gradual process of reform to extend opportunities to women. This is most notable in the education sector, where the number of female university graduates now exceeds the number of male graduates. The year 2010 saw work start on a very large new campus for Princess Noura University in Riyadh, which will cater exclusively for women. Women make up an increasing proportion of the scholarship students sent overseas to study under the King Abdullah Scholarship Programme, with many going to UK universities.

More limited progress has been made at opening employment opportunities for women. In August a group of supermarkets in Jeddah started to employ a small number of women as cashiers in its supermarkets. Despite the small number and

the position of the women in curtained-off family-only areas, the decision provoked fierce debate in Saudi society. A religious scholar called for a boycott of the supermarket chain involved. The new minister of labour, who had previously been the chair of the supermarket chain's board, was criticised. Saudi women both supported and condemned the change. Initially the supermarket removed the female cashiers, but by the end of 2010 they were back at work.

In November, the Khadijah bint Khuwaylid centre in Jeddah organised a conference entitled "The Reality of Women's Participation in National Development". Speakers included Dr Nora al Fayez, the first woman to hold ministerial rank as deputy minister of education, and the head of the Mecca branch of the religious police, who challenged the standard position of the religious police regarding women working in mixed workplaces. The conference, which was attended by the Consul General in Jeddah, was another example of government-supported attempts to broaden the discussion of women's participation in Saudi society. It discussed the formation of a Women's Ministry and allowing female sporting activity in schools. The conference sparked another fierce debate in Saudi society with a group of 700 conservative women condemning it for what they claimed was its Western agenda.

Despite the Saudi government's support for such private initiatives and for female education, it has so far failed to remove the main institutional barriers to women, most notably the guardianship system. We continued to take every opportunity to urge the Saudi government to remove the guardianship system of women, as the UK recommended at Saudi Arabia's UN Universal Periodic Review in February 2009. The British Council trained emerging female entrepreneurs as part of its Springboard programme in 2010 and our Embassy maintained strong links with institutions supporting female empowerment in the Kingdom.

### **Children's rights**

In Saudi Arabia the age of legal responsibility is puberty. This has implications for the trials of children as adults, including for crimes which carry the death penalty. The legal age of responsibility also provides the legal underpinning for child marriage. Cases of child marriage are the subject of limited and often contradictory press reporting.

In April, a court in Buraidah was reported to have annulled the marriage of a 12-year old girl to an 80-year-old relative. In June, the government announced a new marriage contract which required the bride's age to be included, but this has not resulted in a legal age for marriage being established. The government's Human Rights Commission has provided legal advice for children and families placed in such situations, which it argues are rare.

We repeatedly raised the issue of children's rights in 2010. Our Embassy encouraged the governmental Human Rights Commission to enact our recommendation from the 2010 UN Universal Periodic Review to set an age of legal responsibility. Our Embassy also lobbied the Human Rights Committee in the Shura Council to expedite its proposals to outlaw the practice of child marriage and we worked closely with the National Family Safety Programme in setting up programmes to build awareness of children's rights in schools.

### **Minorities and other discriminated groups**

Lesbian, gay, bisexual and transgender rights are entirely denied in Saudi Arabia. Homosexual acts are illegal and potentially carry the death penalty, although no executions on these grounds were reported in 2010. Beyond the legal restrictions, extensive social stigma exists. Our Embassy continued to offer discreet support to individuals.

### **Antisemitism**

Unacceptable statements about Jews were made in the media and by Saudi religious figures. Our Embassy continued to confront antisemitic statements and encouraged Saudi governmental leadership to oppose antisemitic prejudice.

### **Other issues: Rights of foreign workers**

The treatment of expatriate labour remains a very serious concern in Saudi Arabia. The national census held in April, the first since 2004, put the number of foreign nationals in Saudi Arabia at almost 8.5 million, approximately 31% of the total population. The majority of these are low-paid workers carrying out manual and domestic work from countries in South East Asia and the Indian subcontinent.

At the root of the problems faced by foreign workers in Saudi Arabia is the sponsorship system. This makes all foreign workers the responsibility of a Saudi company or individual. The sponsor guarantees the immigration status and behaviour of the employee. As international human rights organisations have demonstrated, the system is open to extensive abuse without sufficient safeguards to protect the rights of the workers. The legal system in particular fails to protect basic labour rights for foreign workers.

The year 2010 saw a number of high-profile cases where domestic workers alleged violent abuse at the hands of their employers. In August, a Sri Lankan woman alleged to a court in Sri Lanka that her Saudi employer had hammered 24 nails into her body, in a case which was refuted by the employer and the Saudi government. In November, an Indonesian woman died in Abha, allegedly after extensive abuse from her employer. As the year ended, a Saudi woman went on trial for the abuse of her Indonesian maid in Madina.

The Saudi media covered these issues more extensively than in the past, although negative perceptions of foreign workers in the media continue. The trial of the alleged abuser in Madina was an important step in bringing claims of abuse to court but the Saudi government failed to make the necessary steps to reform the sponsorship system which gives undue power to sponsors over their employees. Despite the example of Bahrain, which has reformed its sponsorship system, proposals from the National Society of Human Rights and discussion in the Shura Council, the system remains in place.

The UK has raised the issues faced by foreign labour throughout 2010 with the Saudi government, the Shura Council and the media. In December, our Embassy in Riyadh attended a conference on the issue organised by the governmental Human Rights Commission, which brought together government agencies and the embassies of some of the countries who send most workers to Saudi Arabia. Our Embassy encouraged further work to be taken forward as a result of the conference.

## **Somalia**

The Transitional Federal Government is committed to upholding the Universal Declaration of Human Rights and to preventing human rights abuses in areas of its control. However, it lacks the power and capacity to deal effectively with many of the systematic human rights abuses that occur. Successful presidential elections were held in Somaliland and were judged by international observers to have reflected the will of the voters. The new government in Somaliland made a commitment to improving the human rights situation there.

Continued opposition from insurgent groups in southern and central Somalia prevented the Transitional Federal Government from extending its authority beyond approximately half of the capital city, Mogadishu. Insurgent groups, such as al-Shabaab, remained in control of much of southern and central Somalia and continued to perpetrate serious acts of violence against civilians throughout the region. Somaliland and Puntland in the north offered greater stability, though reports of human rights abuses were still common.

The unstable security situation in 2010 prevented us from directly monitoring and verifying human rights abuses or from being able to apply pressure or push for changes and improvements. Nevertheless, we raised human rights violations with the Transitional Federal Government and the Somaliland government at every appropriate opportunity and met with a number of human rights groups and NGOs throughout the course of the year. The international community remained focused on the human rights situation in Somalia, notably holding a discussion on this issue during the UN Human Rights Council meeting in Geneva in September. As a result of this session, the Geneva Friends of Somalia group was formed, mandated to improve coordination among those working in the human rights and humanitarian assistance fields in Somalia. We were a founding member of this group.

The human rights situation in Somalia is unlikely to improve significantly in 2011. The Transitional Federal Government is due to end its transitional period in August 2011, but this is unlikely to have an impact on the human rights situation in the short

term. In the time leading up to the end of the transitional period, we hope the Transitional Federal Government will continue to strive for peace, through the development of the security sector and the provision of public services for citizens.

We will continue to work for greater stability in Somalia, which will allow for better rule of law and improved human rights conditions. We will invest in projects aimed at developing the security sector and communities. This in turn should undermine the influence of extremist groups, such as al-Shabaab. Access to Somalia for UK officials is likely to remain very infrequent and so we do not anticipate a significant improvement in our ability to monitor directly the human rights situation on the ground.

### **Elections**

Successful presidential elections were held in Somaliland in June after a delay of almost two years. These elections were deemed by local and international observers to reflect the will of the voters. We provided significant assistance to the Somaliland elections in political, technical and financial terms and were the largest bilateral donor.

### **Access to justice**

The majority of Somalis do not have access to justice. The Transitional Federal Government's judicial system lacks the capacity to deal with war crimes and crimes against humanity. For most people, justice is largely conducted at local and clan levels with little oversight from the state. The law is a mixture of jurisprudence inherited from colonial times, Sharia and clan/customary law. These are inconsistent in implementation and can limit access to justice, particularly for women. Somalia retains the use of the death penalty. The extent of its use is not known.

The Somaliland and Puntland judicial systems have more central control with a hierarchy of courts established up to a Supreme Court. The Somaliland judicial system in particular provides for the right to legal representation; to appeal; to the presumption of innocence; and to appear before a court within 48 hours of arrest. However, only a small number of judges in Somaliland have the necessary legal qualifications to practise law. In 2010 we supported the UN Development

Programme in training more judges, supporting the establishment of a new legal framework and providing free legal aid to defendants in both Somaliland and Puntland. However, the security situation and underdeveloped constitutional frameworks limits substantial progress in this area.

In areas under al-Shabaab's control, citizens are often denied access to justice and receive disproportionate punishments for alleged crimes committed. Individuals are often forced to admit to their crime, whether they are guilty or not. Punishments include public floggings, amputations and executions. For example, in October, two teenagers were sentenced to death by firing squad after being accused of spying. Residents were ordered to observe the killing.

### **Rule of law**

As the Transitional Federal Government controlled approximately half of the capital city, Mogadishu, throughout 2010, the rule of law in Somalia was inconsistent. Rule of law remained a priority for us and we focused on the development of local and regional administrations. Developing and enabling rule of law was a key task for the Transitional Federal Government, although progress was hampered by political infighting.

Puntland and Somaliland also made a real commitment to developing the rule of law in their regions, with the latter committing itself to abolish the extra judicial "security committees". These committees often sent citizens to prison without due process of law.

### **Prisons and detention issues**

We were not aware of any reports during 2010 of the use of widespread or systematic arbitrary detentions, or of detentions of political prisoners. Prison conditions are harsh and do not meet international standards. Police stations in Mogadishu were monitored by civil society groups through the UN Development Programme and as a result, a number of prisoners were released when it was found that the police had not followed due process. However, the difficult security situation in Mogadishu meant that the monitoring of police stations was ad hoc.

We encouraged the UN Development Programme, working with the UN Office for Drugs and Crime and the Counter Piracy Programme to build a new prison in Hargeisa, Somaliland, which opened in late 2010. The UN Office for Drugs and Crime and the Counter Piracy Programme also focused on improving living conditions in prisons in Puntland in 2010 and began work on building a new prison which should open in 2011.

### **Torture and other ill treatment**

There is no clear evidence of the use or extent of torture, but media reports indicate that al-Shabaab use serious acts of violence, such as public amputations and lashings to enforce its law. The Somaliland government was subject to accusations of mistreatment in 2010, despite the Somaliland constitution forbidding the use of any kind of “cruel and physical treatment”.

### **Human rights defenders**

Human rights defenders continued to have a low profile in Somalia as they operate in very dangerous conditions. Simply by being present they are risking their lives. Our officials seek to support the work of these individuals wherever possible. To this end the UK contributed to the revised EU guidelines for human rights defenders in Somalia in November.

### **Freedom of expression**

International and local journalists operate in extremely difficult environments. The National Union of Somali Journalists found that most attacks against journalists in 2010 were attributed to armed insurgent groups, such as al-Shabaab and Hizb-ul Islam. However, there were reports that both the Puntland government and its security forces and the Transitional Federal Government have been responsible for a number of abuses against media freedom.

Journalists experienced severe restrictions throughout 2010. Three journalists were killed in 2010, compared to nine in 2009 but insurgent groups stepped up their attacks on media houses to prevent independent reporting. In April, Hizb-ul Islam banned media houses in Mogadishu from playing any music or commercials.



Throughout 2010 al-Shabaab imposed reporting restrictions on media houses and seized broadcasting equipment on a number of occasions.

The press climate in Puntland worsened in 2010, particularly in the latter part of the year. Journalists faced restrictions in reporting the continued conflict in the disputed areas of Sool and Sanaag. A Puntland journalist was imprisoned for six months without trial for interviewing rebel forces. The EU lobbied the Puntland government on this issue and the UK called both publicly and privately for greater press freedoms in the region.

The Transitional Federal Government lacks the power and capacity to tackle freedom of expression and media freedoms effectively. However, it has made some advances. In May, with support from the international community, the Transitional Federal Government facilitated the opening of a media safe house. This was a positive first step.

Somaliland enjoys greater media freedom than other regions in Somalia, though in the run-up to the 2010 elections reports indicated that a number of journalists had been arrested for short periods for political purposes. A media monitoring group was formed to cover the election period and we raised the issue of press freedom with the Somaliland government.

### **Women's rights**

Somalia is not party to the Convention on the Elimination of All Forms of Discrimination against Women. Women continued to be forced into marriage or sold to settle disputes. Female genital mutilation is widespread in Somalia. It is estimated that as many as 97% of women have been subjected to some form of it, typically during childhood. In areas under al-Shabaab's control, women face extremely severe restrictions on their freedom. For example, women are not permitted to work or to leave the house without an *abaya*. Violence against women, including rape, continues to be widespread. Women also continue to be under-represented politically.

## **Children's rights**

Children, particularly those living in southern and central Somalia, continued to live in extremely challenging environments. The percentage of children receiving education across Somalia, including Somaliland, remained extremely low. In southern and central Somalia, al-Shabaab continued to interfere in school curriculums and introduced mandatory lessons in jihad.

The ongoing conflict in and around the capital, Mogadishu, had severe repercussions for children. The UN cited al-Shabaab, Hizb-ul Islam, the Transitional Federal Government, Ahlu Sunnah Wal Jama'a and other militia groups as recruiting and using child soldiers. In particular, al-Shabaab systematically recruited child soldiers from schools in areas under its control and was reported to be training an estimated 2,000 children in camps in southern Somalia. The Transitional Federal Government was also accused of using child soldiers in its armies, though when the international community made representations to the government in the early part of 2010, it was denied. The Transitional Federal Government has since pledged to work towards an action plan to end the recruitment of child soldiers in Somalia.

## **Minorities and other discriminated groups**

Many minority groups continue to face persecution in Somalia and minority religions are heavily restricted. The clan structure is of great significance and importance in Somalia and four main clans continue to dominate politics, the economy and urban life. Minority clans are not proportionately represented in local and regional governments.

Minority groups do not have the protection that the traditional clan structure affords. They are therefore more exposed to marginalisation and victimisation. During 2010, they suffered abuse at the hands of local governments as well as members of more dominant clans. In southern Somalia, Bantus and Christians faced violent attacks from al-Shabaab. Reports indicated that al-Shabaab beheaded a number of Christians in 2010.

The situation in Somaliland and Puntland was better than in other regions as they consist largely of one clan in each region: the Isaq in Somaliland and Darod in

Puntland. However, in Somaliland, violations against the Gaboye people occurred throughout 2010. The Gaboye reportedly suffered verbal abuse and restrictions in their day-to-day life.

Our lack of access, because of the poor security situation, prevented us from closely monitoring minority rights in most of Somalia. However, we raised minority rights with the Somaliland government in 2010 and will continue to push for equal rights in all areas of Somalia.

### **Conflict**

Over the course of 2010, hundreds of civilians were killed and injured as a result of being caught up in the conflict in southern and central Somalia and especially in Mogadishu. The UN Inter Agency Standing Committee Protection Cluster, that provides a coordinated humanitarian response to protection and humanitarian needs, recorded more than 1,000 killings throughout 2010 and more than 1,600 weapon-related casualties between September and November alone – including 127 children under the age of five. Insurgent groups frequently stationed themselves in densely populated civilian areas such as markets where they then launched attacks on government forces and African Union soldiers. Civilian casualties have been reported as a result of African Union and Transitional Federal Government forces defending themselves against insurgent attack. We worked closely with the Transitional Federal Government and the African Union throughout 2010 to explore ways in which to minimise the risk to civilians.

We contributed to the EU mission to train Somali forces in Uganda. Upon completion of training, the troops are stationed in Mogadishu to work with the African Union and existing Transitional Federal Government soldiers. This training includes a mandatory human rights module for all new recruits.

Throughout 2010 there continued to be sporadic clashes in the disputed territories of Sool and Sanaag on the Puntland/Somaliland border, and elsewhere throughout Somalia, with clan militias and insurgent groups. Regional administrations and clan elders continued to mediate between conflicts. The new Somaliland government made significant efforts in the latter part of 2010 to mediate between and reconcile

local clan conflicts, which are usually over land. We provided support to the Somaliland security services, to help reduce the conflict on the Puntland/Somaliland border.

