



United Kingdom | Foreign & Commonwealth Office

# HUMAN RIGHTS

Annual Report 2006

Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty October 2006

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# Foreign Secretary's

## Foreword

The promotion of human rights and fundamental freedoms is a moral imperative. We do it because of our belief in our common humanity and our determination that others should enjoy the rights and freedoms that we demand for ourselves. But it is also a political imperative. Injustice, tyranny and oppression exacerbate poverty, breed instability and foment insecurity: in our global community we all suffer the consequences of a lack of human rights and fundamental freedoms.

It has been a busy year for human rights on the international stage; and through the work of the Foreign Office, the United Kingdom has played a pivotal role. As Presidency of the European Union we co-ordinated and led a global campaign in support of over 180 human rights defenders from 26 countries - men and women who were suffering simply because they had dared to speak out. At the United Nations World Summit in September 2005, we helped to get a clear recognition, for the first time, that the international community had a collective responsibility to protect those who were threatened by genocide, ethnic cleansing, war crimes and crimes against humanity. At the same time, we have been working hard to ensure that the new Human Rights Council, established in March 2006, would both retain the strengths, but also address the acknowledged weaknesses, of its predecessor. We want the Council to be able to address human rights issues effectively and make a real difference on the ground. And bilaterally we have continued to speak up against human rights abuses wherever they occur - and to engage with partners around the world on projects that are designed to build a culture of human rights, democracy and the rule of law.

This report gives many examples of our work and the human rights background to it. In many cases this remains bleak reading. In some of those countries with the very worst records on human rights, there has been little sign of improvement. In Zimbabwe, house clearances have exacerbated an existing humanitarian tragedy and left another 700,000 people homeless or destitute. In Burma, the regime ignored international pressure and twice extended the house arrest of Aung San Suu Kyi. And there have been worrying broader trends. Human rights NGOs have been prevented from carrying out the vital work of holding governments to account by new regulations and restrictions. Repressive regimes have increasingly turned to special security laws and anti-terrorism legislation to circumvent their human rights obligations.

I am under no illusion, then, that there are quick and easy fixes when it comes to promoting human rights and fundamental freedoms. But I am equally convinced that this work is vital and necessary. It forms both a part of that responsibility with which our electorate charged us, and part of our obligation to the wider world community of which we are a part.

*Margaret Beckett*

# Universal Declaration of Human Rights

## Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948

ON DECEMBER 10, 1948, THE GENERAL ASSEMBLY OF THE UNITED NATIONS ADOPTED AND PROCLAIMED THE UNIVERSAL DECLARATION OF HUMAN RIGHTS THE FULL TEXT OF WHICH APPEARS IN THE FOLLOWING PAGES. FOLLOWING THIS HISTORIC ACT THE ASSEMBLY CALLED UPON ALL MEMBER COUNTRIES TO PUBLICISE THE TEXT OF THE DECLARATION AND "TO CAUSE IT TO BE DISSEMINATED, DISPLAYED, READ AND EXPOUNDED PRINCIPALLY IN SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS, WITHOUT DISTINCTION BASED ON THE POLITICAL STATUS OF COUNTRIES OR TERRITORIES".

### Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

**Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

### Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

### Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3**

Everyone has the right to life, liberty and security of person.

**Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6**

Everyone has the right to recognition everywhere as a person before the law.

**Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11**

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13**

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14**

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15**

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16**

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17**

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

**Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20**

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

**Article 21**

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23**

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25**

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26**

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27**

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

**Article 29**

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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United Kingdom Foreign & Commonwealth Office



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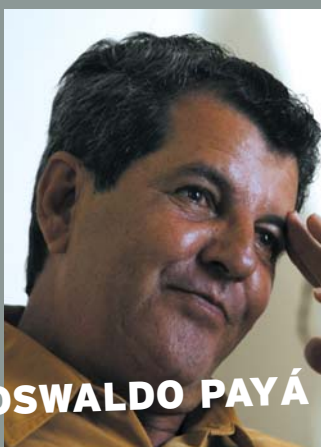
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United Kingdom Foreign & Commonwealth Office

HUMAN RIGHTS Annual Report 2006

# HUMAN RIGHTS

Annual Report 2006

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policy on the FCO website at

Front cover:

Human Rights Defenders (left to right)

Madjan Madmarov, Uzbekistan

Wang Guangcheng, China

Abu Qureibi, Syria

Enriquez Monzón, Guatemala

Phan Hong Son, Vietnam

Aung Mye Thaw, Burma

Wladimir Payá, Cuba

Abdijahon Zainabiddinov, Uzbekistan



Activists in Burma, India, Malaysia and the Philippines call for the release of Aung San Suu Kyi, who has remained under house arrest throughout this year, and the restoration of democracy in Burma.

<< There is hope. For hope to materialise we have to make sacrifices. Thousands of people are working to protect others by sacrificing their own lives. >>

DR MUDAWI IBRAHIM ADAM (HUMAN RIGHTS DEFENDER, SUDO, SUDAN).

## Overview and challenges

### 1.1 Introduction

It is easy to promote human rights from the safety of a western capital or diplomatic meeting room. It is easy to expostulate about outrages committed far from home, and demand that something be done. And it is easy to blame others for their lack of political will or their failure to act.

But it is a very different matter to be on the ground yourself, defending your own home and livelihood and, perhaps, risking your life for the sake of others. But for human rights defenders, such sacrifices are the stuff of everyday life. The courageous people on the front cover of this report have all been harassed, imprisoned or tortured for speaking out about human rights abuses in their countries. They include journalists, NGO members, democracy advocates and ordinary citizens. This year's annual report is dedicated to them.

The courage of these human rights defenders is an example to us all. Some - such as Burmese pro-democracy campaigner Aung San Suu Kyi, who has been under house arrest for more than 10 of the past 17 years - have gained international recognition. But most human rights defenders are not famous. International attention comes either too late, after they have been arrested, tortured or killed or not at all. They are often vilified in their own countries as criminals or terrorist sympathisers, or seen as unpatriotic, seditious and sacrilegious, putting them further at risk.

We owe it to all of them to speak out about the human rights abuses they protest against; to be quicker to come to their aid when they themselves are targeted and harassed; and to remonstrate with the governments that repress them.

Human rights defenders are the agents of hope. When they are silenced, the prospect of a better future is also extinguished.

Their work should inspire us all and galvanise us into action. This is why support for individual human rights defenders is one of the fundamental tenets of the UK's human rights policy. Individual abuses are a symptom of wider systemic problems; and the treatment of individuals is a strong indicator of where progress is - or is not - being made. This is why it is right to raise individual cases with governments and why we will continue to do so, even when governments protest.

#### Freedom of expression

Human rights defenders are often attacked for exercising their right to freedom of expression. Freedom of expression is a core human right and an essential component of democracy: without it, citizens have no way of holding their governments to account. Freedom of expression is also essential for the free flow of the ideas that fuel economic development and growth. Governments sometimes claim that freedom of expression jeopardises the stability of society. But free debate is actually the best way to manage and diffuse tensions. When it is repressed, tensions are driven underground, facts distorted and dissent can turn to violence.

With this in mind, the UK made freedom of expression the human rights theme of its presidency of the EU, which ran from July to December 2005. During the presidency, we co-ordinated and led a global campaign in support of over 180 human rights defenders from 26 countries, who were suffering as a result of exercising their right to freedom of



Russian civil society activists protest against a new law restricting the activities of NGOs, 1 February 2006. Russia is

one of the countries where the situation of NGOs has deteriorated over the past year.

expression. At the end of our presidency, we hosted a forum for non-governmental organisations (NGOs) where human rights defenders met to discuss issues such as impunity and journalist safety, censorship and hate speech, the impact of defamation laws on freedom of expression, and to review the EU's support for human rights defenders. See chapter 3 for more details of our work on human rights during our presidency. The lessons learned will shape our approach to supporting human rights defenders in the future.

### The new Human Rights Council

The presidency dominated much of the UK's work on human rights during the latter half of 2005. But the past 12 months have also been an unusually busy period at the UN, as member states sought to turn the aspirations set out in the Secretary-General's report, *In larger freedom*, into reality. One of the most significant challenges was to replace the largely discredited Commission on Human Rights (CHR) with a new Human Rights Council (HRC), which came into existence following a historic vote at the UN General Assembly (UNGA) on 15 March 2006. The UK played a pivotal role in securing international agreement for the Council, co-ordinating and representing EU positions as Presidency and lobbying other UN member states throughout the intensive negotiations.

We were delighted to be elected on to the new Council for a period of two years. As a founder member, we will be in a strong position to influence its future development. The HRC's success will depend on the political will and commitment of its members, and it is unfortunate that some countries with poorer human rights records have also been elected as members. We were encouraged by some relatively constructive outcomes of the first session in June. But debate on other issues, followed by two divisive Special Sessions on the Middle East, showed that all must work harder to find common ground in order to make effective progress on human rights issues.

One of the key challenges facing the Council is the need to establish effective

mechanisms for addressing human rights. The UK believes that the proposed universal periodic review mechanism is a potentially valuable new tool for addressing human rights in a non-selective and transparent way. The Council must also preserve and build on the strengths of the former CHR, such as the special rapporteur system. See chapter 4 for more details about our work at the UN.

### Working with non-governmental organisations

Another key strength of the CHR was its willingness to work closely with NGOs. The UK believes that NGOs are vital partners in the promotion of human rights and democracy around the world. According to the most recent report of the UN's Special Representative on Human Rights Defenders, Hina Jilani, "NGOs in their daily work of advocating, monitoring, lobbying for respect for human rights and directly assisting victims are at the forefront of the defence of human rights defenders". However, Ms Jilani goes on to note that "the current trend in many countries is to pass laws and regulations restricting the space for human rights activities" and that "in a great number of countries, national laws regulating the functioning of NGOs impose severe restrictions on their registration, funding, management and operation".

This is borne out by the UK's own research, which indicates that the global environment for NGOs has deteriorated markedly in the past two years. The picture is not wholly negative: in some countries, particularly those emerging from conflict or undergoing or consolidating a democratic transition, such as Ukraine, Georgia, and Indonesia,

conditions for NGOs have actually improved. Past improvements have also been sustained or consolidated elsewhere, for example, in parts of Latin America, central Europe and the Balkans. But in many parts of the world the environment for NGOs either remains extremely difficult or has taken a significant turn for the worse. This is the case in many of the countries highlighted in chapter 2 as being of particular concern, including North Korea, Burma, China, Cuba, some countries in the Middle East, Russia, Central Asia, Belarus and Zimbabwe.

Restrictions come in many forms, including harassment, surveillance and, in some cases, violent attacks by the police, army and security forces. In her report, the special representative identified a trend for governments to introduce restrictive legislation and secondary administrative or executive measures such as travel bans, run defamation campaigns and allow high levels of impunity for those who attack NGOs. Individual human rights defenders often experience similar forms of harassment.

Hina Jilani also noted that some types of NGO are more vulnerable than others: for example, those campaigning against torture and ill-treatment, against impunity, on issues to do with indigenous people and on land issues; labour activists; pro-democracy groups; and those concerned with minority rights, religious freedom and self-determination. The UK's work on these and other important human rights themes is covered in Chapters 6-9 of this report.

### **Balancing counter-terrorism and human rights**

One aspect of this apparent clampdown is of particular concern: the use of so-called security or counter-terrorism measures to restrict human rights activities. The special representative noted that "human rights defenders and groups have been targeted and subjected to arbitrary actions with the introduction of exceptions to the rule of law and human rights derogations adopted through special security legislation". In an earlier report in 2002 she noted that, in general, pro-democracy activists and those who campaign for minority and religious rights have been most affected by the use of such measures, suggesting that national security is not in fact the genuine motivation behind these restrictions.

This trend has coincided with an increased focus on counter-terrorism in the wake of Al Qaida's attacks on the US on 11 September 2001. Some countries have pointed to the measures introduced by western countries in the wake of these and more recent terrorist attacks, such as the July 2005 bombings in London, to justify their own actions. We believe that it is a complete fallacy to draw a link between

actions taken by democratic states for legitimate national security ends, subject to scrutiny by the courts in accordance with their international human rights obligations, and repressive measures introduced by authoritarian regimes, with no proper democratic or independent judicial scrutiny and for wholly different ends. It does not help those trying to combat genuine human rights violations, and it plays into the hands of the authoritarian regimes by lending legitimacy to their attempts at justification.

Nevertheless, it is troubling that some regimes are using the fight against terrorism as an excuse to introduce further repressive measures. In a report published in May 2006, *Uniting against terrorism: recommendations for a global counter-terrorism strategy*, the UN Secretary-General noted that terrorist acts themselves seriously undermine fundamental human rights, and that states therefore have a human rights obligation to adopt and implement effective counter-terrorism measures. He also emphasised the importance of preserving democratic values and maintaining respect for human rights. This is not just for the sake of our credibility; it is because respect for human rights is an integral part of any effective counter-terrorism strategy. As noted above, it tends to be in climates of repression and fear, where there is no freedom of expression or democratic means of resolving disputes, that dissent turns to violence.

Human rights law recognises that governments have legitimate national security needs and that, in times of national emergency and under certain conditions, they may temporarily derogate from some human rights obligations. No government has a monopoly on virtue, and it is reasonable to debate whether the international community, including the UK, has always got the balance right. Chapter 5 explores this question in more detail. The government believes it has a responsibility to safeguard the fundamental right to life and to enable British citizens to go about their lives in security. Fulfilling our human rights obligations at the same time as taking effective steps to reduce the terrorist threat remains the guiding principle behind both our policy and our practice. The government's actions also remain subject to the jurisdiction of the courts and to our obligations under the Human Rights Act and the European Convention on Human Rights (ECHR).

The government has made clear to the US, both publicly and privately, its view that it would be better if the detention centre at Guantanamo Bay were closed. We believe that the centre has outlived its purpose and that more suitable arrangements should be made for handling individuals suspected of involvement in international terrorism within a clear legal framework. President Bush has stated publicly

that the US wishes to see Guantanamo closed and the detainees either charged or returned to their countries of origin. He has also expressed his readiness to work with Congress to find a way forward on military commissions at Guantanamo consistent with the Supreme Court's recent ruling on their legality.

We welcomed the passage of the US Detainee Treatment Act, which codified US policy prohibiting cruel, inhuman or degrading treatment of detainees in US custody. While not downplaying the degree of international concern over these issues, we believe that such measures show how checks and balances work in a democratic system. We will continue to debate these issues with the US and other international partners in order to ensure that any counter-terrorism measures taken are legal, proportionate and justifiable.

## 1.2 Human rights in the FCO

The government reaffirmed its commitment to human rights as an integral part of our foreign policy in the March 2006 white paper, *Active diplomacy for a changing world: the UK's international priorities*. The paper, which was produced by the Foreign and Commonwealth Office (FCO), identified nine international priorities for the government as a whole. It is based on an analysis of international trends and builds on its 2003 predecessor, *UK international priorities: a strategy for the FCO*. The white paper was discussed across government and approved by the Prime Minister and the Cabinet. A further international priority was added in June 2006.

International Priority 7 (IP7) now commits the UK to "Promoting sustainable development and poverty reduction underpinned by human rights, democracy, good governance and protection of the environment". This makes clear that

human rights are essential to the achievement of sustainable development and poverty reduction. Indeed, the white paper reaffirms the centrality of human rights to all our international priorities and objectives, from counter-terrorism to managing migration. The UK's long-term interests and values are best protected by the spread of democratic values, good governance and respect for human rights, which reduce the likelihood of conflict, combat poverty and support sustainable development across the world. Respect for human rights is important in its own right, but it is also an essential element in building states which are effective and accountable.

The white paper produced by the Department for International Development (DfID) in July 2006 picked up a number of these themes, setting out how good governance and respect for human rights are important elements of sustainable development and poverty reduction.

### Human rights, democracy and good governance

In June 2006, the FCO updated its three-year work programme on human rights, democracy and good governance to reflect the updated strategic priorities in the white paper and take into account developments since the strategy was produced in March 2005. The strategic goals remain the same as last year, but we have made some small adjustments to the way we plan to go about achieving them. Our strategic goals are to:

- Further promote effective mainstreaming of human rights, democracy and good governance issues in the FCO.
- Strengthen the UN system.
- Work with our EU partners, the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe to ensure that Europe makes an effective contribution to human rights, democracy and good governance.
- Help our overseas territories to fulfil their international human rights obligations and commitments.
- Promote three key human rights themes:
  - combating torture;
  - the abolition of the death penalty; and
  - child rights.
- Support four key elements of democracy:
  - fair electoral processes (this includes supporting effective international electoral observation missions);
  - the development of pluralist political systems and effective parliamentary institutions;
  - promoting the global spread of democracy through support for an effective Community of



**New FCO Minister for Human Rights Ian McCartney speaks at the opening session of the UN Human Rights Council in Geneva, 20 June 2006.**



**O**n 5 May 2006, Ian McCartney MP was appointed the new FCO Minister for Trade, with responsibility for international human rights issues. In the introduction to the FCO's new quarterly e-newsletter on human rights (available online at [www.fco.gov.uk](http://www.fco.gov.uk)) he wrote, "I am delighted to have been given the portfolio of Minister with responsibility for international human rights issues. I believe that I can combine my work as trade minister with making strong representations on human rights. Indeed, I hope to help all government ministers engaged in overseas work to integrate international human rights issues into their overseas work."

Since being appointed, the minister has attended meetings of the FCO's expert panels on freedom of expression, torture and child rights, exchanged views with NGOs on

making the HRC a success, spoken at the Council's first session, launched a new handbook on medical investigation of torture funded by the FCO's Sustainable Development Fund and discussed human rights with several ambassadors and ministers. He has also raised human rights issues during overseas trips to China, where he met vice-foreign minister Zhang Yesui to discuss ICCPR ratification, media freedom and co-operation at the HRC. He also met foreign journalists, and met representatives of FCO-funded human rights projects. In Japan he met senior vice-minister for foreign affairs, Shiozaki, to discuss the issue of foreign nationals abducted by North Korea and met representatives of the abductee families. During his visit, Mr McCartney also raised the issue of child abduction and highlighted the importance of the Hague Convention.

Democracies and the UN Democracy Fund; and  
- freedom of expression, including free media.

- Support three key elements of good governance:
  - the rule of law;
  - the participation of civil society in decision-making; and
  - a common approach to good governance in international bodies and mainstreaming good governance in development co-operation.
- Support partnerships with NGOs, human rights defenders and professional bodies.
- Use public diplomacy to raise public awareness and improve understanding of our policies.
- Use project funds strategically.

The main changes to our specific aims under the headings above are:

- Adjustments to our UN goals in light of the establishment of the HRC.
- Updated EU goals to build on the achievements of our EU presidency.
- More detailed goals under the democracy heading, working at the bilateral, EU and broader multilateral level.
- More focus on the rule of law and more emphasis on human rights in the context of counter-terrorism.
- More focus on the operating environment of NGOs and more support for individual human rights defenders.

Full details of the strategy are available online at:  
[www.fco.gov.uk](http://www.fco.gov.uk)

### **Working with NGOs and civil society**

The FCO works closely with NGOs and civil society representatives both at home and abroad. Their global

connections and expertise on individual countries and human rights themes provide us with an invaluable source of information and advice, and they are often able to gain access to individuals or groups who would be reluctant to talk directly to government officials. Though we do not always see eye to eye, their different perspectives force us to analyse and justify our position and our relationship with them is an important part of holding government to account.

We work with NGOs and civil society in a variety of ways. At a formal level, we maintain regular contact with members of six expert panels established to help us formulate policy on priority human rights themes: freedom of religion; freedom of expression; child rights; torture; the death penalty; and rule of law. The panels usually convene twice a year, although they only met once in 2005 due to the additional burden of work associated with the UK's presidency of the EU. The freedom of religion and child rights panels were newly constituted in 2006 after a gap of some years.

We worked particularly closely with the freedom of expression panel during 2005, as this was the priority theme of our presidency. Panel members organised workshops at the NGO forum on freedom of expression held in December 2005, and advised us on our campaign in support of human rights defenders. In May 2006, Ian McCartney attended a further panel meeting to discuss how to follow up on initiatives launched during our presidency (see page 130).

We also meet NGOs ahead of major inter-governmental meetings, such as the annual OSCE Human Dimension Implementation Meeting in Warsaw. Before its abolition, we also met NGOs before each meeting of the former CHR. Ian McCartney held a meeting with NGOs in June 2006 before

the inaugural session of the Commission's replacement, the HRC.

We also maintain informal contact with NGOs throughout the year. FCO officials, NGOs and human rights experts meet, email and speak on the phone on a daily basis. NGOs are also consulted in advance of our bilateral dialogues with certain countries, such as China, and invited to brainstorming sessions on particular countries on an ad hoc basis.

Overseas, our posts maintain a similarly active relationship both with individual human rights defenders and local NGOs. This can often provide an opportunity for them to influence and hold their own governments to account. For example, we may facilitate meetings between NGOs and government officials or invite them to embassy events where government officials will be present. Through the Global Opportunities Fund (GOF) we have supported dozens of organisations worldwide, enhancing their capacity to act as advocates and advance human rights issues (see Annex 2).

### Human rights training

Civil society organisations also play a key role in our human rights training for FCO officials. Amnesty International helped us establish a regular one-day human rights course in the early 1990s and continues to deliver part of the course. The course now includes a guest speaker slot, which is open to all FCO staff. Speakers have included Mark Lattimer, director of Minority Rights Group International, who spoke on conflict prevention and inter-ethnic groups; Agnes Callamard, director of Article 19, who focused on freedom of expression; Simon Carruth, chief executive of the Medical Foundation for the Care of Victims of Torture, whose talk was entitled

“Countering torture: working for prevention and caring for survivors”; David Geer, executive director of Interights, who focused on working with NGOs to promote human rights in foreign policy; and Saul Lehrfreund, Executive Director of the Death Penalty Project.

For the past four years, we have also offered a two-week specialised training course run by the Courts and Tribunals Department of University College, London. Course tutors include leading human rights academics, lawyers and NGOs. The course equips desk and embassy officers with a deep understanding of core human rights issues, international human rights mechanisms and the tools available to promote human rights overseas.

## 1.3 Mainstreaming human rights

We believe that the most effective way to promote human rights is to integrate it into broader policy work. This is known as human rights “mainstreaming” and means that every FCO desk officer is responsible for ensuring that human rights considerations are taken into account in their area, whether this covers a particular country or region, a specific functional issue, such as export licensing, or consular work. The role of the Human Rights, Democracy and Governance Group (HRDGG) is to advise desks and posts on an overall approach and on core human rights priorities, as well as on particular thematic issues. HRDGG is also responsible for co-ordinating work with our EU partners on human rights issues and representing the UK internationally, for example, at the UN and the OSCE. The rest of this chapter explains how mainstreaming works in practice, in core areas of our policy and project work.

### The Chevening Programme

In 2005, the FCO widened the scope of its Chevening programme to offer fellowships for mid-career professionals, as well as academic scholarships. Chevening fellowships are 12-week, UK-based courses for between 12 and 20 participants, covering subjects that are aligned to one or more of our strategic international priorities. They offer high-quality, relevant training and professional development opportunities, and help to create a positive image of the UK. The fellowship scheme includes contributions from leading academics and human rights experts. In 2006, 208 fellows from 58 countries took part in the scheme. Seventeen courses have been delivered in 2006.

The Chevening course on “What democracy means” supports international priority 7 (“Promoting sustainable development and poverty reduction underpinned by human rights, democracy, good governance and protection of the

environment”) by raising awareness of what constitutes a democracy and how the component parts of a democratic system interact. Other courses also include a significant human rights element. For example, “Government relations with NGOs and civil society” is designed to give participants a broader understanding not only of the relationship between government and NGOs/civil society, but of how these relationships can promote the rights of national, ethnic, religious and linguistic minority groups. “Implementing human rights conventions” covers the theory behind international human rights legislation and looks at practical ways of making it relevant at national and regional level. “Gender, social justice and citizenship” focuses on the factors that affect women’s involvement in decision-making structures and explores practical ways of promoting their participation.

## Consular work

Each year, a growing number of British nationals overseas seek help from our consular staff. This ranges from issuing passports and helping travellers in distress to dealing with major emergencies, such as terrorist attacks or natural disasters. In some instances, British nationals will also need the expert support of our Human Rights and Assistance Policy Team to ensure that their human rights are not being infringed. The team handles situations such as child abduction and forced marriage, and helps Britons facing the death penalty under foreign jurisdictions. They work closely with consular posts, the police, judiciary, social care services and other Whitehall departments, as well as with NGOs in the UK and overseas.

### *Child abduction*

As the number of people moving overseas to work or live grows, so does the problem of international child abduction. Taking a child to another country without the proper consent of the other parent or the permission of the courts is a criminal offence under UK law. It also denies a child their right to family life and to maintain contact with both parents, and can be extremely traumatic. The FCO's Child Abduction Section, which was established in 2003, currently has more than 800 cases on its books.

Governments can assist parents and promote international co-operation, but they cannot intervene in legal battles over custody. We want states to work together to prevent child abduction and, where it does occur, to handle it more effectively. The UK is a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction which states that abducted children should be returned to the country where they lived before the abduction. The courts in that country are then responsible for making a decision in the best interests of the child. We urge other countries to sign up to the Hague Convention, but many have not done so.

In March 2006, the FCO helped fund an international conference in Malta where judges and senior law officers from countries party to the Hague Convention discussed the issue of child abduction with representatives from non-signatory countries. In February 2006, we organised two judicial visits, from Pakistan and Bangladesh, to discuss co-operation. A judicial understanding between Pakistan and the UK, signed in 2003, has helped secure the return of many abducted children. We also provide immediate, practical support for the parents of abducted children by putting them in touch with lawyers and appropriate organisations.

The Child Abduction Section deals primarily with cases where children have been taken to countries that are not

## Child abduction: a real-life story

A British mother living with her son in the UK gained custody of the boy through the UK courts, but agreed that his father should have access. During a visit, the father abducted the child and took him to the Middle East.

Since then the UK courts have made orders for the child's return, the mother has filed legal petitions in foreign courts and the police have tried to trace the child. The Child Abduction Section in London and consular staff in our embassies overseas have been working with the UK police, Interpol, foreign police forces and foreign governments to try to locate the pair, who have been travelling between the Middle East and South Asia. We believe they are both now in the Middle East, where a father usually has greater rights over children of a certain age, making a legal case very difficult. We are still trying to establish contact with the father and child through lawyers and authorities. At this stage, the mother simply wants to know if her son is alive and well; she has not seen or spoken to him for three years.

party to the Hague Convention. Where parents cannot reach an agreement, the left-behind parent may have to go through the courts of the other country - which may have very different laws on parental rights - to seek the return of their children. This can be a lengthy and costly process and, where it is not possible to secure the return of the children, it can be difficult for parents to maintain contact. Since 2004, we have been helping to fund a project organised by International Social Services, which helps left-behind parents to visit their children in Libya.

Greater awareness of this issue is vital. Child abduction is a criminal act and an abuse of human rights. We continue to work closely with Reunite, an NGO with years of experience of helping and advising people affected by child abduction, to raise awareness in the UK. We also work closely with family law experts in the British judiciary and the Department for Constitutional Affairs (DCA).

### *Forced marriage*

"Marriage shall be entered into only with the free and full consent of the intending spouses." Universal Declaration of Human Rights, article 16 (2)

Forced marriage - marriage without full and free consent, where duress is a factor - is an abuse of human rights, a form of domestic violence and, when it happens to children, a form of child abuse.


In January 2005, the FCO and the Home Office set up the Forced Marriage Unit. The unit, which is based in the FCO Consular Human Rights Team in London, provides holistic support to British nationals at risk of forced marriage in the UK and abroad and leads on policy and projects. Since the unit was set up, it has dealt with around 300 cases. Around 15 per cent of these have involved male victims, and 30 per cent have involved minors. We are always working to improve our support to victims of forced marriage. Our three full-time caseworkers now include a visa expert, who can offer information and support to victims of forced marriage abroad, who do not want to sponsor their spouse's settlement application to join them in the UK.

The unit offers information and support to both potential victims and professionals working in the field. We provide practical guidance on avoiding forced marriage, and put people at risk in touch with local support services. We also liaise with statutory agencies, including the police and social

services, to protect young people at risk. If a British national is taken abroad to be forced into a marriage, the unit will work with consular staff in our embassies and high commissions to offer them assistance. This includes help to return to the UK or, in extreme cases, to rescue them. This work often takes place in very difficult circumstances and involves vulnerable young people, who may have been held captive, raped, made pregnant against their will or forced into having an abortion.

We take a proactive approach, with the aim of reaching potential victims before the forced marriage takes place. In March 2006, we launched a high-profile national publicity campaign, endorsed by celebrities Meera Syal and Ameet Chana, to clarify the difference between arranged and forced marriage and to highlight the help available. The campaign also reassured people facing forced marriage that they had a right to choose and encouraged them to seek help. Long-term, the campaign aims to change attitudes by showing

In March 2006, the FCO launched a national publicity campaign to promote the help available for people involved in forced marriages.



**FORCED**

**YOU HAVE A RIGHT TO CHOOSE...**

If you or someone you know is being forced into a marriage, contact the FORCED MARRIAGE UNIT.

Call **020 7008 0151** between 9am and 5pm Monday to Friday  
Email **fm@fco.gov.uk**

The Forced Marriage Unit offers confidential support and information  
If you would like to know more about the work of the Forced Marriage Unit  
before you call us, log on to: [www.fco.gov.uk/forcedmarriage](http://www.fco.gov.uk/forcedmarriage)

Confidential advice is also available from a large network of support groups, including  
The Police, the National Domestic Violence Helpline, and women's refuges nationwide.

that forced marriage has damaging emotional, as well as legal, consequences: far from strengthening families, forced marriages can lead to family break-up, divorce and mental health problems. The campaign was well received. We attracted further positive publicity when our work on rescuing British victims in Pakistan was featured in *The Guardian* and on Sky news.

As well as providing help for potential victims, we are taking practical steps to raise awareness among concerned professionals and affected communities. We are currently working with the Department of Health to develop guidance for health professionals on handling cases of forced marriage, producing a second edition of our guidance for social care services and planning briefing sessions for legal professionals. A full-time Home Office policy officer is working on piloting a survivors' network and developing a handbook to help survivors access practical and emotional support once they have left a forced marriage.

In order to offer effective assistance and support overseas, we need access to expert local knowledge. We therefore fund NGOs in key countries to carry out preventative work on changing attitudes to forced marriage, and to offer practical assistance to victims of forced marriage. We are also working with our EU partners to make sure we learn from the experience of other countries by sharing best practice.

We continue to work in partnership with voluntary organisations, refuges, police officers, teachers, social workers and the media in the UK to draw on their expertise and build support networks for people affected by forced marriage. We conduct outreach and training around the UK for professionals and affected communities, and distribute information materials to agencies working with young people. Since the unit was set up we have spoken at more than 100 events.

The unit also leads on developing government policy on forced marriage. In 2005, it conducted a public consultation on whether forcing someone into marriage should be made a specific criminal offence. The consultation period ended in January 2006. There was no clear majority, but a substantial minority (37 per cent) were opposed to the new legislation on the grounds that it could drive an already hidden problem further underground, isolating its victims. Respondents suggested a range of non-legislative activities, including:

- increasing training to professionals working in this field;
- engaging more with affected communities;
- developing our work with statutory agencies to share best practice;

- ensuring that existing legislation is fully implemented; and
- making better use of civil remedies and the family courts.

We will be pursuing these recommendations as a priority.

#### *British nationals in prison overseas*

At the end of March 2006, we were aware of 2,255 British nationals detained overseas in over 80 countries. Through our network of embassies, high commissions and consulates, we provide support for these detainees and take a keen interest in their welfare. The FCO makes no judgements about prisoners' guilt or innocence, and we provide consular assistance regardless of the nature of the offence.

We aim to contact British nationals within 24 hours of being informed of their arrest, and to visit them as soon as possible. We offer practical help, raising medical and dental problems with the local authorities, providing detainees with details of lawyers and helping them to contact their families. Under certain circumstances, we will consider supporting a British national's plea for clemency from the local authorities.

We work closely with others to improve the welfare of British nationals in prison. Our *pro bono* medical panel of UK-based specialists provides advice in cases where British nationals in prison have serious medical conditions. The *pro bono* lawyers' panel can help British nationals raise human rights or international law issues during a trial or appeal. We work with a range of charities and organisations, including the NGO Prisoners Abroad, to improve prisoners' quality of life, support their families in the UK and help with resettlement issues when prisoners return to the UK.

We also work with the National Offender Management Service to negotiate prisoner transfer agreements with other countries, so that British nationals can serve their sentences at home. In 2005, 61 prisoners were repatriated from 21 countries to the UK. We now have transfer agreements with over 90 countries. Since July 2005, we have signed new agreements with Nicaragua, St Lucia and Dominica.

In March 2006, we launched *Support for British nationals abroad: a guide* (available at: [www.fco.gov.uk](http://www.fco.gov.uk)), which explains in greater detail the assistance we can provide to British nationals detained overseas.

#### *Mistreatment, fair trials and the death penalty*

While we cannot demand that British nationals get better treatment than local prisoners, we do all that we properly can to ensure that the treatment of British nationals

## Facing the death penalty in Thailand

**C**hun Lung (Eric) Kong, a British National (Overseas) was arrested and charged with drug trafficking in January 2000. On 1 July 2004, he was convicted and sentenced to death. All of Mr Kong's subsequent appeals were unsuccessful. The death penalty is frequently imposed for drug offences in Thailand. However, in most other recent cases involving British nationals, an imposed death sentence has been immediately commuted to a term of imprisonment without the need for intervention by the UK government.

In August 2004, Mr Kong submitted a Royal Pardon Petition to the King of Thailand. The former Foreign Secretary, Jack Straw, wrote to the former Thai Foreign Minister in support of the petition in August 2004 and March 2006. The British Ambassador to Thailand and other government Ministers have also made frequent representations to the Thai authorities about Mr Kong's case.

The King of Thailand chose the occasion of the 60th anniversary of his accession to the throne to grant pardons to some convicted persons. As part of this amnesty, Mr Kong's sentence was reduced to life imprisonment.

overseas is in line with the minimum standards required under international human rights law.

Consular officials often raise concerns about lack of legal representation, adequate translation and lengthy delays in cases coming to trial. Such cases can be referred to a *pro bono* lawyer from the FCO panel, who can then raise our concerns at an appeal. As a last resort, we will consider supporting a plea for clemency in cases where there is prima facie evidence of a miscarriage of justice. We take all allegations of the mistreatment or torture of detained British nationals very seriously. If an individual wants us to raise their treatment with the authorities, we can ask for an impartial investigation to be carried out.

However, we cannot ensure the welfare of detained British nationals unless we know that they have been detained and are able to visit them. We therefore attach great importance to the provisions of the Vienna Convention on Consular Relations and our bilateral consular conventions, which require countries to inform us when a British national is detained and wants consular assistance, and to allow us access to him/her in prison. If we are denied access, or not informed of an arrest, we will make representations to the local authorities. During the period covered by this report, we

submitted two amicus curiae briefs to the US courts in cases where we were not notified of the detention of a British national.

The UK is opposed to the death penalty in all circumstances. We will make appropriate representations as soon as it becomes clear that a British national could face the death penalty. In June 2006, we were aware of 12 British nationals on death row around the world: three in the US; two in Malaysia; three in Pakistan; two in Thailand; and two in China. In September 2005, during our presidency of the EU, the British Embassy in Washington hosted a conference for UK and EU consular staff on the death penalty in the US and the role of consular officials in death penalty cases.

### Tackling international organised crime

The FCO's Drugs and Crime Fund (DCF) helps countries and organisations develop their capacity to tackle international organised crime. Although protecting human rights is not one of the fund's specific objectives, its work nevertheless helps to reduce the harmful effects of organised crime on peoples' lives.

The DCF sets its priorities in line with the seriousness of the threat posed to the UK. There is a separate budget for counter-narcotics work in Afghanistan due to our status as partner nation with the Afghan government for coordinating international counter-narcotics assistance in Afghanistan. Afghanistan continues to produce over 80 per cent of the world's heroin, which is then trafficked into Europe via Iran and/or Pakistan, Turkey and the Balkans. Colombia is the world's leading producer of cocaine, responsible for approximately 56 per cent of global supply. The remainder comes from Bolivia and Peru. An estimated 65 per cent of the cocaine entering Europe does so via the Caribbean. We therefore focus our efforts on these areas.

We take a multi-faceted approach to supporting the counter-narcotics effort in Afghanistan. The bulk of our three-year budget is focused on targeting traffickers and the trade, developing and promoting alternative sources of income for opium farmers and supporting the development of strong and effective Afghan counter-narcotics institutions. We also support Afghan efforts to carry out ground-based eradication in areas with access to alternative livelihoods.

Drug-trafficking is often dominated by criminal gangs, and violence is commonplace. The UK has been helping to develop Afghanistan's local law enforcement capability and to establish a fast-track criminal justice system to investigate, prosecute, judge, sentence and, where appropriate, imprison offenders. Afghanistan is still recovering from a violent and

prolonged civil war. The law enforcement and judicial capacity that we are helping to build will, over time, reduce the scourge of drugs and remove a major source of revenue for the country's private militias and insurgents. Although the extent to which the Taliban use drug money to facilitate their operations is unclear, they and the drug traffickers flourish in the same ungoverned space and have a shared interest in keeping central government away from their areas of operation. There is some evidence of ad hoc links between the Taliban and drug traffickers, and the UK supports Afghan efforts to disrupt these.

Elsewhere on the heroin route, we have helped the Pakistan Anti-Narcotics Force stop drugs being transported across the Pakistan-Afghan border. In Iran, where consumption levels are high, we continue to work with St George's Hospital, Tooting, and Tehran University to develop demand reduction programmes. We are also supporting the renovation/upgrade of several border posts between Tajikistan and Afghanistan, in order to improve living and working conditions for the Tajik border guards.

We have a strong interest in helping Colombia fight the illegal drugs trade, not least because an estimated 80 per cent of the cocaine coming into Britain originates there. All three of Colombia's major illegal armed groups are actively involved in the illegal drugs trade, which fuels the internal armed conflict in the country and contributes to human rights abuses. We are therefore working with the Colombian authorities to strengthen their law enforcement capability. We have also taken forward work on alternative livelihoods in Bolivia, so that farming families can give up coca cultivation. We continue to provide law enforcement support to the Caribbean region.

Drug trafficking networks are often linked to other forms of organised crime, including people smuggling and human trafficking. Through the Migration Fund, we support projects that aim to deter human trafficking by raising awareness among potential victims, building law enforcement capacity in key source countries and providing assistance to victims of trafficking when they return to their home country.

The UK is a world leader in combating the problem of travelling sex offenders. The FCO has supported a number of projects in Cambodia and other countries targeted by sex offenders to help law enforcement agencies recognise and deal with the issue. For more information, see chapter 8.

As well as reducing organised crime, capacity-building has the potential to deliver wider benefits. For example, the FCO's work on strengthening Bulgaria's criminal justice sector is helping to restore confidence in the rule of law, as well as supporting the investigation and prosecution of organised criminals.

### Human rights and export licensing

The UK is committed to maintaining a responsible defence industry, one that is aware of the UK's obligations in today's world and of the impact that inappropriate defence exports can have on conflict, terrorism and human rights abuses. We must therefore take a responsible approach to managing arms transfers. The government is proud of its record in helping to establish a more transparent and accountable licensing system, under which all export licence applications are carefully assessed against the Consolidated EU and National Export Licensing Criteria. The UK played a major role in establishing these criteria as an EU code of conduct, which frames the defence exports of all EU member states.

Human rights considerations are at the forefront of our assessment of all export licence applications. Criterion 2 of the consolidated criteria requires us to assess the attitude of the country of final destination towards relevant principles established by international human rights instruments. The UK will not issue an export licence if there is a risk that the proposed export might be used for internal repression. We exercise special caution and vigilance in issuing licences to countries where there are serious human rights violations. During our presidency of the EU, we initiated the development of best practice guidelines on the application of criterion 2. These were adopted in June 2006 under Austria's presidency of the EU and are available online at: <http://register.consilium.europa.eu> (search for *User's guide to the EU code of conduct on arms exports*).

In some situations, it is legitimate for a government to use



**A tractor tears up a field planted with opium poppies in Shinwar district, east of Kabul, Afghanistan, on 6 March 2006. The US and UK aim to eradicate 20,000ha of the 2006 crop before the sap can be collected.**

force within its own borders: for example, to preserve law and order in the face of a terrorist threat. This does not constitute internal repression. However, governments must always use such force in accordance with international human rights standards. Criterion 2 explicitly defines internal repression as including: torture and other cruel, inhuman and degrading treatment or punishment; summary, arbitrary or extra-judicial executions; disappearances; arbitrary detentions; and other major suppression or violations of human rights and fundamental freedoms, as set out in relevant international human rights instruments.

See Chapter 6 for details of how we are supporting the development of an international arms trade treaty.

#### *Assessing applications against criterion 2*

When assessing the likelihood of exports being used for internal repression, we will look at the human rights record of the ultimate end user and at the exact nature of the equipment to be exported. We use many sources to inform our assessment: our diplomatic missions overseas; reports from international and local NGOs; and media reports. We build a balanced picture of the human rights situation in the destination country for each application.

The government is committed to ensuring the utmost transparency in its export licensing process, while bearing in mind the need for commercial confidentiality. Quarterly statistics on strategic export controls and annual reports are available online at: [www.fco.gov.uk](http://www.fco.gov.uk) (click on "About the FCO", "Access to information", "Official documents" and "Annual reports").

## 1.4 The Global Opportunities Fund

The GOF supports action on global issues in areas of strategic importance to the UK. GOF projects are co-ordinated through six thematic programmes:

- Sustainable Development;
- Reuniting Europe;
- Engaging with the Islamic World;
- Counter-terrorism;
- Economic Governance; and
- Climate Change and Energy.

For the Sustainable Development, Reuniting Europe and Engaging with the Islamic World programmes, promoting human rights, democracy and good governance are key priorities. While the other three programmes do not have explicit human rights objectives, many of their projects do include a significant human rights dimension. The overall

aims and activities of these programmes are described below. See Annex 2 for a detailed list of projects.

### **The Sustainable Development programme**

The Sustainable Development (SD) programme, launched in April 2005, supports the UK's sustainable development priorities by promoting good governance, respect for human rights and democratic principles and sound management of natural resources. The majority of funding is devoted to projects in priority countries or regions not covered by other thematic or geographical FCO programme budgets. Current priority countries are Argentina, Brazil, Burma, Cameroon, the Caribbean region, China, Colombia, Ethiopia, Guatemala, India, Kazakhstan, Malaysia, Mexico, Nigeria, Russia, South Africa, Thailand and Vietnam.

The main human rights themes covered by the programme are freedom of expression, the rule of law, combating torture, child rights and the abolition of the death penalty. The programme also continues to support a number of projects begun under the auspices of its predecessor programmes - the GOF Human Rights, Democracy and Good

### **Reforming China's criminal trial procedures**

**B**uilding a fair trial system is essential to promoting the rule of law; in China's case, it also removes one of the obstacles to the country ratifying the International Covenant on Civil and Political Rights (ICCPR). This two-year project is therefore exploring practical ways of reforming China's criminal trial procedures.

In autumn 2005, two municipal level courts ran a pilot scheme supported by UK and Chinese academics. The scheme focused on six key issues:

- promoting court appearances by witnesses;
- providing protection for defence lawyers so they can carry out their role fully and freely;
- limiting the role of judges in collecting evidence outside the court;
- promoting the role of judges in court hearings;
- improving the quality of verdicts; and
- reforming judiciary committees.

The scheme has resulted in a series of practical steps designed to tackle procedural flaws in these areas. During 2006, Chinese academics will build on the work done to date by widening the scope of the study and cascading the outcomes of the pilot. They will also submit recommendations for revised criminal trial procedures to the National People's Congress.



Governance programme and the Human Rights Project Fund. The programme focuses on projects that will deliver systemic change by targeting the underlying causes rather than the symptoms of human rights problems. So in Russia we have helped Roma civil society groups build the capacity to challenge racism and discrimination in the media. In Mexico and Brazil, we have worked to improve the police and prison systems at state level; as a result, other state governments and federal authorities are now carrying out similar reforms. In Colombia we have strengthened the capacity of the police, the judicial and prison systems and welfare organisations to protect children from abuse.

The programme also supports a number of projects aimed at persuading leaders and opinion formers to promote laws that restrict the use of the death penalty, pending a moratorium and/or abolition. We are supporting legal challenges to the application of the death penalty in the Caribbean and Nigeria, building on a similar project in Uganda, which resulted in the Constitutional Court declaring the death penalty unconstitutional and the reprieve of over 400 individuals on death row. We also provide technical training for public defenders so that those facing the death penalty can get more effective legal representation.

The remainder of the funding is spent on non-country specific work to promote particular thematic or multilateral priorities. Last year we supported international campaigns to promote prison reform and the ratification of the Optional Protocol to the Convention Against Torture, as well as the production of a number of human rights training manuals. The programme donated funds to the Office of the UN High Commissioner for Human Rights, to the Organisation for Security and Co-operation in Europe (OSCE) and to the new UN Democracy Fund. The programme also covers the costs of producing this report.

### **The Reuniting Europe programme**

The prospect of closer integration with and, ultimately, membership of the EU continues to provide a strong incentive for economic and political reform across central and eastern Europe and the western Balkans. The Reuniting Europe programme seeks to bolster the reform process through carefully targeted projects that focus on the areas of most need: for example, democracy-building; social integration; and justice and home affairs. The programme therefore has a strong human rights focus. In 2005–06, the programme invested in projects in 25 countries and regions; in 2006–07 funding will be targeted at 15 countries and regions.

The EU's 10 new member states ceased to be beneficiaries of

the programme in 2006, and project work was completed in 2005. The new member states have now become project partners and are passing on their experiences of gaining EU accession to potential new members. This is helping to create long-standing links and networks. A two-year project to develop cross-border networks between Ukrainian agencies and their counterparts in Poland, in order to strengthen efforts to combat human trafficking, is typical of this approach. The number of projects involving new member states increased in 2005–06.

Bulgaria and Romania are now very close to accession, and will need to sustain a rapid pace of reform. Both countries faced major tests in meeting the requirements for EU membership, particularly in the fields of justice and home affairs. Corruption was seen as a threat to the reform process as a whole. Project work therefore focused on tackling corruption, relieving the burden on courts and prisons and safeguarding the rights of vulnerable groups.

In October 2005, the EU agreed to open accession negotiations with Turkey and Croatia. In December, Macedonia was accepted as a candidate. Because of concern over Turkey's ability to implement and enforce sweeping human rights reforms, the programme concentrated on protecting the rights of vulnerable groups (such as the victims of "honour" crimes) and on supporting the training of the judiciary and local human rights boards. In Croatia, the programme shifted its focus from reintegrating people displaced by conflict towards reforms in justice and home affairs, including training for the judiciary. In Macedonia, a three-year project on disability rights has lobbied successfully for changes to the legal framework. A draft systemic law is now going through the approval process, and the project is being emulated in neighbouring countries.

Elsewhere in the western Balkans, the focus has been on social integration. We have promoted an inclusive education model for children of all ethnicities and worked with the media in Serbia and Montenegro to raise public awareness of the need to integrate minority groups. Other projects have supported the development of policies on minorities and a Roma strategy, and providing human rights training for the judiciary. Work on the protection and integration of vulnerable groups will continue this year.

In Ukraine, we maintained our focus on democracy-building by supporting free and fair elections and building the capacity of the media. In the South Caucasus, we supported capacity-building for election monitors in Armenia, facilitated communication between MPs and citizens in Georgia and promoted community participation for local municipalities in



**A young Muslim woman at a rally of moderate Muslim groups in London, 11 February 2006. Building strong relationships with**

**Muslim communities is an important strand of the GOF Engaging with the Islamic World programme.**

Azerbaijan. In 2006, we will focus on harnessing the media to monitor and promote more effective democratic reform. In Belarus, we supported human rights training for lawyers and helped candidates for public office find effective ways to interact with the public. We are also working with civil society and youth groups to support the development of democracy.

### **The Engaging with the Islamic World programme**

The Engaging with the Islamic World programme aims to promote peaceful political, economic and social reform in Muslim majority countries, and to counter radicalisation and extremism in the UK and overseas. Since it was set up in 2003, the programme has supported over 100 projects that promote good governance, the rule of law and women's participation in decision-making. It also supports regional multilateral initiatives, such as the UN Arab Human Development Reform Programme.

Partnership-working is an important part of the programme. In Libya, we are working alongside the International Centre for Prison Studies (ICPS) to promote international standards of prison management in line with the principles set out in the Centre's handbook, *A human rights approach to prison*

*management*. Over the past year, standards of healthcare have improved and conditions are now better for women prisoners. Libya is also in the process of establishing its own permanent prison inspectorate, and there are plans to expand the scope of the project over the coming year.

In the year since the July 2005 bombings in London, the programme has worked to identify the causes of radicalisation and find ways to tackle them, stimulating debate on the issue and taking steps to counter misrepresentations of mainstream Islam. This is sensitive but important territory. A number of eminent Islamic scholars from the UK and overseas have spoken publicly on issues such as terrorism and human rights, reinforcing the message that following Islam is not incompatible with living in the west. We also work to promote knowledge and understanding, for example, by increasing the professionalism of the media and eliminating government influence on reporting.

The programme has a key role to play in building relations with Muslim communities in the UK and overseas. Over the past year the FCO has engaged with an increasingly wide range of representatives from the British Muslim community, including academics, youth groups and traditional community leaders. This includes supporting a roadshow run by the Radical Middle Way, a Muslim-run grassroots initiative. The roadshow promotes a mainstream understanding of Islam, which is dynamic and relevant, particularly to young British Muslims.

In a speech at the Oxford Centre for Islamic Studies on 7 June 2006, FCO minister Lord Triesman spoke about the need to address the perceived alienation of Britain's Muslim community. Speaking about a project which funds British Muslims to talk to key audiences overseas about the situation of Muslims in the UK and UK foreign policy, he observed that, "Many of the programme delegates have very strong feelings against some of our current foreign policies. The fact that they can disagree with government policy and still be involved in a government-backed initiative highlights the fundamental right of freedom of expression enjoyed by all British citizens." To date, delegates have visited Saudi Arabia (December 2005), Egypt (February 2006), Bahrain, Qatar and Sudan (March 2006) and India and Nigeria (March 2006).

The programme is also active in non-Arab countries. In Indonesia we are working with two Muslim organisations (Nahdlatul Ulama and Muhammadiyah), the Islamic University of Jakarta and the British Council to improve administrative structures and raise educational standards in

“pesantrens” - traditional Islamic boarding schools. The project is already raising standards of governance, lesson planning and quality assurance, and widening the curriculum. We are now working with the university to develop a programme which will introduce a gender perspective into training for imams. The prime minister’s visit to Indonesia in March 2006 signalled the strength and health of the country’s relationship with the UK.

### **The Counter-terrorism programme**

Terrorism remains at the top of the international agenda. Countering terrorism and halting the proliferation of weapons of mass destruction are two of the FCO’s most important strategic priorities. The Counter-terrorism (CT) programme supports our work in both these areas and underpins our contribution to the government’s comprehensive counter-terrorism strategy. The programme’s overall objective is to develop the capacity of international partners to counter terrorism and other threats in support of UK bilateral and multilateral security objectives. All GOF CT project bids are carefully assessed to ensure that they will not have a negative effect on human rights.

In 2005-06, the Commonwealth Secretariat used GOF funding to run a series of workshops. Prosecutors, lawyers and police officers from several countries met to discuss adopting a more evidence-based approach to cases involving alleged terrorist acts, in order to reduce reliance on confessions and associated mistreatment. The Secretariat has also started preparing a generic CT training manual for police training colleges, which includes specific advice on human rights issues and proper practice. The manual is scheduled for completion in the 2006-07 financial year.

### **The Economic Governance programme**

The Economic Governance programme contributes to the achievement of FCO strategic priority 5: “Supporting the UK economy and business through an open and expanding global economy, science and innovation and secure energy supplies”. The programme operates in 10 emerging markets - Argentina, Brazil, China, India, Indonesia, Mexico, Nigeria, the Philippines, Russia and South Africa - as well as regionally. The government believes there is scope for the UK to work in partnership with all these countries for mutual economic benefit.

Although its main focus is on economics, business and science, the programme continues to support human rights by promoting greater transparency, freedom of expression and the rule of law, as well as corporate social responsibility and labour reform. In Mexico, the British Embassy and British Council have worked with the president’s office, local state

governments and the US Agency for International Development (USAID) to promote a criminal justice reform package, which will introduce oral trials, restorative justice and community policing in two key states (Aguascalientes and Chihuahua). In Argentina, we support the work of the Association for Civil Rights in promoting transparent and accountable practices in provincial and national courts and advocating freedom of information legislation. The project is building on NGO and business community support for justice reform, and provides training for journalists and editors to help them cover justice issues.

The programme also works regionally with multilateral organisations and institutions. Its work complements the Sustainable Development programme (see page 22) and the reform elements of the Engaging with the Islamic World programme (see page 24).

### **The Climate Change and Energy programme**

The programme’s objective is to bring about change in the governance and use of international energy resources and systems to help secure the UK’s medium-term global climate change and energy goals. In 2005-06, it focused on 11 priority countries, all emerging economies with growing energy needs: Angola; Brazil; China; India; Iraq; Kazakhstan; Mexico; Nigeria; Russia; Saudi Arabia; and South Africa. The programme will also fund projects in other countries where there are clear regional or global benefits.

Many of the projects supported by the programme deliver indirect benefits for human rights. For example, one project in the Niger Delta is working to promote an accountable and transparent oil revenue regime in line with the Extractive Industries Transparency Initiative (see page 242) and to involve the local community in the governance of resources. Another project is working with governments and oil companies in a number of countries to develop practical guidelines for good governance of the national petroleum sector. We also support projects designed to raise awareness among developing countries of the impact of climate change and to strengthen their capacity to play an effective part in the UN climate change negotiations.

## **1.5 The UK’s overseas territories**

The UK government greatly values its relationships with our overseas territories. Through the territories’ governors, we retain responsibility for their internal security, defence and external affairs, which includes ensuring that they fulfil their obligations under the relevant international human rights conventions. Each territory has its own constitution. Several include human rights guarantees, and all contain provisions

to preserve the independence of the judiciary and protect public services from political interference.

The UK's objective is to see the six core UN human rights conventions extended to all the populated territories. Anguilla has agreed to adopt the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is taking steps to achieve this. In the past year the Cayman Islands government has formally requested that the CEDAW should be extended to them, though further ongoing legislative work will need to be completed before this can take place.

The right of individual petition under the ECHR was accepted on a permanent basis for the following territories from 14 January 2006: the Falkland Islands, Gibraltar, South Georgia, and the South Sandwich Islands. It was renewed for five years from 14 January 2006 for: Anguilla, Bermuda, Montserrat, St Helena, and St Helena Dependencies. It was accepted for a period of five years from 14 January 2006 for the Turks and Caicos Islands, and on a permanent basis for the Cayman Islands from 21 February 2006.

The territories are expected to promote human rights in their domestic policy, and DfID is funding a programme to help them do this. Following consultations with governors in the latter half of 2005, a consultant will be appointed in 2006 to draw up, organise and manage the programme.

There have been a number of positive human rights developments over the past year. DfID is funding an ongoing four-year strategy to help the territories raise standards of child protection in line with the UN Convention on the Rights of the Child (UNCRC). A representative from the UK children's charity (NCH) has visited all the territories involved in the programme to review their child-protection strategies and help them develop national action plans. Draft plans have been completed for the South Atlantic and Caribbean territories, and child-protection committees have been set up in all those territories except Montserrat.

In Anguilla, the British Virgin Islands, Montserrat and the Turks and Caicos Islands, six model legislative bills (the Family Court Bill, the Children Care and Protection Bill, the Status of Children Bill, the Juvenile Justice Bill, the Domestic Violence Bill and the Adoption Bill) have been presented to the attorneys-general for consideration. NCH advised four of the territories on appropriate welfare standards and associated management systems and training. In September 2005, Anguilla held a public workshop to discuss setting up a human rights commission. This was followed in November 2005 by a workshop on domestic

violence which was organised jointly by the Family Hope Network and the chief minister's office.

In the British Virgin Islands funds have been allocated for the construction of a new building at HM Prison Balsum Ghut to house women prisoners and illegal immigrants. This will mean female prisoners can be moved from the inadequate Road Town Prison, where they have been held since the April 2004 riots.

In the Falkland Islands new legislation has been passed empowering the director of fisheries to refuse to grant, or to revoke, an overseas master fishing licence, where the applicant or holder has been convicted of any offence involving violence towards, or maltreatment of, any member of the crew of a fishing vessel of which he was at the time a master or mate or officer within the preceding five years. The director can also refuse to grant a licence where he reasonably believes that the applicant has been convicted of any of these offences. The law took effect on 1 July 2006.

Montserrat has set up a human rights reporting committee. A consultant has been working with the committee on a public education strategy. Her report has been widely disseminated for public comment, and it is hoped that an independent human rights commission will be established. In March 2006, the Turks and Caicos executive council agreed to re-establish its human rights committee.

The new Cayman Islands human rights committee held its first meeting in November 2005. Members had a constructive exchange with the UK constitutional team on including a fundamental rights chapter in any new constitution. Several other territories are also involved in discussions with the UK concerning constitutional review and the inclusion of human rights provisions in any new constitution.

### Overseas territories with a resident population

Territory	Population
Anguilla	12,200
Bermuda	65,014
British Virgin Islands	25,108
Cayman Islands	44,144
Falkland Islands	2,913
Gibraltar	28,605
Montserrat	4,483
Pitcairn Islands	47
St Helena and Dependencies	5,468
Turks and Caicos Islands	20,014

## Overseas territories: ratification and extension of human rights instruments

	UK	Ang	Ber	BVI	Cay	Gib	Fal	Mon	StH	Pit	TCI
ICCPR	•		•	•	•	•	•	•	•	•	•
ICESCR	•		•	•	•	•	•	•	•	•	•
CAT	•	•	•	•	•	•	•	•	•	•	•
CRC	•	•	•	•	•	•	•	•	•	•	•
CEDAW	•			•			•				•
CERD	•	•	•	•	•	•	•	•	•	•	•
ECHR*	•	•	•	•	•	•	•	•	•		•
Convention on Political Rights of Women	•	•	•	•	•	•	•	•	•	•	•
Convention on Prevention and Punishment of Genocide	•		•	•		•	•		•	•	•
Convention on Reduction of Statelessness	•	•	•	•	•	•	•	•	•		•
Convention on Status of Statelessness	•	•	•	•	•		•	•	•		•
ILO Convention No. 105 Abolition of Forced Labour	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 87 Freedom of Association and Right to Organise	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 98 Right to Organise and Collective Bargaining	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 29 Forced Labour	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 100 Equal Remuneration	•					•					
ILO Convention No. 138 Minimum Age	•										
Convention on Consent to Marriage, Minimum Age and Registration	•	•	•	•	•	•	•	•	•	•	•
ILO Convention No. 97 Migration for Employment	•	•	•	•				•			
Geneva Conventions I, II, III, IV (1949)	•	•	•	•	•	•	•	•	•	•	•
European Convention for Prevention of Torture or Degrading Treatment	•					•					
UNESCO Convention Against Discrimination in Education	•	•		•	•	•	•	•	•		•
Convention on Abolition of Slavery	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 182 Worst Forms of Child Labour	•										
ECHR Protocol No. 1 (Possessions/Education/Elections)	•		•	•	•	•		•	•		•
European Convention for the Prevention of Torture Protocol No. 1	•					•					
European Convention for the Prevention of Torture Protocol No. 2	•					•					

Key: An = Anguilla Ber = Bermuda BVI = British Virgin Islands Cay = Cayman Islands Fal = Falkland Islands Gib = Gibraltar  
Mon = Montserrat Pit = Pitcairn Islands StH = St Helena and Dependencies TCI = Turks and Caicos Islands

\* The right of individual petition under the ECHR has been accepted on a permanent basis for the Cayman Islands, Falkland Islands, Gibraltar and South Georgia and the South Sandwich Islands. It has also been accepted for a five-year period from 2006 for Anguilla, Bermuda, Montserrat, St Helena, St Helena and Dependencies and the Turks and Caicos Islands.



A Zimbabwean policeman gives chase to a demonstrator in Harare, 5 November 2005. Eight people were arrested when about 50 members of the National Constitutional Assembly took to the streets of Harare advocating for a new constitution aimed at reducing the powers of President Robert Mugabe.

<< We seek a world in which freedom, justice and opportunity thrive, in which governments are accountable to the people, protect their rights and guarantee their security and basic needs. >>

JACK STRAW, THEN FOREIGN SECRETARY, LAUNCHING THE NEW  
FCO STRATEGY IN MARCH 2006

## Major countries of concern

### 2.1 Introduction

Chapter 1 gave an overview of the key issues of concern in the area of human rights over the past 12 months, and set out our priorities and our strategy for working on them. This second chapter focuses on some of the specific countries and regions of greatest concern. We give an overview of the situation in each country; a detailed analysis of recent developments and our main concerns; and information on the action we have taken to address these. It is not intended to be an exhaustive survey of countries where there are serious problems with human rights violations. Issues of concern in other countries are covered in the relevant thematic chapters (see Contents).

Since last year's report we have made two changes to the countries covered in this chapter, adding Syria and removing Indonesia. We still have some concerns about violations of human rights in **Indonesia** (covered in the relevant thematic chapters). But the overall human rights situation there has been transformed in recent years. The year 1999 saw the first fully democratic election since 1955. Since then, a more liberal and plural political environment has developed. Indonesia now has an active parliament, an effective and outspoken civil society and a lively free press. The military has evolved away from its traditional role as an arbiter of political power, and the formal participation of the military and police in parliament ended in 2004. The ending of the conflict in Aceh, as well as the peace accords signed in other areas of sectarian tension, and ongoing reforms of the security sector, are indications of the government's intention to resolve some of the most difficult long-running issues. Our key concerns remain Papua and issues surrounding impunity for events in East Timor. These are covered in detail in

Chapter 6 (page 214).

We believe it is appropriate to focus in some detail on the situation in **Syria**. While there have been signs of improvements in recent years, the last year has seen a worsening in some important areas. There are tightened restrictions on freedom of expression and increased repression of human rights defenders, together with continuing reports of the use of torture and the ill treatment of prisoners.

We believe we have a responsibility to address human rights concerns wherever they arise around the world. We - and other UN member states - have pledged in the Universal Declaration of Human Rights "to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms". The Universal Declaration and the UN Charter both clearly imply that the human rights situation in any country is the valid concern of all states. No country in the world has a perfect human rights record (although states fall short of that goal to widely varying degrees). But this does not mean we can ignore or dismiss problems when they arise in our own or other countries. We recognise, and attempt to address, problems when we confront them in the UK.

Where we have concerns we raise them, both bilaterally and with our EU partners. We will be working to ensure that the new UN Human Rights Council (HRC) is able to consider key developing situations of concern and deal flexibly with them and that its universal periodic review mechanism allows for balanced, meaningful and transparent discussions of all countries' performance. We will be looking to all states to co-operate with it.

<< We believe states should be open and accountable for their human rights records: how a state responds to criticism is one of the best measures of its commitment to human rights. >>

We believe states should be open and accountable for their human rights records: how a state responds to criticism is one of the best measures of its commitment to human rights. There can be no question of impunity for breaches of human rights. We will continue to respond positively to criticism of our own performance by non-governmental organisations (NGOs) and others. And we will seek to hold others accountable for their performance.

## 2.2 Afghanistan

### Overview

Afghanistan is still recovering from over 28 years of war and civil conflict, which resulted in the collapse of law and order, no effective governance and widespread human rights abuses. The Taliban regime, which rose to power in the 1990s, had a particularly poor record with regard to the rights of women. The collapse of the Taliban regime revealed the extent of Afghanistan's political, economic and social devastation: the challenge for the Afghan people and the international community was to rebuild a safe and sustainable state, with a strong and accountable government capable of providing basic services. Despite making significant progress over the past five years, it is clear that the Afghan government and the international community must overcome formidable challenges if this progress is to continue.

The fall of the Taliban in 2001 heralded a new and challenging era in Afghanistan's history. The Bonn Agreement, signed in the same year, led to the launch of a new constitution, while the presidential elections held in October 2004 and the parliamentary and provincial council elections held the following September gave the Afghan people an opportunity to elect their own leaders. The launch of the Afghanistan Compact in London in January 2006 (see box opposite) commits the Afghan government and the international community to a number of development targets over the next five years, including some specifically related to human rights. The country's new national development strategy also includes goals relating to limiting state abuse,

promoting gender equality and monitoring and protecting human rights.

The new constitution prohibits "...any kind of discrimination and privilege between the citizens of Afghanistan..." and states that "citizens have equal rights and duties before the law". Article 58 establishes the Afghanistan Independent Human Rights Commission (AIHRC). All citizens have the right to go to the

commission if they believe their human rights have been violated. The implementing legislation, the Law on the Structure, Duties and Mandate of the AIHRC, was adopted on 12 May 2005 and the government is in the process of appointing commissioners.

Afghanistan is a signatory to all the major human rights conventions and to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocols to the Convention on the Rights of the Child (CRC) (although it has submitted some reservations). Afghanistan is party to the Statute of the International Criminal Court (ICC), but has not acceded to the 1951 Refugee Convention and its 1961 Protocol.

#### *The International Security Assistance Force*

By the end of 2005, the International Security Assistance Force (ISAF) had expanded its activities to cover the north and west of Afghanistan, at the request of the democratically elected Afghan government and with the authorisation of the UN. In February 2005, the UK had indicated a willingness to deploy significant forces to southern Afghanistan as part of ISAF's third stage of expansion. To do so, the UK withdrew from the north and Kabul during 2005 and early 2006, handing over responsibilities to Germany, Finland, Sweden and Norway.

Southern Afghanistan is undeniably a more demanding area in which to operate than either the north or the west. The Taliban remains active. The authority of the Afghan government - and the reach of their security forces - is still weak. The influence of the drugs traffickers, by contrast, is strong. This means that different forces and tactics are required. Provincial reconstruction teams (PRTs) (see opposite), designed to support the development of Afghan capacity, remain at the core of ISAF's expansion into the south, just as they have been in the north and west of the country.

On 26 January 2006, the then Defence Secretary, John Reid, announced the deployment of a UK task force to Helmand as part of ISAF's stage 3 expansion. Deployments started in



**P**RTs are at the heart of the ISAF mission. They embody a joint military and civilian approach to stabilising Afghanistan. The teams work in challenging and difficult environments in provincial areas of the country, where central government has previously had little influence and local warlords have acted with impunity.

A PRT is a combination of international military and civilian personnel. Its three core tasks are to support the extension of the authority of the Afghan central government, to support reform of the security sector and to facilitate development and reconstruction. Its work in each of these areas is tailored to meet the demands of the terrain, the prevailing security situation, socio-economic conditions and the reach of the central government. Although a lead nation retains responsibility, the PRT may also contain military and civilian personnel from other nations.

The UK PRT in Lashkar Gah in Helmand works to extend the authority of the central government in the province and to assist capacity-building of ministries which provide public services. The team currently includes UK advisers on police reform, justice and governance, as well as political and development officers.

February. On 1 May, the UK assumed responsibility from the US for the PRTs and full operational capability was reached on 1 July. The original intention was to tackle the challenges in Helmand incrementally, spreading security and reconstruction from the centre outwards. But commanders on the ground grasped an early opportunity to reinforce the

position of the provincial governor and the Afghan security forces by going into northern Helmand to challenge the impunity of the opposing groups operating there. On 10 July, Defence Secretary Des Browne announced a package of additional forces to secure these early advances in the north and ensure that progress could continue simultaneously in central Helmand.

NATO has agreed a "detention policy" for ISAF that requires any individuals detained in the course of operations to be released or handed over to the relevant Afghan authorities after no more than 96 hours. UK personnel operating under ISAF are following this policy. When handing over any individuals to Afghan custody, the UK is mindful of the human rights of those individuals.

### Recent developments

#### *Parliamentary and provincial council elections*

Parliamentary and provincial council elections were held on 18 September 2005. Around 6.8 million Afghans (51.5 per cent of those eligible) voted at 26,240 polling stations around the country. The vibrancy of the campaign and the high turnout illustrated the desire of the Afghan people to engage in democracy. Parliament was inaugurated on 19 December and immediately began electing speakers for its upper and lower houses. On 20 April 2006, it approved 20 out of 25 cabinet appointments, but rejected five. However, on 7 August, Parliament approved President Karzai's five new candidates, including Mrs Hasan Banu Ghazanfar as Minister for Women's Affairs. The budget was agreed on 3 June.

#### *New mandate for UNAMA*

UN Security Council Resolution 1662 of 23 June 2006

## The London Conference on Afghanistan: the Afghanistan Compact

**T**he London Conference on Afghanistan (31 January – 1 February 2006) was co-chaired by the UK, the UN and the Afghan government. The 60+ delegates endorsed Afghanistan's interim national development strategy and the Afghan national drug control strategy, and launched the Afghanistan Compact (the successor to the Bonn Agreement). The compact sets out how the Afghan government and the international community will contribute to the reconstruction process over the next five years and includes a specific commitment to improving human rights:

"By end-2010: The Government's capacity to comply with and report on its human rights treaty obligations will be strengthened; Government security and law enforcement agencies will adopt corrective measures, including codes of conduct and procedures aimed at preventing arbitrary arrest

and detention, torture, extortion and illegal expropriation of property with a view to the elimination of these practices; the exercise of freedom of expression, including freedom of media, will be strengthened; human rights awareness will be included in education curricula and promoted among legislators, judicial personnel and other Government agencies, communities and the public; human rights monitoring will be carried out by the Government and independently by the Afghanistan Independent Human Rights Commission (AIHRC), and the UN will track the effectiveness of measures aimed at the protection of human rights; the AIHRC will be supported in the fulfilment of its objectives with regard to monitoring, investigation, protection and promotion of human rights.

The implementation of the Action Plan on Peace, Justice and Reconciliation will be completed by end-2008."

extended the UN Assistance Mission to Afghanistan (UNAMA) for another year, with a mandate to focus on human rights and transitional justice. UNAMA's human rights unit is providing technical support to the Afghan government, the AIHRC and civil society organisations on human rights issues. The mission is also tracking human rights complaints and, where necessary, taking action against human rights abusers with the appropriate authorities. UN human rights officers have been deployed in Bamiyan, Gardez, Herat, Jalalabad, Kandahar, Mazar-i-Sharif and Kunduz to monitor "the impact of recovery, rehabilitation and reconstruction activities on human rights".

The UN Special Rapporteur on Violence against Women visited the country in July 2005. The report on her visit was launched during the 16-day Campaign against Violence

against Women in November 2005. The following month, the High Commission for Human Rights funded a national workshop on truth-seeking and reconciliation in Kabul.

#### *Transitional justice*

The government's "justice for all" strategy (see below), launched in May 2005, provides a foundation for the reform of the justice sector over the next 12 years. The strategy is divided into five areas of activity: law reform; institution-building; access to justice programmes; transitional justice; and co-ordination.

In December 2005, the Afghan government adopted its Action Plan on Peace, Justice and Reconciliation. The plan outlines a comprehensive transitional justice process for dealing with war crimes and gross human rights violations

Platoon commander Lt Angus Mathers of The 2nd Battalion Royal Gurkhas chats to members of the

Afghanistan police at a checkpoint on Highway 1 near Camp Bastion in Afghanistan.



**A**bdul Rahman, a 41-year-old Afghan citizen, was arrested in February 2006 in Kabul following a domestic dispute. During the court proceedings, it emerged that he had converted to Christianity 16 years earlier. Despite widespread speculation that Rahman would be charged with apostasy, the case was adjourned, apparently on a technicality. Abdul Rahman left Afghanistan and was granted asylum in Italy.