### **Protection of civilians**

There was no improvement in the protection of civilians in 2010. The Transitional Federal Government was extremely limited in its capacity to provide adequate protection for Somali citizens and civilian casualties, and forced displacement continued to rise. Although many people were able to return home only a few weeks after fleeing, others are displaced for much longer. More than 1.46 million people were displaced at the end of 2010, including 410,000 people in the Afgooye corridor near Mogadishu – the highest concentration of internally displaced persons in the world. There were also more than 600,000 Somali refugees in the region. With 4,000 arrivals a month, Kenya was hosting more than 338,000 refugees by the end of 2010, including 268,000 in Dadaab – the largest refugee camp in the world.

Displaced people often lose their clan protection when they are forced to move to other parts of the country, leaving them more vulnerable. There were numerous reports in 2010 of the abuse and rape of women, particularly those from minority groups, in internally displaced persons camps. Repeated displacement, violence and killings were also frequently reported. Conditions in the camps, where access for humanitarian agencies is difficult, are often appalling, with severe overcrowding in unsanitary surroundings.

The UN estimates that 2 million people in Somalia, or 27% of the population, require emergency humanitarian or livelihood support. This includes the 1.46 million internally displaced people, most of whom are in southern and central Somalia where access for humanitarian agencies is most difficult. In the financial year 2010/11, we provided almost £20 million in support to humanitarian agencies, including UNICEF, the International Committee of the Red Cross, and a number of NGOs such as Oxfam, Action Against Hunger and MedAir to reach more than 700,000 vulnerable Somalis, including internally displaced persons, with emergency assistance such as clean water, health care, food and shelter.

## Sri Lanka

The number of reports of violent human rights violations fell in 2010 as the security situation improved following the end of the military conflict; long-standing Emergency Regulations were partially lifted; and the humanitarian situation improved significantly. However, the overall human rights position in Sri Lanka remained a concern. Despite the end of the fighting, there continued to be human rights violations in 2010, including disappearances and extra-judicial killings, arbitrary arrests and a restriction on political space for free expression. Media reports suggesting that paramilitary groups remained active and that criminal activity in the Jaffna peninsula had increased at the end of the year were also a serious concern.

A key challenge for 2011 will be for the government to make progress towards achieving reconciliation between all Sri Lanka's communities. We will follow closely the outcome of ongoing discussions between the government and minority parties and the outcome of the work of the Lessons Learnt and Reconciliation Commission expected in May 2011. The UN Panel of Experts, established by the UN Secretary-General to advise him on accountability issues with regard to alleged violations of international human rights and humanitarian law during the final stages of the military conflict, is also due to report its findings in 2011. We have encouraged the Sri Lankan government to engage constructively with the panel. Local elections in March 2011 will be an opportunity for all communities to exercise their democratic rights. We will continue to encourage the government to act upon the recommendations made by election monitors following the presidential and parliamentary elections in 2010.

Proposed ministerial visits in 2011 will provide further opportunities to encourage and work with the Sri Lanka government to address human rights concerns. We will continue to fund a range of projects in Sri Lanka to support civil society and strengthen the authorities' capacity to address issues related to human rights.

## **Elections**

Presidential and parliamentary elections took place on 26 January and 8 April respectively. Independent election monitors concluded that the results were valid, but highlighted a number of concerns about the conduct of the campaigns and the high incidence of pre-election violence.

Reporters Without Borders and local election monitoring bodies estimated that 95–99% of state media election coverage was supportive of the president or critical of his opponent, Sarath Fonseka. Domestic election monitoring bodies also reported nearly 800 incidents of pre-election violence, of which half were classified as “serious”. This included five murders, five attempted murders and over 100 assaults, despite the two main parties having made public appeals to their supporters to refrain from violence.

The parliamentary elections were monitored by three domestic groups – People’s Action for Free and Fair Elections; the Centre for Monitoring Election Violence; and the Campaign for Free and Fair Elections. The Sri Lankan election commissioner turned down the EU’s request to send an election monitoring mission.

We helped to fund election monitors during both elections and encouraged all sides to ensure free, fair and peaceful elections. We also funded the Campaign for Free and Fair Elections to monitor the voter registration of displaced civilians in the north before the presidential election. This highlighted obstacles that our High Commission was able to raise with the government, some of which were subsequently addressed by the Elections Commission. However, only 22,000 internally displaced persons registered to vote in elections and up to 40% of people from the north were reported to have lacked valid forms of identity to enable their participation in elections. Despite the high national turnout of 61% in the presidential election, this dropped to less than 30% in the north and east where communities were still being resettled.

## **Access to justice**

Sri Lanka has a highly developed judicial system, which faces many challenges. At the end of the year, the Sri Lankan government reported a judicial backlog of

approximately 65,000 cases. As a consequence, there were a high number of prisoners who had been on remand for a relatively long period. The Sri Lankan government committed additional funds at the end of 2010 to clear this backlog.

Our High Commission funded a local civil society organisation to support the Sri Lankan Ministry of Justice's running of mediation boards at local level throughout 2010. These boards provided an alternative method of resolving minor local disagreements without requiring complainants to go through an expensive legal process. Some 60% of cases referred to the mediation boards were resolved successfully.

Sri Lanka's Emergency Regulations and Prevention of Terrorism Act allow for limited detention of terrorist suspects without charge. A large number of suspected members of the Liberation Tigers of Tamil Eelam have been detained without charge for periods considerably longer than those allowed by law. In addition, no clear legal framework has been established for former Liberation Tigers of Tamil Eelam fighters who were detained at the end of the military conflict.

In 2010, there were reports of increasing politicisation of the judiciary and law enforcement agencies, contributing to a culture of impunity. There have been few successful investigations into prominent allegations of human rights violations. For example, there has been little visible progress during 2010 in investigating the 17 serious human rights cases considered by a Presidential Commission of Inquiry that completed its work in 2009; the abduction of human rights defender Sinnavan Suthanthararaja in May 2009; or the assassination of Sunday Leader editor Lasantha Wickrematunga in January 2009. Our High Commission has raised our concerns with the Sri Lankan government about the lack of progress on these and other cases.

### **Death Penalty**

The death penalty has not been carried out in Sri Lanka since 1976. Amnesty International describes Sri Lanka as "abolitionist in practice". Capital punishment remains legal and the death sentence continues to be handed down for crimes

including murder, drug trafficking and rape, but it has become established practice for these sentences to be commuted to life imprisonment.

### **Torture and other ill treatment**

Sri Lanka is a party to the main international human rights treaties prohibiting torture, the International Covenant on Civil and Political Rights and the UN Convention against Torture. Torture is also prohibited under the country's constitution.

Reported incidents of torture in Sri Lanka have often been associated with the conflict. However, on the International Day in Support of Victims of Torture in June the World Organisation Against Torture issued a statement that it had "received credible testimonies of torture from across the country, including in cases not related to the ethnic conflict or terrorism". In an article published in early 2011, the Asian Human Rights Commission argued that torture had become institutionalised within the Sri Lankan police service.

The media reported a number of cases of alleged torture during 2010. These included a detailed account of the torture of Lalith Abeyesuriya in an alleged attempt to extract a confession from him for theft and the police torturing of individuals at the instigation of influential individuals or families or as a result of personal grievances.

Our High Commission in Colombo raised its concerns with the Sri Lankan government about the safety and health of individuals in detention with the Sri Lankan government. The EU considered Sri Lanka's implementation of the UN Convention against Torture as part of its investigation into Sri Lanka's continued eligibility for the Generalised System of Preferences Plus (GSP+). The EU investigation found that Sri Lanka was not effectively implementing the convention and other human rights related obligations and because of this lack of progress it decided to withdraw GSP+ in August.

### **Prisons and detention Issues**

Overcrowding in Sri Lanka's prisons is in part caused by a large backlog of cases in the courts and the large number of prisoners detained on minor charges due to their inability to pay fines. Remand prisoners and those imprisoned on minor offences are



also held in the same facilities as more serious offenders. Former prison officials report that the majority of the prison population consists of pre-trial detainees and that the majority of convicted inmates serve sentences of less than three months. It is alleged that some terrorist suspects are held without a detention order being in place and therefore fall outside the legal framework.

President Rajapaksa has acknowledged the need for prison reform. He has called for an overhaul of the penal code and for the lower courts to reduce prison congestion and expedite the hearing of cases. In 2010, our High Commission discussed these challenges with the minister of justice and the minister of rehabilitation and prisons. The Justice Ministry has launched a three-year plan to tackle the backlog of cases. The Rehabilitation and Prison Reforms Ministry is planning to build a large open prison to detain 10,000 inmates convicted of minor offences.

It is believed that approximately 11,500 former Liberation Tigers of Tamil Eelam fighters were detained when the military conflict ended in May 2009. Large numbers of these detainees were released during the course of 2010, leaving approximately 4,600 in rehabilitation centres at the end of December. Their legal status remained unclear.

Despite repeated calls by the international community, the International Committee of the Red Cross has not been allowed access to all former Liberation Tigers of Tamil Eelam fighters. The International Committee of the Red Cross has, however, continued to have access to other detainees in detention facilities throughout Sri Lanka. In November, the Sri Lankan government asked the International Committee of the Red Cross to close its operations in the north of the country.

Foreign Secretary William Hague raised concerns over the lack of humanitarian access to former fighters and the continued lack of clarity over their legal status with the Sri Lankan foreign minister during the latter's visit to the UK on 20 October. Our High Commissioner in Colombo also regularly raised the issue with the Sri Lankan government. In its interim recommendations, Sri Lanka's Lessons Learnt and

Reconciliation Commission has called for a speedy resolution of remaining cases and improved transparency over detainees' whereabouts.

### **Rule of law**

Some of the checks and balances within Sri Lanka's well-established legal system were eroded in 2010. On 9 September, parliament passed the 18th Amendment to the constitution. This granted the president the power to make appointments to a range of key state institutions, including the Elections Commission, Supreme Court and police service. Previously, an independent Constitutional Council was to decide such appointments.

Although the expansive Emergency Regulations were partially relaxed in 2010, civil society groups maintain that they continue to give extraordinary powers to security forces without adequate legal safeguards.

As a result of the conflict the military has assumed an enhanced role in maintaining law and order throughout Sri Lanka, particularly in the conflict-affected areas in the north and east. The military continued to play a dominant role in law enforcement in these areas during 2010 and is empowered under the Emergency Regulations and Prevention of Terrorism Act to make arrests. The government lifted parts of the Emergency Regulations in May, and is increasingly building the capacity of the police to oversee law and order in local communities.

We funded a civil society organisation to support government attempts to strengthen police capacity. Monthly community policing forums were subsequently established in Kandy and Moneragala, improving relations between the police and different ethnic communities, and language training was provided in the Central Province to help police communicate with minority ethnic communities.

On 8 February, Sarath Fonseka, former army commander and defeated presidential candidate, was arrested on charges of campaigning whilst in uniform and corruption over military procurement contracts. On 13 August and 17 September respectively, courts martial found Sarath Fonseka guilty on both charges and he was dishonourably discharged and sentenced to 30 months in prison. As a result of the

prison sentence, he lost his seat as an MP, having been elected to parliament in the April elections. He was also charged under the Emergency Regulations and penal code with creating “terror and panic” by stating that senior military officials had ordered surrendering Liberation Tigers of Tamil Eelam leaders to be killed. This trial is being heard in a normal court and is expected to conclude in 2011. Civil society groups and opposition politicians have alleged that legal action against Sarath Fonseka has been politically motivated. Our High Commission encouraged the government to ensure the law is fairly and independently applied in all court cases, including those against Sarath Fonseka.

### **Human rights defenders**

The operating environment for human rights defenders in Sri Lanka remained difficult throughout 2010. Prominent human rights defenders faced public criticism from members of the government and have been called “traitors”. Activists have been intimidated when carrying out their work and some received anonymous death threats.

A series of newspaper articles accused the head of Transparency International Sri Lanka of trying to “destabilise” the country after his organisation issued a report documenting misuse of public assets during the presidential election campaign in January. The same individual featured prominently in a list of 35 human rights defenders, rumoured to have been prepared by the state intelligence agencies, which was reported in the press in the early part of 2010. The intended purpose and origin of this list was unclear. The President’s Office denied that the intelligence services or any branch of law enforcement had any role in the preparation of the list.

The apparent politicisation of independent institutions has created obstacles for human rights defenders. Organisations involved in monitoring the presidential and parliamentary elections in 2010 reported that police intimidation made it harder for them to carry out their election observation work in some instances. The venue for a UN Human Rights Day event in December had to be changed at the last minute when state-run Colombo University refused to allow a woman human rights defender to deliver the keynote address, allegedly on the grounds that she was “pro-opposition”.

There were also direct barriers to human rights organisations wishing to work in Sri Lanka. Some international human rights organisations were not granted visas to visit Sri Lanka in 2010. The government also cancelled visas for organisations working within Sri Lanka. A number of expatriate staff at an international NGO, who were working on a project to support local human rights defenders, were forced to leave the country when their visas were unexpectedly cancelled.

Following the parliamentary elections in April, the Sri Lankan government announced its intention to strengthen legislation governing NGOs to increase scrutiny of their funding and activities. Some civil society activists have interpreted these moves as an attempt to silence dissenting voices and prevent the exposure of corruption within the state sector.

Our High Commission funded a project to support human rights defenders in Sri Lanka in 2010. This project helped human rights organisations carry out security assessments to improve the safety of their staff and provided emergency assistance to individuals who faced particularly high levels of threat. We also regularly lobbied the government in relation to civil society freedom.

### **Freedom of expression**

Sri Lanka is an established democracy and in principle the constitution and legal system protect its citizens' right to free expression. In practice, the space for political debate and alternative views is restricted. Sri Lanka ranked 158 out of 178 countries in Reporters Without Borders Press Freedom Index 2010.

Restrictions on free expression increased during the presidential elections in January and parliamentary elections in April. On 24 January, two days before the presidential elections, a pro-opposition cartoonist and journalist, Prageeth Ekneligoda, disappeared. The police continued to investigate the incident but no progress had been made by the end of 2010. Some of Mr Ekneligoda's colleagues at the pro-opposition Lanka E News website received death threats and the site was blocked.

Monitoring groups reported that during the elections the state media was heavily biased towards the government and state resources were misused to support the government's campaign. Media outlets that were perceived as pro-opposition continued to come under pressure after elections. The BBC reported that the Sri Lankan government temporarily prevented the Siyatha Media Network from covering official events and withdrew advertising from its newspaper following reports that its owner had funded the opposition. The Siyatha newspaper subsequently closed down. Siyatha's TV station was attacked and firebombed by armed men in the early hours of 30 July and two employees were injured. Siyatha's owners are reported to have fled the country fearing arrest.

Following the arrest of defeated presidential candidate Sarath Fonseka, police used batons and tear gas to break up a number of peaceful protests over his detention and conviction, including protests in Colombo in February and Galle in August. In the latter, two opposition MPs were arrested when they attempted to complain about police behaviour. They were later released without charge.

Sri Lanka's leading Buddhist monks had called for a Sangha Convention following Sarath Fonseka's arrest in February to bring Buddhist monks together to discuss democracy and good governance in Sri Lanka. Media reports quote an Executive Committee member of the Sangha Convention alleging that the event was cancelled following bomb threats against leading Buddhist shrines from a group of pro-government monks. The pro-government monks have denied making such a threat.

Throughout 2010, the Sri Lankan government appeared to seek to control free expression around the conduct of its fight against the Liberation Tigers of Tamil Eelam. It placed restrictions on the right to assembly in the Vanni region in northern Sri Lanka and restricted media access to the conflict-affected areas. Civil society groups reported that an inter-religious ceremony planned in May to commemorate those killed in the military conflict had to be cancelled following threats from the security forces. The media minister subsequently stated that the Tamil people had a right to commemorate their family members who had died in the military conflict but they could not be allowed to "make a public campaign" out of it.

The general environment for free expression continued to be challenging. Concerns have been raised over media self-censorship and over death threats received by journalists in 2010. International publications were sometimes subject to more direct censorship. Five issues of The Economist magazine were held up by Sri Lanka Customs during 2010 due to the content of articles on Sri Lanka. They were later released for distribution. The press reported that the director of the Media Centre for National Security stated that foreign publications that were “harmful to national security” would not be allowed into the country. The BBC was barred from attending several sessions of the Lessons Learnt and Reconciliation Commission, but the president later ordered that they be allowed to attend all future hearings.

General political expression has also been stifled. The police raided a printing press in the Colombo suburbs in September following the publication of posters depicting the president as Hitler. The printer and eight co-workers have been served detention orders under the Prevention of Terrorism Act and remain in detention. In the same month a deputy minister publicly stated that the media should not write in a way that would “ultimately force them to be hanged”. And in October, the police obstructed a peaceful demonstration by the Inter University Students Federation, arresting 21 students and allegedly assaulting a number of others. The media reported that four journalists who were covering the protest were also assaulted.

UK ministers and officials regularly raised concerns over freedom of expression with the government of Sri Lanka. This included raising individual cases, such as the disappearance of Mr Ekneligoda, as well as the need to improve the general environment for the media. The government has maintained that the media in Sri Lanka remains free. Sustained UK and EU lobbying has contributed to some positive outcomes. The number of violent attacks on journalists reduced compared to 2009. In January, Jayaprakash Sittampalam Tissainayagam, a journalist who was convicted under the Prevention of Terrorism Act and sentenced to 20 years in prison for his writing, was released on bail. The president granted him a full pardon in May and he left Sri Lanka. The UK and like-minded missions had regularly raised Mr Tissainayagam’s case and visited him in prison.

## **Women's rights**

Sri Lanka has an established tradition of gender equality in many parts of society. Women enjoy equal access to health and education and make up the majority of university students. Sri Lanka ranked 16 out of 134 countries in the World Economic Forum Global Gender Gap Index 2010.

But gender barriers in the labour market mean that most women are employed in low-skilled, casual jobs and traditions of male leadership make it difficult for them to challenge this situation. Women's representation in parliament remained low following the 2010 parliamentary election, with women holding only 13 of 225 seats.

Reports in 2010 suggested that sexual harassment of women on public transport was widespread and that domestic violence against women remained a particular problem. There were reports of sexual violence and rape in the recently resettled areas in the north of Sri Lanka which contain a high number of women-headed households. Criminal proceedings began in the latter part of 2010 against several Sri Lankan Army soldiers who were accused of raping civilian women in the north.

Our High Commission kept in regular contact with a range of organisations that work on women's rights. As part of our ongoing human rights dialogue with the Sri Lankan government, our High Commission encouraged the government to investigate and take action against reported abuses.

## **Children's rights**

In 2010, as part of Sri Lanka's GSP+ investigation, the European Commission reported that the Sri Lankan government had made significant efforts to implement the UN Convention on the Rights of the Child and that it considered this area much improved.

According to UNICEF, 6,902 children were recruited by the Liberation Tigers of Tamil Eelam during the conflict. In 2010, all of these children had been released. We funded UNICEF's work to support the Office of the Commissioner General of Rehabilitation to ensure that the children leaving armed groups were provided with

protection and support in three rehabilitation centres prior to many being released back to their parents or guardians.

The Family Tracing and Reunification Unit for unaccompanied and separated children, established in Vavuniya in December 2009, continued to receive reports from parents and relatives looking for their children. By the end of 2010, they had received 650 tracing requests for children, with 30 having been located. Analysis conducted on the data available showed that 67% of the children were last seen by their parents or relatives at the time of recruitment by the Liberation Tigers of Tamil Eelam.

### **Minorities and other discriminated groups**

Throughout the conflict, minorities suffered disproportionately – including at the hands of the now defeated Liberation Tigers of Tamil Eelam. The political rights of minorities, a key driver of the conflict, continued to be restricted in 2010. Tamil representatives continued to report discrimination from the government and security forces. Tamil civilians in Colombo were asked to register their presence with their local police station in July, and throughout 2010 arrests under the Emergency Regulations and Prevention of Terrorism Act primarily affected Tamils. There was also no further progress towards establishing a political package to respond to key minority concerns. However, in late 2010 the government began talks with the main Tamil party, the Tamil National Alliance, to address minority grievances.

Following the end of the military conflict in 2009, economic development has been a key Sri Lankan government priority. The government has said this will benefit all communities. In 2010, Tamil representatives alleged that Sinhalese companies from the south had been favoured in carrying out some reconstruction projects in the north and east. They also complained that minorities' right to own land is not being honoured. Some Tamils and Muslim groups accused the government of "Sinhala colonisation" of the minority-dominated areas of the north and east during 2010 and alleged that army personnel had been granted land and moved their families to settle in the north. They also complained that land belonging to Tamil and Muslim civilians had been designated as "High Security Zones" and the owners were not allowed access to it. The return of approximately 70,000 Muslims forcibly displaced from the



north by the Liberation Tigers of Tamil Eelam in 1990 has been an additional challenge.

Language rights remained unequal in 2010. Tamil, spoken by Tamils and most Muslims, is an official language of Sri Lanka. The media reported in December that the Cabinet had endorsed a proposal requiring the national anthem to be sung in Sinhala only and prohibiting the use of the Tamil version. The government later clarified that there had been no change in the status of the national anthem but civil society groups in the north reported that the military had imposed the Sinhala version on Tamil communities. Tamil representatives reported that Tamil-speaking Sri Lankans in rural areas have struggled to access state services since they are required to communicate with state officials, including police, in Sinhala. The Sri Lankan government has recognised this issue and is seeking to ensure more state officials are able to speak Tamil. During 2010 the police force launched recruitment drives to attract 1,500 Tamil civilians into the police force.

Tamils of Indian origin, who live primarily in the central hill areas of Sri Lanka, have been marginalised in post-independence Sri Lanka. Many members of this community continue to have problems obtaining basic documentation which affects their civic and social participation, including their ability to seek employment, own property or vote. In a study carried out in 2010, Minority Rights Group International reported that 30% of those in the plantation sector live in poverty. They also reported insanitary living conditions in plantation communities and a high rate of sexual and domestic violence. Literacy rates were significantly lower than the national average amongst the plantation communities. Minority Rights Group International reported that 37% of children in the plantation sector were engaged in child labour.

In 2010, UK ministers and our High Commission regularly urged the Sri Lankan government to launch an inclusive political process to address the grievances of Sri Lanka's minority communities. We encouraged them to engage in dialogue with minority representatives and welcomed the recent moves to engage the Tamil National Alliance. We also funded a number of projects designed to share UK experience of post-conflict reconciliation and to support dialogue between political

parties in Sri Lanka. This has helped to ensure a sustained dialogue between minority and majority community political parties. We will continue to engage with the Sri Lankan government on this issue and will look for signs of progress during 2011.

## **Conflict**

Although the military defeat of the Liberation Tigers of Tamil Eelam by the Sri Lankan government in May 2009 has been portrayed as the end of the country's 26-year-long conflict, the underlying causes have yet to be fully addressed.

Human rights groups, the media and the Sri Lankan diaspora have alleged that serious violations of international humanitarian law were carried out by both the Liberation Tigers of Tamil Eelam and the government in the final stages of the military conflict. In 2009, the president undertook to take measures to address such allegations. The UK and other members of the international community, including the EU and UN, have called for an independent and credible inquiry. A year after the end of the fighting, the Sri Lankan government established the Lessons Learnt and Reconciliation Commission. The Commission has eight members drawn from all three ethnic groups and is chaired by a former attorney-general. Its terms of reference are to investigate the causes of the conflict from 2002 to May 2009, but do not explicitly give any remit to look into war crimes allegations. We welcomed the establishment of the Commission and believe that it has the potential to contribute towards reconciliation and accountability in Sri Lanka.

The Commission began public hearings in August and produced interim recommendations in September – one of which is for the government to draw up a list of those held in detention. In November the government convened an Inter-Agency Committee to take forward implementation of the interim recommendations.

Sri Lanka does not have a functioning witness protection system and the Commission did not establish any separate procedures. Unidentified plain-clothed individuals reportedly photographed civilians who testified. Civil society groups fear this has left civilians vulnerable. Despite this, affected civilians have willingly given evidence. Most of them have been concerned with locating disappeared and

missing relatives. A smaller number have raised other concerns, including allegations of indiscriminate shelling during the final stages of the military conflict and concerns about land and property.

The government invited international NGOs to give evidence to the Commission during 2010. In October, three NGOs: International Crisis Group, Amnesty International and Human Rights Watch, declined the invitation to appear, saying the Commission did not meet international standards for independent and impartial inquiries. They also cited the failure of previous Sri Lankan government-appointed commissions to deliver any concrete outcomes.

William Hague discussed the Commission's work when he met the Sri Lankan foreign minister on 20 October. Our High Commission will continue to follow closely the work of the Commission and the implementation of its recommendations. We will also continue to urge Sri Lanka to ensure serious abuses alleged to have occurred during the conflict are credibly and independently investigated.

### **Protection of civilians**

Following the end of fighting in May 2009, there were approximately 300,000 internally displaced persons held in camps. Since then, the government of Sri Lanka has made significant progress in returning people to their home areas. The UN reported that approximately 22,000 internally displaced persons remained in camps at the end of 2010.

Most returnees received a degree of resettlement support, including from international agencies. But the Sri Lankan government made it difficult for humanitarian agencies to gain access to the north of Sri Lanka by putting in place a registration process. Agencies reported that approval was rarely given for projects that focused on protecting the civil and political rights of returnees or that sought to provide psycho-social support to civilians who were caught up in the final stages of the military fighting. UK ministers and our High Commission regularly pressed the Sri Lankan government to ease the restrictions placed on the types of activities NGOs and humanitarian agencies were allowed to undertake.

Since September 2008, the UK has committed £13.5 million in humanitarian aid for internally displaced persons affected by the fighting in northern Sri Lanka. This has provided water and sanitation, healthcare, shelter, cash grants and livelihoods' recovery for displaced and returning families.

**Other issues: Generalised System of Preferences Plus (GSP+)**

GSP+ grants beneficiary countries duty free access to EU markets in return for adherence to key international conventions on labour standards and human rights. In February, the EU gave Sri Lanka six months' notice of suspension from the GSP+. The UK supported this decision, which was based on Sri Lanka's failure to implement effectively the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the Child.

In June the European Commission wrote to the Sri Lankan government setting out the 15 conditions which would need to be met in order for GSP+ to be retained. The government responded that the Commission's conditions were an infringement of its sovereignty. On 15 August, Sri Lanka was withdrawn from the scheme.

## Sudan

This is a critical time for Sudan. As stipulated in the Comprehensive Peace Agreement, a historic referendum on self-determination for South Sudan took place in January 2011. A credible, peaceful, free and fair referendum, the successful completion of the Comprehensive Peace Agreement and agreement on all the remaining outstanding issues such as citizenship, delineating the border between North and South, international debt relief and security can provide the basis for peaceful coexistence between North and South Sudan. This has implications for human rights in Sudan.

Overall the human rights situation across Sudan remains grave. Although there has been some positive action such as the passing of the Child Act, many of the obligations enshrined in the Comprehensive Peace Agreement, such as the establishment of an independent National Human Rights Commission, have yet to be acted on.

The Sudanese government's participation through the Advisory Council for Human Rights with the UN, and EU in human rights dialogue and the establishment of the Darfur Human Rights Forum, are welcome. However, this does not replace the need for a genuinely independent national Human Rights Commission.

Although the Sudanese government has ratified many of the international and regional human rights treaties, implementation remains limited. Sudan has signed but not ratified the UN Convention against Torture. Sudan has refused to sign the Convention on the Elimination of All Forms of Discrimination against Women citing concerns over its compatibility with Sharia law and Sudanese tradition. The government is still considering these treaties, and we have offered our full support to help the government adhere to them.

We continue to have serious concerns about a range of human rights issues including arbitrary arrests and detention; the death penalty; *Hudood* punishments (amputation, flogging and stoning); restrictions on freedom of expression,

association, assembly and movement; women's rights; and a lack of justice and accountability for serious crimes. The application of the Public Order Act continues to result in Sudanese citizens suffering inhuman and degrading treatment, as highlighted by the public flogging of a woman in Khartoum by the public order police in December.

The Sudanese government continued to refuse to cooperate with the International Criminal Court on the outstanding arrest warrants for Governor Haroun, militia leader Mr Kushayb and President Bashir. On 12 July, the International Criminal Court added charges of genocide to the existing charges of crimes against humanity and war crimes against President Bashir. As William Hague made clear during his visit to the UN Security Council in November, we continue to urge the government of Sudan to cooperate with the Court.

In Khartoum, our Embassy worked with other EU missions to raise human rights issues. At the request of the UK and others, the EU special representative met with the Advisory Council in December to discuss the deteriorating human rights situation in Sudan and some specific cases of the arrest and detention of Sudanese citizens. A formal meeting between the Advisory Council and EU Heads of Mission will take place in early January 2011.

In September, and with strong UK ministerial support, the UN Human Rights Council voted to extend the mandate of the UN independent expert on the human rights situation in Sudan. The renewal of the mandate ensured that human rights in Sudan will continue to be internationally monitored.

We continued to raise human rights concerns bilaterally through our Embassy in Khartoum and our office in Juba. Parliamentary Under-Secretary of State Henry Bellingham and the Secretary of State for International Development Andrew Mitchell visited Sudan in July and November respectively. Both raised human rights issues with senior members of the governments in North and South Sudan. William Hague also raised our concerns with the Sudanese foreign minister, Ali Karti, in New York on 16 November.

Promoting human rights in South Sudan is a huge challenge given the capacity-building challenges. We have opened a new office in Juba that has already strengthened our ability to provide diplomatic, development and humanitarian assistance in the South. All-party constitutional discussions in the South and a possible drive towards a robust multi-party democracy will help foster a better environment for human rights. We engage with the church organisations in South Sudan to encourage the government of South Sudan to include civil society organisations and opposition parties in the future development of South Sudan. We also work with the government of South Sudan to ensure that the Sudan People's Liberation Army is more accountable for its actions and that the government is able to address the continued threat of inter-tribal violence.

In the North, the government must build on the small gains made in implementing legislation. Human rights forums must be improved to be able to genuinely hold the government to account. Addressing the continued fighting and ongoing human rights abuses in Darfur will remain a priority. We will continue to provide a substantial amount of humanitarian assistance in Darfur to help improve the lives of the people, but all parties must address the high levels of insecurity which are preventing the full distribution of aid and assistance. We will continue to work towards a comprehensive and inclusive peace agreement for Darfur with the Sudanese government and representatives of the Darfur armed movements, in support of the African Union/UN Joint Chief Mediator Djbril Bassole and the Qatari government, who host the current mediation process.

The future stability of North and South Sudan is reliant on agreeing outstanding issues under the Comprehensive Peace Agreement. Following the referendum on Southern secession, held on 9–15 January, the people of North and South Sudan will need reassurance that the gains promised under the Comprehensive Peace Agreement will be fully realised and the freedoms and human rights of Northerners and Southerners will be respected. We continue to support President Mbeki's work with the parties on outstanding issues, particularly on debt and North/South border issues.

International monitoring and engagement will be essential. We are discussing with the Human Rights Council how human rights monitoring will continue once Sudan divides into two countries in July 2011. The independent expert is mandated to provide technical assistance to both sides in Sudan and we will encourage the governments in the North and South to engage with the independent expert in this regard.

## **Elections**

Sudan's first elections in 24 years took place between 11 and 15 April. We provided £12.5 million for technical preparations, civic education and conflict management for the elections through the UN Development Programme managed election fund. On 26 April, President Bashir was declared the winner with 68.2% of the vote. President Bashir won more than 90% of the vote in the North but only 13.7% in the South. Salva Kiir was elected president of South Sudan with 93% of the vote against a National Congress Party-backed opponent.

In assessing the five-day polling period from 11 to 15 April, the EU Election Observation Mission and the Carter Center welcomed the elections as a crucial milestone in the Comprehensive Peace Agreement on the road to the referendum. They commended the positive engagement by Sudanese people; the dedication and commitment shown by polling staff and domestic observers; the high participation of women; and the generally peaceful conduct of the polling process, apart from some localised security incidents in the South.