Article 2 of the Afghanistan constitution enshrines religious freedom. The UK and other members of the international community continue to encourage the Afghan government to adhere to it. See chapter 8 (page 257) for more information on this case and our work on freedom of religion more generally.

committed during the conflict. At the London Conference on Afghanistan (see page 31), the international community reaffirmed its shared commitment to the plan. Responsibility for implementation rests with the Afghan government, UNAMA and the AIHRC.

### *Police reform*

Germany is "lead partner nation" for police reform in Afghanistan. So far, 30,263 police have been recruited and trained. Human rights is a core element of police training. Eight training centres have been established across the country, and work is underway to ensure greater co-ordination between the police and the army with the development of command centres at provincial and regional levels.

### **Current concerns**

#### *Freedom of expression*

Journalists who speak out on sensitive issues, such as religion, continue to face arrest or harassment. Despite this, the media scene in both Kabul and the provinces is increasingly vibrant. The independent media has resisted alleged official pressure to tone down its criticism of the government, and continues to hold the government and MPs to account on a range of issues, including the deteriorating security situation.

#### *Women and children*

There is still little respect for women's rights in Afghan society. Domestic violence and forced marriages are entrenched in Afghan culture and women and girls face difficulty accessing basic services, including education, justice and healthcare. However, there have been marked improvements over the last five years. In 2005, 528,000 girls enrolled in primary schools across the country. Women

cast 40.6 per cent of the votes in the 2005 parliamentary elections and won 27 per cent of the seats. See page 34 for details of a number of projects funded by the Foreign and Commonwealth Office (FCO) that seek to promote women's rights.

#### *The death penalty*

The Afghan government has used the death penalty for one judicial case (in 2004) since the fall of the Taliban. A further 50 death sentences have been passed since this execution, but none have been carried out.

#### *Economic and social rights*

Afghanistan is one of the world's poorest countries and has some of the highest rates of illiteracy and child mortality. Conflict and insecurity have blocked access to basic services, such as healthcare and schooling. However, there are signs that the situation is improving. The legal economy grew by 14 per cent in 2005-06, 6 million children (over a third of them girls) are now in school and the number of functioning health clinics has grown by 60 per cent. See below for details of how the UK has contributed to these developments.

### **UK action**

We engage regularly with the Afghan government on a wide range of human rights issues. In addition to this frequent dialogue, we made two formal demarches during the UK's presidency of the EU. The first of these - in September 2005 - concerned our opposition to the death penalty. We continue to raise this issue with the Afghan government and to urge the continuance or formalisation of the moratorium. The second demarche was in December 2005 when, together with the US and Canada, we highlighted our concerns on freedom of speech.

#### *Reconstruction and development*

The UK has played a major role in supporting the country's reconstruction and development. Since 2001, the Department for International Development (DfID) has spent over £390 million in Afghanistan. We are the second largest donor, after the US. At the London Conference on Afghanistan in January 2006 (see box on page 31), Prime Minister Tony Blair and Afghan President Hamid Karzai signed a 10-year development partnership arrangement, demonstrating the UK's long-term commitment to supporting Afghanistan. This includes a commitment of £330 million in development assistance to Afghanistan over the next three years (2006-09).

The UK's development programme supports three of the objectives set out in the Afghan government's interim national development strategy: building effective state



Afghan parliamentarians cast their votes to elect the new cabinet members of Hamid Karzai's government at the parliament in Kabul, 20 April 2006. With

funding from FCO, the NGO Womankind is running a project which helps women to play a more active role in public life.

institutions; improving economic management and the effectiveness of aid to Afghanistan; and improving the livelihoods of rural people. We believe that the best way to achieve these goals is by supporting Afghans to help themselves, so over 70 per cent of UK development assistance goes directly to the Afghan government.

#### *Women's rights*

Through the GCPP (see page 201) and the Global Opportunities Fund, the FCO is funding a number of projects designed to promote women's rights and enable them to play an active role in Afghan society.

The three-year Bar Human Rights Committee (BHRC) Access to Justice project, which runs until 2007, is providing training for key actors in the Afghan legal sector that focuses on re-establishing the rule of law and improving women's access to justice. By raising awareness of international human rights legislation among lawyers, government officials and legal bodies, it will contribute to Afghanistan's ongoing judicial reform programme and complement the efforts of UNAMA,

the UN Development Programme (UNDP) and the Afghan Judicial Reform Commission. The project is also providing legal texts on topics which include women's rights to the political science and law faculties at Kabul, Balkh, Jalalabad and Herat universities.

The UK NGO Womankind is running a project which aims to promote gender equality by helping women play a more active role in public life. It funded: election observer training for women delegates in the September 2005 parliamentary elections; the development of a political campaign for women in the 2009 parliamentary elections; and setting up and supporting women's shuras (village councils).

The Global Rights project aims to promote women's rights in Afghanistan in line with the Afghan constitution, CEDAW and other relevant human rights standards. Since December 2005, it has been providing training for women's NGOs, supporting capacity-building and reporting on violations of women's rights, including instances of domestic violence. The project is also planning to set up a national network for women.

ActionAid's Afghan Women Affecting Change project is working closely with the Afghan Women's Network, which brings together over 300 national and local women's organisations. The FCO is funding practical training for all the groups in the network, including project management, proposal writing and equipping community workers to promote greater awareness of women's rights. The three-year project was launched in January 2006, and focuses on Kabul, Ghor and Kunduz provinces.

Another ActionAid project is increasing awareness of women's rights and encouraging them to participate in government. The project, which ended in June 2006, set up empowerment circles at village level and formal training programmes at provincial level. It has also helped to improve the position of women by giving them better access to, and more control over, the resources they need to live with dignity.

The Afghanistan Women's Council is a non-governmental, non-profit, non-sectarian organisation that aims to improve women's living standards and strengthen their socio-economic status. The council is offering training in basic healthcare, parenting skills and literacy and numeracy, and providing vocational training and micro-credit schemes. The project, which runs from January 2006 to December 2008, is based in the eastern province of Nangahar and the southern province of Kandahar, two of Afghanistan's most conservative regions.

The BBC World Service Afghan Women's Hour broadcasts discussions and reports on women's rights, work, education and health issues in both Dari and Pashto. Its mix of entertainment and education is very popular with listeners.

#### *Justice and reconciliation*

The UK has provided financial support for the Justice for All strategy, through which Italy, as partner nation on justice, has overseen the training of 450 judges and attorneys, including 42 women. We have also provided significant core funding for the AIHRC, via the FCO's Global Conflict Prevention Pool (GCPP). Although not all the commissioners have been appointed yet, the AIHRC is seen as one of the better functioning institutions in Afghanistan.

The UK is working closely with the Afghan government to bring war criminals to justice. Faryadi

Sarwar Zardad claimed political asylum in the UK in 1998. A former military commander in the Surobi region of Afghanistan, Zardad had set up checkpoints along the road from Jalalabad to Kabul. He and his associates then attacked people who attempted to pass. Many were illegally detained in appalling conditions; others were robbed at gunpoint and beaten with rifle butts, sticks, bicycle chains and thick rubber pipes.

The Metropolitan Police arrested Zardad in 2002 following a protracted investigation. He was subsequently found guilty of conspiracy to torture and to take hostages on 18 July 2005 and sentenced to 20 years' imprisonment in the UK. The AIHRC issued a statement supporting the prosecution:

"...The Commission calls on the prosecutors of other countries to follow the same practice against those Afghans accused of human rights abuses in accordance with the principle of universal jurisdiction and to co-operate with the people of Afghanistan in ensuring justice..."

#### *Counter-narcotics*

Narcotics are one of the gravest threats to the long-term security, development and effective governance of Afghanistan. Drug addiction in Afghanistan is growing. The trade directly affects us: over 90 per cent of the heroin on UK streets is from Afghanistan. The UK is committed to working with the government of Afghanistan and the international community to bring about a sustainable reduction in the cultivation, production and trafficking of opium.

Assistance is currently targeted at the following four key priorities of the Afghan National Drug Control Strategy (NDCS):

- targeting the trafficker and the trade;
- strengthening legal rural livelihoods;
- reducing demand; and
- developing strong and effective institutions.

The UK is spending some £270 million over three years in support of the NDCS. We are funding a £12.5 million institutional development project to strengthen the Ministry of Counter Narcotics and other counter-narcotics institutions in Afghanistan. We have also helped the Afghan government to create a counter-narcotics trust fund to mobilise international donor support. We will channel US\$52.9 million

**<< The UK is committed to working with the government of Afghanistan and the international community to bring about a sustainable reduction in the cultivation, production and trafficking of opium. >>**

through the fund over three years. We are supporting licit economic development in Afghanistan: alternative income generation opportunities; improved access to skills training; employment programmes; and the creation or rehabilitation of rural infrastructure.

A criminal justice task force of Afghan investigators, prosecutors and judges has been established to work with the Counter-narcotics Police of Afghanistan, specifically to conduct drugs prosecutions. Since December 2005, the task force has convicted over 190 individuals. The UK is the major donor (£1.55 million) for a UN Office on Drugs and Crime project to build a secure detention wing of a Kabul prison. HM Prison Service is providing advice. At the time of going to press, the wing was due to open at the end of September 2006. The UK has also trained 142 Afghan prison officers in high-security detention techniques. The Afghan authorities are now capable of continuing to deliver their own training. The centralised counter-narcotics criminal justice system will be fair and transparent, with identifiable human rights structures and strong ministerial support. Regular monitoring and evaluation systems will be in place.

Since April 2005, Afghanistan has passed vital counter-narcotics legislation and seizures of drugs have increased.

## 2.3 Belarus

### Overview

Belarus's already poor human rights record has deteriorated further over the last year. President Alexander Lukashenko has instigated a severe crackdown on civil society organisations, the independent media and the opposition, imprisoning a number of people. He has also taken further measures to isolate the people of Belarus from the outside world.

### Recent developments

This pattern of repression was particularly evident in the build-up to the presidential elections on 19 March 2006. The authorities put opposition figures and civil society in general under intense pressure and closed or suspended independent media outlets. The election, which Lukashenko won with an alleged 83 per cent of the vote, was characterised by fraud and intimidation. The Organisation for Security and Co-operation in Europe's (OSCE) election observation mission described the elections as "severely flawed due to the arbitrary use of state power and restrictions on basic rights". The opposition has held a number of demonstrations since March, several of which have been broken up by the authorities. Alexander Kozulin (a presidential candidate) was arrested on 25 March. On 14 July, he was sentenced to five-and-a-half years in prison for hooliganism and disturbing the peace. Opposition leader Alexander Milinkevich was arrested in April and sentenced to 15 days in prison for taking part in a demonstration on 26 April to mark the twentieth anniversary of the Chernobyl disaster.

**Police block an entrance to a court in Minsk, 6 July 2006, where ex-presidential candidate Alexander Kozulin was on trial for**

**"hooliganism" and disturbing the peace. The presidential election was characterised by fraud and intimidation.**



On 10 April 2006, the EU General Affairs and External Relations Council (GAERC) announced the imposition of a travel ban on 31 individuals, including President Lukashenko, who it held responsible for electoral fraud and the subsequent crackdown on civil society. On 18 May, the EU implemented asset freezes against the same 31 individuals and five of the six people previously subject to travel bans (see below).

### Current concerns

#### *Disappearances*

Despite appeals from the international community, the Belarusian authorities have yet to investigate satisfactorily the disappearances of four opponents of the regime in 1999–2000. The EU has repeatedly called on the Belarusian authorities to open a truly independent investigation, but the Belarusians have failed to act.

Since September 2004, the EU has applied travel restrictions against those Belarusian officials named as key actors in the Council of Europe Pourgourides report, *Disappeared persons in Belarus*. These "key actors" include the former head of the Presidential Administration and current head of the Security Council, Viktor Sheiman, the former Minister for Sports and Tourism, Yuri Sivakov, and the Minister of the Interior, Vladimir Naumov. Throughout 2005, EU heads of mission continued to raise the issue of the disappearances with Belarusian officials.

The EU has stated that it is still willing to deepen its relationship with Belarus; but the authorities must clearly demonstrate their willingness to respect democratic values and the rule of law.

#### *Civil society*

Pressure against NGOs continues. Registration is prohibitively expensive, while new legislation has made it easier for the authorities to shut NGOs down. Numerous independent media outlets have been closed down, and it is more difficult to access the output of those that remain. Independent media outlets also labour under restrictive regulations and increasing (and arbitrarily applied) costs. Politically motivated arrests and detentions continue (see above). Students' access to independent learning has been restricted with the closure of the European Humanities University, the only university in Belarus independent of the government.

The EU is committed to supporting democratisation in Belarus and to demonstrating the benefits of closer co-operation with the EU to the Belarusian population. It is therefore pursuing the opening of a European Commission

**A supporter of Belarus' opposition leader Alexander Milinkevich stands with a banned Belarusian flag during a rally in a square in central Minsk, 21 March 2006.**



Office in Minsk and has provided funding for independent radio and TV broadcasts that will carry objective reports.

#### *Trades unions*

Trades unions continue to face major difficulties. An International Labour Organisation (ILO) commission concluded in 2004 that the Belarusian authorities had seriously and systematically violated many of the basic civil liberties of trade union members and leaders. The European Commission, with the full support of member states, launched its own investigation in 2005 and found serious and systematic violations of two ILO conventions relating to freedom of assembly. If the Belarusian authorities continue to fail to address the situation, the EU will withdraw the

country's benefits under the Generalised System of Preferences in September 2006, meaning it would no longer enjoy preferential access to EU markets. The Belarusian authorities have been given six months to address ILO and EU concerns before the withdrawal comes into force.

#### *The BBC World Service*

The BBC World Service has an estimated 42,000 listeners in Belarus: just 0.5 per cent of the population. Unfortunately, the BBC is only permitted to broadcast on short wave frequencies. To reach a wider audience, it needs to transmit on FM. However, because of the Belarus government's tight controls on the media market, it is not possible for the World Service - or any other western broadcaster - to get airtime on the FM frequency. The BBC's Russian and Ukrainian services cover Belarus extensively in their online offer, but the impact of such efforts is difficult to gauge in such a closed society.

#### **UK action**

The UK, together with our EU partners, continues to raise human rights issues with the Belarusian government by way of regular EU statements, demarches by EU heads of mission in Minsk and through international organisations including the UN and the OSCE. In 2005, we co-sponsored a resolution on Belarus at the UN Commission on Human Rights (CHR) with our EU partners.

The then Minister for Europe, Douglas Alexander, issued statements in March 2006 condemning the fraudulent election and subsequent crackdown on peaceful demonstrators. The then Foreign Secretary, Jack Straw, condemned Belarus as the last dictatorship in Europe during a House of Commons debate on 27 March.

The UK is committed to supporting efforts to develop democracy in Belarus. Over the past year, the FCO has funded projects in a number of key human rights areas, principally via the GOF Reuniting Europe programme. The programme has provided training for local and national election candidates in running campaigns and connecting with electors, helping promulgate the concept of participative democracy. A project which promoted democratisation and respect for human rights by encouraging young people to debate issues of current concern has received overwhelmingly positive feedback from participants. Another project aims to encourage the use of international human rights law in domestic courts. We hope these projects will contribute towards establishing democracy and the rule of law in Belarus. We are also committed to making EU funding more flexible, so that a wider range of NGOs can benefit.

## 2.4 Burma

### Overview

The past year has seen a deterioration in the human rights situation in Burma. The Burmese government has stepped up pressure on political and ethnic groups opposed to the continuation of military rule and some international organisations, including the International Committee of the Red Cross (ICRC) and the International Labour Organisation (ILO), and NGOs have found it more difficult to operate.

Burma is ruled by a military government known as the State Peace and Development Council (SPDC). The military government rules by decree and controls every aspect of society. It severely restricts freedom of expression, information, assembly and movement. Members of opposition parties are subject to harassment, arbitrary arrest and detention. In elections held in 1990, the National League for Democracy (NLD), led by Aung San Suu Kyi, won an overwhelming majority of seats. However, the SPDC has consistently refused to implement the results, insisting a new constitution must be passed before it can hand over power.

In August 2003, the SPDC announced the implementation of a seven-point road map to build a "modern, prosperous democratic state". As part of this road map, the SPDC has reconvened the National Convention (suspended in 1996), which is charged with drafting guidelines for a new constitution. However, the SPDC controls all aspects of the convention and handpicks most of the delegates. Most political parties, including the NLD, refuse to take part.

The National Convention met for the third time in December 2005 - January 2006. It has now discussed the "detailed basic principles" for about three-quarters of the new constitution, including state and regional executives and legislatures, the judiciary, the role of the military and the fundamental rights and duties of citizens. Most observers believe that the proposed new constitution will serve only to formalise the military's continued hold on power. We have continued to express the view that without the presence of the NLD and other significant political parties the convention lacks credibility and that, in its current format, it does not promote national reconciliation.

### Recent developments

#### *International*

In January 2006, UN Special Envoy to Burma Tan Sri Razali resigned. The Burmese government had not allowed him to visit Burma for over two years and showed no signs of allowing him to do so in the near future.

Despite continued international pressure, the government has not allowed Professor Paulo Sergio Pinheiro, UN Special Rapporteur for Human Rights in Burma, to visit since March 2004. He has not yet been able to carry out an independent investigation into allegations of human rights abuses in Shan state, including rapes allegedly committed by members of the Burmese armed forces.

In May 2006, UN Under-Secretary-General Ibrahim Gambari visited Burma. He met senior members of the regime, including the leader of the SPDC, Senior General Than Shwe, and had a 45-minute meeting with Aung San Suu Kyi. This was the first contact the outside world has had with Aung San Suu Kyi since March 2004. Mr Gambari briefed members of the UN Security Council about his visit on 31 May 2006.

The SPDC's relationship with the ILO also deteriorated over the past year. In June 2006, the International Labour Conference set deadlines for the SPDC, to release activists jailed for reporting forced labour (two were subsequently released); enforce a moratorium on further such arrests; and agree, with the ILO, a mechanism for investigating allegations of forced labour. The ILO governing body was authorised to recommend actions, which could include seeking an advisory opinion from the International Court of Justice if these deadlines were not met.

In July 2005, Burma announced that it would postpone its turn as chairman of the Association of South East Asian Nations (ASEAN) in order to focus on national reconciliation and democratisation. In recent months, ASEAN members have grown increasingly frustrated at the slow pace of reform in Burma. At its summit last December, ASEAN publicly encouraged Burma to expedite its transition to democracy and to release all political prisoners. In March, ASEAN sent Malaysian Foreign Minister Syed Hamid Albar to Burma to witness the road map at first hand. Despite his requests, he was unable to meet Senior General Than Shwe or Aung San Suu Kyi.

#### *Internal*

Over the last 12 months, the SPDC has stepped up its oppression of members and supporters of the NLD. Local NLD committee members and activists are subject to harassment and arrest, local authorities interfere in party meetings and many local leaders and members have been threatened and pressurised into "resigning" from the party. Articles abusing and threatening the party feature regularly in the state-run media.

Aung San Suu Kyi has been detained since May 2003 and her house arrest was extended for six months on





**Ethnic Karen on the run from Burmese soldiers move through an unpopulated area of the Toungoo district of eastern Burma, 27 April 2006.**

27 November 2005 and a further 12 months on 26 May 2006. The house arrest of the NLD's deputy leader U Tin Oo was extended for a similar period on 13 February. Several other political detainees have also had their prison sentences extended in recent months.

The SPDC has also intensified action against minority ethnic groups, in particular the Shan and Karen. During 2005, a number of senior Shan leaders were arrested, including: General Hso Ten, chairman of the ceasefire group Shan State Army (North); Hkun Htun Oo, chairman of the Shan Nationalities League for Democracy, which won the second largest number of seats in the 1990 elections; and Sao Oo Kya, Hkun Htun Oo's brother and a member of the Shan State Consultative Council. In November 2005, eight Shan leaders were sentenced to lengthy jail terms (some in excess of 100 years) on politically motivated charges, including sedition and treason. Sao Oo Kya was sentenced to 13 years in September 2005 on equally spurious charges. Requests to

appeal against the convictions were turned down by the high court in mid-2006.

Since late 2005, the SPDC has been pursuing an intensified campaign against the Karen National Union (KNU) in Northern Karen state and Eastern Bago district. Credible reports from the area describe the widespread destruction of villages, instances of killing and torture of civilians and the displacement of up to 16,000 villagers. More than 2,000 new refugees have arrived at camps on the Thai border since the beginning of 2006. The government has claimed that action against KNU commanders in the area is necessary to prevent bomb attacks, and has denied responsibility for the mass displacements. The future of the ceasefire agreement between the SPDC and the KNU now seems very fragile. The two sides have not met since May 2005.

In November 2005, the government suddenly moved its seat of administration to a site near Pyinmana, 250 miles north of Rangoon, now referred to as Nay Pyi Taw. The UN Special Rapporteur for Human Rights in Burma, Paulo Sergio Pinheiro, has noted reports of forced relocation of villages and the alleged use of forced labour in the construction of the new city.

During the past year there has also been increased pressure on local and international NGOs and UN agencies. The ICRC has not been allowed to carry out independent visits to prisons since December 2005. Access to vulnerable populations in other parts of the country has also been restricted.

### **Current concerns**

Although some political prisoners were released in July 2005, more than 1,150 remain in Burmese jails and labour camps. The government continues to arrest people on the grounds of their political activities. Many detainees are elderly or in poor health. The SPDC continues to hold some people indefinitely despite their original sentences having been completed. The FCO's Freedom of Expression panel has identified the writer U Win Tin, who has just spent his 76th birthday in Insein jail, as a priority case.

Conditions in prisons remain very poor. Medical treatment, particularly for political prisoners, is often delayed or insufficient and prisoners are generally denied adequate food, reading and writing material and visiting rights. Human rights groups based in Thailand report that conditions in labour camps are life threatening.

We continue to receive credible reports of torture, particularly during interrogation of detainees in police or

military custody. Since early 2005, at least 10 democracy activists have died in detention as a result of torture, mistreatment or in circumstances where poor conditions were probably a contributory factor. The EU raised the plight of prisoners in Burma in an EU-sponsored UN General Assembly (UNGA) resolution in December 2005.

Corruption and political interference in the judicial system mean that unfair trials are commonplace. Although the death penalty continues to be handed down, including for political "offences", the Burmese government has not carried out judicial executions for more than 20 years.

Successive EU co-sponsored UNGA and UN High Commissioner for Refugees (UNHCR) resolutions have condemned the appalling abuses perpetrated on ethnic minority groups in Burma. Incidences of the requisition of food and land, forced labour and relocation, rape, torture and the destruction of entire villages are increasing in frequency due to a growing military presence and outbreaks of armed conflict in some areas. The situation in Northern Karen state has been of particular concern in recent months, as the SPDC has sought to cut off support for two KNU brigades by clearing the area of civilians. There are over 140,000 Burmese refugees in camps on the Burma/Thai border; 20,000 refugees in camps in Bangladesh; and an estimated 555,000 people internally displaced within Burma.

Systematic oppression of the Rohingya minority continues in Northern Rakhine state. Rohingyas are required to obtain permits to travel beyond their village, and have to pay significant informal taxes. Permits for marriage are also required, but frequently withheld, by the authorities. Forced labour and confiscation of land are common. Discriminatory citizenship laws particularly affect the Rohingya Muslim community.

Forced labour, including forced portering for the army, work on roads and on the land, remains a serious problem. People are also frequently forced to make a financial contribution as an alternative to labour. Su Su Nway, who was arrested following her successful prosecution of village authorities for forced labour, and Aye Myint, who was jailed for reporting forced labour to the ILO, have now been released and the SPDC has promised a six-month moratorium on prosecuting individuals who report forced labour. We welcome these developments. However, the attitude of the SPDC towards the ILO over the past year has caused concern about their commitment to tackle the forced labour problem genuinely.

Although the SPDC has started working with regional neighbours and international organisations to tackle some

child rights issues, including trafficking, sexual exploitation and the situation of children in institutions, these remain a concern. Child labour, the juvenile justice system and lack of access to education, particularly in some ethnic minority areas, are also serious problems.

The SPDC army and some armed ethnic groups continue to recruit child soldiers. Following a UN Security Council open debate on children and armed conflict on 23 February 2005, the UK welcomed the SPDC's establishment of a committee for the prevention of military recruitment of under-age children and called on the Burmese authorities to implement its recently adopted plan of action. Since the debate, the authorities have returned some under-age recruits to their families, but have taken little action to tackle the problem systematically or to hold those responsible for underage recruiting to account.

There is a lack of religious tolerance in Burma, and no adequate laws preventing discrimination by the government, private sector or individuals on the grounds of religious beliefs. The SPDC gives preference to the Buddhist religion and in some areas restricts the rights of other religions by preventing the building of churches and mosques, curtailing religious activities and forcing non-Buddhists to take part in Buddhist activities. There are few non-Buddhists in the higher ranks of the military and civil service.

Freedom of expression is severely curtailed. There is no free media, although external satellite and radio broadcasts (including BBC World Service) are accessible to anyone with a short-wave radio. BBC journalists are not allowed to report from within the country. All press and media outlets are either run by the government or subject to strict censorship. Non-government journals and newspapers are frequently required to carry articles given to them by the authorities. Journalists and writers who criticise the government are prevented from publishing or, for more serious infringements, jailed.

### **UK action**

Throughout the year, the UK and EU have continued to raise human rights issues with the Burmese regime. On 15 June 2006, FCO Minister Ian McCartney summoned the Burmese Ambassador and on 5 July wrote to the Burmese Foreign Minister, raising our concerns about: the detention of political prisoners and trade unionists; the large-scale abuses of ethnic groups; the use of forced labour; torture; restrictions on religious freedom; the use of sexual violence; and the exploitation of children.

During its presidency of the EU, the UK played a leading role



Refugees in a Karen refugee camp.

in drafting Resolution 60/233, which was adopted at UNGA on 23 December 2005. The resolution called on the military regime to: end the systematic violations of human rights in Burma; release Aung San Suu Kyi and all other political prisoners; take action to fight the HIV/AIDS epidemic; and ensure that the National Convention process was inclusive and credible.

At the UN Security Council meeting on Burma on 16 December 2005, the UK highlighted concerns about human rights abuses, the detention of political prisoners, internal conflicts and the spread of HIV/AIDS and other diseases. Though there was no consensus on issuing a presidential statement or other formal report, the discussions reflected the concern felt in many parts of the international community over the regime's failure to make progress towards democracy and to respect international human rights norms. We will continue to give our full support to all action in the United Nations, including in the Security Council, which could help to promote reform and positive change in Burma. We will work closely on this with the US and other partners in the Council to ensure there is a full debate on Burma, which we hope will lead to a resolution. We would want such a resolution, or other Security Council outcome, to highlight international concerns over human

rights abuses inside the country and to call for the release of Aung San Suu Kyi and other political prisoners. We would also want the Council to demonstrate the broadest possible support for the efforts of the UN to move Burma towards an all-inclusive democracy, sustainable development and true national reconciliation.

The UK strongly supports the efforts of the UN Special Rapporteur for Human Rights, Paulo Sergio Pinheiro, and has called on the regime to allow him regular unrestricted access to Burma. We hope a new UN special envoy will be appointed in the coming months and given unrestricted access to Burma.

In the past year the UK, together with the rest of the EU, has repeatedly called on the regime to release Aung San Suu Kyi and all other political prisoners and to enter into a substantive and meaningful dialogue with

the NLD and other opposition groups. The EU issued statements calling for their release on 16 and 28 November 2005, 28 February, 26 May, 29 and 31 May 2006. FCO Minister Ian McCartney raised Aung San Suu Kyi's continuing detention with the Burmese Ambassador and Foreign Minister, making it clear that we consider it completely unjustified and unacceptable.

On 27 April 2006, the EU renewed its common position on Burma. The common position comprises a range of restrictive measures designed to target those obstructing reform and progress while ensuring that the ordinary people of Burma suffer as little as possible. These measures include: an arms embargo; bans on defence links, high-level bilateral government visits, non-humanitarian aid (with certain exceptions) and the supply of equipment that might be used for internal repression or terrorism; an asset freeze and visa ban on regime members, their families, the military and security forces and others who actively frustrate the process of national reconciliation; and a ban on EU-registered companies and organisations making financial loans or credit available to, or commencing or extending participation in, named Burmese state-owned enterprises. The UK does not encourage trade, investment or tourism with Burma, and offers no assistance to any British companies wishing to trade with, or invest in, Burma.

The EU will continue to exert pressure on the regime to begin a process of genuine reform. The EU considers that the

interests of Burma's people are best served by targeting measures against those responsible for blocking reform at the same time as increasing humanitarian support to the poorest and most vulnerable. In October 2004, the EU revised the aid restrictions under the common position to enable EU donors to focus on areas of need, such as health, education, rural livelihoods and environmental protection. The EU has itself pledged to offer more assistance in the areas of health and education, and to focus on the positive role its assistance can play in influencing change and reducing conflict.

In September and October 2005, we arranged conferences at Wilton Park and in Rangoon to discuss UK policy towards Burma. Delegates included representatives from Burma and the wider international community. Ministers and officials also hold regular meetings with pro-democracy supporters: on 26 April 2006, former Foreign Secretary Jack Straw had a meeting with Charm Tong, a Burmese pro-democracy supporter from Shan state.

We regularly raise our concerns directly with the Burmese government both bilaterally, via the Burmese embassy in London and our embassy in Rangoon, and in conjunction with EU partners. The EU also ensured that Burmese ministers will only be allowed to attend Asia-Europe meetings held in the EU on condition that the meetings directly promoted democracy, human rights and the rule of law in Burma. Such meetings are now taking place, although it is still too early to evaluate the outcome.

Many people in Burma face a struggle to survive. It is estimated that over a third of Burma's 50 million people live on less than a dollar a day. Health and education services are weak or non-existent. Over 50 per cent of children do not complete primary school. HIV has reached the level of a generalised epidemic. The Department for International Development (DfID) is the leading EU bilateral donor of humanitarian assistance to Burma. Funding focuses on health, basic education, rural livelihoods and supporting the process of transition to a democratic society, with a particular emphasis on HIV. DfID helps to promote prevention activities involving highly marginalised and vulnerable groups, such as commercial sex workers and injecting drug users.

In August 2006, International Development Minister Gareth Thomas announced a £20 million contribution to a new fund, the Three Diseases Fund, to help fight TB, malaria and HIV/AIDS in Burma as part of a £55 million joint donor programme over the next five years. Burma is badly afflicted by these three diseases, and the funding will support prevention, treatment and care for the most vulnerable.

The new resources will be targeted at a local level and be delivered by a combination of international NGOs, UN agencies, local NGOs and community groups, the private sector and local public health staff.

The FCO and DfID work together both to improve Burma's human rights situation at grassroots level and to encourage changes in the SPDC's policy framework. Together, we assist national and international NGOs, civil society groups and independent journalists in English language training and capacity building. DfID supports international organisations in Burma, providing funding for the ICRC, the World Health Organisation (WHO), the Joint UN Programme on HIV/AIDS (UNAIDS) and the UNDP to work with poor people and those displaced by conflict. DfID also supports work on behalf of Burmese refugees in camps in Thailand. Bilaterally and via the European Commission, it helps fund the Thai-Burma Border Consortium, an NGO providing food and other support to Burmese refugees in Thailand and to internally displaced people in Burma.

## 2.5 The People's Republic of China

### Overview

The Chinese authorities continue to violate a range of basic human rights. The use of the death penalty remains extensive and non-transparent; torture is widespread; there is a lack of judicial independence; obstacles to fair trials include administrative detention and re-education through labour (RTL); prison conditions are poor and prisoners are treated badly; human rights defenders, worshippers and Falun Gong adherents face harassment and detention; human rights violations occur frequently in Xinjiang and Tibet; and there are increased restrictions on freedom of expression and severe restrictions on freedom of association.

However, there are some positive signs. China has shown some willingness to engage with international human rights mechanisms and to work with foreign governments on human rights issues. The Chinese government continues to focus on developing the rule of law and has taken welcome steps towards combating torture and limiting the application of the death penalty.

We will continue to work with China to push for substantive improvements in human rights protection. In the next year we will work in particular to promote the ratification of the International Covenant on Civil and Political Rights (ICCPR) and to encourage more substantive developments on the death penalty, torture and rule of law.

The next round of the EU-China Dialogue is due to take place

under the Finnish presidency of the EU in October 2006. At the time of going to press, the date of the next round of the UK-China Dialogue has yet to be agreed.

### Recent developments

There have been some positive developments in the period under review. These include:

- A first visit by the UN Special Rapporteur on Torture, Manfred Nowak, to China from 20 November–2 December 2005. We welcomed the visit and the generally good access the special rapporteur was allowed.
- Two meetings between representatives of the Dalai Lama and the Chinese government, in Berne in July 2005 and in China in February 2006.
- The Chinese delegation to the EU-China Human Rights Dialogue in October 2005 announced plans to pilot a new scheme in three provinces, which will involve tape-recording interrogations by procurators investigating job-related crimes committed by state officials with the aim of combating torture. The scheme is due to be rolled out across the country by the end of 2006. In May 2006, the Ministry for Public Security announced a further pilot scheme to video police interrogations of suspects in

murder and gang crimes.

- The Supreme People's Court (SPC) continues to prepare to take back its authority to review all death sentences.
- In May 2006, the SPC announced that all appeals in trials where the death penalty has been imposed will be held in open court and that new evidence rules will be introduced for four capital crimes.
- On 1 July 2006, a new Ministry of Health regulation came into effect, banning the sale of organs and introducing basic medical standards for organ transplants. This followed extensive media reports of organ harvesting in China.
- The National People's Congress held consultative hearings on some draft laws in public for the first time.

There have also been some negative developments:

- The Chinese government has taken an increasingly hard-line approach to freedom of expression, introducing restrictive new regulations on print media, closely controlling internet use, closing newspapers and detaining journalists and online writers. Lawyers who defended them faced harassment and detention.
- The government reported an increase in the number of



Chinese security officers take away a woman who resisted during a land confiscation in Changchun, 29 March 2006. The local government evicted residents so that buildings could be demolished to make way for new construction. Residents who protested at inadequate compensation were forcibly evicted from their homes.

Hundreds of pro-democracy protestors participate at a candle vigil outside Hong Kong's Legislative Council, 21 December 2005. Legislators were debating a political

reform package that pro-democracy lawmakers lobbied to reject because it provides no timetable for when Hong Kong will become fully democratic.



demonstrations involving more than 100 people ("mass incidents") from 83,000 in 2004 to 87,000 in 2005. These demonstrations reflect public anger on a range of issues, including land requisitions, corruption, non-payment of wages and pensions, unsafe working conditions and a growing wealth gap. Some demonstrations were dealt with violently. In December 2005, three villagers died after police reportedly shot at protesters in Dongzhou village, Guangdong province. One law enforcement official was sacked and others reprimanded; seven villagers were imprisoned. Mainland media were banned from reporting on these incidents.

- New legislation on the petition system - which allows individuals to appeal directly to the central government - came into force on 1 May 2005. The new law promised more transparency, but imposes restrictions on petitioners. Petitioners are periodically detained, sent home and, in some cases, assaulted. Beijing municipal

government announced further new restrictions on petitioners in May 2006.

- The authorities continue to put pressure on unregistered religious groups and individual believers following the implementation of a new regulation on Religious Affairs, which strengthens controls on religious activities.

### Current concerns

The UK-China Human Rights Dialogue has a number of objectives for progress on human rights in China. The latest round of the dialogue - the 14th - was held in Beijing in July 2006 (see below for more detail). FCO Minister Ian McCartney visited China directly after the dialogue and followed up on a number of key concerns (see below under "UK action"). There have been some positive developments, but in most areas progress is either slow or non-existent.

#### *Ratification and implementation of the International Covenant on Civil and Political Rights*

China has signed the International Covenant on Civil and Political Rights (ICCPR) and is working towards ratification, but progress is slow and there is no official timetable for this to happen. During the UK's presidency of the EU, an EU-China seminar on ICCPR ratification was held in London in December 2005. The seminar focused on the articles of the covenant, which present significant challenges for China: article 9 (arbitrary arrest and detention); article 14 (fair trial); and article 6 (2) (only the most serious crimes should be punishable by the death penalty). There was a constructive exchange of views between European and Chinese experts and academics on the changes China needs to make to bring its legislation and practice into line with the ICCPR. We particularly welcomed the participation of key members of China's inter-ministerial task force on ICCPR ratification in the talks.

#### *Full implementation of the International Covenant on Economic, Social and Cultural Rights*

China ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2001, with a reservation on article 8(1)(a) (freedom to organise labour). Freedom of association was a core theme of the July 2006 UK-China Bilateral Dialogue (see below under "UK action").

#### *Increased co-operation with UN mechanisms and agreement on dates for visits by special rapporteurs*

China's co-operation with international human rights mechanisms was a theme of the May 2006 EU-China Human Rights Dialogue. The EU hosted a seminar for EU and Chinese experts in international law, which focused on the implementation of recommendations by UN special rapporteurs and treaty monitoring bodies. We welcome the

constructive engagement of Chinese experts in this seminar and hope that the Chinese government will adopt their conclusions.

We welcomed the visit of the UN Special Rapporteur on Torture, Manfred Nowak, to China from 20 November–2 December 2005. The visit, which had been repeatedly refused, was a positive result of sustained lobbying by the UK and others in the international community. The rapporteur visited Beijing, Lhasa (capital of the Tibet Autonomous Region (TAR)) and Urumqi (capital of the Xinjiang Uighur Autonomous Region (XUAR)). The rapporteur commented on the good co-operation of the Chinese authorities throughout the visit, but noted attempts by security and intelligence officials to obstruct or restrict his attempts at fact-finding and to intimidate the individuals he met. The rapporteur reported that, although torture in China is on the decline, particularly in urban areas, it remains widespread. He noted that the problem is increasingly recognised by Chinese officials. In March 2006, he issued a full report, including the following recommendations:

- defining torture as a crime, with appropriate penalties;
- ensuring that the planned reform of the Criminal Procedure Law complies with ICCPR fair trial provisions;
- abolishing RTL;
- abolishing the death penalty for economic and non-violent crimes; and
- establishing an independent complaints mechanism for detainees subject to torture and ill-treatment.

The full report is available online at:

[www.ohchr.org/english/issues/torture/rapporteur/index.htm](http://www.ohchr.org/english/issues/torture/rapporteur/index.htm)

The UN High Commissioner for Human Rights, Louise Arbour, visited China in August 2005. She signed a memorandum of understanding with the Chinese government on technical co-operation. A technical scoping group from the commissioner's office (the OHCHR) then visited China in February 2006 to develop projects, which would help China to meet its obligations under the two UN human rights covenants and to follow up on the concluding observations of the UN Committee on Economic, Social and Cultural Rights.

On 9 May 2006, China was elected to the newly formed UNHRC for a period of three years. We expect all members of the HRC to act fully in accordance with their international obligations and with the high standards set by the UNGA resolution which established the council, and to take very

seriously their responsibility to promote and protect human rights worldwide.

#### *Reform of administrative detention measures*

Planned reform of the RTL system has stalled. At the July UK-China Human Rights Dialogue, China reported that its review of RTL was proving difficult, but that work was still in hand. China could not yet commit to a timetable for reform of RTL. As stated above, the UN Special Rapporteur on Torture has recommended that China abolish this and all other forms of administrative detention.

#### *The death penalty*

The Chinese government still treats statistics on the death penalty as a state secret, but it is generally accepted that China is responsible for more executions than any other

**<< The Chinese government still treats statistics on the death penalty as a state secret, but it is generally accepted that China is responsible for more executions than any other country in the world. >>**

country in the world. We noted in last year's report that the SPC was preparing to take back the power to review all death penalty sentences centrally. In August 2005, the SPC began to draft judges from local courts to train as reviewers. Five court divisions are now in place. We welcome the centralisation of the power to review sentences, which we believe will reduce the number of executions and make sentencing more consistent. However, the SPC has not yet published details of the review procedure.

In March 2006, the SPC announced a further reform, to take effect on 1 July 2006, which requires all death penalty second instance (appeal) hearings to be held in open court. We welcome this move, which should help strengthen the right to an effective defence. The practical result is likely to be a reduction in death sentences at first instance trials. A number of courts have already started to comply with the requirement but are encountering logistical difficulties (such as security for prisoners and transport), which will be exacerbated if the SPC decides to hold review hearings in Beijing. We understand that, as a result, judges are already starting to hand down life sentences instead of death sentences.

There has been no progress on the publication of death penalty statistics. We urge the SPC to make statistics public so the impact of these reforms can be measured.

#### *Respect for prisoners' fundamental rights*

Torture continues to be a serious problem in China and combating it is a UK priority. We have consistently lobbied the Chinese to prohibit unambiguously the use of evidence obtained through torture, and will continue to do so. During his visit to China in late 2005, the UN Special Rapporteur on Torture provided an independent assessment of China's efforts and offered advice on improving the situation. His conclusions and recommendations are reported in full above.

The Chinese government has taken some recent steps to address the problem of torture and improve the rights of detainees by videotaping interrogations (see above).

However, conditions of detention in Chinese prisons, pre-trial detention centres and administrative detention centres, including RTL institutions, still raise concerns - in particular regarding the treatment of political and other detainees; torture; the use of forced labour; and the absence of an external supervisory body.

#### *Respect for freedom of religion and belief*

There has been no progress on this issue, which formed one of the main themes of the October 2005 EU-China Human Rights Dialogue. Current concerns include the narrow definition of officially sanctioned religious groups in China; the prohibition of some religious and spiritual groups; the restriction and harassment of others; and reports of the mistreatment of Falun Gong members in detention. The EU also urged the Chinese government to confirm when the UN Special Rapporteur on Religious Freedom would be allowed to visit China, and to follow up on the recommendations of the special rapporteur's last visit in 1994.

In December 2005, the EU passed to the Chinese a background paper it had compiled on religious freedom in the EU. The EU also raised a number of individual cases of concern in China.

#### *Human rights in Tibet*

Violations of human rights continue in Tibet, and concerns include the impact of inward migration and interference in religious affairs, in particular, the "political re-education" of monks and nuns. The UN Special Rapporteur on Torture visited Tibet in November 2005 and was able to interview several prisoners of concern on our individual case list. Concerns remain about the status of Gedhun Choekyi Nyima, the Dalai Lama's choice as the 11th reincarnation of the Panchen Lama. We will continue to press for an independent

figure to be allowed access to him to verify that he is well. This case was raised at the 14th round of the UK-China human rights dialogue in July 2006 (for further information on the dialogue see below under "UK action").

#### *Human rights in Xinjiang*

Violations are also reported to be continuing in the XUAR, including the suppression of peaceful expression of political, cultural and religious rights. We believe the Chinese government is using the pretext of counter-terrorism measures to further limit and abuse the legitimate rights of the Uighur community and other ethnic groups.

#### *World Service broadcasts and the BBC website*

The BBC's radio broadcasts and website continue to be blocked. China claims the problems with World Service broadcasts are the result of overcrowded frequencies.

#### *China's population policy*

Reports continue of forced abortions and sterilisations. These issues have been publicly highlighted by human rights defenders, such as Chen Guangcheng. While the UK has never questioned China's rights or need to implement family planning policies, we believe these should be based on the principle of consent not coercion, as espoused by the International Conference on Population and Development.

#### **UK action**

During his visit to China in September 2005, Prime Minister Blair encouraged the Chinese leadership to make substantive progress on human rights and to implement serious political reforms to match the country's economic development. He raised issues including: the ratification of the ICCPR; China's slow progress in reforming the RTL system; the status of the Tiananmen prisoners; and Tibet. During his talks with Premier Wen he also handed over a list of individual prisoners of particular concern.

The Prime Minister also raised human rights with President Hu Jintao during the Chinese president's state visit to the UK in November 2005. The First Minister of Scotland, Jack McConnell, raised human rights issues, including an individual case of concern, with the Governor of Shandong Province, Han Yuqun, during his visit to Scotland in November 2005.

Former FCO Minister Ian Pearson visited China in April 2006 and raised concerns over: Tibet; religious freedom; media freedom (including the blocking of BBC World Service broadcasts and the BBC website and the treatment of UK and international journalists); the death penalty; and reports of organ harvesting from executed prisoners. While criticising





**Chinese paramilitary police regulate the flow of the crowd of worshippers waiting to enter the Buddhist Lama temple in Beijing, 12**

**February 2006. China requires Roman Catholics and Protestants to worship in state-controlled churches.**

China's human rights record in these areas, he also recognised that economic progress had pulled many millions in China out of poverty. He highlighted the FCO's work to improve media conditions in China through lobbying and project support. He also raised an individual case of concern with the Guangdong provincial government.

FCO Minister Ian McCartney visited China in July 2006 and raised a number of human rights issues with the Chinese government, including the ratification of the ICCPR; restrictions on media freedom, including on the internet and on journalists' travel and interviews; and co-operation within the UNHRC. At a roundtable with foreign journalists, he heard about media restrictions in China and how the EU is lobbying the Chinese government to abolish some of these - including articles 14 and 16 of the government's *Handbook for foreign journalists in China* - in time for the Beijing Olympics. Ian McCartney also held a roundtable with some of our GOF project implementers to hear their views.

In addition to the work of individual ministers, officials regularly lobby China on the ICCPR and continue to urge the Chinese government to announce a timetable for ratification. We will continue to encourage Chinese officials to work for early implementation of the experts' recommendations emerging from the EU-China seminar on ratification held in December 2005. However, there remains no official timetable for ICCPR ratification.

As EU presidency, the UK led the 20th round of the EU-China

Dialogue in China on 24 October 2005 and focused on freedom of religious belief and judicial independence. Participants also discussed the death penalty, re-education through labour, Tibet and Xinjiang. At the UK's initiative, the meeting included a field trip to Xinjiang. The EU raised a number of concerns in depth with interlocutors, focusing particularly on freedom of religion and the independence of the judiciary. We also raised a number of individual cases of concern directly with the government of the XUAR.

The 21st round, held in Vienna on 26 May 2006, concentrated on compliance with international human rights mechanisms and freedom of expression. It also addressed ongoing concerns about the death penalty, RTL, torture, minority rights in Tibet and Xinjiang and the situation of NGOs in China. The EU also addressed the issue of organ harvesting, especially from executed prisoners.

The 14th round of the UK-China Human Rights Dialogue took place in Beijing from 3-7 July 2006, with two core themes of freedom of association and the role of defence lawyers. Participants looked at the legal and institutional obstacles to an effective defence, and discussed the importance of an independent, impartial judicial system. An OECD trades unions expert led a workshop on employment rights dispute resolution and the rights of migrant workers. We also raised individual cases of concern.

During the dialogue, we pressed China to lift its reservation on article 8(1)(a) of the ICESCR and to ratify individual ILO conventions on freedom of association and protection of the right to organise (number 87) and on the right to organise and collective bargaining (number 98). As yet, China has not changed its position.

Other topics of discussion included RTL, and cases of concern involving prisoners being held in Tibet. We urged the Chinese government to release them in accordance with the special rapporteur's recommendation that all individuals sentenced for political crimes (whose convictions are often based on evidence obtained through torture) should be freed.

The issue of the publication of death penalty statistics was also raised at all three dialogue rounds. The UK also continues to urge the SPC to publish details of the procedure it will use to review death penalty sentences once it has taken back the power to do so.

## Specific cases of concern

We raised 49 cases of concern as part of the June 2005 UK-China Dialogue. The Chinese government did not provide a response on the day, instead offering to brief the UK once information became available. Responses were subsequently provided for 13 of the 49 cases, the lowest rate to date. We expressed our disappointment to the Chinese government.

During the period covered by this report, though, we have welcomed the release of 15 prisoners from the case list presented during the 2005 dialogue: Xiao Yunliang; Huang Qi; Jiang Weiping; Jiao Zhigun; Zhang Shengqi; Sun Xiongying; Xu Yonghai; Yu Dongyue; Chogdrub Drolma; Jangchub Drolma; Zhu Fangming; Luo Jianguo; Luo Gang; Zhang Gangjian; and Cheng Heping. This is the highest number of releases from an individual case list to date.

We raised 55 further cases of concern at the dialogue in July 2006. The Chinese government has provided fairly detailed responses on 32 of these – a more positive response rate than in the past. We will continue to urge the Chinese government to provide full and constructive responses on the individual cases we raise and to release all prisoners who have been imprisoned as a result of peacefully exercising their rights.

In the period covered by the report, we have raised concerns with the Chinese government about reports of forced abortions and sterilisations, publicly highlighted by human rights defenders, such as Chen Guangcheng. Chen Guangcheng's case was most recently raised at the dialogue in July 2006.

In December 2005, the UK led an EU démarche to highlight concerns about the recent spate of incidents of "re-education" of monks at the Drepung monastery. We also expressed our wish to see the authorities in China and Tibet do more to ensure that Tibetans benefit from the economic development of their region.

We raise our concerns about Tibet, including individual cases, at every suitable opportunity and at the highest levels, including during ministerial and prime ministerial meetings and visits (see box above). Officials from the British Embassy in Beijing regularly visit Tibet, most recently in May 2006, and have raised our concerns with Chinese government interlocutors. Tibet was also covered at the July 2006 round of the UK-China Dialogue and at the EU-China Dialogue rounds in October 2005 and May 2006.

We continue to make clear to both sides our view that the best way to improve the situation in Tibet is through meaningful dialogue without pre-conditions between the Chinese government and the Dalai Lama and his representatives. The aim should be to achieve a long-term, peaceful solution, which is acceptable to the people of Tibet. During the period under review, we welcomed two further meetings between the Chinese government and the Dalai Lama's representatives - in Berne in July 2005 and in China in February 2006. These talks were the most substantial to date, but significant differences remain between the two sides. We hope that China will build on the progress to date and maintain a dialogue with the Dalai Lama's representatives

We have also raised our concerns about the situation in Xinjiang and we urge the Chinese government to distinguish between people who express peaceful political views and those who advocate violence.

As well as working to influence and persuade, we support a range of human rights projects in China, which work to deliver positive changes on the ground. The FCO's GOF Sustainable Development programme is currently funding nine human rights projects in China:

- promoting judicial justice by reforming criminal trial procedure;
- training Chinese police in international human rights standards;
- working with the police to reform case-handling and interrogation procedures;
- improving rights protection in Chinese prisons by training staff and reforming prison management;
- exposing Chinese prison supervisors to international human rights standards;
- making recommendations on prison reform to the National People's Congress;
- reforming the death penalty review system;
- promoting debate on torture and awareness of China's obligations under the UN Convention against Torture (UNCAT); and
- providing training in human rights reporting for young Chinese journalists.

Other FCO-funded projects touch on human rights-related issues, for example, research into corporate social responsibility (CSR) best practice in China and CSR capacity-building for government trainers (see Chapter 7 for more details on CSR).

We also fund project work in Tibet and areas of China with

significant Tibetan populations. DfID is funding projects on health, sanitation and education in Tibet through Save the Children, and the FCO has financed several small projects in Tibetan areas of other Chinese provinces. These include building schools, clinics and water supply and irrigation systems.

The Department for Constitutional Affairs (DCA) supports a judicial studies training scheme, which sends a small group of judges to study in the UK for a year. The DCA also supports the Lord Chancellor's training scheme for young lawyers, which sends up to 15 young Chinese lawyers a year on a 12-month programme of training and legal practice. The British Council young lawyers online community (a network of young lawyers from mainland China, Hong Kong, the UK and other countries) was launched in 2004 and now has around 3,000 members including Chinese alumni from the Lord Chancellor's scheme.

We continue to co-operate through the Berne Process with other countries, which have human rights dialogues with China. The UK supports closer co-operation between Berne Process partners as a mechanism for reinforcing its bilateral efforts and those of the EU. In March 2006, the first joint Berne Process action raised a number of individual cases with the Chinese government. The last meeting of the Berne Process group took place in Berne in June 2006.

### Hong Kong

The Hong Kong Special Administrative Region (SAR) has a high degree of autonomy within the People's Republic of China. The rights and freedoms of the people of Hong Kong are enshrined in the 1984 Sino-British Joint Declaration on Hong Kong and in the 1990 Basic Law of the Hong Kong SAR.

The UK government continues to report regularly to parliament on the implementation of the joint declaration. The then Foreign Secretary Jack Straw published a report in March 2006 (Cmnd 6751) covering the period July-December 2005. His successor, Margaret Beckett, issued a report in July (Cmnd 6891) covering the first six months of 2006. Both reports and previous editions are available online at: [www.fco.gov.uk](http://www.fco.gov.uk) (click on "Access to information"). Our overall assessment is that the people of Hong Kong continue to enjoy the basic rights and freedoms set out in the joint declaration.

#### *Constitutional reform*

During the reporting period, constitutional reform and progress towards universal suffrage have dominated political debate in Hong Kong. The SAR government put forward proposals to reform the methods used to elect the chief

executive in 2007 and the legislative council in 2008. We consider that these proposals represented an incremental step in the right direction. However, the legislative council rejected the proposals on 21 December. The UK government remains firmly committed to democratisation in Hong Kong. We believe that Hong Kong should advance to a system of universal suffrage, as envisaged by the Basic Law, as soon as possible.

## 2.6 Colombia

### Overview

The internal armed conflict continues to inflict severe suffering across Colombia. The decades-old conflict is increasingly inter-linked with the illegal drugs trade. Attacks were carried out over the last year by the left-wing guerrilla groups, particularly the Revolutionary Armed Forces of Colombia (FARC), and by the paramilitaries, the United Self Defence Forces of Colombia (AUC). The left-wing National Liberation Army (ELN) declared a ceasefire in late 2005 and entered into talks with the government to try to agree a process for formal peace negotiations. Several rounds of talks have taken place in Havana. The most recent talks made almost no progress but left the way open for further discussions. In July 2005, the Colombian Congress approved the Justice and Peace Law (see box on page 51) which provides a legal framework for the ongoing disarmament, demobilisation and reintegration into Colombian society of the paramilitary AUC. The law's benefits extend to members of all illegal armed groups. While the majority of the AUC's members have ended their violent activities, a small number regularly break the AUC's self-imposed ceasefire and continue to carry out criminal acts.

### Recent developments

President Uribe, standing as an independent candidate, won a second four-year term of office in May 2006, following a Constitutional Court ruling that allowed him to run for a second consecutive term as president. He consolidated his support in congressional elections in March 2006. The international monitoring mission of the Organisation of American States (OAS) considered that the elections were largely free and fair. President Uribe has declared his intention in his second term to focus more effort on social and economic needs, in order to tackle the problem of poverty in Colombia. He remains committed to taking forward his policy of "democratic security" and to fighting the scourge of drugs, and has reasserted his readiness to enter into talks with the FARC.

The London Meeting of International Support to Colombia in July 2003 established the "Group of 24" (G24) to work with

the Colombians to: monitor and advise on improving human rights; address wider issues of international co-operation; and facilitate dialogue with civil society. Under Mexico's presidency of the G24 in 2006, the group set up a series of sub-groups on thematic areas where representatives from civil society, the government and the G24 could meet regularly to discuss specific issues of concern. This has provided a welcome forum for some degree of dialogue between NGOs and the government.

### Current issues

Serious human rights abuses remain a common occurrence in Colombia, although there has been a reduction in the incidence of certain crimes and human rights violations. Illegal armed groups continue to carry out attacks on both military forces and the civilian population, and the incidence of murders, forced disappearances and kidnappings remains high. Over 5,000 people are still held hostage by illegal armed groups and victims can spend many months or even years in captivity; many have died while being held. There has been no real progress towards a humanitarian exchange with the FARC despite a unilateral gesture by the government in December 2004 when it freed more than 30 FARC members from prison. The ELN continues to hold a considerable number of hostages. The EU has repeated its call on all those holding hostages to free them immediately and unconditionally.

Illegal armed groups continue to engage in the forced recruitment and recruitment of minors, acts of sexual

violence and the use of anti-personnel landmines. According to the Colombian Anti-Personnel Mines Observatory, in 2005 at least 280 people died and 838 were wounded as a result of anti-personnel mines planted by illegal groups (28 per cent were civilians). According to the Observatory, Colombia ranks fourth in the world for numbers of deployed mines, after Cambodia, Afghanistan and Angola and it has reported that in 2005 more mines were laid in Colombia than any other country.

### *Internally displaced people*

The UNHCR estimates there are between 2 and 3 million people who have been forced to leave their homes and livelihoods as a result of the conflict; some of them have had to flee more than once. Forced displacement continues to take place. Official figures indicate the rate of new

<< **Serious human rights abuses remain a tragically common occurrence in Colombia.** >>

displacements is decreasing, but some NGOs believe otherwise. Colombia's IDPs include a very high proportion of indigenous and Afro-Colombian people, because their traditional homelands are at the heart of the struggle for territorial control. Women and children are also over-represented in the displaced population. Displaced people face serious dangers when moving around the country and often lose access to education, healthcare and employment. Following a Constitutional Court ruling in 2004, the Colombian government has now increased measures to respond to the crisis and in 2005 committed \$2.2bn to IDP protection and assistance for the period 2006-10. We continue to urge the government to meet its obligations to increase the protection of vulnerable populations. We are supporting a number of projects to help the Procurator's and Prosecutor-General's offices and civil society better monitor the government's response to IDPs' needs to ensure its compliance with the Constitutional Court's ruling.

### *Human rights defenders*

Community leaders, journalists, trade unionists, teachers, lawyers, local councillors and public officials, politicians and members of NGOs remain at risk from attacks by the illegal armed groups and organised criminals and continue to suffer murders, threats and intimidation. There have also been reports of members of state security forces' involvement in some cases. Colombia remains a dangerous place to speak out against human rights issues, criminal activities or corruption. Particularly at the regional level, self-censorship among the media is common.

Police officers escort Victor Manuel Murcia, suspected urban militia member of the Revolutionary Armed

Forces of Colombia, at the metropolitan police headquarters in Bogota, 3 August 2006.



In July 2005, after lengthy debate, the Colombian Congress approved the Justice and Peace Law. The law is designed to balance the need to disarm, demobilise and reintegrate ex-combatants from illegal armed groups with the rights of the victims of the conflict to truth, justice and reparation. This controversial law attracted criticism from some quarters, including civil society organisations, who claimed it was too lenient and offered an unacceptable level of impunity to the perpetrators of crimes and human rights abuses, while neglecting the rights of the victims.

In October 2005, the Ministerial General Affairs Council of the EU concluded that while it had many concerns about the law, it believed that, if effectively and transparently implemented, the law would make a positive contribution to the search for peace in Colombia.

In its conclusions, the Council set out the various ways in which the EU planned to help the Colombian government and civil society in their efforts to promote peace and justice in the country. These include: assisting communities affected by the internal conflict; supporting victims' groups;

promoting local reconciliation activities; and working with UNICEF and others to promote the demobilisation and reintegration of child soldiers. The conclusions also called for the prompt implementation of recommendations made by the Colombian office of the UN High Commissioner for Human Rights (UNHCHR) in his annual reports.

By August 2006, over 30,000 paramilitaries had demobilised under the law. It will now be essential for Colombia to reintegrate these demobilised combatants successfully, as well as to address victims' needs. The prosecutor-general's office is now beginning to process more than 2,600 cases that have arisen so far under the law. As identified in the European Council conclusions, we believe that full and effective implementation of the law's provisions will be key to building public confidence in the process of paramilitary demobilisation and reintegration and the implementation of justice. There is already strong evidence to suggest that some demobilised paramilitaries are forming new criminal groups; effective reintegration will help to prevent this. The FARC continue to refuse to enter into new negotiations with the government.

The Colombian government has increased its protection programme for individuals at risk. However, as highlighted in the UNHCHR recommendations, the government needs to continue to do more to promote a culture of human rights, including by sanctioning public officials who publicly discredit the work of human rights defenders. We continue to urge the government to fully investigate human rights cases, to do more to protect those who publicly defend the rights of vulnerable groups and to engage with civil society in the search for a peaceful and just solution to the conflict.

Over the last year, Colombian trade unionists have continued to suffer at the hands of the illegal armed groups. We continue to urge the government to meet its international obligations with regard to workers' rights. Change can be best achieved through a supportive approach, and we consider that the ILO's Special Technical Co-operation Programme for Colombia is one of the most effective ways of helping to bring about a real and positive improvement in workers' rights. We therefore welcome the willingness expressed by the Colombian government, in June 2006, regarding the establishment of an ILO presence in the country.

### *Wider concerns*

As well as human rights problems relating directly to the conflict, child sexual abuse, domestic violence, forced prostitution, sex tourism and human trafficking remain serious problems. We believe that the Colombian

government needs to improve its response to these issues. Levels of poverty and inequality are also high, and the Colombian government needs to continue to develop its public policies on education, health, housing and other social policies, in order to achieve its commitments with respect to the Millennium Development Goals.

### *Implementation of the UNHCHR recommendations by the Colombian government*

The UK government fully supports the work of the office of the UNHCHR in Colombia. We believe the Colombian government should make it a priority to implement recommendations made by this office in its successive annual reports. We note that the Colombian government is making efforts to address these issues and have encouraged them to do more to achieve implementation. We have offered them practical assistance to achieve this.

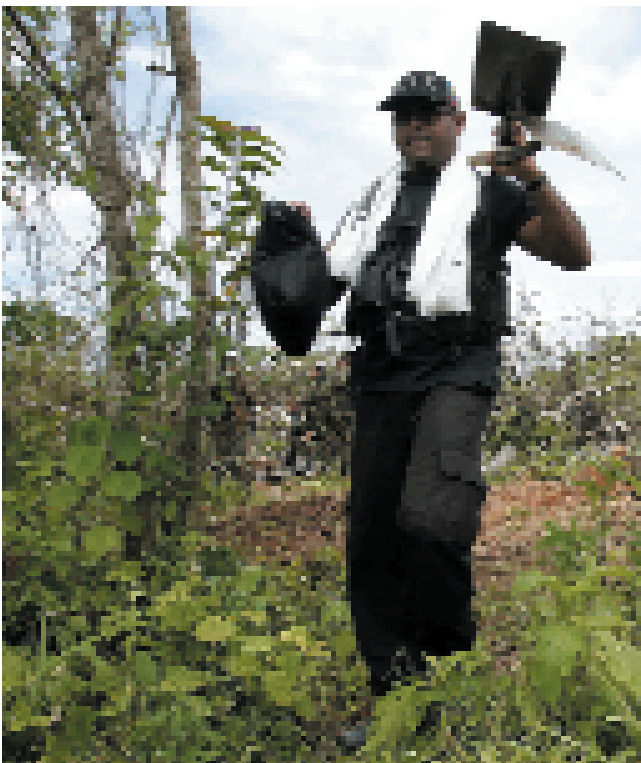
We are encouraged by the efforts many state actors have been making over the year to improve levels of respect for human rights. However, in its annual report for 2005, the UNHCHR observed an increase in allegations of extra-judicial killings by the state security forces, particularly in Antioquia. Some prominent cases have been brought before the competent judicial authorities. There is also no doubt that some members of the Colombian security forces have colluded in the past with the paramilitaries. The UNHCHR report also reported some cases of arbitrary detentions by the state security forces, occasional excessive use of force

during public demonstrations and allegations of torture and mistreatment of detainees. We recognise that the government has taken positive steps to improve its human rights record, for example, through more extensive training within the armed forces and improving the Inter-Institutional Early Warning Committee to help pre-empt security incidents, which has been welcomed by the UNHCHR. That said, more needs to be done, including adopting a national action plan on human rights.

Impunity also remains a major problem in Colombia. UNHCHR recognised some progress in actions adopted by the Prosecutor General's and Attorney General's Offices, but the sheer volume of cases (criminal and human rights) undermines the effectiveness of judicial process in Colombia. The introduction of the new Criminal Procedure Code in 2005 should speed up judicial proceedings and help the judicial system to tackle the backlog of cases. Witnesses, judges and prosecutors continue to suffer intimidation, and there has been no progress on many serious human rights

**A Colombian forensic investigator searches for human remains on a ranch in northern Colombia, 27 July 2006, near where some 87 sets of remains have been found since 2005. Demobilised paramilitary fighters, seeking to**

**benefit from a governmental agreement for lighter sentences for those cooperating with investigators, are now leading authorities to clandestine graves in vast areas they once controlled.**



cases, such as the murder of members of the peace community of San José de Apartadó in February 2005.

### *Drugs*

Colombia continues to be the world's leading producer of cocaine. It is responsible for approximately 70 per cent of global supply. Income from the production and trafficking of illegal drugs fuels and funds the armed conflict, resulting directly in widespread human rights abuses, violent attacks and violations of international humanitarian law. The production of cocaine is resulting in massive environmental damage across much of Colombia. Colombians will continue to battle with the challenges posed by the illegal drugs industry, not least because it is corrupting and undermining justice and democracy in the country.

### **UK and EU action**

The UK government is fully committed to supporting Colombia in its efforts to tackle the interconnected problems of drugs, internal armed conflict, human rights abuses and social inequality. Our policy is to offer constructive, but not uncritical, support and to work both bilaterally with the government, as well as with Colombian civil society and international partners.

The UK is committed to helping counter the impact of the production and trafficking in illegal drugs and the effect this has on ordinary Colombians and on Colombia's uniquely diverse environment. Our assistance has included sharing information on drug production and trafficking, and providing training and equipment to Colombian law, enforcement agencies. We support the government's anti-drug campaign, which recognises that both Colombia and the western countries that consume the drugs it produces must share responsibility for fighting this scourge. We are working with Colombians both to tackle the supply of drugs to the UK, and to combat domestic demand. Since 2000, we have sponsored an NGO group, which runs educational workshops in schools teaching children, parents and teachers about the dangers of drugs. We also support other projects designed to reduce demand and harm.

Civil society has an important role to play in helping solve Colombia's problems, and we strongly support and encourage this involvement. We also regularly impress upon the government of Colombia the need to respect and support the work of NGOs, trade unionists, human rights defenders, community leaders, journalists and other civil society bodies. In February 2006, the FCO funded the visit to the UK of a group of senior Colombian trade unionists to show them how labour relations have developed in the UK and how government, employers and trades unions can work

together constructively. The British Trades Unions Congress provided considerable support in planning the visit.

During the UK presidency of the EU in the second half of 2005, as part of a worldwide presidency campaign, we led the EU troika in lobbying to raise awareness of the importance of freedom of expression in Colombia, particularly in relation to human rights defenders. The troika met senior government representatives, the Catholic Church, civil society and the media. Discussions focused on the need to protect the space for human rights defenders to operate, and the fundamental role of freedom of expression in protecting human rights and democracy. The campaign continued under the Austrian presidency this year. The UK has been backing up this work by supporting projects, such as safety training for journalists at risk, and funding the human rights documentary television series *Contravia* ("Going against the flow") produced by prominent journalist Hollman Morris.

The EU has spoken out publicly against the murders of prominent human rights defenders, including that of the Afro-Caribbean community leader Orlando Valencia, who was killed on 25 October 2005, allegedly by paramilitary forces. In May 2006, the EU spoke out against a series of threats to human rights defenders during the lead up to the presidential elections.

Throughout the period covered by this report, we regularly urged the government to undertake thorough and transparent investigations by the competent authority into all credible allegations of abuses involving the security forces.

#### *UK assistance*

The British government has two key priorities for assistance in Colombia: helping to tackle the production of, and trade in, illegal drugs, thereby reducing the threat to the UK from drug production in Colombia; and strengthening human rights and supporting efforts to find a peaceful and just solution to the conflicts in Colombia.

In 2005-06, the GCPP and the GOF funded projects that aimed to help reform the security sector and prevent conflict; promote freedom of expression and the defence of human rights; protect children's rights; and strengthen the rule of law, including within the judicial system and detention centres. The FCO Drugs and Crime Fund also supported a number of counter-narcotics projects.

The UK aims to contribute to institutional reform and to support projects with a long-term sustainable impact. For

example, we are working with the Colombian ombudsman to support the network of "community defenders" in areas where people are at particular risk of displacement, and with the UNHCR to strengthen the Office of the Prosecutor-General's internal mechanisms for monitoring the state's response to displacements. Among others, we are also supporting projects aimed at: improving relations between communities and the police; improving the Colombian authorities' practical approach to investigating forced disappearances; helping judicial practitioners improve their case management; and supporting training to ensure fair trials under Colombia's new accusatorial penal system.

The UK also focuses its aid on assisting vulnerable communities, including those particularly affected by the internal conflict, through British and Colombian NGOs, as well as international organisations. In 2006, we are funding training for journalists to help them report more effectively and sensitively on child sexual abuse, thus raising greater awareness of the issue in Colombia. We are also funding a pilot project in Bogota's Buen Pastor women's prison to promote better relations between inmates and the prison authorities.

DfID channels most of its development assistance through international organisations, primarily the UN, the EU, the World Bank, the Inter-American Development Bank (IADB) and international NGOs. DfID's regional assistance programme for Latin America supports the two largest donors - the IADB and the World Bank - to improve the effectiveness of their programmes in the region. From 2004-06, DfID provided extra support to help the Colombian government prepare their national poverty and inequality reduction strategy.

In addition, DfID provides grants to a number of international NGOs that are active in Colombia. Currently, funding goes to CAFOD, Oxfam, Christian Aid, Care International, the HIV/AIDS Alliance and the World Wildlife Fund (WWF). DfID's Civil Society Challenge Fund also supports four individual projects working with communities affected by violence.

Our small programme of cooperation with the Colombian armed forces and police supports our foreign policy goals, particularly those relating to human rights. Through GCPP and the Defence Assistance Programme, we are supporting Colombian security sector and good governance reform. The key aims of our programme are to encourage and assist the Colombian armed forces in their efforts to:

- improve their adherence to human rights principles by supporting their internal human rights training

programme and improving their operational doctrine;

- limit the effects of the conflict on the Colombian citizens by minimising the use of force through the effective application of robust rules of engagement;
- develop their humanitarian de-mining capacity in order to reduce landmine casualties and permit a return to normal life by local populations; and
- improve their capacity to deal with Improvised Explosive Detonated Devices in order to reduce casualties.

## 2.7 Cuba

### Overview

Cuba is a one-party state. No opposition to the government is tolerated and citizens are denied basic civil and political freedoms as a direct result of state policy. At the same time, the Cuban government has significantly advanced citizens' rights to healthcare and education. The Cuban authorities claim that restrictions on individual liberties are necessary due to the threat of invasion by the US. These claims are disputed by international human rights bodies. The Cuban government rejects any meaningful dialogue about its human rights record, either denying the existence of any abuses or playing down their significance.

Although significant change in Cuba is unlikely while

President Castro remains in power, it is important that international governments and organisations continue to raise awareness of the human rights situation there. This gives hope to the victims of human rights abuses and all those calling for change. Indeed, perhaps the most constructive role that the UK government can play is to support those with serious plans for a peaceful transition led from within Cuba. The publication in May of Oswaldo Payá's Todos Cubanos programme - based on grassroots consultations with thousand of Cubans - was a welcome sign that Cubans are getting involved in debate about human rights issues and the future of their country.