However, they also highlighted a significant number of deficiencies and irregularities and questioned the political impartiality of the National Election Commission. In most of the North, polling was generally peaceful and orderly but there was also limited competition after the Sudan People's Liberation Army (Northern Sector), the Umma Party and some smaller opposition parties decided to boycott the election. The Civil Society Network, which had 3,500 domestic observers in the North, cited irregularities including vote tampering and ballot box security. In addition to more than 7,000 official complaints lodged with the NEC, some 800 writs have been lodged at the state level electoral courts and 25 with the Supreme Court in Khartoum.



In the South there were numerous reported incidents of the Sudan People's Liberation Army soldiers intimidating voters and independent candidates. There was also some localised conflict between competing candidates and their supporters following the results announcement. The Sudan People's Liberation Movement formed an inclusive government in Juba that accommodated southern opposition parties, high profile independent candidates who came close to winning, and senior Sudan People's Liberation Movement figures who lost their seats. This decision went some way to calming tensions.

In Darfur, there was limited participation because most internally displaced persons were not registered to vote and those living in rebel-held areas were also excluded from the process. The EU Election Observation Mission decided to withdraw its observers from Darfur because of the security situation. Carter Center monitors remained on the ground but reported serious technical and procedural violations in the limited areas to which they had access.

In statements issued on 17 April, EU Chief Election Observer Veronique de Kaiser and former US President Carter concluded that the elections had fallen short of international standards for genuinely democratic elections.

While we were encouraged by the relatively peaceful polling process, we made clear to both governments in the North and South that we were seriously concerned by the allegations of significant political and technical problems during the process.

### **Access to justice**

Access to justice in South Sudan is compounded by structural weakness in the state's justice sector and capacity constraints. Serious deficiencies in justice sector institutions, including an ill-equipped and under-resourced police force, inadequate prison facilities and the near absence of a basic rule of law infrastructure beyond the major urban areas, continued to have a negative impact.

Across South Sudan there is friction between the judiciary and the traditional courts. The functions of the judiciary are yet to be fully rolled out and an inconsistent penal code means that there is a great variance in the application of the law.

The work of the South Sudan Human Rights Commission will go some way to strengthening human rights understanding and the justice infrastructure. Its main focus has been human rights awareness campaigns, which targeted local community leaders. The Commission also published and disseminated educational materials on human rights for the general public. The challenges faced by the Commission include institutional capacity building, financial resource mobilisation and the ability to reach out to and work with civil society organisations. We sponsored Dr Anei Arop, commissioner with the South Sudan Human Rights Commission, to attend a course on implementing human rights conventions at Nottingham University under the Chevening Fellowship scheme.

In Darfur, the scarcity of law enforcement institutions, including acute shortages of police personnel, judges and prosecutors, coupled with the lack of material resources and training within the justice sector institutions, put the formal justice sector beyond the reach of the vast majority of people. Very few perpetrators have been brought to trial for crimes committed during of the conflict despite the government setting up various mechanisms to address impunity.

We continue to urge the government of Sudan to address issues of impunity in Darfur and have called for perpetrators of crimes to be brought to trial.

### **Death penalty**

On 14 January, six men accused of killing 13 policemen during riots in a suburb of Khartoum in 2005 were executed, in spite of concerns raised about the lack of due process. The government claimed that the appeals process had been exhausted and relatives of the accused failed to persuade the victims' families to accept "blood money" as an alternative. The executions went ahead in spite of urgent appeals and a request for a stay of execution from the Special Representative of the UN Secretary-General for Sudan and three UN special rapporteurs. We have urged the Sudanese government to establish a moratorium on the death penalty, with a view to its eventual abolition.

## **Rule of law**

The administration of justice in South Sudan remains weak. The majority of the population rely on traditional courts, which dispense justice through customary norms and practices. However, the handling of serious criminal offences by the traditional courts often leads to human rights violations. Defendants appearing before the traditional courts do not have legal representation and there is no appeals process. The courts are presided over by people with no legal background nor the skills to understand the constituent elements of serious crimes. The catalogue of human rights violations that occur in these courts include imprisoning women for refusing a forced marriage.

Corruption within the government of South Sudan continues to be a concern. When Mr Mitchell met Southern President Salva Kiir in Juba in November, the president specifically asked for the UK's support to develop a rigorous anti-corruption policy and institutional framework that will extend across the public service in the South. We are working with the government of South Sudan to deliver this. No UK funds are channelled through the government in either North or South Sudan.

Since 2008 we have been running a criminal law reform project implemented by Redress, which is due to finish in March 2011. The project seeks to inform key decision makers, such as government officials, parliamentarians, civil society representatives and legal professionals, of international human rights standards and comparative experiences of legislative reform elsewhere, with the aim of bringing Sudanese criminal law into line with international standards.

## **Prisons and detention issues**

The new National Security Act, which came into force on 28 January, maintained wide discretionary powers of arrest and detention for the National Security Service, in contravention of the Interim National Constitution and the Comprehensive Peace Agreement. Under the new law, the security service can arrest and detain people for up to four-and-a-half months without judicial review. It also maintains security service members' immunity from prosecution.

Arbitrary arrests and detentions mostly by the security service and military intelligence continued to be of concern. The joint African Union/UN operation in Darfur documented more than 30 cases of arbitrary arrests in May and June alone. The government continued to hold detainees for long periods without charge and has denied them the right to challenge their detention in court.

During his visit to New York in November, William Hague raised a number of specific cases of detention in Darfur with Sudanese Foreign Minister Ali Karti.

### **Human rights defenders**

Human rights defenders continued to be persecuted in 2010. Thirteen Darfuri human rights defenders, including Abdelrahman Mohamed Al Gasim of the Darfur Bar Association, and staff members of the Human Rights and Advocacy Network for Democracy, HAND, a Darfur-focused Sudanese NGO and Radio Dabanga, were detained in a wave of arrests in Khartoum between 30 October and 3 November. No charges were brought against them.

On 22 December, Dr Mudawi Ibrahim Adam, the former director of the Sudan Social Development Organisation and a prominent human rights defender, was sentenced to one year in prison on embezzlement charges. He had previously been acquitted of the charges in March 2009, which immediately followed the organisation's closure by the Humanitarian Aid Commission. The Commission appealed the judge's acquittal of Dr Adam, but did not present any new evidence of wrongdoing.

We and the EU raised these cases and others with the Advisory Council for Human Rights in Sudan on 30 December. We will continue to monitor them closely.

### **Freedom of expression**

The April elections were blighted by serious flaws and allegations in both the North and South of harassment, intimidation, arrests and detentions. But civil society groups were able to publish critical reports; opposition parties were granted access to the media; and limited opposition rallies were allowed.

Since the elections, however, these limited gains have been reversed. A number of

independent newspapers have experienced difficulties, including pre-publication censorship, closure, and the arrest and intimidation of staff.

*Ray Alshaab*, the opposition Popular Congress Party newspaper, was closed after the National Intelligence and Security Service (NISS) claimed that the newspaper had published information damaging to the country. Three of its journalists were arrested on 17 May and a court case was ongoing at the end of December.

While visits by NISS censors were again suspended in early August, newspapers have subsequently reported new restrictive measures, including demands by the NISS that journalists provide personal information including political affiliation, tribe, and contact information for family and close friends.

William Hague addressed issues of media harassment in a joint statement with US Secretary of State Hillary Clinton and Norwegian Foreign Minister Jonas Støre on 9 July, expressing concern “at the actions of the Sudanese authorities since the election, which have further undermined civil and political rights, including the arrest of opposition politicians, journalists and peaceful protestors” and urged “national and local authorities in the north, south and Abyei area to ensure a conducive political environment in the lead up to the referenda.”

Recognising the important role of the media in the referendum process, our Embassy provided training for 30 journalists in December on responsible reporting of the referendum.

### **Freedom of religion and belief**

Non-Muslims in North Sudan continued to be charged with offences under the Sharia-inspired Criminal Act despite the Comprehensive Peace Agreement and the Interim Constitution stipulating the safeguarding of the rights of non-Muslims in Northern Sudan. For example, there were many arrests for inappropriate dress and possession of alcohol. We called on the Sudanese government to meet their responsibility to respect the rights of non-Muslims and asked the Commission for the Rights of non-Muslims, established under the Comprehensive Peace Agreement, to ensure that the necessary measures and legal mechanisms were in place to protect

these rights. The government of Sudan and the government of South Sudan must take steps to ensure the protection of minorities within their communities, and an early agreement on citizenship issues would go some way to assuring those affected of their safety.

### **Women's rights**

We continued to urge the Sudanese government to sign the Convention on the Elimination of All Forms of Discrimination against Women. We contributed to programmes which have sought to engage women in the electoral process through our £12.5 million of support to the elections. The programmes supported awareness-raising of women's rights; provided a gender adviser to the National Elections Commission to promote gender-sensitive policies and practices, and supported and encouraged women to put themselves forward as candidates. We are supporting the economic and social re-integration of women associated with armed conflict through our £20 million contribution to the UN's Integrated Disarmament, Demobilisation and Re-integration programme. We have also provided funding and assistance, through the Darfur–Darfur Dialogue and Consultation, to engage women in the Darfur peace process.

Although reported cases of rape in Darfur and South Sudan have reduced, this could be because women have been deterred from coming forward because there were no powers to protect them or investigate claims. There were no women's shelters in South Sudan so this further reduces the understanding of the prevalence of rape in South Sudan. We are addressing these issues with the UN mission in Sudan and with NGOs. The African Union/UN Hybrid Operations in Darfur is helping to address sexual and gender-based violence through the establishment of coordination and analysis groups to improve the verification and reporting of cases. Henry Bellingham discussed this issue with NGO representatives in October. We are looking to establish a programme through African Conflict Prevention Programme funding to provide training for African Union/UN Hybrid Operation in Darfur officers to combat sexual and gender-based violence in Darfur.

## **Children's rights**

The Child Act was passed by the National Assembly on 29 December 2009. The new law defines a child as anyone who has not reached the age of 18 years and revokes "signs of maturity" as a criterion for defining a child. It also raises the age of criminal responsibility from seven to 12 years, criminalises child exploitation and abuse, and establishes a comprehensive juvenile justice system. Despite these positive reforms, the Act failed to criminalise female genital mutilation. The government has established specialised prosecutors for children, as well as child and family units as part of law enforcement agencies in the country.

## **Minorities and other discriminated groups**

The issue of citizenship and the rights of South Sudanese citizens living in Northern Sudan must be agreed by the parties to the Comprehensive Peace Agreement as a matter of urgency to ensure that the rights of Southerners living in the North are protected. This was one of the outstanding Comprehensive Peace Agreement issues being discussed by the Sudanese parties under the auspices of President Mbeki and the African Union High Implementation Panel. We provided funding for the panel through the EU Instrument for Stability. We also provided technical assistance on other outstanding Comprehensive Peace Agreement issues such as agreement of the border between North and South and on debt. William Hague remained in regular contact with President Mbeki and other Sudanese partners on these issues throughout 2010.

## **Conflict**

In Darfur, clashes between government forces and the armed movements as well as inter-communal violence continued to cause further deaths and displacement among the civilian population in 2010. Estimates suggest that there have been five times as many deaths in Darfur in 2010 as there were in 2009. Humanitarian access was limited and continued to be hampered by increased lawlessness and abductions of peacekeepers and aid workers. The persistent climate of impunity in the region remained the central driver of many acts of violence and criminality. It is essential that the government conducts thorough and timely investigations into these criminal acts and ensures that perpetrators are promptly brought to justice.

A peace settlement that addresses the root causes of the conflict is greatly needed for Darfur. Since September 2008, the Darfur peace talks in Doha have been at the centre of these efforts. We fully support these talks and have backed this process both politically and financially.

The situation in South Sudan continued to be characterised by high volatility in localised areas affecting civilian populations, especially women and children, as well as increasing human rights violations by the Sudan People's Liberation Army. Violence was further exacerbated by the near-absence of functioning law-and-order mechanisms in many parts of the region, and the widespread proliferation of arms and ammunition.



## Syria

Widespread violations of human rights continued in Syria in 2010. The state of emergency, in place since 1963, provides a legal basis for emergency laws used to justify violations of freedom of expression and association and other civil and political rights, enforced disappearance, prisoner abuse, travel bans, arbitrary arrest and unfair trials. Human rights defenders are vulnerable to harassment, including demands from the security services not to associate with foreign diplomats monitoring the human rights situation in Syria. The Syrian government justifies the continuing use of the emergency law by the ongoing “state of war” between Syria and Israel. The sentencing of two high profile human rights defenders in July in the face of national and EU calls for their release, and the ongoing detention of 19-year-old female blogger Tal al-Mallouhi, were stark reminders of the regime’s approach to human rights. Syrians actively practise self-censorship at all levels. This situation has not deterred Syria from presenting itself as a suitable candidate for election to the UN Human Rights Council.

The UK raised human rights with the Syrian government regularly and at all levels throughout 2010, including when Parliamentary Under-Secretary of State Alistair Burt met Foreign Minister Muallem in July. The UK was the first country to issue a national statement on the sentencing of human rights defender Mohannad al-Hassani in July and on his subsequent mistreatment in prison in November, prompting international press coverage and statements from other countries. UK calls for action at the EU working group on human rights in Syria resulted in EU démarches and declarations criticising the regime’s human rights record.

The outlook for human rights in Syria is set to deteriorate gradually in 2011. Continued condemnation by the international community of human rights abuses is unlikely to have much impact on the actions taken by the Syrian authorities. Concern about social unrest by Syrian citizens over the bleak domestic economic outlook may also see the authorities exert more control over the media, NGOs and associations through the emergency law, at the expense of citizens’ human rights. The authorities may set in place a series of reforms in domestic political structures

ahead of the parliamentary elections in April, but they are unlikely to be little more than cosmetic.

## **Elections**

Political reform remained frozen in 2010. Parliamentary elections are held every four years and are due in April 2011. They will be neither free nor fair. A presidential referendum is held every seven years; the next will be in 2014. Though not formally a single-party state, all political life remains under Baath Party control through a political “front” of 11 parties, known as the National Progressive Front. This stifles, rather than enables, political pluralism. In January 2007 President Assad decreed a series of largely cosmetic electoral reforms ahead of the April parliamentary elections, a May presidential referendum, and August municipal elections. In early 2009 he undertook to put political liberalisation back on the agenda. He gave as examples expanding political participation, creating a second chamber of parliament – an elected senate with a legislative role to give more space to the opposition; further liberalising the political media and internet to promote dialogue; and (again) enacting a law regulating political parties. No timeframe was given for these reforms, although President Assad has said that they would be implemented gradually and at Syria’s own pace. None had been introduced by the end of 2010.

## **Access to justice**

Although the Syrian constitution provides for the independence of the judicial authority, the judicial system remained under the control of the regime and security services. Corruption and political interference continued to hinder the independence of the judicial authority. Military courts and the Supreme State Security Court (SSSC), created under the emergency law of 1963, continued to co-exist with the normal judicial system. Our diplomats regularly observed trials at the SSSC, until December when the Syrian authorities withdrew permission for all diplomats to attend trials, without explanation. The Syrian authorities continued to refuse diplomats access to their military courts.

Individuals accused of crimes in Syria continued to be denied access to a fair judicial process. We observed in the SSSC that defendants were given little time to defend

themselves. Prisoners were not allowed access to their lawyers before trial and their lawyers were not allowed to speak for them in court.

### **Rule of law**

The rule of law in Syria remained weak in 2010. Under the emergency law, civilians are detained and tried by military courts for offences such as disturbance of public order, creation of an illegal organisation or, insulting or slandering of the president and governmental institutions.

The immunity of judges is not guaranteed under Syrian law and they can be easily removed from their postings or impeached. The Syrian Bar Association is also controlled by the authorities. This was clear when prominent Syrian lawyer and human rights defender Mohannad al Hassani was stripped of his credentials by the president of the Syrian Bar Association when he was sentenced in July.

### **Death penalty**

The Syrian criminal code allows for execution by hanging as the maximum penalty for a number of crimes, including murder, grave sexual offences, drug crimes, high treason and membership of the Muslim Brotherhood. There was evidence that at least seven men were sentenced to death after being convicted of murder in 2010. The authorities rarely disclose information about executions.