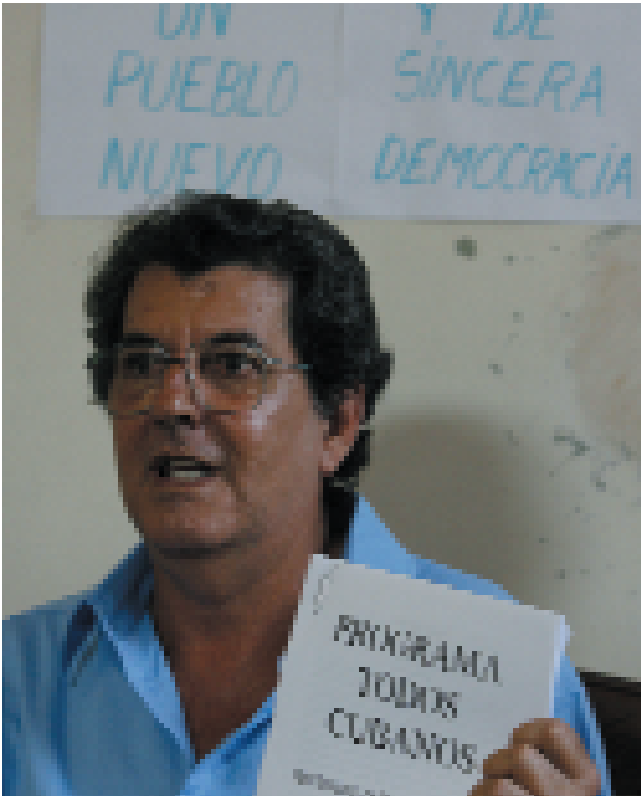
### Recent developments

The most troubling development in Cuba over the last 12 months has been the increase in the frequency and severity of acts of organised violence and intimidation against civil society figures. Often referred to as "acts of repudiation", these attacks are generally carried out by mobs of government supporters. The authorities provide them with transport and equipment, such as loudspeakers. The attacks usually begin with a mob surrounding the victim's house while shouting insults and throwing objects. Sometimes telephone lines and electricity are cut off. On several occasions, targets have been beaten and threatened with death. Many victims have been lone females, parents at



A group of "Ladies in White", wives of Cuban political prisoners, march after a Sunday morning mass at the Santa Rita church in Havana, 6 August 2006.





**Cuban activist Oswaldo Paya shows a proposal for a new constitution with expanded freedoms for Cubans during a press conference with international journalists in Havana, 10 May 2006.**

home with their children, the disabled or elderly. State security forces and the police are often passive observers during these attacks, and have also been known to collude with the attackers, for example, by threatening imprisonment for anyone who complains. These acts have generated considerable concern among international NGOs. In its March 2006 report, Amnesty International expressed particular concern at the growing level of violence used in these attacks.

The government also uses the state-controlled media to run campaigns of harassment against its opponents. For example, special editions of the nightly current affairs programme *Mesa Redonda* have set out to intimidate opposition figures. In some cases, images of dissidents' families were shown, as well as footage taken inside their homes by the Cuban security services.

In July 2005, the Cuban authorities arrested 33 civil society activists, many of whom were preparing for a peaceful demonstration outside the French embassy. Fifteen remain

in jail without charge. The Cuban government continues to arrest other civil society figures.

In January 2006, psychologist and independent journalist Guillermo Fariñas began a hunger strike in protest at government restrictions on internet access. Despite frequent requests by EU embassies (including the UK) to end his action, Fariñas has consistently stressed his determination to die unless all Cubans are granted the same rights to the internet as government officials and journalists.

### Current concerns

The year 2006 marked the third anniversary of the arrest and imprisonment of 75 opposition figures in March 2003. This event was widely condemned by international NGOs and governments, including the UK and EU, not least because those arrested were denied a fair trial and given sentences of up to 28 years. While some prisoners have since been conditionally released on health grounds, they are still suffering government harassment. Sixty of the original detainees remain in custody at the time of writing.

The Cuban government maintains tight control over information about its prisons, so it is difficult to put an exact figure on the number of political prisoners. However, in a report dated July 2006, the Cuban Commission for Human Rights and National Reconciliation (CCHRNR - the standard unofficial source of human rights information) cited 316 cases. Other 2006 CCHRNR reports also noted that thousands of young Cubans remain in jail on the charge of "peligrosidad predelectiva", that is, being considered likely to commit a crime. Amnesty International currently recognise that there are 69 "prisoners of conscience" in Cuba.

Prison conditions are also a cause for concern. In 2006, Christine Chanet, the UNHCHR's personal representative in Cuba, described food and hygiene levels as "sub-standard" and medical care as "either unavailable or inappropriate". She also referred to several reports of prison guards humiliating and striking prisoners. For example, Luis Enrique Ferrer Garcia, aged 27 when sentenced to 28 years for collecting signatures for the Varela Project citizens' petition, claims to have been stripped naked and beaten several times. He has also undertaken a number of hunger strikes to protest at prison conditions. As well as suffering harassment and intimidation, the families of political prisoners regularly encounter serious difficulties when trying to visit their relatives, who are often imprisoned far from their homes. Unfortunately, the Cuban authorities have shown little willingness to address these problems and have denied access to prisons by the ICRC.

## Francisco Chaviano, prisoner of conscience

**F**rancisco Chaviano is Cuba's longest-serving prisoner of conscience. At the time of his arrest in 1994, Chaviano was president of the National Council for Civil Rights. His main activity was to collect information on the illegal migrants fleeing Cuba who were missing presumed dead at sea, forward it to the government and distribute it to the international press. This led to threats and physical attacks by the state authorities and, eventually, to his arrest and conviction on charges of "revealing secrets concerning the security of the state". He has been poorly treated in prison, being denied family visits for three years and forced to spend five years without access to sunlight. Chaviano's wife has continued to campaign for his release. Under the Cuban penal code, Chaviano is eligible for parole as he has now served three-quarters of his 15-year sentence and has a serious medical condition. However, the Cuban government has failed to respond to his applications for parole.

It is important to note that the Cuban government imposes restrictions on the population as a whole, as well as on opposition figures. This is particularly true in terms of freedom of expression and information. All media outlets in Cuba, including the internet, are rigorously controlled by the state, making it virtually impossible for any views other than those of the government to be heard. The Cuban government therefore denies its citizens the right to "receive and impart information and ideas through any media and regardless of frontiers" as guaranteed by article 19 of the Universal Declaration of Human Rights.

The control of information channels in Cuba extends to repression of independent journalists, who are regularly imprisoned for their work. In a recent study by international NGO the Committee to Protect Journalists, Cuba was ranked seventh in the world for levels of censorship and second in the world in terms of numbers of journalists (24) in prison. Reporters without Borders regularly expresses grave concerns about restrictions on independent journalists in Cuba, and ranked the country 161st out of 167 in its 2005 press freedom index.

The government also denies citizens the right to leave and return to their own country (article 13(2) of the Universal Declaration of Human Rights). Exit visas are compulsory and prohibitively expensive. Particularly rigid controls are exercised over opposition figures and those working in the health sector. These restrictions have a devastating effect on those with families living overseas, as noted by Human Rights Watch in its October 2005 report, *Families torn apart*.

This includes the example of a Cuban physicist, now living in Brazil, who has never met his six-year old son. Perhaps the most high-profile case is that of Dr Hilda Molina, Cuba's first female brain surgeon, who fell from grace with the regime a number of years ago when she spoke out against the conversion of the medical centre that she had founded into a foreigners-only facility. Despite high-level interventions, including from President Kirchner, she is not allowed to see her son, who lives in Argentina. President Fidel Castro himself is reputed to have claimed that "the brain of that woman belongs to the country".

### UK action

Human rights form a central element of the UK government's policy towards Cuba, in line with the EU common position of 1996, which states that "full co-operation with Cuba will depend upon improvements in human rights and political freedom". This policy was reaffirmed by European ministers at the GAERC meeting on 12 June 2006. The council expressed its dismay at further deteriorations in the human rights situation in Cuba over the last 12 months and called on member states to step up their practical support for human rights defenders there.

During its presidency of the EU, the UK issued a number of statements expressing concern at the human rights situation in Cuba. We issued statements on 15 and 25 July 2005 about the arrests of dissidents and on 29 September about the plight of hunger strikers in Cuban prisons. On 14 December, we issued a presidency statement regretting the fact that the Cuban authorities prevented the Damas de Blanco, a group of wives of political prisoners, from travelling to Strasbourg to collect the 2005 Sakharov Prize for freedom of thought awarded to them by the European Parliament.

In December 2005, we invited Oswaldo Payá to the UK to attend a European NGO forum on freedom of expression. However, the Cuban government did not grant him an exit visa. Mr Payá, another Sakharov Prize winner, has also been nominated several times for the Nobel Peace Prize for his work on the Varela Project, a citizens' petition aimed at promoting greater freedoms. Forum participants were able to watch a video of Mr Payá's acceptance speech, and were particularly interested in his comments on the restrictions on human rights defenders in Cuba. Mr Payá has also spoken to Lord Triesman, FCO Minister for Latin America and the Caribbean, and some UK-based journalists and NGOs by phone. Despite the restrictions, some dissenting Cuban voices are finding ways to make themselves heard.

UK government ministers and officials regularly raise concerns about human rights with the Cuban authorities.

Most recently, Lord Triesman expressed concern to the Cuban Deputy Foreign Minister Eumelio Caballero about political pluralism and other human rights issues at their meeting in London on 6 March 2006. Other issues that we regularly raise include the growing incidence of acts of organised violence and intimidation against civil society figures and the need for the unconditional release of all political prisoners. The British Embassy in Havana also maintains contact with a number of civil society figures and human rights defenders and closely monitors the situation throughout the country.

## 2.8 Democratic Republic of Congo

### Overview

Despite gradual progress towards completion of the transitional government arrangements and the holding of democratic elections, the human rights situation in the

**DRC President Joseph Kabila (centre) speaks to reporters after casting his vote in Kinshasa, 30 July 2006. Over 25 million voters were**

**expected to cast their vote for President and parliament in the first democratic election in over 40 years.**



Democratic Republic of Congo (DRC) remains poor, with abuses such as summary executions, beatings, extortion and sexual violence continuing to take place on a large scale. Freedom of expression is also jeopardised by the abuse of state-run media and threats against journalists and other human rights defenders.

The UK has been a strong supporter of the peace process and is now one of the biggest donors contributing to reconstruction. But peace remains fragile. The first democratic elections since the 1960s took place on 30 July 2006, bringing the transition period to an end. At the time of going to press, the provisional first-round results had not yet been endorsed by the Supreme Court. International observers commended the overall peaceful conduct of the polls. However, the security situation remains volatile, particularly in the east. Foreign armed groups also remain a threat. We will continue to work closely with regional governments to resolve regional peace and security issues.

### Current concerns

#### *Security*

The security situation in eastern and north-eastern DRC remains particularly grave. Soldiers, police and militiamen remain the principal perpetrators of abuses against civilians. The Forces Armées de la République Démocratique du Congo (FARDC) are guilty of many crimes against civilians. Command and control within the armed forces remains very poor, as does the system of payment for soldiers' salaries.

The Congolese army is going through an integration process, which aims to create a truly national army out of the former warring factions. Despite the introduction of several integrated brigades, the Congolese government is failing to properly train, feed and equip these soldiers. This leads to soldiers preying on the civilian population, rather than protecting them. This can take the form of thefts, extortion or violent attacks. FARDC operations against militia groups and general insecurity in eastern DRC have led to population displacement, which in turn leads to ongoing food insecurity.

In addition to the threat posed to civilians by Congolese soldiers, armed groups from inside and outside the DRC operate in some eastern areas of the country. These include: Mai-Mai warriors; the Forces Démocratiques de la Libération du Rwanda (FDLR) (a group containing elements of the pre-1994 Rwandan army and the Interahamwe militias, which carried out the 1994 genocide in Rwanda); the Ugandan Lord's Resistance Army (LRA); and the Burundian Forces Nationales de Libération (FNL). As well as being a source of potential regional instability, these groups commit some of the worst abuses against Congolese civilians.

*Freedom of expression*

The pre-election period of early 2006 saw a surge of human rights problems connected to freedom of expression. Certain elements of the transitional government sought to intimidate both voters and rival presidential candidates, as well as preventing freedom of expression and assembly. One example was the brutal repression of a demonstration on 10 March 2006, where protesters were beaten with batons and chains as well as being tear-gassed. Before a similar protest on 24 May 2006, police arbitrarily detained prominent political figures and/or their families in their houses. State-run media has also been used to promote certain political parties and to discredit rivals.

There was also a surge in inflammatory language in the media, both from journalists and the politicians they reported on. The government did little to condemn these outbursts.

Journalists and other human rights defenders continued to face obstructions to their work from local and national authorities. This was demonstrated most starkly by the murders in July 2005 of Pascal Kabungulu, executive secretary of a leading human rights NGO, and in November 2005 of journalist Franck Ngyke. Despite the best efforts of

the Congolese media watchdog- the Haute Autorité des Médias (HAM) - hate media continues. Congolese Tutsis in particular are often the target of inflammatory statements on radio and in print.

*Corruption*

Widespread and deeply entrenched corruption remains one of the key risks to the future viability of the DRC. The judicial system lacks both the independence from the government and the means to investigate and prosecute corruption cases. As a result, a climate of impunity prevails. There are few deterrents for those who commit crimes against civilians and who are able to bribe their way out of trouble. The murders of Kabungulu and Ngyke have not been properly investigated, and the government has obstructed the course of justice to prevent senior figures being implicated in the case.

*Judicial system*

Illegal detention is common and prison conditions remain poor. Prisoners are frequently not told their rights, and much of the prison population is detained without charge, sometimes for political reasons. Torture is still not illegal despite international pressure for the Congolese government to introduce necessary legislation. Children are detained together with adults, and are frequently abused by guards



**Opposition party supporters walk through the streets of Kinshasa, 22 March 2006. They marched to the UN headquarters to demand that voter registration be reopened so they could take part in landmark elections.**

and fellow prisoners. The UK continues to support the UN Peacekeeping Mission to the DRC (MONUC) in its efforts to boost awareness of rights and improve conditions for prisoners. Continued pressure from EU member states has not yet succeeded in re-establishing a moratorium on the death penalty, which remains on the statute in the DRC and is contained in the country's new constitution.

The ICC has begun investigations into crimes against humanity committed in the DRC, adding to the pressure on the transitional government to bring violators of human rights to justice. The transfer of Thomas Lubanga, the first ICC war crimes indictee, to The Hague in March 2006, sent a strong signal that grave human rights abuses will not be tolerated. Under strong pressure from MONUC and the international community, some Congolese courts and military tribunals have begun to punish members of the Congolese armed forces for war crimes and abuse of civilians.

### UK action

During the year, we have continued to press for the promotion and protection of human rights in the DRC. In August 2005, along with the EU, we lobbied the government on the protection of human rights defenders. Together with EU ambassadors, we have continued to urge the government to provide better protection for civilians. In January 2006, we and international partners presented President Kabila with a dossier cataloguing a series of abuses carried out by the army against civilians. We demanded that those in charge took action to eradicate the culture of impunity that pervades the armed forces. In April 2006, seven soldiers were convicted on charges of gang rape and pillage - defined as crimes against humanity - and given life sentences. This is a step forward and should act as a deterrent against future abuse, but we will continue to press the government to take decisive action against impunity.

The UK has offered to provide £5 million-worth of basic life needs support - such as tents and water - to the newly integrated army brigades, to help stop them preying on the local population. But we have made it clear that the government must ensure that the troops are properly paid and improve the army's command and control structures.

We continue to urge the government to make progress on tackling corruption, and it has introduced legislation that should ensure the independence of the judiciary. The key priority is for the army, the police and other public servants to receive their salaries. We have continued to play an active role in promoting dialogue with the government on these issues. The Security Council underlined the importance of good governance and tackling corruption in the DRC in

Resolution 1621 of 6 September 2005.

In parallel to action by the ICC, we have continued to help the Congolese strengthen their own justice system across the board, including prisons, police and the judiciary. We are also supporting efforts to establish a neutral Supreme Court. The UK supported the DRC's efforts to reform and retrain the police by providing policing experts to the EU's police training and mentoring mission, EUPol. We also supported a training programme for judges to run mobile courts in specific provinces, giving more local populations access to justice at a consistent national standard. This has begun to replace the local, arbitrary justice that has been meted out throughout the war.

We have made it clear to the DRC government that, while it should respect media freedom as far as possible, broadcasts and articles that promote racial hatred are unacceptable. In October 2005, along with EU partners, we made a public statement on freedom of expression. We have provided support to the HAM to build their capacity to monitor and act upon such broadcasts. In February 2006, the HAM launched a code of conduct for the media's role during elections, which included measures against inflammatory language. The RTNC radio station and six TV stations subsequently had their broadcasts temporarily suspended for violation of the election-related code of ethics. The UK and international partners in Kinshasa have frequently reminded all parties of the need to respect the new code.

During our presidency of the EU, the UK drafted and led an EU resolution on the DRC, which was adopted at the UNGA in December 2005. The resolution made clear that the DRC government must take action to improve human rights conditions through better command and control of the armed forces, improved freedom of expression and better protection for human rights defenders.

Together with EU partners, we have made demarches to the Congolese government on other key human rights subjects during the period covered by this report. In response to Pascal Kabungulu's murder (see above, under "Freedom of expression"), heads of the EU's diplomatic missions lobbied Vice-President Ruberwa for an immediate and impartial investigation of the assassination. They further lobbied the DRC government and spoke to MONUC about the wider problem of protecting human rights activists in eastern DRC, and have followed up previous demarches on the death penalty, ending the recruitment of child soldiers and sexual violence.

The UK continues to raise human rights with the Congolese

authorities whenever possible. The Secretary of State for International Development, Hilary Benn, raised our concerns over the continued abuse of human rights during his visit to the region in November 2005. We used our 2005 EU presidency to continue to push for improvements in human rights across the Great Lakes region, including the DRC, issuing statements on freedom of speech and press freedom and continuing to highlight the issue of so-called child witches (see box).

Along with EU partners, we supported the reinforcement of MONUC and encouraged it to adopt a more robust military approach to dealing with militia groups in Ituri province and elsewhere in eastern DRC, in order to stop them abusing civilians. The UK strongly supported moves to strengthen MONUC by increasing its troop ceiling to 17,000. This included a significant rise in the number of troops in the fragile east of the country. We provided six key military officers to MONUC and actively supported greater use of the MONUC-run radio station Okapi, which is part-funded by DfID. One of Okapi's aims is to raise awareness of human rights

among the local population.

We aim to tackle the problem of sexual violence in the DRC, where rape in particular has become a weapon of war among armed groups. We hope to achieve this through our local peacebuilding programme, in particular through women's organisations. We are also encouraging a cross-cutting approach to sexual violence issues in most of the health and HIV/AIDS projects supported by DfID. The UK is also a core funder of UNICEF, whose work on sexual violence includes psychosocial counselling.

The UK has supported the NGO Merlin, which provides medical assistance to Congolese victims of sexual violence. We are already supporting a number of other interventions aimed at addressing the problem of sexual violence and increasing the capacity of local health services. Through DfID, we are supporting a programme in South Kivu province to tackle HIV/AIDS. We are also committed to providing further support over two years to a hospital in Panzi, Bukavu, in eastern DRC, for initiatives that include training Congolese doctors in how to treat conditions caused by sexual violence. DfID also runs further programmes with Medecins Sans Frontières, the International Rescue Committee and the ICRC.

The UK is a major development partner for the DRC. Our first priority is to help reinforce stability and peace. Our programme therefore supports the disarmament, demobilisation and reintegration of ex-combatants, reinforces the capacity of the police to ensure security around elections, promotes reform of the justice sector and supports local level peacebuilding. In view of the continuing humanitarian crisis, particularly in the east, we also have a substantial humanitarian programme, which supports the UN and NGOs to save civilian lives. Our second priority is to ensure free and fair elections.

The Congolese people are keen to see an improvement in their standard of living. We are supporting the reconstruction of the country's infrastructure and services through road building, rehabilitating water supplies, supporting provision of primary education and healthcare services and participating in the fight against HIV/AIDS. We have supported the government to write a poverty reduction strategy that will help donors prioritise their activities in the future. We are also involved in supporting the improved management of the DRC's rich natural resources. The illegal exploitation of natural resources in the DRC has been among the main causes of the conflict in the Great Lakes. The Congolese population need to start benefiting from the great natural wealth of their country, if there is to be sustainable

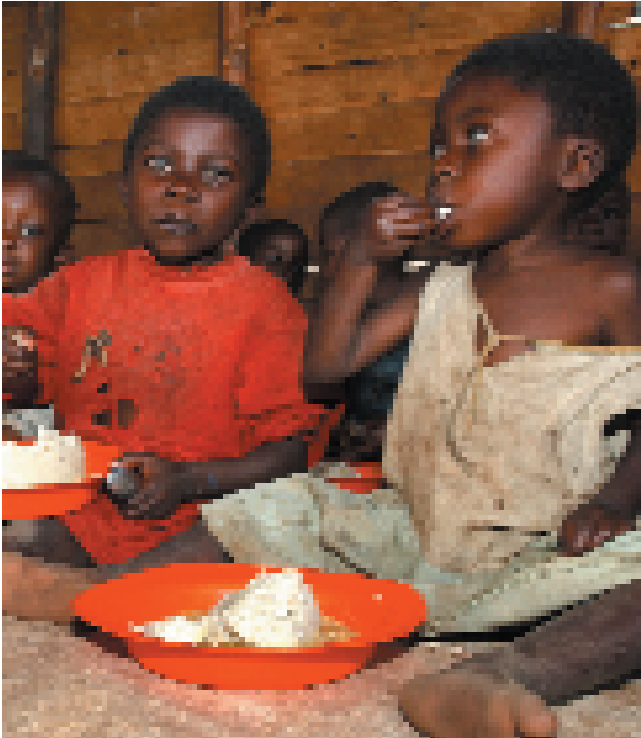
### Child witches

Throughout 2005 and early 2006, there were an increasing number of reports of Congolese children – in both the DRC and the UK – being accused of witchcraft and subsequently abused by revivalist pastors as part of “exorcism” rituals.

In December 2005, during the UK's presidency of the EU, the UK led an initiative to raise awareness of the problem of so-called “child witches” in the DRC. We continue to work with civil society groups, established churches and the Congolese government to push for further action to address the problem and bring those who abuse children to justice. The UK channels its support into a wide range of bilateral and multilateral projects. We have supported training for justice sector workers (such as magistrates and prosecutors), the judicial police and customary chiefs in Kinshasa, Bas Congo, Bandundu and Katanga. This training covered child protection, child rights and the appropriate treatment of children within the justice system. We maintain regular contact with the DRC president's ambassador for children, and continue to urge the DRC government to take more action on child welfare.

At the UK end, much work is being done by the Home Office and the Metropolitan Police on the wider issue of protecting children from ritualistic abuse. This includes putting in place measures to prevent Congolese pastors, suspected of carrying out abuse in the DRC, from attempting to enter the UK.

**Children during feeding time at Panzi Clinic in Bukavu, DRC. Their mothers fell victim to rapes. Bukavu is located in the province of South Kivu, which has been ravaged by insurgencies and sexual assault on women.**



development and stability in the country and the region as a whole.

## 2.9 Democratic People's Republic of Korea

### Overview

The Democratic People's Republic of Korea (DPRK), also known as North Korea, is widely considered to have one of the worst human rights records in the world. Much of the evidence for this record comes from North Korean defectors, also referred to as refugees or escapees, who provide shocking reports of serious and widespread violations of basic human rights in the DPRK. The alleged abuses include: abductions and disappearances; arbitrary detention and imprisonment for up to three generations of the same family; regular use of the death penalty (including political and extra-judicial and public executions); routine use of torture and inhuman treatment; forced abortions and infanticide; political prison camps and labour rehabilitation camps; extreme religious persecution; and chemical experimentation.

The DPRK has repeatedly invoked sovereignty, non-interference and cultural differences to avoid its human

rights responsibilities. Humanitarian aid workers and diplomats in Pyongyang are subject to severe internal travel restrictions and some 20 per cent of the counties in the DPRK remain inaccessible "for reasons of national security". The government denies foreign diplomats access to judicial institutions, saying that it amounts to interference in the country's internal affairs. These restrictions, coupled with the government's self-imposed isolation and unwillingness to co-operate with the international community on human rights, make it difficult to compile evidence regarding human rights abuses.

Since it joined the UN in 1991, the DPRK has become a party to four key UN human rights treaties: the ICESCR; the ICCPR; the CRC; and CEDAW. The DPRK has submitted two (late) reports on the ICCPR, and ratified the CEDAW, although it has not signed the optional protocol. There is no record that it has implemented any of the other conventions. We continue to urge the DPRK authorities to allow international rapporteurs to visit the country.

We have made it clear to the DPRK government that we cannot extend the benefits of a full and normal bilateral relationship until we have evidence that it is addressing our concerns on issues such as human rights. We will continue to raise human rights issues directly with the government and voice our concern in international fora. Until the DPRK responds to international concerns, the UK will work with EU partners and others to maintain and increase pressure in the appropriate international bodies.

### Recent developments

In September 2005, the DPRK government called for an end to humanitarian aid and a shift to development aid, claiming that agricultural harvests were good in 2005. It also expelled World Food Programme (WFP) monitors, raising concerns about the monitoring of food aid. At the DPRK government's request, the WFP shut down all their five regional offices and 19 food factories in North Korea in December 2005. In May 2006, the WFP resumed its programmes in the DPRK on a much reduced scale, but concerns remain that not enough food is reaching vulnerable groups, including small children and the elderly.

### Current concerns

The DPRK constitution nominally provides for freedoms and liberties for its citizens. In practice, the reports of refugees suggest that the reality is very different. There is no mechanism to allow a change of leadership or government. There is no freedom of expression, assembly, association, movement or information. The state tightly controls all media. No foreign books or magazines are available for



A North Korean woman takes part in the opening ceremony of celebrations in South Korea marking the anniversary of the joint declaration of the historic inter-Korean summit, 14 June 2006.

purchase and the authorities control access to the internet on an individual "need-to-know" basis. There is no independent human rights monitoring organisation.

Although the constitution provides for freedom of religious belief, there is no genuine religious freedom - North Koreans have no access to religious literature or other information. Defectors report that Christians receive harsher treatment than other prisoners, suffering torture and execution as a direct consequence of their faith.

There are no workers' rights - the government allows unions but uses them as instruments of social control under the direct auspices of the Korean Workers' Party (KWP). There are credible reports of brutal suppression of strikes. There is no transparent structure for wages, working hours or labour conditions.

<< **Only those citizens classified as politically loyal can hope to obtain responsible positions in Northern Korean society.** >>

Women have no equal rights- the age for marriage is different for men and women and male culture is dominant. There is growing concern about the organised trafficking of women across the border into China for marriage or prostitution.

North Koreans are subject to arrest and detention without trial. Depending on the offence, the authorities can detain or punish entire families for the crimes of one individual. The judiciary has no independence and the legal system has no transparency.

The government divides North Koreans into three political groups: a loyal core class; a suspect wavering class; and a politically unreliable class. The three groups are then subdivided into 51 categories, based on the social origins of each citizen. The government classifies people to determine where they live and work, what job they do and what benefits (if any) they can receive. Only those citizens classified as politically loyal can hope to obtain responsible positions in North Korean society.

Large numbers of North Koreans escape across the northern border with China for economic and political reasons. Chinese analysts and foreign NGOs estimate that there are between 10,000 and 100,000 migrants in China's border provinces at any one time, all of whom risk being arrested and forcibly repatriated to North Korea if caught by Chinese authorities. We regularly urge China to allow the UNHCR access to the border region and to observe its obligations under the 1951 Refugee Convention.

South Korea is committed by its constitution to accepting all North Korean refugees. Some 8,000 have resettled there, and numbers are growing at a rate of around 1,400 a year. North Koreans also find their way to regional countries other than China and South Korea. In the first half of 2006, Thailand saw an increase in the number of North Koreans entering mainly in the north and north-east, with estimates ranging between 230-600.

#### UK action

In the absence of any progress following a widely supported condemnatory resolution at the 2003 UNCHR, the EU tabled a second resolution in April 2004. This called for the establishment of a UN Special Rapporteur on DPRK Human Rights. Professor Vitit Muntarbhorn was appointed to the position in July 2004. The DPRK government refused to acknowledge either the resolution or the appointment. The EU tabled a further resolution at the CHR in April 2005, which was again adopted by a significant majority.



In addition, an EU-sponsored resolution was adopted by UNGA in December 2005 during the UK's presidency of the EU.

Our relationship with the DPRK is based on a policy of critical engagement. However, unless the DPRK government is willing to engage with us we are unlikely to make any significant progress. In our bilateral dealings with the DPRK we regularly raise the issue of human rights at ministerial and official level. For example, in early 2006, the UK and some EU partners lobbied the DPRK against the application of the death penalty in the case of Son Jong Nam, who was charged with alleged treason. In addition, four UN special rapporteurs (North Korean human rights; extra-judicial, summary or arbitrary executions; arbitrary detention; and torture) issued a joint press release in May 2006 expressing "dismay" at the scheduled execution of Mr Son and the DPRK's failure to co-operate with them.

We have continued to urge the DPRK to allow a visit by the UN special rapporteur, but the government has consistently denied access. We have told the North Koreans that we stand ready to offer help, including education and technical assistance, in return for further bilateral or multilateral progress on human rights. To date, there has been no change in the DPRK position.

## 2.10 Iran

### Overview

The past 12 months have seen a continued deterioration in the human rights situation in Iran. There have been repeated serious violations of freedom of expression and association.

**A public hanging of an Iranian bandit, Najib Karzahi, takes place on the road from Bam to Kerman in southern Iran.**

**The UK objects to the Iranian authorities' failure to respect the most basic standards on capital punishment.**



Officials who were implicated in internal repression in the 1980s and 1990s have been appointed as government ministers. While sporadic efforts have been made by some authorities in Iran to improve the administration of justice, we continue to be concerned at the lack of effective action to reform laws, institutions and official practices.

The future does not look positive. There appears to be a real reluctance on the part of the Iranian government to undertake the necessary human rights reforms. Talk of respect for human rights needs to be matched by a demonstrable commitment to improving the human rights situation.

### Recent developments

Mahmood Ahmadinejad was elected president in June 2005. It is hard to reconcile claims that the Iranian electoral system is fully democratic with the exclusion of the vast majority of the candidates from the presidential elections. The unelected committee of clerics and jurists that makes up the Guardian Council prevented all female candidates and many reformists from standing for the presidency. Election-vetting procedures dissuaded many from even putting their names forward. We noted comments made by Iran's former interior minister about the unsatisfactory conduct of the elections. We believe that if the Iranian people are to have a free choice about their country's future, they should be able to vote for candidates who hold the full range of political views.

### Current concerns

#### *Death penalty*

According to international NGOs, Iran was second only to China in terms of the total number of executions carried out in 2005. Amnesty International estimates that at least 94 people were executed. Iran does not issue official figures and reliable data is hard to come by. However, the early part of 2006 has seen an alarming increase in the number of reported executions compared to the same period in 2005. In particular, we object to the Iranian authorities' failure to respect even the most basic of minimum standards regarding the application of capital punishment. Many death sentences are carried out in public. We have doubts as to whether all death sentences are the result of a fair trial and whether everyone who is sentenced to death in Iran is able to exhaust all avenues of appeal available to them. The hanging of two youths aged 17 and 20 in Khorrambad (Lorestan province) on 13 May 2006 occurred barely a month after their alleged crime.

According to leading international human rights organisations, Iran was the only country to continue to execute children and juvenile offenders in 2005. The number of reported death sentences and executions of juvenile offenders in 2005

appears to have increased over preceding years. Reports suggest at least five youths were executed for crimes they committed while under the age of 18. This is contrary to Iran's international commitments under the ICCPR and the CRC. The executions also run contrary to assurances that Iran has given the international community that a moratorium is in place on capital punishments against minors, including its declaration to the UN Committee on the Rights of the Child in January 2005.

Our concerns about criminal punishment in Iran are not limited to the death penalty. Draconian punishments, such as floggings, stonings and amputations, remain on the statute

books. It is unclear how frequently such sentences are carried out. We have received numerous reports of prisoners being subjected to prolonged solitary confinement or denied medical care.

#### *Judicial system*

Officials in the Iranian judiciary have recognised that elements of the judicial system are in need of urgent reform and have admitted that torture still occurs in the course of criminal investigations. The period of this report was marked by a continued failure to hold certain court hearings in public or to respect the principle of due process. The case of Abdolfattah Soltani, a lawyer defending prominent journalist

Female Christians pray in a ceremony at the Qara Kelisa (Black Church) in Chalدران, 500 miles north west of

Tehran, 29 July 2006. Iran's respect for religious minorities has continued to deteriorate.



Akbar Ganji, suggests that the Iranian authorities are seeking to intimidate lawyers who defend political activists and human rights defenders by detaining the lawyers themselves. Mr Soltani was arrested in July 2005, held in solitary confinement and denied access to legal counsel. After being released on bail set at 1,000 million rials (£60,000), he was sentenced to four years' imprisonment in July 2006 for disclosing restricted documents, plus a further year for propagating against the regime, and deprived of all social rights for five years. He is appealing against the sentence. Other lawyers have been told they will be disbarred if they take on prominent human rights cases. Akbar Ganji himself was released in March 2006 after over five years' detention for highlighting the role of government officials in serial murders in the 1990s.

#### *Freedom of expression*

Freedom of expression in Iran has deteriorated significantly in the last 12 months. The government has targeted the whole range of actors from the state media and NGOs to students, internet users and trade unionists. Iran is one of the few countries in the world that still maintains a state monopoly over TV and radio under article 44 of the constitution. This serves to censor the reporting and views to which the Iranian people are exposed. BBC Persian Service staff are not allowed to report from Iran. In December 2005, the launch of Iran's first privately owned TV channel, Saba, was blocked. It is illegal to own a satellite dish. Police can and do enter private properties to confiscate dishes and fine owners. There were also widespread reports that the government had issued orders to Iran's news agencies to restrict the coverage of politically sensitive stories, such as the detention of political prisoners.

The internet is not immune from government censorship. The Ministry of Information and Communications Technology has announced plans to create a "national internet", which would further limit communication between Iran and the outside world and facilitate government control. The Iranian regime continues to prevent access to a range of websites. In January 2006, the Iranian authorities blocked the [BBCPersian.com](http://BBCPersian.com) website without any official explanation. The authorities seek to control the Farsi content of the internet by making an example of certain individuals. Webloggers Arash Sigarchi and Mojtaba Saminejad, both of whom have been charged with acting against the state, have now each been detained for over 18 months for expressing their views peacefully.

In 2005, Reporters Without Borders described Iran as "the biggest prison for journalists in the Middle East". The authorities have continued to intimidate and pressurise

journalists. In August 2006, the Press Supervisory Board gave the reformist newspaper *Shargh* one month to replace its current managing director, Mehdi Rahmanian. The official state newspaper *Iran* was closed in May 2006. In January 2006, 19-year old Elham Afroutan was arrested on charges of insulting officials following the publication of an article in the weekly paper *Tamadon Hormozgan*. She was released on bail in June, but is reportedly still facing charges before the Revolutionary Court of insulting the Supreme Leader, officials and institutions of the Islamic Republic of Iran and of spreading "propaganda against the system". Ejlal Qavami, a journalist at the banned weekly newspaper *Payam-e Mardom-e Kurdistan*, was arrested for the second time in August 2005 and charged with acting against national security after demonstrations in Kurdistan province. Akbar Mohammadi, who participated in student protests in 1999, died in prison in July 2006. He had reportedly been denied access to his lawyer and family and had started a hunger strike after being denied proper medical treatment. Reports also indicated that Mr Mohammadi's body had suffered injuries consistent with torture.

The authorities have also intensified efforts to limit academic freedom. In March, the Ministry of Education issued a circular forbidding academics to have contact with foreign embassies. In April, the authorities arrested prominent Iranian-Canadian scholar Ramin Jahanbeglou. We are concerned that Mr Jahanbeglou is being penalised for his contact with foreign embassies, universities and cultural institutes. He has still not been charged with any offence.

#### *Trades unions*

The labour movement continued to suffer setbacks at the hands of the authorities, despite Iran's commitments to the ICESCR, which enshrines the right to form trades unions. Hundreds of Tehran bus drivers were arrested for taking part in a series of strikes in January 2006. The wives of some protesters were also arrested and several houses searched. The head of the Union of Workers of the Tehran and Suburbs Bus Company, Mansour Ossanlu, was held in custody for over seven months without trial. He was released on bail of 1,500 million rials (£85,000) in August 2006. Strikes are not permitted in Iran and small companies employing fewer than 10 people do not have to respect labour legislation. This affects some 3 million workers.

#### *Minorities*

The past 12 months have also been marked by a deterioration in respect for religious and ethnic minorities, who continue to suffer widespread discrimination. According to article 13 of the constitution, Zoroastrians, Jews and Christians are the only recognised religious minorities. Last

year we reported the case of lay Christian pastor, Hamid Pourmand. Mr Pourmand, a former army colonel, had been charged with deceiving the Iranian armed forces about his religion and with apostasy, which carries the death sentence. He was acquitted of the apostasy charges in May 2005 but was returned to jail to serve out a three-year sentence for the other charge.

The plight of the Iranian Bahá'í population has worsened in the last year. The Bahá'í minority is not recognised under the constitution. In March 2006, the UN Special Rapporteur on Freedom of Religion and Belief expressed her concern at reports suggesting that Iran's supreme leader had instructed the Iranian authorities and armed forces to identify Bahá'ís and monitor their activities. Such reports are deeply disturbing. Bahá'ís have had property confiscated by the authorities or destroyed and the requirement for Iranians to identify their religion on official documents has prevented many Bahá'í from accessing higher education, employment or adequate housing.

#### *Women's rights*

Women in Iran also suffer from widespread discrimination, despite having some limited rights and freedoms which women lack elsewhere in the region. The UN Special Rapporteur on Violence against Women visited Iran in early 2005. She reported that, while some positive steps have been taken to elevate women's status in recent years, there are still "gaps in guaranteeing gender equality". A woman's testimony in court is worth half that of a man, making it difficult to secure convictions for domestic violence and rape. Arbitrary arrests and violence by security forces marred International Women's Day celebrations in Tehran in March 2006 and a protest by Iranian women in Tehran in June 2006.

Same-sex relations are illegal in Iran and can carry the death penalty. Since our last report there has been concern from NGOs that people who had consenting same-sex relations had been charged with crimes, such as rape and kidnap, and then executed. We continue to monitor the situation very carefully. However, we are not aware of any individual in Iran being executed solely for engaging in consenting same-sex relations in recent years.

#### *Engagement with UN bodies*

Despite extending an open invitation to all human rights thematic monitoring mechanisms in 2002, Iran has since said it will invite special rapporteurs to visit "according to Iran's priorities and abilities". Last year, we reported that the Iranian government had cancelled a visit by the Working Group on Enforced Disappearances and that the UN Special

Rapporteur on Freedom of Religion or Belief was awaiting a reply to her request to visit. Neither visit has taken place in the past year. The UN Special Rapporteur on the Right to Adequate Housing visited Iran in July 2005. We welcome the pledge that the Iranian government gave in support of its candidacy for the UNHRC to review its reservation on the CRC. At present Iran has reserved the right not to apply parts of the convention that it regards as incompatible with Islamic law. We do not recognise this reservation as it contravenes the spirit of the convention. We hope that Iran will renew its pledge and look forward to the outcome of this review.

#### **UK action**

The human rights outlook in Iran is deeply worrying. The international community clearly has a duty to respond, and human rights remain a central part of our policy approach towards Iran. We and the EU have consistently said that our relations with Iran depend on the steps it takes to address its poor human rights record.

We are disappointed that Iran has refused to hold the EU-Iran Human Rights Dialogue since June 2004, despite repeated attempts to agree revised rules of procedure aimed at making the dialogue more effective. In light of the deteriorating situation, we have increased our activity in other areas. We used our presidency to lead the EU in finding other ways of expressing our human rights concerns, for example, by stepping up private representations to the Iranian government over human rights violations and drawing public attention to cases of concern. We have also supported debate in UN fora and the work of UN mechanisms. In the last six months of 2005, we raised our human rights concerns with the Iranian government on no fewer than 16 occasions. We led the EU in issuing five statements addressing various violations.

In December 2005, during the UK's presidency, the EU co-sponsored a resolution at the UN General Assembly on Iran's human rights record. The resolution highlighted international concern over many of the issues already mentioned. We have continued to propose and support EU actions since then.

## **2.11 Iraq**

#### **Overview**

Under Saddam Hussein's regime, torture was used as an instrument of state control and respect for human rights was non-existent. It will take time to build a culture of respect for human rights, but progress is being made. The conclusion of an inclusive constitution, agreed by representatives from a wide spectrum of Iraqi society, and the establishment of a

democratically elected government, which reflects the country's diverse cultures and beliefs, demonstrate what has been achieved since the fall of Saddam Hussein.

The UK takes very seriously its international responsibility to help the people of Iraq build a strong and peaceful country in which their human rights are respected and the rule of law applies to all, regardless of rank or background. We are working with the government of Iraq, the Iraqi security forces and international partners to help them develop a pluralist political process, free from violence and with infrastructures that will strengthen human rights and rule of law. The FCO has been helping to develop projects and programmes in Iraq in support of these objectives since shortly after the liberation of Iraq from Saddam's regime.

The Rt Hon Ann Clwyd MP has been appointed as Special Envoy on Human Rights in Iraq and members of her office are integrated within the FCO team responsible for helping to strengthen human rights and rule of law in Iraq. In addition to the work being funded directly by the FCO, the joint FCO/MoD/DfID Global Conflict Prevention Pool is helping to fund police and prison capacity-building in Iraq.

### Recent developments

Authority was transferred from the Coalition Provisional Authority to the Iraqi Interim Government (IIG) on 28 June 2004. As a non-elected body, the IIG focused on day-to-day administration, including providing security, promoting economic development and preparing for elections. The Provisional Authority had signed an interim constitution calling for the election of a Transitional National Assembly (TNA) by January 2005. Elections duly took place on 30 January 2005.

#### *The constitution*

The TNA worked with selected members of significant Iraqi communities to draw up a draft constitution reflecting the views of representatives from across Iraq's communities. In a referendum on 15 October 2005 in which 10 million Iraqis participated (63 per cent of those eligible to vote), an overwhelming majority voted to accept the constitution.

The constitution incorporates fundamental human rights principles, including the protection of freedom of religious belief and of minority and women's rights. All Iraqis are considered equal before the law and the constitution forbids discrimination based on gender, race, ethnicity, nationality, origin, colour, religion, sect, belief or opinion or economic or social status.

The constitution includes provision for the establishment of a human rights commission. The Iraqi government is working with international partners to take the first steps towards developing the commission.

#### *December 2005 elections*

The approval of the constitution paved the way for elections in December 2005. Participation was high across all communities with just over 12 million people, or 76 per cent of the electorate, voting. International observers assessed the elections to be credible and largely free of abuse. Final certified results were announced on 10 February 2006. The United Iraqi Alliance (Shia coalition) won 128 seats; the Kurdish Alliance 53; Iraqi Tawafuq (Sunni Arab) 44; National Iraqiya List (centrists) 25; Iraqi Front for National Dialogue (Sunni Arab) 11; Kurdish Islamic Union five; and Al Risaliyun

<< **The UK takes very seriously its international responsibility to help the people of Iraq build a strong and peaceful country in which their human rights are respected and the rule of law applies to all.** >>

(Shia) two. The remaining seven seats were divided among five other parties.

These elections marked the end of the transitional period as envisaged in UN Security Council Resolution 1546 (2004) and the beginning of a new political era. The establishment of a government of national unity was announced on 20 May 2006.

#### *The permanent government of Iraq*

Prime Minister Al-Maliki announced the majority of his cabinet on 20 May 2006, and the Ministers of Defence, Interior and Security on 8 June. Forming the government has been a lengthy process; but the end result is a government that represents the main political parties and ethnic groups. Many challenges lie ahead: restoring security; entrenching national unity and reconciliation; improving governance; and promoting economic reform.

#### *The Ministry of Human Rights*

As noted in last year's annual report, the Ministry of Human Rights was established in September 2003 and formally opened on 14 February 2004.

Mrs Wijdan Mikha'il was appointed Minister for Human Rights on 20 May 2006. The Ministry employs approximately 350 staff. The GCCP (see Chapter 6, page 201) has funded an adviser to the ministry to help in its initial development. The FCO has provided funds to help the ministry develop a training institute, which will provide human rights training to officials from a range of Iraqi ministries and to the police, to help embed consideration of human rights in all areas of government policy-making.

#### *UN Convention against Torture*

The Iraqi Ministry of Foreign Affairs and the legal committee of the former TNA have completed all domestic procedures necessary for UNCAT to go before the Council of Representatives. This will enable Iraq to become a party to the treaty.

### **Current concerns**

#### *Security and law and order*

Security in Iraq continues to be a serious challenge. Since the elections on 30 January 2005, violence against civilians and military personnel has become notably more sophisticated and audacious and there has been a recent increase in violence against women and against minority communities. Most attacks occur in the four provinces of Baghdad, Al Anbar, Ninewah and Salahaddin. Prime Minister Al-Maliki has announced increased security measures in Baghdad and Basra to help counter this upswing in violence.

Insurgents continue to target Iraqi civilians, as well as the Iraqi security forces (ISF) and multi-national forces. Violence by terror groups - for example, the bombing of the Golden Mosque in Samarra in February 2006 - appears to be aimed at causing a sectarian schism in the country. There have been continuous reprisal attacks, exacerbated by the involvement of armed militia groups. The formation of a democratically elected government with a wide representation across Iraq sends out a clear signal that the government and people of Iraq do not want to be drawn into sectarian violence. But it is important that the government of Iraq is able to take tangible steps to control and reduce this violence as soon as possible. We are giving the government our full support (see page 75 under "UK action").

#### *The impact of military operations on civilians*

Indiscriminate acts of terrorism occur regularly in Iraq and frequently target innocent Iraqi civilians, killing and maiming men, women and children alike. The insurgents and terrorists that carry out these acts of violence have entrenched themselves among the population in some parts of Iraq by intimidation and force.

It has been necessary to counter this by using selective military action in certain areas where civilians live and, on occasion, to engage in more extensive military operations. The impact of such military action must be weighed against the impact of allowing terrorists to gain control through intimidation and to launch indiscriminate acts of violence that kill and maim innocent civilians.

The US contingent of the Multi-National Force-Iraq (MNF-I) has carried out a number of large-scale military operations, including in Fallujah in 2004 and in the east of Samarra in March 2006. These are part of regular and ongoing anti-insurgency operations involving the US and the ISF, which usually target insurgent strongholds and aim to restore or maintain government control and the rule of law in an area. The Iraqi and US authorities have stated that all possible steps are taken to ensure the safety and well-being of civilians in areas where military operations are carried out.

In the UK's area of operation in southern Iraq, there has not been the need for military operations on the same scale. Where military action is necessary, UK forces take the utmost care to minimise the impact of their operations on civilians. UK forces are fully aware of their obligations under international humanitarian law, and the targeting process, weapons selection, doctrine, training and rules of engagement take full account of these obligations. Military activity is a last resort to help protect innocent civilians from the indiscriminate violent actions of terrorists and insurgents, who are trying to destabilise the country for their own ends.

#### *US military operations in Fallujah*

An Italian documentary aired in November 2005 reiterated earlier allegations that Iraqi civilians were among those suffering burns caused by white phosphorus (WP) used by the US military during their assault on Fallujah in November 2004.

White phosphorous is a conventional weapon, not a chemical weapon, which is primarily used as an obscurant - i.e. a smoke screen. Although white phosphorous does have a recognised anti-personnel effect, coalition forces go to great lengths to ensure that civilians and non-combatants are not harmed during operations. The doctrine and training for British forces in the use of white phosphorous emphasises that it should not be deployed as an anti-personnel weapon.

US doctrine is a matter for the US government. According to the US authorities, their troops in Iraq "employed some WP munitions against legitimate targets during Operation Al Fajr" and their forces use WP "primarily as obscurants, i.e. smoke screens or for target marking".

### Detention

UN Security Council Resolution 1546 (2004) and the letters between the then Iraqi Prime Minister Allawi and US Under-Secretary Powell attached to it authorises MNF-I to detain individuals in Iraq where this is necessary for imperative reasons of security. This authority was extended by UN Security Council Resolution 1637 (2005). Security detention is used to protect innocent Iraqi civilians, as well as the Iraqi and MNF-I security forces, from acts of violence from insurgents and terrorists.

At 21 July 2006, the UK was holding 76 adult male security detainees. As at mid-July 2006, the US was holding around 13,250 security detainees in its detention centres in Iraq.

The ICRC and the Iraqi Ministry of Human Rights have unfettered access to these detention facilities. The ICRC visits

the UK detention facility regularly, and we have a constructive working relationship with them. The UK will continue to work closely with the ICRC to ensure any concerns they raise are addressed quickly.

Wherever possible, we ensure that those held as security detainees are processed through the Iraqi criminal justice sector. However, in some cases, disclosure of the details of the evidence against individuals would put other lives in danger.

There is strict oversight of the way in which the British security detention facility is run to ensure that the rights of people held in detention are respected. Senior officers review detainee cases every month and there are regular visits by the International Committee for the Red Cross (ICRC) and the Iraqi Human Rights Ministry. Full and complete records of

Detainees waiting to be released stand inside Abu Ghraib prison in Baghdad, 27 June 2006. Prime Minister Al-Maliki's national reconciliation plan aims to release a total of 2,500 prisoners.



security detainees are maintained and their families and the ICRC are notified as soon as possible after their detention. Security detainees may consult lawyers and they are free to practise their religion. They have three hot meals a day and can access recreation areas and medical facilities.

There are no dedicated detention facilities for women or juveniles in US detention centres, but women and juveniles are segregated from adult males unless they are family members. The UK does not currently hold women or juveniles in security detention.

Individuals held by the UK have their cases reviewed by the divisional internment review committee, chaired by the general officer commanding. The first review happens within 48 hours of internment; subsequent reviews are then held monthly. The committee may direct that the individual should be released back into the area of detention or, if subject to criminal proceedings, passed to the Iraqi criminal justice system.

We are currently looking at ways of including Iraqi representatives in security detention review in a similar way to that used by the US, where a combined review and release board (CRRB) manages the security detention review and release process. The CRRB comprises representatives of the ministries of justice, human rights and interior, together with three senior MNF-I officers. The board meets regularly.

The US has also introduced a guarantor scheme under which a community leader from the detainee's home area takes responsibility for mentoring and supervising detainees, who may continue to pose some risk to security after their release. The scheme gives communities an opportunity to play a part in maintaining peace and stability in their area.

After 18 months in security detention, an individual must either be released or an application made to the joint detention review committee (JDRC) to approve their continuing internment. The JDRC comprises senior members of the Iraqi government and the MNF-I and is chaired by the prime minister and the commander of the MNF-I or their deputies.

#### *Allegations of abuse by military personnel*

We condemn utterly all abuse, regardless of the perpetrator, and take very seriously any allegations of abuse. The US government has told us it shares this view.

UK forces receive extensive training, which includes awareness of their obligations under international law. Anyone directly involved in dealing with detainees is given

specific training, and there is a rigorous chain of command to help prevent abuses. Training is regularly reviewed and lessons learned from operations are fed back into the training process.

Allegations of abuse by coalition forces against detainees in Iraq have been thoroughly investigated. We condemn all acts of abuse and treat any allegations of wrongdoing extremely seriously. It remains UK policy to initiate a service police investigation where there are any grounds to suspect that a criminal act has or might have been committed by service personnel.

However, when considering allegations of abuse by British servicemen it is important to maintain a sense of proportion. More than 100,000 service personnel have worked to bring stability to the people of Iraq, often in very difficult conditions, but only six specific incidents of abuse have been reported. Several of the individuals involved in those cases have been cleared of any wrongdoing and those who have been prosecuted and found guilty have been punished.

The US has conducted five inquiries into allegations of abuse in Iraq. This includes Major General Taguba's investigation into allegations of abuse at Abu Ghraib prison by members of the 800th Military Police Brigade.

These US enquiries concluded that the incidents of abuse were the result of the behaviour of a few sadistic individuals and a failure of oversight by commanders rather than of US policy or procedures. The US says it has now taken measures to strengthen command oversight and those individuals found guilty of abuse have been punished. For more information about US detention, go to the Department of Defense website at: [www.defenselink.mil/home/features/iraq](http://www.defenselink.mil/home/features/iraq).

At the time of writing, the media is reporting allegations of the unlawful killing of Iraqi civilians by US forces in Ishtaq and Haditha. These allegations are deeply shocking. The US authorities have conducted an investigation into the Ishtaq incident and have concluded that their military personnel acted correctly in the circumstances. In respect of the Haditha allegations, President Bush announced on 31 May 2006 that anyone who has broken the law will be punished. Investigations into this incident are underway and a number of criminal prosecutions, including for murder and rape, have been reported in the media.

In the meantime, the US authorities are providing additional training to military personnel in Iraq, emphasising that the highest possible ethical and moral standards should be upheld at all times, even in the most stressful circumstances.



Newly graduated Iraqi police recruits celebrate at a graduation ceremony at the police academy in central Baghdad, 29 June 2006.



Iraqi Prime Minister Al-Maliki has said that his government wishes to be involved in the Haditha investigations.

#### *Allegations of abuse by the Iraqi authorities*

The Iraqi government is responsible for ensuring that constitutional provisions to respect human rights and protect the interests of women and minority groups are upheld. After decades of abuse it will take time for the Iraqi people to develop fully the internationally accepted standards of human rights and for the government to mainstream human rights awareness across all their institutions. But progress is being made.

We condemn any and all abuse. Where we know it is taking place, we try to stop it and raise the matter with the Iraqi authorities at the highest levels. On 13 November 2005, a group of about 170 people were discovered apparently illegally detained at a Ministry of the Interior building in Baghdad. Many of them seem to have been tortured or

abused. We immediately raised the matter at a senior level with the Iraqi authorities. The then Prime Minister Ibrahim Al-Ja'afari announced on 15 November that a full investigation would be undertaken. Then Foreign Secretary Jack Straw issued a statement the same day condemning the apparent illegal detention and abuse, but welcoming the Iraqi prime minister's commitment to carrying out a full investigation.

A joint Iraqi/MNF-I team has been established to make unannounced inspections at other detention facilities. It has discovered several cases of overcrowding and poor conditions. The Iraqi government has stated at the highest levels that those responsible for any abuse will be punished.

#### *The armed forces and the police*

The Iraqi army is considered to be largely independent of the militias. This can be attributed to the fact that soldiers and officers are drawn from across the sectarian divide and that their training binds them as a cohesive unit. There have been anecdotal reports from some NGOs that abuses have occurred. However, training for the Iraqi army (given by the UK and other international partners) includes human rights awareness and mentoring to help ensure that professional standards are maintained and command structures are continually being strengthened.

There are continuing reports of people in police uniforms and people suspected of having links with the police and Ministry of the Interior security forces carrying out illegal detention, sometimes leading to torture and murder. There are also reports of militias and religious courts trying individuals and carrying out their own sentences, including execution-style murders. We are also aware that many members of the police force have loyalties to their local militia or religious leaders, as well as to the police authorities, and that this can lead to a conflict of interest.

#### *Prisons*

At the time of drafting this report the new Iraqi government is taking steps to centralise responsibility for all prisons in Iraq within the Ministry of Justice. This will help bring them under more effective monitoring and control.

There are still allegations of abuse at prisons and in police detention facilities. Where we suspect abuse we immediately seek to prevent it. We then raise our concerns with the Iraqis at the highest level and press for reform. In the long term we are working towards a systematic improvement in conditions and a change of culture and attitude towards those in custody. Conditions of detention are improving steadily, benefiting all prisoners and detainees.

### Judicial reform

The Iraqi judicial system is inquisitorial. Courts comprise a panel of judges, who listen to the evidence for the prosecution and defence before reaching a verdict and passing sentence. Lawyers are not well paid and their role is often neither accepted nor understood by the police. Access to justice is not easy for the public unless they can pay.

The judicial system in Iraq was severely under funded during Saddam Hussein's regime, but remained intact. There is a well-developed and established tiered system of courts for minor offences and more serious crimes. The most serious crimes are dealt with by the Central Criminal Court of Iraq, details of which were included in last year's report. There is an appeal process: where the death penalty is invoked appeal

<< **The newly elected Iraqi government has said it is committed to overcoming the problems caused by militias and violent gangs. We will continue to support them in this.** >>

is mandatory, as is referral to the office of the president if the appeal is not successful. We continue to lobby for the abolition of the death penalty in Iraq.

There is a serious shortage of judges in Iraq, which hampers the smooth functioning of the courts. This is partly due to the removal of a significant number under the de-Ba'athification process (the removal of people who were former members of Saddam Hussein's political party) and partly due to the increasing number of criminal suspects who are being brought to justice. There have also been reports of judges being intimidated by violent gangs and powerful local individuals, preventing them from hearing and investigating cases. In addition, the newly elected Iraqi government has said it is committed to overcoming the problems caused by militias and violent gangs. We will continue to support them in this.

### Supporting Iraqi lawyers

The FCO is working with the International Bar Association (IBA) to undertake a number of projects in Iraq designed to promote and strengthen internationally accepted standards of justice, which take full account of the human rights of both individuals and communities.

The IBA has helped a cadre of 10 Iraqi lawyers to develop the tools to run their own international human rights law-training programmes. The initiative, which culminated in a 10-day study tour to the UK in February 2006, developed out of a two-year programme organised and run by the IBA for male and female lawyers from diverse regional and religious backgrounds.

An FCO-sponsored study tour gave the new trainers the opportunity to observe different aspects of the administration of justice in the UK and to share experiences with representatives from all sectors of the human rights constituency in the UK, including governments, regulators, NGOs, lawyers, judges and the prison service. The group also spent time in Belfast and Edinburgh, where they visited the Equality Commission of Northern Ireland and the Scottish Parliament. One lawyer commented, "We never realised that there was this huge bulk of declarations and conventions on human rights...we never realised that human rights were not restricted to one place."

The FCO grant enabled each lawyer to receive legal texts, training tools and training equipment, such as overhead projectors. The FCO and the IBA will continue to maintain close links with, and provide assistance to, the lawyers as their training programmes develop.

### *The Iraqi Higher Tribunal*

The 2005 *Human rights annual report* provides details of the Iraqi Special Tribunal (IST), which was established on 10 December 2003 to try members of the former regime for alleged war crimes, crimes against humanity and genocide.

The IST's statute and rules of procedure were revised and approved by the TNA on 11 August 2005, when it was renamed the Iraqi Higher Tribunal (IHT). The changes took effect on 18 October when the Iraqi High Court Statute was published in the Gazette.

The IHT also has the authority to investigate and try individuals for three offences under Iraqi law: interference with the judiciary; wasting national wealth; and waging aggressive war against an Arab country. Its jurisdiction covers offences committed between 17 July 1968 (when the regime seized power) and May 2003 in Iraq or elsewhere (including Kuwait and Iran). The trials are run entirely by the Iraqi judiciary.

The IHT is a domestic court under Iraqi law; however, the statute is based on those used in the UN's ad hoc war crimes tribunals in Yugoslavia, Rwanda and Sierra Leone. It is a

three-tiered civil law court comprising:

- A 24-judge investigative tribunal which conducts investigations and, when appropriate, refers cases to the trial chambers for full trial.
- A trial tribunal comprising 15 judges, who are assigned to two five-judge trial chambers and a third partially completed trial chamber. The chambers hear trials of those individuals referred to them by the investigative tribunal.
- An appellate tribunal comprising nine judges, which hears both interlocutory appeals during the case and final appeals against convictions.

The IHT has also established a five-person defence counsel office, which provides logistical and legal assistance to defence attorneys.

The IHT opened its first trial on 19 October 2005. The country's former leader Saddam Hussein and seven co-defendants face charges related to the 1982 killing of 143 Shia Muslims in the village of Dujail, north of Baghdad. There have been a number of adjournments and changes in the judges' panel, but the hearing is, at the time of drafting this report, continuing into its final stages. Representatives of the British Embassy and the Prime Minister's Special Envoy on Human Rights in Iraq, the Rt Hon Ann Clwyd MP, have visited the courts and seen the tribunal in process. International NGOs and other independent observers have been allowed regular access to the court to monitor proceedings and there has been regular media coverage.

A second set of criminal charges, relating to the Anfal campaign (involving the gassing of a large number of Kurds in the North of Iraq) was brought against Saddam Hussein and six co-defendants on 4 April 2006. See page 75 under "UK action" for information about how the UK is supporting the IHT.

#### *Refugees and internally displaced people*

Before the conflict, an estimated 800,000 people were internally displaced throughout northern Iraq and an additional 100,000-300,000 were displaced in the centre and south. According to the UNHCR, an estimated 3 million Iraqis remain displaced in and outside Iraq since the fall of Saddam Hussein's regime. An estimated 900,000 are considered to be refugees or in a refugee-like situation in countries neighbouring Iraq and beyond. The Iraqi Ministry of Displacement and Migration believes that approximately a further 154,500 Iraqis have been displaced since the bombing of the Askariya Shrine on 22 February 2006. It is, however, very difficult to make an accurate assessment of

the number of people displaced because of the security situation and the fact that a large number of people seem to have started new lives after forcible displacement under Saddam's regime. Some of them are now returning to their previous places of residence.

The UNHCR also estimates that 496,000 Iraqi refugees have returned to Iraq since 2003, either by making their own arrangements or with assistance from Iraqi institutions, regional authorities and international organisations. Returnees face many challenges, including security and finding employment and housing. The UN takes the lead in this area.

#### *Women's rights*

Increasing levels of violence in Iraq have a particularly dramatic effect on women. Their freedom of movement is restricted and their access to work and education limited. The conditions also allow extreme Islamic groups to assert their influence over women's choice of dress through threats and intimidation. We continue to engage with Iraqi women and with the government and authorities to help develop the role of women in politics and society and to work with the ISF to reduce levels of violence.

The Iraqi constitution offers significant protection for women's rights. It guarantees equal opportunities, and states that Iraqi nationality is transmitted by both men and women. Women's groups lobbied hard to have their voice heard in the drafting of the constitution; the inclusion of a reference to domestic violence is the direct result.

The constitution stipulates that at least 25 per cent of MPs should be women. The Council of Representatives includes some 70 women (just over 25 per cent of the 275 members). Four of the new government's 27 ministers are women: the Minister for Housing and Construction; the Minister for Environment; the Minister for Human Rights; and the Minister for Women's Affairs. The Independent Electoral Commission of Iraq has nine members, three of whom are women.

Over the last year, Iraqi women have organised conferences in Baghdad and the regions to discuss political participation and human rights issues. Numerous women's centres have been set up to help women develop vocational skills and give them a better understanding of their rights and how to participate in the decisions that affect their lives.

#### *Protecting minority groups*

The new Iraqi government is inclusive of all Iraq's communities. It includes the three major groups (Sunni and

Shi'ite Arabs and Kurds), as well as Christians, and other minority groups. A quarter of the members of the Council of Representatives are female. It is the most representative government that has been elected so far in Iraq.

The constitution stipulates that the rights of minority groups should be respected. The nature of the new government indicates that the Iraqi authorities intend to translate this into an inclusive and representative social and legal framework that promotes full freedom of religious belief and practice and prohibits discrimination on grounds of race, ethnicity, religion or any other basis.

#### *Freedom of religion and freedom of expression*

The constitution recognises Islam as the main state religion but acknowledges the diversity of Iraq's population by providing for freedom of religious practice. The wording of

the constitution acknowledges the importance of Islam to the state at the same time as recognising the need to respect democratic principles and the basic rights and freedoms of individuals. There is no reference to Sharia law.

Iraq has two official languages: Arabic and Kurdish. The constitution guarantees the right of Iraqis to have their children educated in their mother tongue (including Turkmen, Syriac and Armenian) in government educational institutions, in accordance with educational guidelines, or in any other language in private educational institutions.

In March 2003, Iraq had five newspapers, all of which were run by members of Saddam Hussein's family. There are now 20 newspapers publishing regularly in Baghdad and a further 110 local and regional newspapers that publish periodically, with up to a further 100 publishing less frequently. There are

**Iraqi soldiers watch  
Saddam Hussein on trial  
from their barracks near  
the Syrian border, 5  
December 2005.**



now over 100 new radio and TV stations. There were no mobile phones under Saddam Hussein's regime, and access to the internet was limited and strictly controlled. There are now five mobile telephone networks in Iraq and use of the internet is growing fast.

In order to ensure a credible legal framework for a free media, create accountability and improve professional standards, the IIG set up the Independent Iraqi Communications and Media Commission (ICMC). The commission removes the need for further government legislation to regulate the media in Iraq, thus supporting the free press. The independence of the ICMC is enshrined in the constitution. The new government's published work programme contains commitments to ensuring the independence of Al-Iraqiya - the national broadcaster - and the ICMC. It also undertakes to prevent government interference in their affairs.

### UK action

Over the past year, the FCO has built on its commitment to support the development of Iraqi civil society through the provision of assistance in funding, networking, training and capacity-building. We continue to work with international partners to ensure that Iraq becomes an environment in which civil society can flourish, and that new legislation regarding NGOs and trades unions meets international standards.

In conjunction with the office of the Rt Hon Ann Clwyd MP, the Prime Minister's Special Envoy for Human Rights in Iraq, the FCO established the Human Rights Small Grants Fund. This provided seed funding for 28 small Iraqi NGOs to undertake grassroots outreach work in early 2006. Their work aimed to strengthen human rights through a wide range of initiatives, including radio programmes to inform listeners about their rights, support for a women's shelter and the design and distribution of educational leaflets and posters. Our Embassy in Baghdad arranged a follow-up conference in May 2006, which provided useful feedback and helped to develop networks among the NGOs.

In March 2006, we funded a one-week programme run by the International Human Rights Network (IHRN), designed to build the capacity of Iraqi NGOs to undertake human rights fieldwork. We will build on this programme and provide support to regional NGO networks. We have also helped establish a fledgling networking mechanism so that Iraqi NGOs can share experience and knowledge.

We have established the framework of a human rights training institute within the Iraqi Ministry of Human Rights,

providing materials, training for trainers and mentoring. The materials include training curricula, which the institute can use to train other ministries and the police on human rights issues. The curricula covered: human rights of the individual in society; human rights in the formation of government policies; gender and minority awareness in the formation of government policies; and human rights awareness for the police.

To help develop the institute further, the FCO funded the University of Nottingham's human rights law centre to carry out a human rights training needs assessment, to ascertain what further training materials would be needed.

We continue to work closely with the UN to establish a National Centre for Missing Persons and Exhumations (NCMPE). The NCMPE will be responsible for the administrative, legal and social arrangements for the humanitarian exhumation of the victims of atrocities committed by Saddam Hussein's regime. We have also supported the Medico-Legal Institute in Baghdad by providing specialist advice and materials.

The UK is providing funding and expertise to help train the Iraqi army, police and prison force so that they can bring security to the people of Iraq. All training includes human rights awareness. It will take time to overcome the ethos of abuse and torture that was inherited from the Saddam Hussein regime, and to overcome the problems caused by under-investment in the police and prison infrastructure, but the process of change is underway and much progress has been made.

We are helping the Iraqi government establish more professional police services to address the continuing reports of corruption and violence by people in police uniforms. We are helping in the development of an effective Department of Internal Affairs to investigate allegations of this sort and to bring to justice any police officer who is implicated.

Up to 170 UK police advisers have been based in locations across Iraq and at the Iraqi police training facility in Jordan. They provide advice and training to the Iraqi authorities and help to train new police recruits. They also mentor police officers in police stations and provide specialist advice to the Ministry of the Interior. As of February 2006, 23,000 Iraqi police officers in southern Iraq had been trained. We have also helped organise courses in the UK for senior Iraqi police, prison and judicial officers under the EUJUST LEX programme.

Training for the police and military includes human rights

The old cell held up to 40 juvenile prisoners with no air conditioner and one toilet. If you look towards the back of the room in the picture below you will see two steps which led up to the toilet.



The cell is under renovation. The back wall has been knocked through to give an additional living area. If you look to the left of the picture you can see a potential doorway. This leads through to a dedicated, separate toilet and shower area.

The cubic capacity of living space has been increased and the accommodation capacity has been restricted to 33. Every juvenile now has a bed.



We have provided rugs for the floors and a television for communal use. A total of five air-conditioning units, which double up as heaters, are in place.

awareness and the importance of adhering to the provisions of international human rights law. The training syllabus for police recruits includes democratic policing, police ethics, human rights and basics of international law, focusing on prohibition of torture and mistreatment.

We have recently supplied the Iraqi Ministry of Human Rights and Police authorities with a human rights in-service training programme for the police and we are working with them to help implement it. We have also supplied a human rights pocket book for the police, setting out the Iraqi government's commitment to high standards of human rights in policing. In addition, we have provided public information material to raise awareness of individual rights on police arrest and police powers.

The UK has a team of four prison advisers, who work with the Iraqi Correctional Service (ICS) across southern Iraq. They work closely with senior Iraqi police and prison officials to introduce and monitor systems that help ensure detainees and prisoners are held in accordance with Iraqi law and in compliance with international standards. Their work has ensured that every member of the ICS in the region has now had training, particularly on issues relating to human rights. They have also helped to increase substantially the capacity of the Iraqi prison system and to improve prison infrastructure and the welfare of prisoners.

Over 680 prison officers have received training in Basra,

including training in international human rights standards and laws. At the end of February 2005, we handed over the UK-run prison training academy to Iraqi control. It is now run independently, with Iraqi trainers.

British prison advisers began working with the Iraqi prison service in spring 2005 to recruit Iraqi women to work in a specialised unit to address the specific problems of women, child and juvenile detainees. We have provided segregated facilities for women and juveniles at two prisons in southern Iraq and portable medical facilities for most prisons in the Basra area, plus basic skills education packages for juveniles in detention in the same area. We have also funded the establishment of an Iraqi Southern Region Human Rights in Detention monitoring team

We are working with international partners to address the shortage of judges in Iraq and helping the Iraqis address the problem of the intimidation of judges through improved police and security force training. We helped meet the cost of training members of the judiciary in the Iraq High Tribunal that is trying Saddam Hussein and we have contributed to an international fund to help pay for international advisers whom the Court has employed to provide expert advice on matters of international law. We are also working with the IBA to train lawyers in Iraq with a particular focus on helping young lawyers (see box on page 72).

Women's organisations in Iraq have received grants from

DfID's Political Participation Fund, the British Council's Civil Society Fund and the FCO's Small Grants Scheme. These funding schemes have also supported other Iraqi organisations to address issues, such as healthcare, child development, women's rights, education and economic development for women in isolated rural areas.

We have sponsored Iraqi women to visit the UK and funded training in the UK for groups of Iraqi diplomats, lawyers and forensic scientists, all of which have included women. In February 2006, the FCO funded a visit to the UK by a group of seven prominent Iraqi women whom we believe will be influential in determining the role of women in Iraqi society in the future. The visit focused on women's roles in post-conflict society, peacebuilding and governance issues. The programme included visits to England, Wales and Northern Ireland to examine the role women play in the formulation of government policy, from grassroots networking through to government assemblies. We also hosted a visit by Iraqi parliamentarians, more than half of whom were women.

British Embassy officials maintain contact with minority groups in Iraq, raising any concerns that the interests of minority groups are not being respected with the Iraqi government. The FCO funded an inter-faith dialogue seminar in London during spring 2006 to help promote understanding and tolerance between religious groups in Iraq.

#### *UK support to the Iraqi Higher Tribunal*

Despite the fact that the tribunal can apply the death penalty, to which the UK is firmly opposed, we have met the cost of providing its judges and other legal advisers with capacity-building training. We have done this because we believe it is important for the international community to provide the training that will help to ensure that the IHT can maintain high standards, so that the accused can be given a fair trial.

Support for the IHT has included:

- Working with international partners to fund training for IHT judges, investigators and prosecutors by international experts under the auspices of the IBA and other organisations. This training has been designed to enhance professional skills and encourage participants to share their experiences of running comparable tribunals;
- Funding an expert on witness protection, who was deployed to Baghdad to produce a witness-protection

plan and procedures for the IHT;

- Contributing to an international fund that is paying for international advisers to advise the IHT on international law;
- Offering to provide security awareness training for Iraqi judges connected with the IHT trials.