### **Torture and other ill treatment**

Torture was used by law enforcement and investigative officials in Syria in 2010. For the first time since signing the UN Convention against Torture in 2004, Syria submitted a report to the UN Committee against Torture. This was subsequently discussed by the committee in May. In its concluding observations, the committee was “deeply concerned about numerous, ongoing and consistent allegations concerning the routine use of torture by law enforcement and investigative officials”. The committee detailed allegations of physical and psychological torture and other ill treatment widely applied to suspects under interrogation, including political opponents, by the police and the security services. The committee also expressed its concern at credible reports of a number of deaths in custody and restrictions on forensic examination into these cases.

## **Prisons and detention issues**

Arbitrary detentions continued to be used as a mechanism of control by the regime throughout 2010. The use of all-encompassing charges such as "weakening national sentiment" and "spreading false news" to justify detention are a constant source of fear for human rights defenders and civil society activists. Their vague interpretation allowed the security services to detain, question and arrest any Syrian, including the two prominent Syrian human rights defenders, Muhannad al Hassani and Haitham al Maleh. At least 12 Syrian bloggers were detained under these charges in 2010. We also received regular reports of continuing arbitrary arrests among the minority Kurdish community. Although no accurate figures exist for the number of political prisoners in Syria, reports vary from 1,000 to 3,000 held in detention.

According to 2010 reports issued by international human rights NGOs, including Amnesty International and Human Rights Watch, prisoners are held incommunicado by the Syrian authorities for weeks, months and even years, and continue to be abused and tortured in order to extract confessions. Prison conditions are bad, with prisoners obliged to sleep on concrete in crowded, dirty cells and to pay for food, bedding and clothing. Our observations of trials at the Supreme State Security Court, where most political and security cases are tried, saw prisoners arriving at court in a poor state of mental and physical health and often without knowledge of the charges against them. International organisations have no access to prisons or to detention centres. Family visits in prisons remain limited.

## **Human rights defenders**

The 12 imprisoned members of the Damascus Declaration for Democratic National Change were released in 2010 on completion of their sentences. The Damascus Declaration signatories are an unauthorised coalition of activists established in October 2005, whose leaders were sentenced to two-and-a-half years in prison on 29 October 2008 for "weakening national sentiment". Their release was marred by the immediate re-arrest of one of their number, Ali Abdullah, for an opinion piece he wrote in August 2009 while in prison, criticising the "Mandate of Jurist" in Shi'a Islam. The EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission Catherine Ashton called for his release on

27 July. There has been no response from the Syrian authorities, and Mr Abdullah remains in jail awaiting trial. Two high-profile human rights lawyers were also imprisoned in 2010. On 4 July Muhannad al Hassani, president of the Syrian Organization for Human Rights, and winner of the 2010 Martin Ennals Award for Human Rights Defenders, was sentenced to three years for “weakening national sentiment” and “spreading false news” after he had reported on legal proceedings before the State Security Court. On 11 July Haitham al Maleh, an 80-year-old human rights lawyer and activist, was also sentenced to three years for “weakening the national sentiment”. Haitham al Maleh was in very poor health and was being denied access to hospital treatment and suitable medication.

### **Freedom of expression**

Freedom of expression remained severely restricted in Syria in 2010. Syria ranked 173 out of 178 countries on the Reporters Without Borders 2010 Press Freedom Index, falling from 165 in 2009 and 159 in 2008. Although the Syrian constitution states “every citizen has the right to freely and openly express his views in words, in writing, and through all other means of expression...” and “The State guarantees the freedom of the press, of printing, and publication in accordance with the law”, the emergency law continued to allow for wide-ranging censorship of newspapers, magazines and other publications. Further laws continued to prohibit the “dissemination of false news for the purpose of creating disorder”, carrying heavy prison sentences. Almost all of Syria’s print media remains government-owned, all newspapers are censored before publication and all journalists practise self-censorship. Foreign journalists are rarely accredited. The few private publications are owned by Syrian businessmen with close ties to the ruling elite. There is only one private satellite channel broadcasting from inside Syria, owned by President Assad’s cousin. The Syrian telecommunications market is the most regulated in the Middle East, with state-owned Syrian Telecom owning all telecommunications infrastructure and enjoying a monopoly over wired and wireless services throughout the country.

Online media was almost as heavily restricted in 2010. As blogging and online journalism increasingly undermined the state’s monopoly over mass communication, the Syrian government continued actively to crack down on it. The Committee to

Protect Journalists named Syria as the third-worst country in the world to be a blogger, behind Burma and Iran. Syrian security services continued to combine old-school tactics, including arbitrary arrests and detention, unfair trials, prolonged imprisonment, travel bans and harassment, with newer techniques such as online blocking and monitoring, to try to dissuade online activists. At least 12 Syrian bloggers were convicted under the emergency law. Their imprisonment served a dual purpose; the bloggers were silenced, and their arrest intimidated others, prompting internet users to engage in self-censorship. The government also controlled bloggers and journalists by preventing them from leaving Syria. By the end of 2010, more than 400 activists, including online journalists, were subjected to travel bans.

### **Freedom of religion and belief**

Syria is a multi-religious state. The constitution provides for freedom of religion. While there is no official state religion, the constitution requires the president to be Muslim and stipulates that Islamic jurisprudence is the principal source of legislation. The constitution provides for freedom of faith and religious practice, provided that religious rites do not disturb the public order. However, the government restricts full freedom of choice on religious matters. The government continued to prosecute alleged members of the Muslim Brotherhood or Salafist movements and continued to outlaw Jehovah's Witnesses. Moreover, the government continued to monitor the activities of all groups, including religious groups, and discouraged proselytising, which it deems to be a threat to relations among religious groups.

There were occasional reports of minor tensions among religious groups, some of which were attributable to economic rather than religious rivalries. Muslim converts to Christianity were sometimes forced to leave their places of residence due to social pressure.

The Yezidis, a religious minority within the Kurdish community, continued to suffer religious discrimination. Their religion is not recognised by the state. Yezidis are registered in Syria as Muslims and receive Islamic education in state schools.

## **Women's rights**

The Syrian constitution grants full equality to women. Syrian women participate fully in political life, and women held three ministerial positions and the role of vice president in 2010. There are also many women in judicial, academic, public and business life. But Syrian legislation remains discriminatory, especially in family issues. The nationality law of 1969, the penal code and the personal status law all contain discriminatory provisions, for example, with respect to passing on nationality to children and dispositions related to marriage, polygamy, guardianship, divorce, child custody, rape, adultery, honour crime, contraception and abortion. Women receive twice the length of sentence for adultery than men.

In January, a comprehensive anti-trafficking law was issued to provide victims with protection and redress. An executive code, awareness raising and capacity building are all still needed before effective implementation of the anti-trafficking law can take place. Since 2009, two shelters for female victims of human trafficking have been established under the supervision of the Ministry of Social Affairs and Labour in cooperation with the International Organization for Migration.

## **Children's rights**

Children's rights in Syria presented a mixed picture in 2010. There is no effective mechanism by the Syrian state for the protection of children from domestic violence. In rural areas girls are sometimes prevented from going to school either because of arranged marriages at an early age (the minimum age for marriage is 13 for girls) or in order to make them work. According to the Syrian government, children between 10 and 14 years of age made up 2% of the labour force in 2010. Unofficial estimates are higher at 4–5%. With the increasing number of Iraqi refugees in Syria, child labour and street children are becoming increasingly common.

In detention, minors are often held in groups for unspecified periods of time, and sometimes with adults. Children have been observed being brought before the courts in chains and being tried as adults.

### **Minorities and other discriminated groups**

Syria is a multi-ethnic state where different religions and ethnic groups co-exist. Yet demands for special protection and minority rights continue to be interpreted by the Syrian government as threats to the unity of the state, particularly in relation to Syrian Kurds. A census in 1962 revoked the nationality of thousands of Syrian Kurds, and today around 300,000 of the 1.7 million Kurds living in Syria are denied citizenship, being referred to as the “stateless Kurds”. There were regular reports of arbitrary arrests, violations of Kurdish property rights, and deaths of Kurds in military service. The teaching of Kurdish is prohibited and Kurdish festivals, such as the Nowruz celebrations in March, are disrupted by the security services.

Homosexuality remains strictly forbidden by the criminal code. The Syrian police regularly clamp down on suspected meetings for homosexuals and there are no recognised associations to campaign for or protect LGBT rights.

### **Other issues: Human rights groups**

A new draft law on civil society was discussed at a conference on development issues presided over by First Lady Assad in January, but the draft law had yet to appear by December. Human rights organisations remain prohibited and travel bans were used extensively to prevent Syrians from attending international events or conferences. All civil associations have to be cleared with the security services. Only 13 international NGOs are currently registered in Syria, which work exclusively with Iraqi refugees. The Syrian International Academy for Training and Development was closed down in July.



## Turkmenistan

Turkmenistan is a signatory to most international human rights instruments, including the core UN human rights conventions, and its national legislation and constitution contain provisions for the protection of basic human rights principles. However, implementation remains a problem and we continue to have concerns about Turkmenistan's human rights record. In the first half of 2010 President Berdimuhamedov made a number of encouraging statements pledging his commitment to introduce reforms, including a move to a multi-party electoral system and the creation of an independent media. While there have been some positive steps this year, such as the registration of the Catholic Church and the adoption of a new criminal procedural code in August, we have yet to see the implementation of wider reforms and there was little substantive progress in the second half of 2010. The government of Turkmenistan nevertheless reiterated its intention to introduce reforms, with a focus on new legislation, but at its own pace.

The UK took all appropriate opportunities to raise human rights with the government in 2010. We continued to press for access to all detention facilities by the International Committee of the Red Cross. We have sought to persuade the Turkmen government of the value of civil society, including through supporting local projects on issues such as youth leadership which encouraged young people in Turkmenistan to debate government policy. We have also raised individual human rights cases. Our Embassy continued to support a BBC World Service Trust project on media regulation reform which we hope will lead to the introduction of new media legislation in 2011. A key area of our work in 2010 was on reform of the penal code and efforts to ensure that the code was consistent with international human rights standards. We also funded seminars on alternatives to imprisonment, prisoner rehabilitation and reintegration into society, and strengthening advocacy skills.

In 2011, the Turkmen government is likely to maintain its policy of committing itself to reform, but taking only incremental steps. The Turkmen government continues to monitor political developments elsewhere in the region closely and we judge that

further instability in the region will reduce the prospects for more substantive and accelerated reform in Turkmenistan.

Human rights are an important component of our bilateral relationship with Turkmenistan. We will continue to encourage the government towards greater respect for human rights, genuine political pluralism, better governance and greater tolerance of civil society. In doing so, we will urge Turkmenistan to act in accordance with its international obligations, including the recommendations it accepted in the course of its UN Universal Periodic Review in December 2008. We will encourage the Turkmen authorities to focus on specific and concrete outcomes, including those related to multi-party democracy and media independence. We will continue to support the BBC World Service Trust with their project on reforming media regulation, and will encourage other donors to contribute. We will also look for opportunities to build on our support for reform of the penal code and will continue to press for access to prisons by the International Committee of the Red Cross.

### **Rule of law**

Corruption remains a problem in Turkmenistan. Transparency International ranked Turkmenistan 172 out of 178 states surveyed in its 2010 Corruption Perceptions Index. We will continue to encourage the Turkmen government to take action to address corruption, including by reporting under the Extractive Industries Transparency Initiative.

While the adoption in 2010 of a new criminal procedural code was a welcome development, we have yet to see evidence of an improvement to sentencing and prison conditions. It also remains difficult for individuals to challenge court decisions. We are aware of instances in which implementation of the law varies from the written code, resulting in sentences being passed that bear little resemblance to those recommended in the criminal code. We will continue to raise with the Turkmen authorities the issue of adherence to the rule of law, including, where necessary, lobbying on individual cases.

### **Torture and other ill treatment**

There remained no access for international bodies such as the International Committee of the Red Cross to detention facilities in Turkmenistan, and it was therefore difficult to ascertain an accurate picture of the treatment of prisoners. However, there were reports pointing to the use of torture and inhumane practices in prisons. Although the International Committee of the Red Cross continued to cooperate with the government of Turkmenistan through assistance with humanitarian law as well as in other areas, there was no progress on their access to prisons in 2010, despite UK and EU efforts.

### **Prisons and detention issues**

There is no independent monitoring of prisons and conditions remain poor. There are reports that some prisoners have only limited access to basic food and healthcare, and visits by family members remain extremely difficult. However, we understand that the government is considering the construction of new prisons. We are looking at how we might be able to support this process, for instance by putting the government in touch with appropriate British companies. Our Embassy also worked with the government on the reform of their penal code, in particular on compliance with international human rights standards, including prison management procedures. A new criminal procedural code was adopted in August which took into account important elements of our advice. Our Embassy also funded a visit to the UK in February by the deputy interior minister which focused on prison management, reform and rehabilitation of offenders.

### **Human rights defenders**

We remain concerned that no human rights defenders are able to operate in Turkmenistan. On a number of occasions during 2010, the Turkmen authorities tried to prevent those Turkmen human rights defenders based outside the country from attending international human rights and civil society meetings held outside Turkmenistan. There were also reports of the Turkmen authorities taking action against human rights defenders based abroad by targeting the extended family still living in Turkmenistan. This included preventing family members from securing jobs, gaining access to schools and medical facilities, or from leaving the country. We

continued to voice our concerns to the government of Turkmenistan, including in the annual EU–Turkmenistan Human Rights Dialogue.

### **Freedom of expression**

The media in Turkmenistan remains government-controlled and very few independent journalists are allowed to operate freely. The increase in internet access in 2010, including the opening of a small number of new internet cafés in Ashgabat and other towns, was a welcome development, but targeted internet censorship remains a concern. There has also been a significant increase in the use of mobile telephones. However, in December, the government suspended the operation of an independent Russian mobile operator who also provided internet access, which effectively forced all customers to use the state-run service. It is not possible to buy international newspapers or any other foreign written media in Turkmenistan. However, satellite dishes capable of receiving Russian, Turkish and many other international news and entertainment programmes are readily available. The government continued to welcome important assistance from the BBC World Service Trust on the reform of media regulation and we hope this assistance will be reflected in the media legislation in 2011.

### **Freedom of religion and belief**

After much delay, the Catholic Church was finally registered in March. While we welcomed this development, religion remains largely government-controlled and any religious organisation wishing to operate in the country must register with the authorities. Obtaining registration is not easy, and those organisations that have registered find it very difficult to operate due to government constraints on the opening of new premises and the size of services. It remains almost impossible to bring any religious material into Turkmenistan and those who try to do so can be subject to a range of repercussions such as being forced out of their jobs, banned from international travel or by having access to education restricted for some family members. Jehovah's Witnesses are subject to harassment and several have been imprisoned for objecting to military service. The government have backtracked on their 2008 commitment to consider alternatives to military service, making it clear that the law will not be changed. Citizens who do not sign up for military service therefore continue to break the law and are dealt with accordingly. Freedom of

religion and belief was one of a number of issues raised during the annual EU–Turkmenistan Human Rights Dialogue in June.

## Uzbekistan

Uzbekistan's national legislation and constitution contain provisions for the protection of most human rights. However, a serious gap between legislation and implementation remains. There were no significant improvements in the human rights situation in Uzbekistan in 2010, although there was some evidence of a reduction in the use of child labour during the cotton harvest. We continue to have serious concerns in several areas, particularly with regard to freedom of expression.

We believe that the best way we can contribute to an improved human rights situation in Uzbekistan is through critical but constructive engagement, raising our concerns on human rights frankly while looking for opportunities to encourage positive reform. We monitored developments, observed trials, supported human rights defenders and sought to work with the Uzbek government on reform projects throughout 2010. The government of Uzbekistan showed, in general, a greater willingness to engage on human rights issues. However, the incremental approach taken to reform means that progress towards practical change was limited. Uzbekistan is a country in which it is often difficult, and sometimes impossible, to obtain objective and credible information or to verify facts.

In September, a memorandum of understanding was signed on cooperation between the UK and Uzbek parliaments, the first of its kind in Uzbekistan. Uzbek and British parliamentary groupings agreed to work together to facilitate inter-parliamentary dialogue and to encourage exchange of experience among parliamentarians, including through parliamentary visits to and from Uzbekistan.