## 2.12 Israel and the Occupied Territories

### Overview

Progress on improving the human rights situation in Israel and the Occupied Territories has been limited. Positive developments include the implementation of Israel's disengagement plan (which entailed the removal of 25 settlements and around 8,000 settlers from the Gaza Strip and the Northern West Bank, as well as the withdrawal of the Israel Defence Force (IDF) from the Gaza Strip); and the establishment, under the UK's presidency of the EU, of the EU Border and Assistance Mission to monitor the Rafah crossing on the Gaza Strip-Egypt border. These developments improved freedom of movement for Palestinians within Gaza, and between Gaza and Egypt. Disengagement also reduced the opportunity for clashes between the Israelis and Palestinians and contributed to a 75 per cent reduction in the number of Palestinian fatalities and a 50 per cent reduction in Israeli fatalities in 2005, compared with 2004.

However, the UK remains concerned about Israel's failure to respect the human rights of Palestinians in the Occupied Territories. We are particularly worried by: the failure to implement the 15 November 2005 Agreement on Movement

<< **Disengagement reduced the opportunity for clashes between the Israelis and Palestinians and contributed to a 75 per cent reduction in the number of Palestinian fatalities and a 50 per cent reduction in Israeli fatalities.** >>

and Access; the targeted killings of Palestinians by the IDF; the firing of artillery shells near populated areas of the Gaza Strip causing deaths of civilians; the continued construction of settlements in the West Bank; the impact of the barrier; crossing point closures; settler violence; and intimidation and harassment of Palestinian citizens. We also remain



Palestinians walk past a section of Israel's separation barrier at the Kalandia checkpoint between Jerusalem and the West Bank town of Ramallah, 9 March 2006.

concerned about human rights abuses in areas where the Palestinian Authority should take responsibility, in particular its failure to prevent militant groups from attacking Israeli civilians. We have emphasised the need for the new Palestinian Authority government to renounce violence, recognise Israel and respect previous agreements, in line with the position adopted by the Quartet (the EU, the US, the UN and Russia).

In June 2006, violence in Israel and the Occupied Territories escalated. We are gravely concerned about these developments and will continue to raise our concerns with the parties involved. We regret the many civilian lives that have been lost. Our priority remains a negotiated two-state solution and we will continue to work with both sides to this end.

### Recent developments

On 25 January 2006, elections for the Palestinian Legislative Council were held. The UK provided significant funding and worked with the electoral authorities to incorporate the recommendations of the EU mission, which observed the

presidential elections in January 2005. This involved us supporting work on media monitoring, training for local journalists and funding ballot papers. As well as supporting the official EU monitoring observation mission, we separately funded a UK parliamentary observation delegation. The elections ran smoothly and efficiently, with no violent incidents.

### Current concerns: Israel

#### *Settlements*

Settlements are an obstacle to peace and illegal under international law. The first phase of the Quartet's road map for peace in the region calls on Israel to freeze all settlement expansion and to dismantle settlement outposts (new settlements, illegal even under Israeli law) erected since Ariel Sharon's election in March 2001. According to Peace Now, in 2005 the overall number of outposts remained stable at around 100, with no major new outposts established. Israel has made little progress on removing outposts, and has continued to construct within and expand settlements, in violation of the road map. Settlement activity, including road building, is breaking up Palestinian territorial contiguity throughout the West Bank, making it more difficult to establish a viable and secure Palestinian state. The demolition of nine illegally built structures in the West Bank outpost of Amona and the evacuation of a wholesale market in Hebron in February 2006 were welcome, but limited, steps. However, we remain concerned at reports of Israeli plans for the area known as "E1" between Ma'aleh Adumim and East Jerusalem, where construction of a new police station has already begun. We continue to monitor activity here and elsewhere in the West Bank, and have repeatedly made our concerns clear to the Israeli authorities.

#### *Freedom of movement*

The ability of Palestinians to move within the West Bank has deteriorated since late 2005 due to restrictions, including checkpoints, curfews, roadblocks, a permit system and the barrier (see box right). Transport between the urban hubs of Nablus, Ramallah, Hebron, East Jerusalem and Jericho is particularly difficult and the Jordan Valley is increasingly isolated from the rest of the West Bank. The governorates of Jenin and Tulkarm have no access south of Nablus and residents of Jenin have generally been prevented from travelling south of Nablus since December 2005. Permit and checkpoint restrictions have isolated residents of the West Bank from East Jerusalem. Jericho is increasingly separated from the West Bank and the rest of the Jordan Valley (a ditch encircles the city on three sides).

The UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA) reported that the number of obstacles in the West



Bank, including road gates that are occasionally closed or opened and random checkpoints, had risen from 376 in August 2005 to 519 in May 2006. Although not imposed continuously, these obstacles result in unpredictable closure and delays. Many routes within the West Bank are regulated by a system of permits. However, permits to move from one area to another are increasingly difficult to obtain and fewer permits are issued. Additional restrictions or closures are imposed without warning, rendering permits invalid. Additional restrictions may apply to specific age groups by gender, usually 15-32-year-old males, or to people from specific geographical areas. The permit system has effectively cut the West Bank and East Jerusalem into three distinct sections.

#### *Movement and access in the Gaza Strip*

The humanitarian situation in the Gaza Strip has worsened due to Israel's closure of crossing points. The Karni Crossing is the only access point for Palestinian exports from the Gaza Strip, and the major point for importing goods. According to UNOCHA, it has been closed for over 50 per cent of the first half of 2006. These closures have had a significant negative impact on Gazans and the Gazan economy. Agricultural produce is one of Gaza's main exports. The Quartet Special Envoy's Office estimated that revenue losses as a result of the closure between 22 February and 5 March 2006

exceeded US\$4.4 million. In addition to this, Erez (the main crossing for workers) has, at the time of writing, been closed to Palestinians since 12 March. The humanitarian situation remains bleak. We will continue to monitor events in the area.

#### *ID cards*

Palestinians who wish to travel between East Jerusalem and the West Bank are subject to restrictions on their freedom of movement (see above). One of the ways entry to East Jerusalem is restricted is through an ID card system. Palestinians with a blue Israeli ID card have the right to live in Israel. However, Palestinians who choose to live in Israel will be denied a vote in the Israeli national elections and cannot hold an Israeli passport. Blue ID cardholders also have the right to request Israeli citizenship; a right few take up for a variety of reasons. The renewal of these blue ID cards is a lengthy, cumbersome and, at times, humiliating process. Other Palestinians have green West Bank ID cards or orange Gaza ID cards. The former can apply for permits to enter East Jerusalem. All entry permits - even those held by West Bankers who are regularly employed in East Jerusalem - must be renewed every three months. Israel has announced plans to introduce biometric, machine-readable ID cards so it can check whether blue ID cardholders really do live and work in Jerusalem.

## The barrier

The UK continues to have serious concerns about Israel's appropriation of Palestinian land to build a barrier in the Occupied Territories. Israel has legitimate security concerns and the UK understands the need to protect Israeli citizens from terrorist attacks. We have no objection to the construction of a barrier, provided it is built on Israeli territory. But constructing the barrier on occupied territory contravenes international law. Sections of the current route, where it strays from the Green Line into the West Bank, are therefore illegal. In some areas, the barrier could also threaten the establishment of a viable Palestinian state. The UK has repeatedly made its concerns known to the Israeli government on the route of the barrier.

The barrier affects the Palestinian population in different ways. Where the barrier has been constructed, Palestinians face restrictions on movement, which may prevent them accessing their land, schools, universities and medical care. Palestinians living in "closed areas" have to pass through gates in the barrier to reach markets, schools and hospitals, to cultivate land and to maintain contact with family and friends living in other parts of the West Bank. The opening times for these gates are unpredictable, and the process adds to the sense of humiliation felt by Palestinians.

Approximately 230,000 Palestinians hold East Jerusalem residency permits (see above). About a quarter of these live on the West Bank side of the barrier and need to cross the barrier to access services to which they are entitled inside Jerusalem. The barrier also affects those people living to the east of it, who may need to cross the barrier in order to access jobs and services. Israel claims that a number of terminals built along the route of the barrier will allow sufficient access. We are concerned that they will not. We are also concerned that they have been built on occupied land, and that they resemble border crossings where no legal border exists. We continue to raise our concerns with the Israeli government.

The planned Ma'aleh Adumim section of the barrier will extend 14 km east across the narrowest section of the West Bank, blocking the roads Palestinians currently use to move between the northern and southern areas of the West Bank. For Palestinians living in and around East Jerusalem, the new section will further restrict their movements. It will also divide Palestinians from Palestinians and seal 220,000 Jerusalem Palestinians on the Israeli side. East Jerusalem and its West Bank hinterland are a single unit, with patients, pupils, workers, families and goods continuously moving between them.

*The Agreement on Movement and Access*

On 15 November 2005, the Palestinian Authority and the Israeli government reached an Agreement on Movement and Access. Implementation of the agreement would give the Palestinian people more freedom to move and to trade. The agreement also includes plans for: increased freedom of movement in the West Bank; construction of a seaport in Gaza; escorted bus and truck convoys between Gaza and the West Bank; and discussions on an airport in Gaza.

Although progress has not been made on all the points in the agreement, there is now an international crossing point between Gaza and Egypt at Rafah. The EU is acting as an on-site third party at the Rafah crossing and has provided training and equipment. We continue to call upon both parties to implement the agreement in full.

*Targeted killings and civilian deaths*

The activities of the IDF in the Occupied Territories has resulted in the shootings of Palestinian civilians, including minors. The UK believes that it is essential that Israel conduct itself in accordance with international law, which requires that lethal force only be used where absolutely necessary for self-defence. We believe that in many cases it has not been necessary for Israel to use lethal force and we are concerned that in the course of some IDF operations, too little effort is made to avoid civilian casualties. We call upon Israel to act with restraint and avoid civilian casualties. All military action should abide by the principle of proportionality.

Around 200 Palestinians were killed in conflict-related events during 2005, compared with approximately 800 in 2004. According to the Israeli human rights NGO B'Tselem, 60 per cent of those killed were not engaged in violent activity at the time of their death and 54 were under the age of 18. B'Tselem claims that between the outbreak of violence in October 2000 and the end of April 2006, over 3,300 Palestinians have been killed in the West Bank and Gaza Strip by Israeli security forces.

In October 2005, Israel renewed its policy of targeted killings. In the period between then and mid-May 2006, over 70 Palestinians (including at least 23 civilians) were killed in Israeli air strikes in the Gaza Strip. Since then, violence between Israel and the Palestinians has escalated. Between 23 June and 14 July, 95 Palestinians (including militants) were killed in conflict-related violence.

The defence forces' use of artillery fire in response to rocket

fire, emanating from the Gaza Strip, has led to the deaths of several Palestinian citizens in 2006 and is a matter of ongoing concern. Sonic booms by military aircraft over the Gaza Strip serve no military purpose and cause psychological and physical harm to the general population. In 2006, Amnesty International produced a report noting that Israeli soldiers, police and settlers who perpetrated unlawful killings, ill treatment and other attacks against Palestinians and their property commonly did so with impunity. Investigations were rare, as were prosecutions. Where prosecutions did take place, they were unlikely to lead to convictions. The UK shares Amnesty's concerns. In particular, we are concerned about the lack of convictions of members of the IDF. We welcomed the trial and conviction in August 2005 of an Israeli soldier for the manslaughter of Tom Hurndall, a British citizen who was shot in the southern Gaza Strip in April 2003. However, we remain concerned at Israel's failure to

<< **Settler harassment of Palestinians has included assault, destruction of property and livelihood and occupation of land and territory.** >>

charge any member of the IDF for the killing of another British citizen, James Miller, who was shot in the Gaza Strip in May 2003. During his visit to Israel in May 2006, the Attorney-General, Lord Goldsmith, raised the cases of Tom Hurndall and James Miller with the Israeli government. Foreign Secretary Margaret Beckett met the family of Thomas Hurndall on 6 July. We will remain in contact with the Israeli authorities on this issue.

*Settler violence*

Violence against and harassment of Palestinians is carried out by a minority of settlers, generally from more extremist settlements in the West Bank. Levels of violence were significant in 2005, but rarely resulted in Palestinian fatalities. The most notable exception was the killing of four Palestinians by a settler near Shilo on 17 August 2005. On 4 August 2005, an IDF deserter (who had recently moved to the West Bank settlement of Tapuach) killed four Israeli Arabs in Shfaram, an Israeli Arab majority town. Settler harassment of Palestinians has included assault, destruction of property and livelihood (uprooting trees and poisoning wells and animals) and occupation of land and property. Between January and November 2005, 299 files were opened against Israelis for allegedly attacking Palestinians or damaging Palestinian property; 178 of these incidents

occurred in Hebron. According to the human rights organisation Yesh Din, there were at least 20 attacks on Palestinian olive groves and agricultural property and at least 2,200 olive trees were damaged in 2005.

#### *Hebron*

An estimated 500 Israeli settlers live in the centre of the Old City of Hebron, which is also home to 170,000 Palestinians. To ensure the safety of the settlers, Israeli security forces place restrictions on the Palestinian population. These include restrictions on movement, curfews, the closure of shops and businesses in certain areas and searches. Closing the main streets and roads to Palestinians has led to thousands of residents losing their sources of income and to the collapse of Hebron's previously thriving market district. Palestinians living in Hebron, particularly those living close to the Israeli settlement blocks, continue to suffer from Israeli settler aggression. These acts of hostility and violence continue despite a strong Israeli security presence.

#### *Administrative detention*

Administrative detention is detention without charge or trial for a period of up to six months, on the order of IDF military commanders in the West Bank. All detainees are to be brought before a judge within eight days and hearings should be closed to the public. The judge should make his decision on the basis of confidential material, which is not passed to the defendant or his lawyer. The detainee should be able to appeal against the judge's decision, and all appeals should be heard by military appeals court judges in closed sessions.

Administrative detainees are held in both IDF and Israel Prison Service (IPS) facilities. According to figures provided by the IDF to Israeli NGOs, at 3 January 2006 the IDF was holding 741 Palestinians in administrative detention. The IPS told the British Embassy in Tel Aviv that, as of May 2006, it

was holding 617 administrative detainees.

#### *Other Palestinian detainees*

According to the IPS, 6,223 security prisoners (those convicted by Israeli courts of terrorism-related crimes) were being held in IPS facilities in May 2006. A further 1,656 were being held awaiting trial. According to the IPS, security detainees are allowed family visits and are given medical and dental care. The ICRC regularly visits IPS facilities and makes recommendations on conditions inside Israeli prisons to the authorities.

#### *House demolitions*

Punitive house demolitions - the demolition of the homes of the families of suicide bombers and militants - were suspended on 17 February 2005. However, due to Israeli restrictions on the granting of housing permits to Palestinians in Jerusalem, Palestinians often build houses without obtaining permits. These homes are then demolished and heavy fines imposed. During its last report in 2005, the Land Research Centre reported that 120 housing units were destroyed in Jerusalem, leaving 481 Palestinians - including children - homeless.

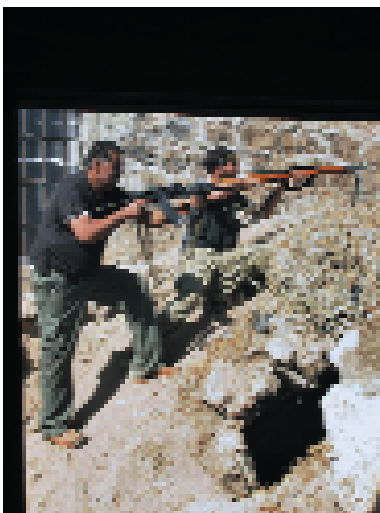
#### *Access to water*

Palestinians living in the Occupied Territories receive an average of less than 100 litres of water per capita per day for all uses. The WHO recommends a minimum per capita availability of 150 litres. The average Israeli uses 353 litres of water per day, much of it drawn from water sources in, and aquifers beneath, the Occupied Territories. The Palestinian water sector is heavily reliant on imported water from Israel. Approximately 290 communities in West Bank receive water that has been transferred from the Israeli water company, Mekarot. They are vulnerable to fluctuations in supply as Israel first meets its own demand. Some 184 communities experienced a significant decrease in water quantities in summer 2005. More than 215,000 people in 150 villages in the West Bank are not connected to a running water network. Most families rely on rainfall and on buying from private water vendors at inflated prices.

#### *Minorities*

Arab Israelis, who make up 20 per cent of the Israeli population, are subject to institutionalised discrimination. For example, Arab Israelis remain under-represented in the Israeli civil service. The government has set a goal of 8 per cent representation, but at present only 5.5 per cent of Israeli civil servants are Arabs.

There are more than 200,000 Bedouin citizens in Israel, of whom 140,000 live in the Negev desert. Israel's planning



**Palestinian militants from Islamic Jihad fire from a position during an Israeli army operation in the West Bank village of Qabatiyah, 4 September 2006.**



**Former Israeli soldier Taysir Hayb is taken away by military police officers at the end of his trial, 11 August 2005.**

**Hayb was sentenced to 8 years in prison for the manslaughter of Tom Hurndall, a British citizen.**

policies have consistently discriminated against this group. Since the mid-1960s, Israeli policy has been to restrict the Bedouin to seven government-planned townships in the Negev. This policy is still in place, and forms the basis of the latest development plan for the region. Homes in unrecognised Bedouin settlements are not connected to water or electricity grids, nor do they have telephone lines or sewage systems.

#### *The "family unification law"*

Israel's Nationality and Entry into Israel Law discriminates against Israelis, who marry non-Israelis. The law, originally passed in July 2003 and amended in July 2005, states that "the Interior Minister shall not grant a resident of [the Occupied Territories]... citizenship...and shall not grant a resident of the region a permit to reside in Israel". The law makes an exception for male Palestinians over 35 and female Palestinians over 25, who are married to Israeli citizens, subject to agreement by the General Security Service (GSS or Shin Bet) that the Palestinian or a member of his/her extended family is not liable to constitute a security threat to the state of Israel. On 14 May 2006, the Israeli High Court rejected, by a margin of 6-5, a number of petitions against the law. But there could be grounds for a further petition against the law should the Knesset decide to extend it in its current form. The law expires in January 2007, at which

point the Knesset will have to decide whether to extend, change or cancel it.

#### **UK action: Israel**

The UK has repeatedly pressed the Israeli authorities at all levels to respect the human rights of the Palestinians. We recognise Israel's right to protect itself against terrorist attacks, but call for the government to do so in full compliance with Israeli and international law. We raise individual cases where they arise, including targeted killings and civilian deaths, and engage with Israeli ministers, officials and the military to address matters of policy.

The UK continues to raise its concerns with the Israeli government at the policy of administrative detention, especially when periods of detention are repeatedly extended without trial and when those being detained are minors.

During the UK's presidency of the EU, we lobbied on a number of human rights issues, including the freezing of demolition orders on Palestinian houses in Silwan in East Jerusalem. In 2006, we have continued to lobby the Israeli authorities on a wide range of issues, with a particular focus on the closure of the Karni Crossing between the Gaza Strip and Israel.

EU foreign ministers adopted a European Neighbourhood Policy (ENP) action plan with Israel on 13 December 2004. The ENP offers closer co-operation between EU and Israel in areas of mutual interest, including trade, in return for political and economic reform. We believe that the plan will help the EU to develop a stronger relationship with Israel, and that this will enhance our ability to influence Israel on our human rights concerns and other issues, including non-proliferation.

Through the EU, the UK maintains a regular dialogue with Israel on human rights within the framework and structure of the EU-Israel Association Agreement. The first EU-Israel informal working group meeting on human rights took place on 7 June 2006 in Brussels. Reinforcing our dialogue with Israel on human rights through this working group will also help to monitor the implementation of the relevant provisions of the association agreement.

We are working with a number of NGOs on advocacy projects aimed at tackling key aspects of the conflict between Israel and the Palestinians. The goal of a number of these projects

is to prevent activities that might prejudice a just, two-state solution to the conflict and to alleviate the humanitarian situation of Palestinians affected by developments such as the building of the barrier and the expansion of settlements in the Occupied Territories. See page 202 for more detail about individual projects.

In 2005-06, the British Embassy in Tel Aviv ran several programmes aimed at building civil society institutions promoting the rights of Israeli Arabs, focusing mainly on multicultural and citizenship education in Israel.

### **Current concerns: The Palestinian Authority**

The Palestinian Authority needs to reform the security sector so that it can take action against groups and individuals responsible for acts of violence. Clashes between the Palestinian security forces and armed groups have increased, along with incidences of clan violence. Palestinian security forces are often unable or unwilling to take steps to prevent violence, or to bring the perpetrators to account.

The Palestinian Authority continues to maintain the death penalty. In 2005, five Palestinians convicted of murder were executed, ending a three-year de facto moratorium on executions. The UK participated in EU lobbying against this action.

#### *Violence*

Although the number of attacks on Israel has decreased by comparison with recent years, there have been five suicide attacks since disengagement: three inside Israel and two in the occupied West Bank. The attacks killed 27 people, excluding the bombers. Hamas and some other Palestinian militant groups largely observed the *tahd'a* (calm) during the 17 months up until June 2006. However, since January 2006, Gaza has seen increased lawlessness and insecurity, fuelled by the spread and misuse of weapons. Amnesty International reports that armed groups continue to use children to carry out attacks and transport explosives or weapons. The main armed groups have reportedly disavowed the use of children, with some blaming such abuses on local cells acting on their own initiative.

During the first half of 2006, intra-Palestinian violence has increased. This has mainly been between the military wings of the two largest political factions, Fatah and Hamas. Between 26 May and 14 July, an estimated 28 Palestinians have been killed. The resulting violence has also seen the destruction of property and fighting on the streets.

#### *Qassam rockets*

Palestinian militants have continued to launch Qassam

rockets from Gaza into Israel. The majority of these rockets have been targeted at the Israeli towns of Sderot and Ashkelon. On 4 July, a Qassam rocket hit a school in Ashkelon. We condemn these actions and continue to call for the rocket attacks to stop. It is essential that the Palestinian Authority makes every effort to prevent terrorism, as set out in the road map.

#### *Terrorism*

Israeli fatalities were significantly down in 2005 compared with 2004. According to the Israeli Ministry for Foreign Affairs, Palestinians killed 50 Israelis (including 23 in seven suicide bombings) in 2005 compared with 119 (including 55 in 15 suicide bombings) in 2004. In addition to Israeli fatalities, one Chinese worker and a British citizen, Shmuel Mett, were also killed in 2005. Between January and 11 June 2006, 14 Israelis, two Romanians, one American and a French citizen were killed by Palestinians.

According to the Israeli Ministry for Foreign Affairs, the reduction in fatalities in 2005 was accompanied by a "moderate decline" in the number of Israelis wounded in the conflict. According to the Israeli Ministry of Foreign Affairs, 1,114 Israelis were killed as a result of Palestinian violence between October 2000 and 11 June 2006.

The UK unreservedly condemns all acts of violence against Israel's civilian population and we call upon the Palestinian Authority to work effectively to end terrorist violence.

#### *Kidnappings*

In the first three months of 2006, 39 people were kidnapped. Of these, 32 were foreigners, including seven Britons and a further 12 Europeans. Palestinians have been kidnapped mainly because they work for international organisations, but some have been taken because of their links to the security services.

#### *Collaborators*

Public executions of "collaborators" are still being carried out. For example, on 30 May 2006, Jafel Abu Srour and Widad Abu Mustafa from Nablus were executed publicly by an armed group because they were suspected of collaboration with Israel. Jafel Abu Srour was not given a chance to speak before a judge and was shot in the street. Widad Abu Mustafa admitted to espionage after interrogation. She was later shot dead by her brother in the courtyard of Rafidiya Hospital in Nablus.

#### *Treatment of women*

Many women still suffer domestic violence and abuse in areas administered by the Palestinian Authority. Amnesty

International reports that the high level of conflict-related violence has contributed to an increase in family and societal violence, and that many women face grave abuses in their own homes. According to Amnesty, at least four women were killed by male relatives in so-called "honour" crimes in 2005. In February 2005, the UN Special Rapporteur on Violence against Women called on the PA to enact legislation providing for the punishment of those responsible for violence against women.

### UK action: The Palestinian Authority

In 2005, the European Commission increased its support to the Palestinian Authority to around €280 million compared with €250 million in 2004. The Agreement on Movement and Access reached by Israel and the Palestinians in November was an important first step in improving the humanitarian situation and the lives of ordinary Palestinians. It also paved the way for the launch of the EU Border Assistance Mission at Rafah, which enabled the opening of the Rafah crossing on the border between Gaza and Egypt. At a meeting of the Ad-Hoc Liaison Committee held during the UK's presidency of the EU in December 2005, the EU expressed its commitment to helping the Palestinians with economic and institutional reform and to developing the Palestinian Medium Term Development Plan.

In 2005, the UK worked with the Palestinian Authority to support efforts to tackle rejectionist violence and, working in

partnership with the EU and alongside US Security Co-ordinator Major-General Dayton, to help build its security capacity. The newly expanded EU civil policing programme (EUPOL COPPS), launched on 1 January 2006, has played a crucial role, helping the Palestinians strengthen their democracy and boosting their capacity to reduce human rights abuses. In late 2005, the EU deployed an observation mission to the Palestinian Legislative Council elections on 25 January.

## 2.13 Nepal

### Overview

The last 18 months have been marked by a series of major political upheavals, beginning with King Gyanendra's takeover of power in February 2005 and ending with his handing power back to the political parties in April 2006 following weeks of violent unrest. While there has been progress in some areas of human rights, the situation has worsened in others and the death toll from the conflict has continued to rise. Amnesty International estimates that the conflict between the government and the Maoists has cost more than 14,000 lives over the last 10 years. Both the Maoists and the security forces have continued to commit grave human rights violations with impunity. The king's takeover, and his autocratic regime, led to an increase in infringements of civil liberties and fundamental rights and the removal of democratic checks and balances. Under the



A policeman fires a rubber bullet at opposition party supporters demonstrating against King Gyanendra in Kathmandu, 24 April 2006.

newly reinstated parliament, a ceasefire has been announced and peace talks with the Maoists have resumed. But major challenges lie ahead if Nepal is to secure peace, democracy and respect for human rights.

The UK and its partners have pledged their willingness to help the new government meet these challenges and focus on the demobilisation, disarmament and reintegration of the Maoists, and to find effective ways of bringing the perpetrators of crimes and abuses to justice. Security sector reform is also essential in order to establish a clear post-conflict role for the security forces.

### Recent developments

Under King Gyanendra's rule, relations between the palace, all political parties and Maoists became increasingly polarised and the armed conflict intensified. Discontent spread amongst the political parties and the population. In November 2005, this led the political parties and the Maoists to form an alliance, encapsulated in a 12-point understanding that pledged to end the king's autocratic rule, hold elections to a constituent assembly and establish effective democracy.

In March 2006, the political parties and the Maoists renewed their agreement and announced a joint programme of mass demonstrations and street agitation in protest at the king's rule. The king responded with a crackdown on political activities, including curfews, a ban on demonstrations and the arrest of political activists. In spite of the restrictions, the demonstrations went ahead from 6-24 April 2006. Many of the protests turned violent: 21 people were killed and thousands more were beaten, injured and illegally detained.

On 24 April, under intense pressure from both the public and the international community, the king announced that he would hand back full executive power to the political parties and restore parliament. The royal government subsequently lifted all curfews and the ban on public gatherings. The parties and the Maoists called off their demonstrations and blockade and held a victory rally.

Deputy Prime Minister and Foreign Minister KP Sharma Oli reiterated the Nepalese government's commitments to improving human rights and returning to democratic norms at the UNHRC meeting in Geneva on 19 June 2006. He said, "The government will seek to restore the international credibility and respectability of Nepal as a country committed to respecting all human rights, norms and principles". He also stated that no efforts would be spared in investigating human rights abuses and that proven violators would be brought to justice. He acknowledged the important role of the OHCHR and said it would have the full

co-operation of the government. FCO Minister Ian McCartney met KP Oli at the HRC to discuss the latest developments in Nepal and explore how the UK could support the country's reconstruction efforts.

### Current concerns

#### *The army*

The security forces have continued to be responsible for summary and extra-judicial killings, rape, arbitrary arrests, disappearances and torture. The strong culture of impunity within the army has meant that investigations into abuses have been few in number and inadequate. Very few perpetrators have been convicted and sentences for those found guilty have been disproportionately lenient. However, the army has been working with the UN to reduce the number of people illegally held in detention.

Since our last report, the authorities have continued to crack down on politicians, human rights activists and journalists, and there have been mass arrests. During the demonstrations in April 2006, the security forces used confrontational and heavy-handed tactics against civilian protesters. This included opening fire on crowds using live rounds and rubber bullets, as well as using tear gas and baton charges to disperse crowds.

Draconian laws, which violate Nepal's international human rights obligations, have been rigorously enforced against public gatherings and media reporting. On 26 April 2006, soldiers killed six civilians in the Belbari area of the eastern district of Morang, reportedly opening fire on a crowd of around 100 people who were protesting in front of their camp over the alleged rape and killing of a 22-year-old local woman by the army.

#### *The Maoists*

In September 2005, the Maoists announced a three-month unilateral ceasefire. This was extended for a further month in December 2005. The ceasefire has led to a significant reduction in killings; however, the Maoists have continued to commit other abuses and extortion. Following the end of the ceasefire in January 2006, the Maoists escalated their attacks on security forces and killed and injured numerous civilians. They then issued statements apologising for the deaths of civilians, claiming they were accidental.

Following the events of April 2006, the Maoists reinstated their ceasefire. Although they have expressed their commitment to a political solution to the conflict, they continue to commit serious crimes and abuses against civilians.

### UK action

During the king's authoritarian rule, the scope for pursuing human rights issues was extremely limited. The UK continued to work to encourage a reduction in human rights violations and sought to preserve a "democratic space" within which the conflict could be resolved, using a mixture of diplomatic representation, project funding and public statements. We regularly voiced our concerns about the human rights situation, both publicly and privately, bilaterally and with our EU partners, and continue to do so. In October 2005, during our presidency of the EU, the UK led an EU delegation to Nepal, urging the Nepalese government to restore fundamental human rights and calling for media restrictions to be lifted. The delegation also called for the immediate release of illegal detainees.

The largest single project in the GCPP strategy for Nepal in 2005–06 has been a significant contribution to the UN human rights monitoring operation run by the OHCHR. The operation, which has its headquarters in Kathmandu and a further five regional sub-offices, is mandated to monitor and report on human rights abuses nationwide, as agreed at the 61st session of the CHR (CHR61) in April 2005. The mission has already achieved a reduction in human rights abuses, most notably by reducing the number of illegal detentions and disappearances.

The OHCHR made substantial progress throughout the reporting period and has gained credibility with civil society organisations and the government in Nepal. The OHCHR intervened effectively following clashes between the Maoists and the security forces. Following a Maoist attack on the Royal Nepalese Army (RNA) in September 2005, the OHCHR

<< **The UK led an EU delegation to Nepal, urging the Nepalese government to restore fundamental human rights and calling for media restrictions to be lifted.** >>

and the ICRC brokered the release of some 60 RNA soldiers captured during the attack, pre-empting a potentially dangerous RNA operation. The OHCHR has also engaged with both the army and the Maoists, and published the findings of its investigations into human rights and humanitarian law abuses committed by the security forces and Maoist crimes and abuses against civilians. It is currently monitoring conditions in RNA detention centres.

Other GCPP projects have included providing support for civil society organisations. For example, we funded a prominent human rights organisation to visit detainees being held in army barracks and provide legal assistance for victims of human rights violations. We view the preservation of the democratic processes and institutions as a vital foundation for any lasting peace process and will continue to support key civil society and human rights organisations.

As noted in our previous report, the UK has appointed a human rights adviser to work in our Embassy in Kathmandu. The adviser works closely with the OHCHR to analyse human rights developments that impact on the conflict and on the UK's development, political and security work, as well as on wider strategy and policy.

## 2.14 Russia

### Overview

In his report summing up Russia's human rights situation in 2005, the Federal Ombudsman for Human Rights, Vladimir Lukin, said there was cause for "cautious optimism" in the medium to long term that Russia would become a socially responsible democratic state with a mature civil society. In the meantime, human rights defenders continue to be gravely concerned by actions taken by the authorities, which could lead to more stringent state control over civil society and democratic institutions.

Nationalism, public mistrust of the criminal justice system and state influence and control of the media are all increasingly worrying issues in Russia. The North Caucasus remains the region where human rights abuses give rise to the most serious concern. Notwithstanding a reduction in the

**Nepalese pro-democracy activists on a victory march in Kathmandu, 24 April 2006. King Gyanendra acceded to demands to reinstate Parliament.**





number of reported human rights abuses, the situation in the region remains one of Europe's most serious human rights issues.

Russia assumed chairmanship of the G8 and the Council of Europe Committee of Ministers in 2006, heightening international interest in its record on human rights, democracy and governance. International and domestic observers are likely to subject Russia's observance of civil and political rights to even greater scrutiny, as the country moves towards parliamentary elections in 2007 and presidential elections in 2008.

#### *Recent developments: North Caucasus*

The North Caucasus remains violent, unstable and vulnerable to human rights violations. The attack by militants on Nalchik in October 2005, and mounting disorder in Dagestan, indicate how violence is spreading across the region. While Chechnya has shown some signs of increasing stability, there are still frequent reports of serious human rights violations there and the authorities appear to be doing little to tackle the problem.

Russia continues to push forward the political process, which began in 2003 with the adoption of a constitution accepting the Chechen Republic as an integral part of Russia. Following flawed presidential elections in October 2003 and August 2004, November 2005 saw the first parliamentary elections in Chechnya for over eight years. The UK, which held the EU presidency at the time, welcomed the fact that these elections took place without serious incident. However, few international observers attended due to the security situation and some independent reports cast doubt on the reported turnout figures. Although a range of national political parties participated in the election, media reporting was tightly controlled in Chechnya prior to and during the campaign.

President Putin's special representative to the North Caucasus, Dmitri Kozak, has focused his efforts on improving social and economic conditions in the region. Kozak has tried to deal with some of the root causes of the instability, including poverty, corruption and the lack of accountability of local elites. In June 2005, a leaked report (apparently from his office) highlighted some of the deep-seated ethnic, clan and socio-economic causes of instability in the North Caucasus. Given the intractable nature of the problems faced by the region, Kozak's role, while positive, has been confined to trouble-shooting rather than implementing a long-term strategy.

Social and economic conditions across the region, but

## Ramzan Kadyrov

**R**amzan Kadyrov is the son of the former Chechen President Akhmed Kadyrov, who was assassinated in May 2004. He was appointed Prime Minister of Chechnya in March 2006. He is the dominant figure in Chechen politics and the most controversial. Human rights groups say that armed men, who owe their allegiance to him, are responsible for many human rights violations, including abductions, torture and disappearances. There have also been allegations that he has personally taken part in the maltreatment of detainees.

Although his personal militia, known as the Kadyrovtsy, has been officially disbanded and subsumed into formal command structures, few doubt that he still calls the shots. The federal authorities seem to value his role in tracking down terrorists – an important task in Chechnya – but one that should be pursued within the framework of respect for human rights. Nevertheless, President Putin has awarded him a “Hero of Russia” medal and meets him regularly.

There is some evidence that Kadyrov is growing in popularity in Chechnya. Some residents appreciate his efforts to encourage reconstruction and a more outwardly devout expression of Islam.

especially in Chechnya, remain poor. Estimates of unemployment rates range from 40 to 90 per cent of the working population and basic services, including mains water, sewage and electricity, are inadequate. There has been some reconstruction and small-scale economic development in Chechnya, most notably in the centre of Grozny and other major towns. But, while this is an encouraging sign of confidence, there is clearly a long way to go.

### **Current concerns**

#### *Security*

Torture, abductions, hostage-taking and clashes continue, though the number has fallen since last year. According to human rights groups, such activities are often carried out on behalf of the authorities by groups of armed men from several different federal and local agencies loyal to Chechen Prime Minister Ramzan Kadyrov (see box above).

#### *Chechen terrorism*

The UK recognises the real threat that Russia faces in the North Caucasus and has repeatedly condemned all forms of terrorism in the region. There are reports of torture, mine-laying, assassinations and looting by Chechen militants, who target civilian local administration members and police, as well as federal military forces.

## Shamil Basayev

Chechen warlord Shamil Basayev, “Russia’s most wanted man”, was killed by Russian forces in July 2006. Basayev was a notorious terrorist, not only the most prominent figure in the Chechen separatist movement, but the person responsible for broadening the Chechen conflict to the whole of the North Caucasus.