In a speech to parliament on 12 November, President Karimov stressed the importance of improving awareness of the law and of educating the Uzbek people about human rights. He also acknowledged the need to move from legislation to implementation. We look forward to seeing concrete progress towards these important goals in 2011. The Uzbek authorities have indicated a willingness to develop further dialogue with us on criminal and judicial reform, child labour and media freedom. We will continue to work for constructive cooperation in these

areas, and to support parliamentary reform. We will monitor developments and continue to maintain close contacts with human rights defenders and interested organisations. We will also raise issues of concern and seek to observe trials. We hope that the EU will be able to open a full delegation office in Uzbekistan soon, which would greatly assist its capacity to develop deeper cooperation with the government on human rights issues.

### **Elections**

No national elections were held in 2010 and there were no changes to Uzbekistan's electoral legislation. In its report on the December 2009 parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights stated that "the election legislation continues to fall short of OSCE commitments and requires significant improvements".

In May, we invited an Uzbek delegation to visit the UK to gain an insight into our general election process by meeting a range of government and election officials, as well as observing a constituency vote.

### **Access to justice**

Access to independent impartial justice remained a concern. All judges are appointed by the president. In 2010, we expressed to the Uzbek authorities our continued concerns about lack of judicial independence. There is a widespread perception among human rights defenders in Uzbekistan and the international community that judges do not consider evidence fairly or impartially. According to Uzbek law, trials must be open, unless justified by exceptional circumstances, such as the protection of state secrets, victims or witnesses. However, public access to certain trials, including access for defendants' relatives, continued to be restricted. On several occasions in 2010, representatives of our Embassy in Tashkent were refused entry on the grounds that official permission must first be obtained. We have since requested formal clarification from the government of Uzbekistan about obtaining access to trials, but have not yet received a response.

In his 12 November speech, President Karimov also proposed measures to promote the fairness and impartiality of courts. We look forward to seeing concrete progress towards this goal.

In 2010 the European Commission and Uzbek government agreed to cooperate on an important joint project entitled “Support to Criminal and Judicial Reform in Uzbekistan”. The project will be implemented between 2011 and 2015. Our Embassy hopes to arrange a scoping visit to Uzbekistan by the National Police Improvement Agency, with the aim of submitting a bid to carry out the activities envisaged within this project.

### **Rule of law**

Corruption remained widespread. Transparency International ranked Uzbekistan 172 out of 178 states surveyed in its 2010 Corruption Perceptions Index. In his speeches to parliament of 27 January and 12 November, President Karimov expressed concern about corruption. Our Embassy part-funded a project entitled “Strengthening Anti-Corruption Measures in Uzbekistan”, implemented by the UN Office on Drugs and Crime between 2009 and 2011. The project aims to increase Uzbekistan’s capacity to implement the UN Convention against Corruption, including through training, workshops and assistance in reviewing legislation and drafting a National Anti-Corruption Action Plan.

Reports are mixed about the extent to which Uzbek legislation on *habeas corpus*, introduced in 2008, is being implemented in practice. The Uzbek delegation who travelled to the UK in March to discuss prison reform also met representatives from a wide range of UK bodies, including the Ministry of Justice, to share experience of implementing *habeas corpus* in our legal system.

### **Torture and other ill treatment**

The continued high number of allegations of torture, especially in pre-trial detention, remained a serious concern. In January 2007, the UN Committee against Torture called upon the Uzbek authorities to address impunity and lack of accountability. While several law enforcement officials have been disciplined following complaints about human rights abuses, the Initiative Group of Independent Human Rights



Defenders of Uzbekistan claimed that 39 prisoners died as a result of alleged torture in custody in 2010. In practice, it remains impossible to verify accounts of torture. Despite lobbying by the UK, Uzbekistan has yet to allow the UN Special Rapporteur on Torture to carry out a requested follow-up mission to the 2002 visit of then special rapporteur, Theo van Boven.

### **Prisons and detention issues**

Physical conditions in prisons reportedly improved in certain respects, though hepatitis and tuberculosis were said to be widespread among prisoners. Allegations of serious mistreatment by officials of some prisoners, and particularly – but not exclusively – those sentenced on religious grounds, remain a source of concern.

The government of Uzbekistan has expressed a willingness to work with us on prison reform. In March, a delegation consisting of representatives from the Uzbek National Human Rights Centre, the Prosecutor-General's Office and the Supreme Court visited Whitemoor high-security prison to view at first hand UK prison management systems for long-term inmates.

### **Human rights defenders**

We remained seriously concerned by the numbers of human rights defenders and dissidents in prison, by restrictions on their activities and by restrictive registration procedures. Human Rights Watch's 2010 report entitled "Uzbekistan's Imprisoned Human Rights Defenders" maintained that there were at least 14 human rights defenders in prison in Uzbekistan. One of these, Farkhad Mukhtarov, who was initially sentenced in October 2009 to five years in prison but which was later reduced to four years (on charges of fraud and bribery), was released from prison in December. We also remained concerned about attempts by the Uzbek authorities to obstruct the legitimate activities of human rights defenders and those supporting them.

Along with other EU member states, we continued to urge the government of Uzbekistan to release all imprisoned human rights defenders and prisoners of conscience. Staff at our Embassy regularly met Uzbek human rights defenders to discuss the human rights situation on the ground. We also held informal workshops

for human rights defenders at our Embassy to raise awareness of international human rights law. Where we assessed that it might help, we raised individual cases with the Uzbek authorities.

Few international NGOs are able to operate in Uzbekistan because the authorities withhold accreditation to foreign NGO staff. Human Rights Watch continued to operate without a full-time representative in the country. In December, the head of the Human Rights Watch office became the third consecutive representative from the organisation to be denied accreditation. We urged the government of Uzbekistan to promote greater pluralism of views in the country, including by accrediting a Human Rights Watch representative.

### **Freedom of expression**

There was an apparent deterioration in freedom of expression in 2010. During his address to parliament on 27 January, President Karimov urged “further liberalisation of mass media, intensification of activity of non-state outlets of press, radio, television and expansion of their access to the global network of the internet”. The president’s speech to parliament on 12 November announced further measures to strengthen the independence of the media. However, serious restrictions on freedom of expression remained in place throughout 2010 and independent journalists continued to suffer harassment.

Although formal censorship was abolished in 2002, several legal and administrative measures result in self-censorship, including strict registration procedures and a media law passed in January 2007 which holds all media accountable for the “objectivity” of their reporting. The government of Uzbekistan continued to deny accreditation for many Western media organisations. Internet service providers had to use the state-controlled telecom operator. Numerous websites, including those of the BBC and *Financial Times*, remained blocked.

Independent journalists were reportedly beaten and detained, or otherwise harassed in 2010. In early January, the Tashkent prosecutor’s office summoned six independent journalists for questioning about their activities. One of them, Abdumalik Boboev, was found guilty in October of various charges including

defamation related to his work for Voice of America, and was heavily fined. Our Embassy met Mr Boboev and tried to monitor his court hearings. We were refused access to these hearings on three separate occasions, but were allowed access to his appeal hearing in November.

In February, we received reports that Dimitri Tikhanov, a member of the Human Rights Alliance of Uzbekistan, had been physically assaulted in Angren which resulted in his hospitalisation. The alliance alleged that his attackers referred to his regular internet reports about human rights breaches. It was reported that Mr Tikhanov had twice been refused an exit visa in 2010, without which it is not possible for Uzbek citizens to leave the country.

In February, Umida Akhmedova, a photojournalist and documentary filmmaker, was found guilty of “denigration” and “insult” in relation to the production of a photo album and documentary films depicting rural Uzbek life and traditions. She was later pardoned. The case was brought by the State Agency for Press and Information, the government media regulator. Our Embassy met Ms Akhmedova and monitored her court hearings.

In February, it became known that Maxim Popov had been sentenced to seven years in prison in September 2009 on charges relating to his work in combating HIV/AIDs in Uzbekistan, including producing a brochure on safe sex and the use of condoms which the authorities deemed did not “take into account national traditions, culture, and customs of peoples living in Uzbekistan”. In March the EU carried out a formal démarche on the Ministry of Foreign Affairs in Tashkent, making clear its condemnation of Mr Popov’s treatment and the harshness of his sentence, and highlighting in particular the lack of freedom of expression and opinion which characterised his case.

Russian journalist Vladimir Berezovsky was tried in October. As with Abdumalik Boboev and Umida Akhmedova, the case centred on the judgment of the Uzbek State Agency for Press and Information that his work represented “slander” and “insult” to the Uzbek nation. He too was found guilty but then pardoned.

In August, our Embassy offered to facilitate cooperation between the BBC World Service Trust and the relevant Uzbek authorities to help strengthen Uzbekistan's media sector in line with President Karimov's speeches. A working-level mechanism between our Embassy and the Uzbek authorities was put in place to discuss this further.

We raised issues of concern bilaterally and with EU partners, including through the EU-Uzbekistan Human Rights Dialogue. In its statement to the OSCE Review Conference in Warsaw on 7 October, the EU said that "extra-journalistic criminalisation of journalists and persons wishing to exercise their freedom of expression, and their imprisonment on questionable charges remain instruments of harassment and serious restriction of fundamental freedoms in some participating States, most notably in Azerbaijan, Uzbekistan and Kazakhstan." It also re-iterated the EU's "appeal to Turkmenistan and Uzbekistan to address this problem effectively".

### **Freedom of religion and belief**

Freedom of religion remains a serious concern. Uzbekistan's legislation guarantees religious freedom, but the reality is different. The 1998 Law on Freedom of Conscience and Religious Organisations grants rights only to registered groups and bans proselytising. Registration is a complex and lengthy process and officially registered "religious organisations" are subject to tight legal controls. All religious activity by unregistered groups is criminalised, leaving peaceful groups vulnerable to raids on their homes and meetings by the police and security services. They can also face interrogation, fines and even imprisonment. Many groups report having been denied registration on spurious grounds.

Muslims who do not follow the state-sponsored model are also vulnerable to arrest for perceived extremism. Large numbers of Muslims were reportedly sentenced on such grounds in 2010, often in closed trials. Other groups were also targeted by law enforcement agencies. For example, the Church of Christ's Tashkent premises were raided in May after allegations that religious teaching had been delivered to minors in contravention of Uzbek law. Eight members of the church were arrested and tried on various charges and received 15-day prison sentences or fines.

## **Women's rights**

Gender discrimination is prohibited by Uzbek law. Women are generally well represented in senior positions. The Women's Committee of Uzbekistan was established in 1991 to promote the legal rights of women.

However, concerns persisted about the treatment of women. Independent human rights groups have reported allegations of female suspects being raped while in detention facilities and of an unofficial policy of forced sterilisation of women in poorer rural areas, as a means of controlling birth rates.

The Uzbek Ministry of Health worked with the EU and UNICEF to carry out the Mother and Child Health Project, which continued throughout 2010. The project centred on training and mentoring of health providers in low-cost, high-impact techniques. The British NGO HealthProm contributed to this project by delivering training in neonatal healthcare.

## **Children's rights**

Uzbekistan is a signatory to the UN Convention on the Rights of the Child and according to Uzbek government statistics, more than 50% of the state budget is allocated to education, and literacy rates rose from 97.7% in 1991 to 99.3% in 2003.

The Uzbek labour code sets the minimum age for employment at 16 years, and the constitution prohibits forced labour. In February, an amendment was made to the code on administrative responsibility which stipulates that employers who fail to protect minors will be in violation of labour legislation. The amendment also made parents responsible for preventing minors from working in adverse conditions.

In his appearance before the UN Human Rights Committee in March, Akmal Saidov, director of the Uzbek National Human Rights Centre, said that the issue of child labour was an "absolute priority" for Uzbekistan. Uzbek officials denied that there was mass mobilisation of child labour in the cotton harvest.

However, child labour during the cotton harvest remained a concern. While it appears that there was an attempt in certain regions to limit the use of younger

children during the 2010 cotton harvest and that the numbers of children employed on the harvest fell, credible independent reporting suggested that child labour continued to be deployed on a large scale. Our Embassy and the National Human Rights Centre agreed a working-level mechanism to facilitate greater dialogue on this issue.

### **Protection of civilians**

The government of Uzbekistan took a measured and constructive approach to the humanitarian crisis that followed the violence in neighbouring Kyrgyzstan in June. It responded with commendable speed, allowing around 100,000 displaced persons to cross into Uzbek territory. Uzbekistan cooperated closely with the relevant UN agencies and mobilised significant resources to put in place temporary accommodation and to provide food and medical facilities.

## Vietnam

Freedom of expression and political accountability did not improve in Vietnam in 2010. While the National Assembly played a more prominent role in holding the government to account, the authorities in this one-party state continued to target individuals who criticised the Communist Party and its policies. Freedom of expression and access to information were suppressed through a combination of stringent legislation, tight control of the state-run media, internet restrictions and the arrest and imprisonment of bloggers and political activists. These restrictions have tightened over the past year.

In the area of social and economic rights, Vietnam's performance was noticeably better. Vietnam's impressive record of socio-economic development was underscored by the country meeting or exceeding a number of the 2015 UN Millennium Development Goal targets in 2010, including alleviating extreme poverty and hunger.

Modest advances were made in freedom of religion, with the government continuing to promote compliance with its legal framework on freedom of religion, although concerns remained over implementation in some areas.

We were able to engage constructively with Vietnam in some areas during 2010. Our efforts focused on promoting political accountability and transparency, developing the media sector, and encouraging the application of international human rights standards in law enforcement. We successfully implemented a number of human rights projects in cooperation with the Vietnamese government and other agencies. At the same time we continued a frank and constructive dialogue with the government on issues of concern, both bilaterally and with EU partners, including through the biannual EU–Vietnam Human Rights Dialogue. Foreign Secretary William Hague, Minister of State Jeremy Browne and Minister of State for the Department for International Development Alan Duncan all raised human rights concerns during bilateral discussions with their Vietnamese counterparts. The UK–Vietnam Strategic Partnership, signed in September, included a commitment from

both sides to uphold human rights. Human rights remained a key pillar of our annual bilateral discussions with the Vietnamese government under the Development Partnership Arrangement led by the Department for International Development (DFID).

As chair of the Association of South East Asian Nations (ASEAN) in April, Vietnam oversaw the inauguration of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children. Vietnam also chaired the ASEAN Intergovernmental Commission on Human Rights, which approved its first five-year work plan, to be taken forward under the Indonesian chairmanship of ASEAN in 2011. The establishment of the Commission is a welcome development and we hope that this body will, in time, establish powers to investigate and hold human rights violators to account.

In January 2011, the Communist Party will hold its 11th five-yearly Party Congress. This will elect new leaders to some of the Party's most senior posts. However, there is no indication that there will be a significant shift in approach to civil and political rights. The Communist Party is likely to continue to increase international engagement to promote economic growth and regional stability, but its priority will continue to be the maintenance of its own power. The space for open debate and discussion is unlikely to expand significantly in the short term.

National Assembly elections will be held in May 2011 and there will be a new intake of deputies. Given the role the National Assembly is developing in holding the government to account, we will continue to provide capacity-building support. We will continue to work with other key institutions, including the State Audit Office of Vietnam, the government inspectorate and the media, to help promote political accountability and fight corruption. We will also continue to focus on the development of the media sector, working with media practitioners and policy-makers through our memorandum of understanding with the Ministry of Information and Communications.

We will continue to work with our EU partners in Vietnam to raise issues of concern and to encourage the Vietnamese government to allow EU diplomats to attend trials



and appeal hearings and to visit prisoners. Human rights will remain a key pillar of our annual bilateral discussion under the DFID-led Development Partnership Arrangement. We will raise human rights in bilateral exchanges under the UK-Vietnam Strategic Partnership. We will also agree a plan of action under the Strategic Partnership, of which concrete action on human rights will be a key element.

### **Access to justice**

The Vietnamese authorities recognise the need to overhaul their judicial system, which lacks independence from the Communist Party and the government. However, progress on implementing the Communist Party's Judicial Reform Strategy to 2020 has been slow, and we continue to have concerns about political interference in the judiciary and the failure of the authorities to respect citizens' legal rights. The judiciary faces a number of challenges, including a lack of trained court officials and the frequent turnover of politically appointed judges. There also remains a serious shortage of qualified lawyers.

This year the European Commission selected the British Council to manage a five-year capacity-building programme of support for the Ministry of Justice, Supreme People's Court and Supreme People's Procuracy, as part of the Justice Partnership Programme.

### **Rule of law**

Corruption remains a considerable problem in Vietnam. Transparency International's Global Corruption Barometer, published in December, found that urban Vietnamese perceived corruption to be on the increase. The report also found that institutional and political limitations prevented ordinary citizens from becoming involved in anti-corruption efforts. The government struggled to implement a legal framework on anti-corruption but reviewed the effectiveness of existing measures, guided by the UN Convention against Corruption, which Vietnam ratified in 2009.

We pro-actively supported the strengthening of institutions such as the National Assembly and the State Audit Office of Vietnam, which can play a role in holding the government to account. The National Assembly developed a growing willingness to

challenge government policy and in June National Assembly deputies took the unprecedented step of refusing to approve a government-backed proposal for a high speed rail link between Hanoi and Ho Chi Minh City. However, the Communist Party's influence on the National Assembly remains considerable; 90% of Deputies are also party members.

In 2010, we continued to support the National Assembly's efforts to engage directly with constituents through the on-line platform, Yoosk. We also provided support to Transparency International and to the Integrity and Transparency in Business Initiative, which helps Vietnamese and foreign businesses operating in Vietnam to work together to promote sustainable improvements in this field.

### **Death penalty**

Figures on the death penalty remain a state secret in Vietnam, although the government claims that all death sentences are reported in the media. By December, state-controlled media sources had reported that at least 110 people had been sentenced to death in 2010, although the actual numbers may have been much higher. The overwhelming majority were convicted of murder or drug trafficking. From January, the number of capital offences was reduced from 29 to 21, with crimes such as smuggling, hijacking of aircraft and ships, and bribery no longer carrying the death penalty. In May, the National Assembly approved a change in the method of execution from firing squad to lethal injection. This comes into effect in July 2011.

The Vietnamese authorities maintain that public opinion is against the complete abolition of the death penalty. In November, the Vietnamese government abstained in the UN General Assembly vote recommending all countries establish a moratorium on the use of the death penalty.

In 2010 the UK and our EU partners regularly urged the Vietnamese government to introduce a moratorium on the use of the death penalty and, in the meantime, to adopt a more open and transparent approach to its application.

### **Torture and other ill treatment**

In 2010, the Vietnamese government reported that it was preparing to sign the UN Convention against Torture. This was one of the commitments made by the government in its 2009 report for the UN Human Rights Council's Universal Periodic Review of Vietnam. In September, Human Rights Watch published a disturbing report outlining 19 incidents of police brutality in the previous 12 months. The report was based on information gathered from the state-controlled press. There were also reports of detainees and prisoners being tortured to extract confessions or as punishment.

Through the EU, we raised our concerns about the treatment of detainees and prisoners with the Vietnamese government. We also continued to encourage them to ratify the convention and implement it effectively.

In 2010, the FCO's Strategic Programme Fund continued to support the Danish Institute for Human Rights' work with the People's Police Academy to promote human rights in law enforcement. This project will result in enhanced training methods for trainee and serving police officers on the application of international human rights standards in criminal investigations.

### **Prisons and detention issues**

Prisons in Vietnam remain overcrowded. Inmates often share cells with up to 40 others and have limited access to recreational facilities. Inmates are forced to work and are punished if they refuse. Food rations are basic and prisoners rely on supplies brought in by family members to supplement their diet. There is no independent inspectorate of prisons. Any reported abuses are dealt with internally by the Ministry of Public Security.

In 2010, staff from our Embassy in Hanoi visited Hoang Tien prison in Hai Duong province with EU colleagues to monitor prison conditions. Separately, our consular staff visited two British prisoners being held at Thanh Xuan prison on the outskirts of Hanoi. Along with our EU partners, we continued to press the authorities to grant us access to prisoners included on the EU's list of persons and detainees of concern.

In September, 17,520 prisoners were released under a National Day amnesty, including 27 foreign nationals and 20 Vietnamese prisoners charged under national security laws. To be granted amnesty, prisoners had to meet criteria set down by the government, including paying an additional fine and expressing remorse for their crimes.

### **Human rights defenders**

Over the course of the year, more than 20 peaceful activists, including bloggers, political campaigners and lawyers, were arrested, held in pre-trial detention or imprisoned following their trials. In most cases the individuals were charged under national security laws.

The EU maintains a list of persons and detainees of concern, which we share with the Vietnamese authorities in order to seek information about the welfare of the detainees. As of December, there were 44 detainees on the list. Throughout 2010, we and our EU partners continued to urge the Vietnamese authorities to allow EU diplomats to visit the listed detainees in prison. All our requests were refused.

In January, well-known human rights lawyer Le Cong Dinh and three other activists, Tran Huynh Duy Thuc, Nguyen Tien Trung and Le Thang Long, were convicted of attempting to overthrow the government and sentenced to between five and 16 years in prison. Immediately after their trial, we and our EU partners made strong representations to the Vietnamese government about the grounds for their conviction and the severity of the sentences. The EU was subsequently denied permission to attend the appeal hearings of three of the four activists in May. The appeal court upheld the five-year sentence of Le Cong Dinh and the 16 years for Tran Huynh Duy Thuc while Le Thang Long's sentence was reduced by 18 months to three-and-a-half years.

All four activists feature in the EU's list of persons and detainees of concern. The list also includes bloggers Pham Minh Hoang, charged in September with attempting to overthrow the government and being a member of a terrorist organisation for his alleged association with Viet Tan, an exiled political party critical of the government,

and Cu Huy Ha Vu, who was charged with disseminating anti-state propaganda in December.

In March, the eight-year prison sentence of Father Ly, a Catholic priest and political activist, for disseminating anti-state propaganda was temporarily suspended for one year on medical grounds. He continues to be included on the EU's list of persons and detainees of concern.

### **Freedom of expression**

The Vietnamese government does not tolerate political dissent or criticism of the Communist Party's role. Opposition political parties are illegal and dissidents expressing opinions about multi-party democracy risk imprisonment. In 2010, print and electronic media remained tightly controlled across Vietnam. Reporters Without Borders ranked Vietnam 165 out of 175 countries in their 2010 Press Freedom Index and classified Vietnam as one of 12 "Enemies of the Internet". The authorities used tight controls to censor online news, information and social networking sites and to monitor internet use and access. BBC Vietnamese was regularly targeted. At the end of 2010, Facebook remained blocked, preventing its Vietnamese users from establishing on-line groups. We and the EU continue to raise our concerns with the Vietnamese government about this censorship, pointing out that freedom of expression underpins the development of a knowledge-based economy and that it is therefore vital to Vietnam's future prosperity.

The drafting of a revised press law and a new access to information law were delayed in 2010, and neither were submitted to the National Assembly for consideration. This was disappointing, as both laws remain potentially important tools for promoting freedom of expression and in the fight against corruption.

In March, our Embassy and the Vietnamese Academy of Journalism and Communications ran a conference on defamation and libel in the media. This exposed representatives from the Vietnam Journalists' Association, lawyers, editors and journalists to international experience in this field. In October, Vice Minister for Information and Communications Do Quy Doan visited the UK to learn about how media is managed in the UK. His visit included meetings with the BBC, Reuters, the

Press Complaints Commission and Minister of State Jeremy Browne. During his visit Mr Doan announced that permission would be granted for Reuters to open a bureau in Ho Chi Minh City, which we welcomed. Also in October, the UK and Vietnam signed a memorandum of understanding to strengthen bilateral cooperation in the areas of information and communications, including within the media sector. This has already delivered results in the form of a spokespersons' training programme in November, which gave Vietnamese officials the opportunity to learn about international experience of encouraging transparency and enhancing communications between government officials and the media. Further activity is planned under this memorandum of understanding, including a press complaints workshop that will be held in Vietnam in February 2011. In November, the *Financial Times* opened a bureau in Vietnam.

We continued to support the British Council's MediaPro project which aims to enhance the teaching programme for Vietnamese university undergraduates studying journalism and to develop an ethics handbook for journalists.

### **Freedom of religion and belief**

In 2010 the government continued to implement a legislative framework to protect freedom of religion. However, there were reports of harassment of religious groups by local government officials, as well as delays in approving the registration of religious groups. We and the EU continued to urge the government to ensure that religious freedoms were respected consistently across the country and to ensure that central government policy was understood and implemented appropriately by provincial and local authorities. We continued to encourage the Vietnamese government to invite the UN Special Rapporteur on freedom of religion or belief to visit the country.

### **Women's rights**

The first-ever national study on domestic violence in Vietnam was completed in 2010. It reported that almost 35% of women who took part in the survey had experienced physical or sexual violence by their husbands and more than 50% reported emotional abuse. Although a Law on Prevention and Control of Domestic Violence was passed in 2007, implementation remained patchy.

## **Children's rights**

Human trafficking from Vietnam is a growing concern. The Child Exploitation and On-line Protection Centre's 2010 report "Strategic Threat Assessment – Child Trafficking in the UK" identified Vietnam as the number-one source country for potential victims of child trafficking into the UK, and the trafficking of Vietnamese children into and within the UK as the largest and most significant trend during their reporting period. Vietnamese nationals, including children, are trafficked primarily for labour exploitation in cannabis-growing operations, but also for sexual exploitation and other crimes. We continued to urge the Vietnamese government to expedite the passage of new human trafficking legislation, which the National Assembly failed to pass in 2010.

## **Minorities and other discriminated groups**

The Vietnamese government acknowledges that it needs to do more to close the gap in living standards between ethnic minorities and the Kinh majority. In July, the UN Independent Expert on Minority Rights visited Vietnam. The UN Independent Expert on Human Rights and Extreme Poverty visited in August. Both commended government initiatives to improve the socio-economic wellbeing of minorities in Vietnam, but highlighted that minority groups remained the poorest in society. The Independent Expert on Minority Rights underscored the importance of ethnic minorities having the right to participate fully and effectively in decision-making that affected their communities, including economic development projects and land re-settlement issues. The Independent Expert on the question of human rights and extreme poverty urged the government to strengthen and implement effective and accessible mechanisms for complaints and to guarantee access to information for citizens.

We played the lead bilateral role during the discussion on ethnic minority rights at the annual World Bank Consultative Group Meeting between the government of Vietnam, led by Deputy Prime Minister Pham Gia Khiem and international donors.

## **Other issues: Freedom of association**

There was no progress on freedom of association during 2010. In April, the government updated its regulations in Decree 45 which places limits on the

establishment of associations, but this served only to maintain government control over the registration, monitoring and operation of associations. All trade unions must be approved by and affiliated with the Vietnam General Confederation of Labour. The right to strike is recognised under Vietnamese law, but there are wide ranging restrictions on strike action. In October three labour-activists, Nguyen Hoang Quoc Hung, Doan Huy Chuong, and Do Thi Minh Hanh, were sentenced to up to nine years in prison for organising wildcat strikes and distributing anti-state leaflets in Tra Vinh and Ho Chi Minh City.



## Yemen

The government of Yemen faced a multitude of challenges in 2010. Yemen's economy remains overly reliant on declining oil revenue, though the signing of a comprehensive reform programme with the International Monetary Fund signalled progress. Commitment to political inclusion and stability, incorporated in the National Dialogue, stalled towards the end of 2010 with disagreement over electoral reform. Ongoing conflict in both the north and south of Yemen and the continuing presence of Al-Qaeda in the Arabian Peninsula persist in destabilising the country. Reports from NGOs and the media showed that the government continued to perpetrate human rights abuses in response to conflict, demonstrations and media criticism, which included violent dispersal of demonstrations in Aden and extrajudicial processes to manage political opposition.

Although the recent round of conflict in Sa'dah, northern Yemen, between Huthi rebels – a Zaidi sect in dispute with the government – and government forces has ceased, there are approximately 300,000 internally displaced persons. Humanitarian access to the area remains restricted. Tensions remain high in the region, with the possibility of further conflict, and we are concerned that civilians may be caught up in armed conflict. Yemenis are frustrated by economic, social and political issues, and in southern Yemen grievances are aggravated by the reportedly heavy-handed tactics of the security forces. We are concerned by arbitrary detention of suspects, the use of live rounds to suppress demonstrations, state control over the freedom of the press and restrictions on freedom of expression.

The government of Yemen rarely prioritises respect for human rights. In response to the increasing threat of extremism and growing internal instability in Yemen, we organised the London Friends of Yemen Conference in January, to coordinate international support for the Yemeni government's efforts to address the underlying causes of instability. We launched the Friends of Yemen group, comprising 28 countries and international institutions. We identified freedom of expression, opportunities for women, protection of civilians in conflict and promotion of human rights within the security services as key human rights areas where we hope to

encourage positive change. We worked bilaterally with Yemeni departments and ministries and in collaboration with the EU, US and local and international NGOs. Coordinated action with the EU, in particular, remains important. In 2010 we participated in EU démarches regarding freedom of expression, changes to NGO laws and the proposed execution of a juvenile.

During the 2010/11 financial year, we have funded projects to address the underlying causes of tension and to improve Yemen's ability to manage conflict, thereby reducing the risk of human rights violations. Members of the Yemeni security forces attended courses at a variety of UK military training establishments, which included training on the law of armed conflict and the importance of human rights in security activity. Project work also included efforts to address tension and potential conflict between Yemeni communities and Somali refugees, and a pilot study to assess options for the provision of desalinated water. We hope that the latter study, whilst focused on one area of Yemen, may result in a model for other parts of the country.

We have a cross-government approach to encouraging stability, and with it respect for human rights in Yemen. This approach is supported by the programme work of the Department for International Development (DFID), including its Development Partnership Agreement, its Justice and Policing Programme, various education projects and its humanitarian assistance to those affected by armed conflict in northern Yemen.

Despite the challenging security environment we will continue to lobby the government of Yemen on human rights issues, using the EU Human Rights Strategy as a framework for coordinated action. In 2011 human rights abuses could act as a driver of instability, especially in already volatile regions, such as Sa'dah governorate and the south. We will continue to communicate to the government the benefits of respecting human rights in order to reduce grievances and build stability. The next Friends of Yemen ministerial conference will be held in March 2011. This will offer an opportunity to review reform progress thus far and to encourage the government to take greater responsibility for improving political inclusivity and stability in Yemen.

We will also offer the government direct bilateral support. Future funding will look to address some of the key potential conflict drivers and development areas in Yemen. We hope that these projects will lead, for example, to greater participation and leadership by Yemeni women in society and add support to Yemeni civil society.

### **Elections**

Parliamentary elections, which were originally postponed in 2009 and were rescheduled for April 2011, look likely to be postponed again. Some progress was made in July when the ruling party and opposition began a process of National Dialogue. However, a new election law passed in December last year has threatened this process and may result either in opposition parties boycotting the parliamentary elections or a further delay of these elections.

### **Rule of law**

Human rights abuses are not systematic within the Yemeni judicial and penal system but media and NGO reports of summary arrests, police brutality, prolonged pre-trial detention and torture are commonplace. The extent of these abuses is unclear: the Ministry of Human Rights is not forthcoming and the government has yet to establish the independent Human Rights Commission, as recommended Yemen's 2009 UN Universal Periodic Review.

The judiciary lacks independence and is vulnerable to executive interference; Yemen's Supreme Judicial Council is appointed by the president. The law is inconsistently applied. For example, the Yemeni constitution forbids slavery, yet the practice continues with an estimated 500 slaves in Yemen, mainly in remote areas.

### **Death penalty**

Yemeni criminal law allows for the death penalty for murder, rape, adultery, armed robbery, serious kidnapping, treason and homosexuality (when both parties are in heterosexual marriages). There are no reliable reports on the number of people on death row, but we believe there are hundreds. In theory the law prohibits the application of the death penalty against juvenile defendants, yet inconsistencies in the age of criminal responsibility mean that juveniles continue to be sentenced to

death. On 17 January 2011, we participated in an EU démarche regarding the juvenile death penalty.

### **Prisons and detention issues**

We are concerned at reports of incommunicado detentions. In November, ahead of the football Gulf Cup in Aden, a number of southern political activists, including Southern Mobility Movement leader Hassan Baoum, were arrested without clear charges or any expectation of a trial. In February, after being held incommunicado for 100 days, Muhammed Al-Maqalih, editor of the opposition Socialist Party's news website, Al Eshteraki, was tried before the extrajudicial Specialised Criminal Court and sentenced to a further term of imprisonment. More recently a southern political activist, Zahra Salih, was held for more than two months before being released in January 2011.

### **Freedom of expression**

Media freedom is steadily declining and in 2010 Yemen fell further down the Reporters Without Borders Press Freedom rankings – it is now 170 out of 178 countries. Legislation exists to protect media freedoms, but in practice self-censorship is widespread as independent media, especially those allegedly linked to the Huthis or southern activists, face sustained government harassment. This includes enforced publishing suspensions, office searches and summary arrests of journalists. Extra-judicial press and publication courts, established in 2009, and specialised criminal courts, established in 1999, have been used to suppress political opposition. In January, Anissa Uthman, a journalist for *Al-Wassaf* newspaper, was convicted by the specialised press and publications court on charges of defaming the president. Ms Uthman was sentenced to three months imprisonment and banned from publishing for one year.

Human rights organisations, including Amnesty International and Women Journalists Without Chains, were critical of clamp-downs on media freedom throughout 2010. On 10 February the European Parliament expressed “serious concerns about developments in Yemen with regard to democracy, human rights and the independence of the judiciary” including “cases involving the persecution of journalists and human rights defenders”. Our Ambassador and senior visiting

officials raised their concerns about media restrictions with the Yemeni government and in September the EU issued a *démarche* criticising the treatment of journalists opposed to government policy.

### **Freedom of religion and belief**

The Yemeni constitution protects freedom of religion, with the exception of proselytising by non-Muslims, but reports of discrimination continue. Ongoing clashes with the Huthis, who adhere to the Zaidi school of Shi'a Islam, has increased government harassment of the wider Zaidi community. This included the detention of suspected Huthi sympathisers and attempts to restrict Zaidi teaching by forcibly removing Zaidi imams from religious institutions and replacing them with Sunni salafists.

Yemen's small Jewish community reportedly faces some discrimination. In the last five years the government has assisted in relocating around 400 Jews from rural areas to Sana'a, where the authorities are better able to ensure their protection. In 2010 visiting Foreign and Commonwealth Office (FCO) ministers met leaders of the Jewish community on two separate occasions and were satisfied with Yemeni government measures to protect and support them.

### **Women's rights**

Yemen consistently ranks last in the World Economic Forum's Global Gender Gap Index. Yemen is a party to the Convention on the Elimination of All Forms of Discrimination against Women, but Yemeni law, which is based on Sharia law, offers women little equality or protection. Women's testimony carries less weight than men's. They must seek government permission to marry non-Yemenis, and cannot obtain ID cards or passports without the approval of a *mahram*, a male family member. Even Sharia provisions allowing women to own property are not uniformly implemented.

Efforts in 2008 and May 2009 to pass a minimum marriage age law failed and the proposed legislation continued to face strong parliamentary opposition. Yemeni NGOs regularly report on marriages of girls as young as 12 and the EU estimates that 50% of Yemeni women marry aged 15 or younger. Child trafficking remains a

concern, particularly near the Saudi border. The use of child labour is growing and the EU estimates that children comprise 10% of the total Yemeni labour force.

### **Protection of civilians**

The sixth round of conflict in Sa'dah resulted in a significant number of internally displaced persons. Peace negotiations between the government and the Huthis, supported by the Qatari government, remain ongoing. Continuing humanitarian access is a priority, especially to the 100,000 internally displaced persons located in the Huthi held areas of Sa'dah, Amran and Hajjah, and the provision of basic services to those affected by the conflict.

Secessionist activists in southern Yemen have demonstrated in support of greater political freedom and against perceived discrimination. In 2010 there were reports of heavy-handed tactics by the security forces, the use of live fire and arbitrary detention. We continued to urge the government, at all levels, to participate in a politically inclusive National Dialogue which would help to address southern grievances.

## Zimbabwe

The human rights environment in Zimbabwe continued to stabilise throughout 2010 and the economy grew stronger. Many well-respected human rights defenders acknowledge that the situation, while still serious, has greatly improved from 2008 when violence erupted after the election and before the presidential run-off election. Levels of harassment and abuse have reduced since the Government of National Unity took office in February 2009.

The year 2010 saw other steps forward. The country-wide consultation on a new constitution brought isolated outbreaks of violence, including one death in Harare, but overall did not produce the expected tensions that many observers had predicted. The Zimbabwean government, through the judiciary, made progress in beginning to look at how it can strengthen its role in administering family law. Most protest marches proceeded without trouble, and often with police cooperation. Licences were awarded to another four independent newspapers and the reports of human rights abuses that were occurring in the Chiadzwa diamond mining area have largely diminished. Reginald Austin was appointed as head of the Human Rights Commission.

Notwithstanding this, however, it remains the case that minimal progress has been achieved in bringing about the reforms that would underpin fundamental and sustainable improvements to human rights, governance and political freedoms. A culture of impunity remained throughout the year, and the attorney-general's office continued to pursue prosecutions on a political basis. The use of torture as a tool for questioning by police and the military continued to go unchallenged by the state and the Human Rights Commission was unable to start its work because implementing legislation had not yet been passed to parliament.

Encouraging an improvement in human rights and good governance remained central to UK policy. We continued, along with the EU, to support the Government of National Unity and its commitment to improving human rights and ongoing wider reforms. Our Embassy in Harare worked with NGOs, human rights defenders and

other diplomatic missions in 2010 to ensure effective monitoring of the human rights situation and coordination of development assistance. We continued to support the efforts of the southern African region to secure implementation of the Global Political Agreement which underpins the Government of National Unity. Ministers regularly discussed Zimbabwe with their counterparts in the region.

A new and properly constructed constitution will be important for building the foundations for democracy in Zimbabwe. We supported several civil society groups in their efforts to increase citizen awareness of their human rights, raise people's expectations of the state, and provide support for a constitution which reflects the will of the people and strengthens democracy in Zimbabwe. In 2010 we spent more than £1.5 million on support to human rights defenders, including on developing capacity for monitoring, access to legal advice and support for victims of abuse.

The period since the formation of the Government of National Unity has seen a significant reduction in the level of human rights violations but the renewed focus on possible elections has brought to mind for many Zimbabweans the violence, displacement and harassment of 2008. The memory of those violations is still fresh and remains a powerful tool of coercion. There remains a danger of human rights deteriorating in the run-up to future elections.

Under the terms of the Global Political Agreement, Zimbabweans were due to vote on a new constitution in early 2011, although this date has already been delayed by several months and now seems unlikely to happen before September. Although the first phase of the constitutional process unfolded more smoothly than many anticipated, there remains the potential for individuals and organisations promoting draft versions of the constitution that are not favoured by hard-line elements to be subject to intimidation.

Therefore, we expect our main focus in 2011 to be encouraging the successful completion of the constitutional process laid down in the Global Political Agreement, and the putting in place of conditions to allow for the eventual holding of free and fair elections. Steps to nurture and extend the voice of civil society and to protect human rights defenders will remain a key element in our effort to bring about an



improvement in human rights and governance and to ensure that free and fair elections can take place.

### **Access to justice**

The justice system in Zimbabwe continues to be controlled by a system of patronage which stifles judicial independence and continues to create a lack of confidence around the rule of law. Two pieces of legislation, the Public Order and Security Act 2002, and the Criminal Procedure and Evidence Act, were regularly abused by the attorney-general's office, which is headed by political hardliner Johannes Tomana. Section 121 of the Criminal Procedure and Evidence Act, which ensures that a defendant remains in custody for at least a further seven days, was regularly invoked by prosecutors after magistrates awarded bail to a defendant. For example, on 22 November, a prosecutor used this mechanism to prevent bail of \$100 that had been granted to Nqobani Ndlovu, a reporter for the independently owned *Standard* newspaper.

The Supreme Court is slow in hearing cases and reaching judgments but one high-profile case was concluded in 2010. The Supreme Court agreed with the claim of Jenni Williams and Magodonga Mahlangu of Women of Zimbabwe Arise that their constitutional rights were violated by their imprisonment in 2008. The pair subsequently began proceedings to sue the police over their imprisonment and the way they had been treated but the slow nature of justice does little to curb the culture of impunity that surrounds state-sponsored violence and abuse.

A more positive sign was the judiciary's stakeholder conference in November to discuss establishing a formal family court. This bodes well for the future.

Political interference was suspected in many cases involving opposition politicians and other human rights defenders in 2010. In May, the trial of Senator Roy Bennett of the Movement for Democratic Change – Tsvangirai (MDC-T), was finally brought to a close by the High Court's dismissal of the prosecution's case. The trial, which began on 19 October 2009, saw Senator Bennett charged with terrorism, insurrection, sabotage and banditry and carried the death penalty. Senator Bennett's swearing in as deputy minister of agriculture was one of MDC-T's key outstanding

issues under the Zimbabwean Global Political Agreement. However, the attorney-general appealed against the acquittal and the chief justice reserved judgment in July on whether the appeal should be allowed. In a further twist Judge Chinembiri Bhunu, who was responsible for the acquittal, issued a summons in September against Senator Bennett for defamation. Senator Bennett is now in exile to avoid the constant harassment he has suffered.

Our Embassy monitored many such court cases and embassy staff often attended court in person to support human rights defenders who were facing prosecution.

### **Death penalty**

The death penalty continues to be handed down as a sentence, although executions are rarely carried out. There were 55 people on death row at the end of 2010, including two women. The last execution was carried out in 2005 but the most recent death sentence was issued in 2010. The EU unsuccessfully lobbied the Zimbabwean government to support a UN General Assembly resolution proposing a moratorium on the use of the death penalty.

### **Torture and other ill treatment**

The use of torture remains endemic across Zimbabwe, and it is regularly used by police officers when interviewing suspects in criminal cases. It has also been used by the security sector in politically motivated interrogations. In 2010, we helped to provide assistance for victims of torture and also supported studies on the use of torture in Zimbabwe.

### **Prisons and detention issues**

Overcrowding, unhygienic conditions and inadequate nutrition and medical care continue to be problems in Zimbabwe's prisons. Infectious diseases can spread rapidly in these conditions. The International Committee of the Red Cross has been feeding inmates in 26 Zimbabwean prisons since April 2009. We support local groups in Zimbabwe who work to raise the profile of prisoners' welfare and to provide legal advice to inmates.

## **Human rights defenders**

The state harassed human rights defenders sporadically throughout 2010, particularly those who spoke out against the state or against the “Kariba” version of the constitution, which is preferred by the Zimbabwe African National Union – Patriotic Front (ZANU-PF). Several court cases were resurrected after they had been dismissed months or years earlier. In November, a high court judge rejected an attempt to appeal against the acquittal seven months earlier of prominent human rights lawyer Alec Muchadehama and high court clerk Constance Gambara. Prosecutors also reissued a summons for 13 leaders of Women of Zimbabwe Arise that dated back to 2008.

Two human rights defenders who were threatened, trade unionist Gertrude Hambira and journalist Stanley Kwenda, fled the country in fear for their safety. Mr Kwenda had received a death threat after writing a story about a senior police officer. Gertrude Hambira, secretary-general of the General Agricultural and Plantation Workers Union of Zimbabwe, had released a documentary and report critical of the effects on farm workers of the government’s land seizures. Three months later, Ms Hambira and some of her colleagues were interrogated by the Joint Operations Command, a body that contains senior military and government figures and coordinates state security. At a similar time, police questioned three members of the Zimbabwe Congress of Trade Unions for conducting a civic education workshop. They were detained for five hours before being released without charge.

The arrest of Farai Maguwu, executive director of the Centre for Research and Development, on 3 June brought international attention. The Centre was the leading civil society organisation reporting on human rights abuses and level of compliance with Kimberley Process standards in the diamond-producing area of Chiadzwa. Mr Maguwu was charged with publishing falsehoods against the state with the intention to cause prejudice to the security or economic interests of the country. His arrest came after he had shown a confidential government document he had obtained to the Kimberley Process monitor, Abbey Chikane. Mr Maguwu remained in police custody for five days before his first court appearance, considerably longer than the permitted 48 hours. In court, the prosecutor declared that he would “rot in jail”. In contravention of the court order, police removed Mr Maguwu from Harare’s Remand

Prison on 11 June for four days without informing his lawyers and denied him access to his medicine or medical treatment. Prosecutors eventually withdrew the charges in October.

Generally, however, space for civil society continued to open up during 2010. A surprising amount of criticism aimed at the government was allowed to be aired in the independent press, in public debates and in civil society publications. Several marches and demonstrations were held peacefully, many with police cooperation. But civil society groups and the MDC-T were still unable to rely on an unrestricted right to assembly. In late October, the police prevented Prime Minister Morgan Tsvangirai from holding meetings with supporters in three Harare suburbs, claiming that they had not been informed in time. The Women of Zimbabwe Arise protest march through Harare on International Day of Peace in September led to 83 members being charged with criminal nuisance.

Another positive sign is that the slew of charges against MDC-T members of parliament seen in 2009 slowed in 2010, although some MPs and MDC-T activists and supporters were still harassed and arrested. Four MDC-T MPs were sentenced in 2009 on spurious charges and suspended from parliament. Three of them, Ernest Mudavanhu, Mathias Mlambo and Shuah Mudiwa, have since won appeals against their convictions and that of the fourth, Meki Makuyana, is waiting to be heard.

### **Freedom of expression**

State broadcasting outlets and one of the daily newspapers are controlled by ZANU-(PF) and continue to broadcast or publish ZANU-(PF) propaganda. However, there are lively independent newspapers in Zimbabwe which publish with greater openness than may be expected. Independent journalists were, on occasion, harassed during 2010. Police served summonses on two journalists with the Zimbabwe Independent that related to a story about the police commissioner's opposition to electoral reforms. But all broadcast media is state-owned and no new broadcast licences have been issued. We welcomed the issuing of licences to four new daily newspapers and the fact that the BBC can now report from Zimbabwe.

Artists also faced harassment in 2010. Owen Maseko, a Bulawayo-based artist, was arrested in March for undermining the authority of or insulting the president and causing offence to a particular race, or religion. His crime was to exhibit an installation that depicted Joshua Nkomo bleeding from the neck as he signed the agreement with President Mugabe to form a unity government in the 1980s. Mr Maseko's case was referred to the Supreme Court to assess whether his constitutional rights had been violated by his arrest. Mr Maseko's gallery director, Voti Thebe, was also arrested and photographs of the election violence in 2008 from an exhibition hosted by ZimRights were removed temporarily by the police.

### **Freedom of religion and belief**

Zimbabwe generally displays tolerance towards different religions. However, the Anglican bishops of Harare and Manicaland and their congregations have been harassed, prevented from worshiping, and even tear-gassed by police acting on behalf of Nolbert Kunonga, a former bishop who has established a parallel Church and taken possession of the Anglican Church's property. We were in regular contact with the Anglican Church, both in the UK and in Zimbabwe, and we will continue to monitor the situation closely.

### **Women's rights**

Zimbabwe has women in many high-profile positions, in politics, the civil service and commerce. But because many families cannot afford to pay school fees, girls are often overlooked in favour of their male siblings when parents are deciding which of their children to educate. As in other countries, women and girls carry a disproportionately heavy burden when it comes to poverty, lack of access to education and health services and lack of productive opportunities.

We maintained a close relationship with several women's rights groups and our Embassy in Harare participated in several activities alongside the Ministry of Women's Affairs, Gender and Community Development, helping to develop the role of women in Zimbabwe. Our Embassy also worked with a domestic violence unit to help police deal with cases of gender-based violence.

### **Minorities and other discriminated groups**

Homosexuality remains illegal in Zimbabwe. Two officers of Gays and Lesbians of Zimbabwe were charged with possessing drugs and prohibited publications after a raid on their offices in May. They were held in police custody for longer than the 48 hours permitted by Zimbabwean law before appearing in court. Both officers were eventually acquitted. Generally, however, the state prefers to turn a blind eye to the LGBT community.

### **Other issues: Farmers**

More than 200 commercial farmers continued to face prosecution, intimidation and harassment as they fought to remain on their farms in 2010. Farm evictions continued, often accompanied by violence and looting of property. The evictions contravene the terms of the Global Political Agreement, as well as the Southern African Development Community ruling of November 2008 and deter investors just when Zimbabwe wishes to rebuild its economy. Farm workers and farm owners have been displaced and we have worked with organisations to re-skill 600 women, many of whom are displaced ex-farm workers who have become marginalised. We will continue to make clear our concerns to the government of Zimbabwe and our support for a fair and transparent process of land reform in favour of the poorer sectors of the community.



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