Basayev claimed to have introduced the weapon of suicide bombing to the Chechen arsenal. He took responsibility for leading or planning a string of deadly terrorist attacks on civilians and of guerrilla attacks on security forces, not only in the North Caucasus but also in other parts of Russia. These included: the Budyennovsk hospital hostage-taking in June 1995, in which 129 people died; the August 1999 raid by Chechen rebel forces into Dagestan, which served as the official trigger for the Second Chechen War; the Moscow theatre siege of October 2002, where over a hundred people died; and, most notoriously, the Beslan school siege of September 2004, which killed 350 people, half of them children.

Reacting to news of his death, commentators said that, since there was no clear successor to take over his role, Basayev’s death was likely to weaken the military wing of the rebel movement in the North Caucasus as a whole.

Some Chechen militant groups, notably those associated with warlord Shamil Basayev (see box above), have continued their campaign of suicide terrorist attacks, targeting civilians and locations outside Chechnya in protest against what they view as Russian occupation.

### *Abductions*

Prominent Russian and international human rights groups, including Amnesty International and the long-established Russian NGO Memorial, continue to report allegations of abductions, which usually fall into one of three categories:

- Pro-Moscow forces abduct suspected members of illegal armed groups. They are often tortured brutally in unofficial places of detention and either disappear or emerge into the official criminal justice system some time later, having “confessed” to crimes and - often - implicated others. The suspects are then convicted and sentenced solely on the basis of these confessions.
- Pro-Moscow forces abduct family members of suspected militants and hold and torture them until the suspect surrenders. One human rights group researched a case in which the father of a suspected militant was allegedly held and tortured for 311 days prior to his release, which

came when the son agreed to surrender and then join a pro-Moscow militia.

- Abductions for money, or score-settling.

Memorial has noted that the number of abductions has fallen over the past year, broadly in line with Chechen government claims. However, they also report that the families of abductees are now much less ready to talk about what has happened to them.

### *Illegal detention*

Human rights groups say that the federal authorities run a parallel system of unofficial places of detention. In April 2006, Prime Minister Kadyrov himself was quoted in the media accusing a sub-unit of the federal interior ministry of illegally detaining suspects, treating them cruelly and forcing them to plead guilty to crimes that they had not committed. He called for the infamous “Orb 2” detention centre in Grozny to be closed.

### *Impunity*

At the opening of the Chechen parliament in December 2005, President Putin said that all those, including local or federal authorities, engaged in illegal activities should be punished in accordance with Russian law. But, despite these welcome words, Russia has made little progress towards bringing federal forces and its Chechen allies to account for violations.

For example, in June 2005, members of the pro-Moscow Vostok (East) Battalion conducted a security sweep in the village of Borozdinovskaya. During that operation, 11 men from the village were taken away, some homes in the village were burned, and two villagers were killed. Despite some strong, and welcome, comments from senior officials calling for those responsible to be held accountable, the men remain missing. Military prosecutors initiated criminal proceedings against one Vostok commander and he received a three-year suspended sentence. Many of the villagers, who fled to Dagestan following the raid, are yet to return.

### *Russian co-operation with international organisations*

The Russian authorities have made some efforts to improve co-operation with UN human rights mechanisms. Visiting Chechnya in February 2006, the UN High Commissioner for Human Rights, Louise Arbour, said that she had “very serious concerns” about Chechnya’s law enforcement bodies. Ms Arbour said she found two phenomena particularly disturbing: the use of torture to extract confessions and information; and the intimidation of people who make complaints against public officials. Ms Arbour told journalists “...there can be little doubt that these phenomena are more

than allegations, but have considerable basis in fact”.

Ms Arbour said she left the region with the impression that, even with its ongoing political and physical reconstruction, Chechnya still has not shifted from a society ruled by force to one governed by the rule of law. Following meetings with President Putin and senior officials, she said she had reminded them “that the ultimate measure of a state’s capacity to be governed by the rule of law is its willingness to put constraints on its use of power”, adding that this willingness was not apparent in Chechnya.

The UN Special Rapporteur on Torture, Manfred Nowak, said in March 2006 that he had received permission to visit Chechnya in the autumn of 2006 - the first time the Russian authorities have allowed such a fact-finding mission to take place since 1994. Mr Nowak said that he would visit detention facilities in Moscow and Chechnya to investigate allegations of torture and ill-treatment.

In May 2006, the ICRC brought to an end its efforts to regain access to people detained in connection with the Chechen conflict. Marco Altherr, who leads the ICRC’s delegation in

Russia, said that 18 months of negotiations with the Russian authorities over access to hundreds of detainees had proved futile. The ICRC suspended its visit programme in September 2004 after refusing to accept limitations on the visits imposed by the Russian authorities.

Human rights groups are concerned about the fate of the estimated 250,000 technically homeless people in Chechnya. In the spring of 2006, the Federal Migration Service (FMS) cut assistance to some 132,000 people, whose homes had been destroyed and who then had made their own shelter arrangements. Another 1,200 living in rented accommodation had their subsidies cut. A further 48,000 people were living in temporary resettlement centres, which Prime Minister Kadyrov ordered closed on the grounds that they encouraged aid dependence and were dens of prostitution and drug dealing. It is not clear what provision is being made for the people ejected from these centres. Human rights groups believe that the local authorities’ main motivation was to remove the justification for the continued presence in Chechnya of foreign humanitarian organisations.

#### *Instability and violence outside Chechnya*

Following the tragedy at Beslan in September 2004, tensions have remained high across the North Caucasus. Security measures have been tightened across the region to prevent the occurrence of similar events. Nonetheless, there are indications that violence, and the repressive security measures that accompany it, continue to spread across the North Caucasus region, including serious incidents in the republics of Dagestan and Kabardino-Balkaria. The detention and mistreatment of individuals in Ingushetia is increasingly following a pattern previously seen in Chechnya.

#### *Beslan aftermath*

The authorities have conducted a number of investigations into the tragedy, including a North Ossetian parliamentary commission which reported in November 2005 and an ongoing parliamentary commission headed by Alexander Torshin. The Russian deputy prosecutor-general is currently carrying out an investigation and is due to report later in 2006.

On 26 May, Nurpashi Kulayev, the only surviving Beslan hostage-taker, was convicted on charges of terrorism, murder and hostage-taking and sentenced to life imprisonment in line with Russia’s moratorium on the death penalty. Nevertheless, many questions about the school siege and its aftermath remain unanswered. The findings released so far give little insight into how the attack was planned and there are conflicting accounts of what went wrong during the rescue attempt.

**Two women are detained by police after a siege of a house containing suspected militants in the Dagestani capital of Makhachkala, 26 August 2006.**



*Nalchik*

In October 2005, Islamic militants attacked government buildings and security installations in Nalchik, previously a quiet corner of the troubled region. Around 80 people are reported to have been killed, making it the most serious incident in the region since Beslan. Some commentators took this as a sign that the Kremlin is still failing to prevent the conflict spreading, although others were encouraged by the relative success of Russian forces in anticipating and repelling the attack.

*Dagestan*

The past year has seen an upsurge of violence in Dagestan, as increasing distrust of the security forces has exacerbated local clan and ethnic tensions. In the year to December 2005, the republic experienced more than 70 terrorist attacks - more than in Chechnya.

## << The North Caucasus Education Initiative is providing opportunities for young people in the North Caucasus, including children affected by the Beslan tragedy. >>

Human rights campaigners have called for an investigation into the violent dispersal of an otherwise peaceful demonstration in Dagestan's Dokuzparinsky district in April 2006. Local police are alleged to have committed a number of human rights violations, including the use of firearms against unarmed civilians and the unlawful detention and beating of up to 60 people. An official investigation cleared the authorities of any blame.

**UK action: North Caucasus**

In addition to discussions with senior Russian officials

### The statement of Zaur Mutsolgov (sent to Memorial's Nazran office from the temporary detention centre of the Ingush interior ministry, 10 June 2005)

On the morning of 6 July, 2004, around 8 o'clock, I came home from the village of Barsuki, where I spent the night with relatives. After about 10 minutes armed men burst into our house. They didn't present any documents or papers. They spun me around and put a polythene bag over my head, and took me away in an unknown direction.

"After about 15 minutes we came to some kind of building, where they took me to the second floor to an office which had some big safes. Here they handcuffed my hands under my knees and shoved a crowbar under my armpits and strung me up like that between the safes. Then they started beating me with truncheons, torturing me with electric shocks and strangling me, demanding that I admit to participating in the attack on the Ingush Interior Ministry on the night between 21 to 22 June, 2004. They demanded that I sign documents that they put in front of me. I couldn't hold out under the torture and humiliation, I had to sign what they gave me.

"From the end of July until the first of August, I was transported to Nalchik, Kabardino-Balkarian Republic, where I was taken several times to a separate cell and humiliated and beaten.

"From the beginning of August, I was taken back to solitary in Vladikavkaz, and until 20 August I was taken to the Ingush Interior Ministry nearly every day, where they tortured me by hanging me with my arms behind my back

and beating me with truncheons on the legs and on vital organs, so that I would sign the papers they gave me. If I didn't, it would all go on...

"The effects of my torture remain on my body. I ask you to undertake all possible measures for the defense of my rights..."

Zaur Mutsolgov was charged with: murder; attempted murder; unlawful imprisonment; banditry; unlawful occupancy of an automobile or other form of transport without [sic] the intent to steal; terrorism; participation in an illegal armed formation; banditry; unlawful possession of a firearm; theft of a firearm; and infringement of the life of a law-enforcement officer.

An edited extract taken from *A conveyer of violence*, published by Memorial in 2006 states that,

"On 3 August 2005, the Supreme Court of the Republic of Ingushetia sentenced Zaur Mutsolgov to 25 years in prison. We do not assert that Mutsolgov is innocent. However, the facts documented by Memorial regarding the violations of law by organs of the Interior Ministry and the Prosecutor's office in relation to him and his family weigh in favour of the veracity of at least part of the assertions made in the statements. This gives us the right to form serious doubts regarding the evidence of the suspect's guilt obtained by the investigation, and to demand an inquiry into the methods by which the investigation was undertaken."

(detailed in the “UK action: Russia” section on page 96) the UK’s engagement in the North Caucasus has increased over the past year. The North Caucasus Education Initiative is providing opportunities for young people in the North Caucasus, including children affected by the Beslan tragedy. Under the UK’s presidency, the EU approved a €20 million programme of Technical Assistance to the Commonwealth of Independent States (TACIS), which will support health, education and small business initiatives in the region.

Prospects for the North Caucasus region remain highly unpredictable. There is some evidence that the Chechen authorities are becoming more responsive to human rights concerns, but there is still much scope for improvement. The UK-Russia and EU-Russia human rights dialogues provide us with the opportunity to raise human rights issues in the North Caucasus, both bilaterally and with EU partners. We also use meetings with Russian officials and government figures, including at ministerial level, to emphasise that human rights abuses undermine political progress.

While security concerns still restrict our ability to operate in the region, we have continued to fund a range of projects intended to support the development of civil society in Chechnya and the rest of the North Caucasus:

- We are working with the North Caucasus Strategy Centre to develop local capacity for independent election monitoring.
- We are helping the Chechen Society - one of the few local sources of independent electronic media - to increase the reach and accessibility of the internet.
- Alongside the Institute of War and Peace Reporting, we are supporting the print media and building the capacity of independent journalists in the North Caucasus.
- Working with the NGO DEMOS we are promoting tolerance among young people towards those of Chechen ethnicity living elsewhere in Russia.
- We are helping to develop civil society in Chechnya by providing the NGO LAMANAZ with a resource centre.
- We support the Stichting Justice Initiative, which is working to improve access to European Court of Human Rights (ECtHR) judgements for Russian judges and lawyers.

### **Current concerns: Russia**

#### *NGOs and civil society*

In January 2006, President Putin signed off amendments to existing legislation on non-profit organisations. The amended law requires all Russian NGOs to register or re-register with the federal authorities. Proponents have explained that the new legislation is aimed at stemming illegal activity within

NGOs. But Russian NGOs questioned the haste with which the amendments passed through the legislative process and criticised the authorities for failing to consult the NGOs themselves. The new law came into effect on 10 April 2006 and gave NGOs six months to complete registration forms.

Critics of the law, including the Council of Europe and the EU, have pointed out that the texts of the amendments are ambiguous. NGOs claim that the law could be used to close down those NGOs whose work is deemed undesirable by the Kremlin. During 2005, President Putin and a number of senior Russian officials made public comments opposing the use of foreign funding to support “political activity” by NGOs.

During our presidency of the EU in the latter half of 2005, the UK voiced concerns to Russian officials in the Duma and Ministry of Foreign Affairs about the new legislation. Despite some amendments during the drafting process, international concerns remain. The EU is monitoring how the law is being implemented. Russian NGO representatives in Moscow expressed their apprehension about the law to visiting FCO ministers in February, March and June 2006.

Prior to the implementation of the amended law, NGOs remained nervous about selective targeting by the authorities. On 27 January 2006, the PEN Centre, an NGO that promotes freedom of expression, was forced to cease its activities after having its bank account frozen following charges that it failed to pay property taxes. Some NGOs reported harassment in the form of legal action that was threatened or overturned in court. These included the prominent Union of Soldiers’ Mothers Committee, which campaigns on behalf of individuals serving in the armed forces who have been the victims of human rights violations, and the Russian Human Rights Research Centre, an umbrella NGO that comprises several reputable human rights organisations.

The NGO Open Russia, founded by the former chief executive of the Yukos oil company, Mikhail Khodorkovsky, has been forced to cease its activities after its assets were frozen as part of the ongoing criminal investigation into Yukos and related individuals. Open Russia contends that both Khodorkovsky’s trial and the action taken against the NGO were motivated by Khodorkovsky’s active opposition stance. The NGO supported cultural and educational projects across Russia as well as human rights work, such as anti-torture initiatives. Former Minister for Europe Douglas Alexander highlighted the good work of Open Russia in a meeting with Foreign Deputy Minister Yakovenko in April 2006.

In January 2006, Russian NGOs were caught up in

allegations of espionage levelled at the British Embassy in Moscow by the Russian Federal Security Service (FSB). Added to earlier comments by senior Russian officials about funding of NGOs, the allegations created considerable concern on the part of NGOs and activists. See page 96 under "UK action: Russia" for further details. Implementation of the amended NGO law will remain a key area of interest for the international community, including the UK, EU and Council of Europe

#### *Racism and xenophobia*

There has been a continuing trend for violent attacks on non-ethnic Russians. The NGO, the Moscow Bureau for Human Rights, claimed that at least 25 murders and over 200 attacks in 2005 were fuelled by ethnic hatred. Xenophobia is a growing concern. On National Unity Day

in November 2005, a nationalist march took place in Moscow that brought thousands of people on to the streets shouting slogans such as "Russia for Russians". The Moscow authorities, which maintain strict controls over demonstrations and rallies, allowed the march to go ahead. NGOs report that various Russian cities, including Moscow and St Petersburg, are seeing a growth in the number of extremist skinhead groups.

Some public figures, including Ella Pamfilova, the Chair of the Presidential Council on Human Rights, have protested at the fact that many racist attacks have been labelled "hooliganism". As a result, those who have been prosecuted are rarely convicted of committing offences on the more serious grounds of ethnic hatred. For example, in the case of a nine-year-old Tajik girl murdered in St Petersburg in 2004,

Russian police detain a protester near to the State Duma in Moscow, 23 November 2005, the day on which the Duma considered restrictions on non-governmental organisations that receive foreign funding.



eight suspects were convicted of hooliganism following their trial in March 2006. The Russian supreme court upheld that verdict in August 2006.

However, on some occasions, the prosecutor-general's office has intervened to declare cases racially motivated. In October 2005, a group of skinheads were found guilty and imprisoned in the town of Saratov for beating to death a construction worker from Dagestan. In December 2005, the leader of the Shultz-88 skinhead group was sentenced to six years in prison in St Petersburg, and other individuals connected to the group were imprisoned for inciting ethnic hatred and for their involvement in a number of racist assaults. Successful convictions such as these were hailed as a deterrent to further racist attacks.

Most Jewish groups agree that there is no evidence of official encouragement of anti-Semitism in Russian institutions. However, there have been a number of anti-Semitic acts in Russia. These include the desecration of a Jewish cemetery in St Petersburg in October 2005 and the vandalism of a Jewish community centre in the town of Lipetsk in April 2006.

The authorities have expressed concern at the situation. In December 2005, President Putin said that militant nationalism and xenophobia threatened Russia's stability and he urged security forces to discover who was behind the acts. He reiterated his concerns in his Victory Day speech in May 2006. The newly formed Public Chamber has declared combating xenophobia to be one of its priorities, but few practical measures have been put forward by the authorities to deal with the problem. The UN Special Rapporteur on Racism and Related Intolerance, Doudou Diene, visited Russia in June 2006 and will report his findings to the HRC.

Racism was high on the agenda at the EU-Russia human rights consultation in March 2006. Participating EU and Russian delegations undertook a study tour of the European Centre on Racism and Xenophobia. In April 2006, our Ambassador in Moscow raised our concerns about racially motivated crimes in Russia with members of the presidential administration.

#### *Law enforcement*

Human rights groups continue to draw attention to problems in the Russian police force, which is in dire need of reform. A poll conducted by the respected Levada Centre in October 2005 found that 71 per cent of Russians polled distrusted the police, with only 4 per cent taking the opposite view. The NGO DEMOS reported that individuals who take their complaint to the police often experience inaction, disregard

for their complaint or even brutality. A severe lack of resources and training makes it difficult for the police to attract educated and well-motivated recruits. Resource problems, can also lead police officers to resort to corruption. The authorities are making some efforts to combat these problems but progress is slow. In August 2005, the Ministry of the Interior announced that police salaries would be increased by 70 per cent by 2008. Human rights abuses committed by law enforcement officials were discussed at the March 2006 EU-Russia human rights consultations. Incidences of torture continue to be reported. In January 2006, the ECtHR in Strasbourg ruled that Russia should pay €250,000 to Alexei Mikheyev, who was tortured by the police in Nizhny Novgorod in 1998. His case was supported by the Nizhny Novgorod Committee Against Torture, an NGO which has received funding from the GOF. Anti-torture NGOs point out that Mr Mikheyev's case was just one of many reported across the country.

Some torture cases in Russia have been prosecuted without resorting to the Strasbourg court. Four policemen in the town of Blagoveshchensk, in the Amur region of far-eastern Russia, were given suspended sentences in May 2006 for beating up a young detainee. In March 2006, two policemen from Moscow were convicted over the death in custody of former submariner Alexander Pumane. A third policeman involved in the incident has yet to be apprehended.

#### *Penal reform*

Independent observers say that there has been a slow improvement in prison conditions over the past four to five years, although the authorities have acknowledged that problems persist. In March 2006, President Putin said prison conditions in Russia were "a far cry from acceptable standards". Former Minister of Justice Yuri Chaika said in March 2006 that mortality and crime rates in prisons had risen during 2005, and blamed this on the reorganisation of the prison service. Overcrowding in some pre-trial prisons remains a problem and conditions can be life-threatening. Disease, especially tuberculosis, is rife. Official statistics show that the incidence of HIV/AIDS in prisons has quadrupled over five years. There was also a rise in the size of the prison population in 2005. In April 2006, 840,000 people were being held in prisons, with 152,000 of those in remand centres and pre-trial prisons. Chair of the Supreme Court, Vyacheslav Lebedev, commented in April 2006 that arrest should be an exceptional measure employed by police, in order to reduce the number of suspects held in prisons before trial. The Ministry of Justice has also proposed legislation to introduce electronic tagging, in order to reduce the size of the prison population. In May 2006, penal service director Yuriy Kalinin announced details of a €3 million EU

grant for developing alternatives to imprisonment. These include an electronic tagging pilot project.

One of the commitments Russia undertook when it joined the Council of Europe in 1996 was to transfer jurisdiction for all prisons and correctional facilities to the Ministry of Justice. Over the past five years, most institutions have been transferred, but a number of prisons remain the responsibility of the FSB, including the Lefortovo pre-trial prison in Moscow and a number of prisons in the North Caucasus. Legislation was finally passed in early 2006 to transfer the remaining prisons from the FSB to the jurisdiction of the Ministry of Justice and the prison service.

Russian law allows convicts to serve their sentence in a region adjacent to their home region. Human rights groups have criticised the authorities in a number of high profile cases where convicts have been sent to serve their sentence in distant and sometimes remote areas of the country. These include: Mikhail Trepashkin, a former FSB officer convicted on charges of divulging state secrets; and Mikhail Khodorkovsky and Platon Lebedev, former executives of the Yukos oil company.

A number of prominent Russian human rights defenders addressed concerns about the conditions in which Trepashkin is serving his sentence to G7 Moscow ambassadors in March 2006. Our Ambassador wrote to Deputy Foreign Minister Yakovenko enquiring about Mr Trepashkin's conditions. We received assurances from the prison service about the availability of medical care and an explanation that the location of imprisonment is in line with the penal-correctional code.

#### *Judicial reform*

Despite reforms in the early part of this decade, progress in strengthening the independence of the judicial system in Russia has been slow and traces of the Soviet system are still in evidence. In October 2005, Council of Europe Human Rights Commissioner Alvaro Gil-Robles said that he was concerned at flaws in the Russian judiciary. Corruption and lack of resources continue to be the main problems, with relatively low salaries for judges. Some former judges have admitted that pressure was applied to them in certain cases to give a particular verdict or face dismissal.

However, there are promising signs - for example, the use of jury trials. There is some evidence to suggest that the public has confidence in the system, and the only region where jury trials do not take place is Chechnya, although the federal authorities plan to introduce them there in 2007. However, the chair of the Supreme Court, Vyacheslav Lebedev, said in

April 2006 that there were shortcomings in jury trials and especially in juror selection. He expressed the view that this accounted for the high proportion (43 per cent) of jury verdicts overturned by a higher court. Lawyers are often able to argue that a jury verdict is invalid because a juror was ineligible to serve. A more developed system for juror selection would eliminate some of these problems.

Yukos founder Mikhail Khodorkovsky had his prison sentence for tax evasion and fraud reduced from nine years to eight by the Moscow City Court in September 2005. His case highlighted weaknesses in the Russian judicial system and raised serious concerns about the application of law in a non-discriminatory and proportional way. Khodorkovsky lost an appeal against his sentence in March 2006 and is pursuing his case at the European Court of Human Rights.

#### *Freedom of expression*

In November 2005, President Putin said that media freedom was one of the basic conditions for advancing democracy and defeating corruption. However, the state continues to strengthen its influence and control over the national media through direct ownership, ownership by friendly companies and self-censorship. There are no remaining independent national TV channels in Russia.

Vladimir Pozner, a news presenter on the state TV station Channel One, said in a radio interview in April 2006, "I know that I cannot touch upon some problems", and named Chechnya as one of the issues. He went on to say, "Everybody knows what he can do and what he cannot do, this understanding is deep inside us. I realise that my freedom is not absolute, it is limited and I have to choose topics". The Russian NGO, the Centre for Journalism in Extreme Situations, says that about 90 per cent of television news programmes are devoted to positive coverage of the authorities. Opposition figures get only about 2 per cent of airtime and the coverage is often negative. About 90 per cent of Russians depend on television for news reporting. The centre predicts that the situation may worsen as the country approaches parliamentary elections in 2007 and presidential elections in 2008. Self-censorship also exists at a regional level, although there are a healthy number of independent regional TV stations and newspapers.

In February 2006, EU monitors witnessed the trial of the executive director of the Russian Chechen Friendship Society, Stanislav Dmitrievsky. Dmitrievsky was given a two-year prison sentence, suspended for four years, for "incitement to racial hatred" for publishing articles written by Chechen rebel leaders Aslan Maskhadov and Akhmed Zakayev in the society's newspaper. Human rights groups



allege that the charges were unjustified and the trial politically motivated. FCO Minister Ian McCartney met Dmitrievsky to discuss the case in June 2006.

Internet use remains free from restriction by the authorities and there is evidence that the number of internet users, at least in the big cities, is increasing. At present some 19 per cent of Russian citizens use the internet regularly.

#### *Law against extremism*

In July 2006, President Putin signed into law amendments to the law against extremism. NGOs have expressed concern that the amended definitions of extremism are too broad and ill defined and that the law may be applied to restrict critics or political opponents. Under amendments relating to allegations of slander against public officials, accusing a public official of a crime could meet the new definition of extremism. Consequently, for example, individuals and NGOs may feel nervous about accusing public officials of corruption. NGOs were concerned that the amendments were passed quickly and with minimal consultation. The bill had three readings in the Duma and received the approval of the Federation Council within one month. Although some of the law's provisions are to be welcomed, most campaigners against racism in Russia agree that the problem is not the wording of previous legislation, but the lack of its implementation.

#### *Human rights in the armed forces*

Bullying and brutality in the armed forces continue to be a problem. Russia was shocked in January 2006 by the case of Private Andrei Sychev, a conscript who was beaten so severely by other servicemen that doctors were forced to amputate his legs and genitals. The Ministry of Defence announced in January 2006 that 200 servicemen committed

suicide during 2005 and 16 had died as a result of bullying incidents. Military officials have admitted that such incidents have become routine.

A lack of reform in the armed forces exacerbates human rights problems. There have been protests against the draft and a call from NGOs and liberal political actors for an end to conscription and the creation of a professional army. A new law on alternative civilian service, for those objecting on religious or conscientious grounds, came into effect in January 2004. A GOF project with the Centre for the Development of Democracy and Human Rights analysed how the new law on providing alternatives to military service was being implemented. The project results showed that the law has been poorly implemented and that many conscripts are not made aware of the opportunities the bill provides. In his state of the nation address in May 2006, President Putin said that by 2008 more than two-thirds of the army will be professional, allowing the length of conscription to be reduced to 12 months.

#### *Religious freedom*

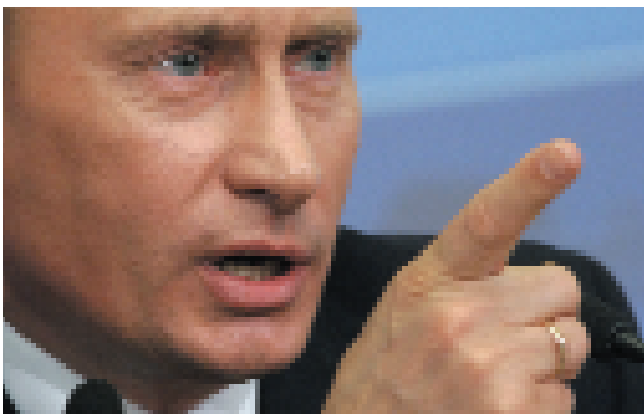
The NGO Freedom House observes that "Freedom of religion is respected unevenly in Russia". The freedom of officially recognised religions is generally respected; however, some non-traditional faiths experience harassment and restrictions, particularly in Moscow. A ban on Jehovah's Witnesses remains in place in the capital (although no such ban exists in other parts of Russia) - the organisation is currently disputing this at the European Court in Strasbourg. Meanwhile, a group of 200 Jehovah's Witnesses were rounded up by 30 police officers in Moscow in April 2006 during a prayer meeting that defied the ban. Elsewhere in Russia, Jehovah's Witnesses have experienced discrimination, such as problems in renting venues for prayer meetings.

The authorities in Moscow have withdrawn permission for the construction of a Hindu temple in the city, following the destruction of the only such temple in 2004. This in part sparked the launch of the Defend Russian Hindus campaign in the UK, led by the Hindu Forum of Britain and supported by British parliamentarians. There are an estimated 10,000 Hare Krishnas in Moscow, as well as around 5,000 Hindus of other denominations. One leading member of the Russian Orthodox Church, which has been critical of "non-traditional" religions in Russia, protested against the construction of the temple, calling it a "Satanic obscenity".

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

The EU presented a démarche to the Russia authorities in June 2006 detailing its concerns about events surrounding

**President Putin gestures during an annual wide-ranging news conference in the Kremlin on 31 January 2006. The state continues to strengthen its control over the national media.**



the proposed gay pride parade in Moscow on 27 May 2006. A small group of lesbian, gay, bisexual and transgender (LGBT) rights campaigners gathered on 27 May in contravention of the ban imposed by the mayor of Moscow, Yuri Luzhkov. Demonstrators were attacked by vigilante groups while security forces looked on. Around 50 demonstrators were subsequently detained for participating in unsanctioned demonstrations. NGOs report that a handful of demonstrators were charged for their role in the event.

Media reports suggest that gay activists held an officially sanctioned picket outside the Iranian Embassy in Moscow in July 2006, demonstrating for the respect of sexual minority groups' rights in Iran. On this occasion riot police reportedly protected the activists from skinhead groups.

Negative attitudes towards the staging of pro-LGBT parades and the actions of individuals and groups hostile to the event on May 27 highlight the intolerance of sexual minorities that is common in parts of Russian society. Media coverage is also often hostile towards these groups.

#### *Economic and social rights*

Human rights ombudsman Vladimir Lukin reported in April 2006 that many Russian citizens were still living below the state-determined poverty line. However, other commentators have charted a slow but steady improvement in living standards, arguing that Russia's high energy earnings are beginning gradually to trickle down. Wages and pensions arrears, which caused so much distress during the 1990s, have virtually disappeared since President Putin's rise to power. Under Putin's leadership, too, the number of Russians living below the poverty line has fallen, as has the national rate of unemployment. However, concern continues over high mortality rates, which are causing the Russian population to decline at a rate of around 700,000 people per annum.

#### **UK action: Russia**

We continue to play an active role in promoting respect for human rights in Russia. In addition to our actions as EU presidency in the latter half of 2005, we have expressed our concerns about human rights issues through a variety of fora, including directly to the Russian government. For example:

- The March 2006 EU-Russia human rights consultations covered a range of human rights issues including the North Caucasus, rule of law, judicial independence, human rights defenders, police reform, implementation of ECHR decisions, the death penalty and abuses in the Russian military. The EU has subsequently followed up on

a number of these concerns with a démarche to the Russian authorities. The EU also carried out a démarche in April 2006 detailing concerns about specific human rights defenders.

- Former Minister for Europe Douglas Alexander raised our concerns about a number of issues in a meeting with Deputy Foreign Minister Yakovenko in April 2006. These included Chechnya, democratic development, the NGO law, harassment of NGOs and restrictions faced by minority religious groups.
- Foreign Secretary Margaret Beckett, former Minister for

<< **We continue to play an active role in promoting respect for human rights in Russia.** >>

Europe Douglas Alexander and former Minister with responsibility for human rights Ian Pearson have all held meetings in Moscow with a number of representatives from Russian NGOs. In June 2006, Margaret Beckett discussed democracy in Russia with the chair of the Russian National Security Council, Igor Ivanov.

- The prime minister and UK officials used opportunities presented by Russia's chairmanship of the G8 to discuss human rights and democratic reform concerns with their Russian interlocutors.

#### **EU-Russia human rights consultations during the UK presidency**

On 8 September 2005 in Brussels, the EU held the second in a new series of biannual human rights consultations with Russia. As holders of the EU presidency, the UK led the delegation and preparations for the event. We used our presidency to initiate a prior consultation with Russian-based NGOs to help shape the agenda. We also debriefed NGOs after the talks. There were frank and constructive discussions on major issues of concern, including Chechnya, outstanding ECHR decisions, NGOs and human rights defenders, media freedom, penal and judicial reform and UN reform.

The EU-Russia summit held under our presidency took place in London on 4 October 2005. President Putin, Prime Minister Blair and Commission President Barroso discussed our continued concerns, including the need for security measures to respect human rights in Chechnya, media freedom, the progress of legal and judicial reform and the rights of human rights defenders and NGOs. They used the opportunity to note the results of the human rights consultations and to look forward to future rounds.

## Civil society involvement in Russia's G8 chairmanship

Russia's 2006 G8 chairmanship and the St Petersburg summit put a spotlight on the state of democratic institutions and the health of civil society in Russia. Russia followed the G8 tradition of involving NGOs by holding large consultative meetings for around 300 national and international NGOs in March and July. These meetings gave rise to recommendations, which were then taken forward to the summit. Russia's G8 co-ordinator, Igor Shuvalov, also held a series of outreach meetings in G8 capitals, including one in London in April 2006. On 4 July 2006, President Putin met a delegation of 13 international NGOs at his official dacha for informal talks on Russia's summit agenda priorities and on general human rights and democracy issues.

There were also a number of unofficial pre-G8 civil society meetings. On 11–12 July, our Ambassador in Moscow, Tony Brenton, reiterated our support for Russian civil society at the "Other Russia" conference organised by NGOs and opposition politicians. Conference organisers claim that a number of delegates were forcibly prevented from attending.

In response to the allegations of espionage and concerns over the funding of NGOs referred to above, we repeatedly emphasised the wholly transparent and open nature of our project work with NGOs in Russia, and the Embassy reassured our project partners that the UK would continue to support their work. As elsewhere, our aim in supporting civil society initiatives in Russia is to help Russian NGOs build strong democratic institutions and promote internationally accepted standards that will make Russian society stable, open and just. For example:

- Rates of violent crime, including sexual violence, are comparatively high in Russia. We worked with the Russian NGO Syostri (Sexual Assault Recovery Centre) to fund training seminars, which brought together crisis centre NGOs, medical and healthcare workers, regional police and officials from the Russian Ministry of Public Health and Social Protection. The seminars raised the profile of these types of crime and set out investigative approaches which take account of the needs of victims. The systems developed are now being piloted in two Russian regions, and there are plans to roll them out across Russia.
- Some of Russia's independent regional TV stations and newspapers have benefited from a project run by the New Eurasia Foundation and supported by the GOF. The project established a network between small

independent newspapers from across Russia to teach editors and journalists business and editorial skills to strengthen their independence.

- Working with a range of Russian and international NGOs, we have funded a series of successful GOF projects on prison reform, drawing on UK experience. The projects have worked on strengthening the relatively new system of alternatives to imprisonment, creating independent oversight along the lines of the UK independent monitoring boards for prisons and improving conditions and respect for human rights in prisons. The prison service has acknowledged the UK's positive contribution to this field.
- In November 2005, our Consulate-General in St Petersburg, in partnership with the human rights NGO Citizens' Watch, ran a conference on juvenile justice in the city. The conference, which complemented earlier prison reform project work, brought together prison service officials, NGOs and lawyers to develop a strategy for a pilot juvenile probation service in St Petersburg. The strategy has resulted in the setting up of three pilot probation offices in the city. Key project partners visited the UK in March 2006 where they met the London Probation Service, the Home Office, local authorities and the police. Knowledge and expertise acquired during this visit will help to promote good practice in St Petersburg.

In addition to the GOF projects listed in Annex 2, we have funded the following human rights projects in Russia in the Financial Year 2005-06:

### *St Petersburg directorate programme budget*

#### **Multi-cultural education for young people**

Project aim: Promoting ethnic, racial and cultural diversity and tolerance.

Implementing partner: St Petersburg Youth Information Centre.

Project costs: £3,650.

#### **School of tolerance**

Project aim: A youth camp promoting cultural diversity in the Pskov region, north-west Russia.

Implementing partner: Pskovskaya Glubinka.

Project costs: £2,996.

#### **Human rights academy**

Project aim: Human rights training for law students.

Implementing partner: Prince PG Oldenburgsky St Petersburg Institute of Law.

Project costs: £3,500.

**Workshop: Bringing together police and NGOs**

Project aim: Human rights training for police officers and development of mechanisms of co-operation between police and NGOs.

Implementing partner: St Petersburg Centre for Humanities and Political Studies.

Project costs: £3,651.

**Conference: Non-custodial measures in juvenile justice**

Project aim: Establish regional probation service for juvenile offenders.

Implementing partner: Citizens' Watch.

Project costs: £1,639.

*Ekaterinburg directorate programme budget***From heart to heart**

Project aim: Develop ethnic tolerance in Ekaterinburg through increasing awareness of national cultures and traditions.

Implementing partner: Pervouralsk XXI Century.

Project costs: £2,900.

**Creating "The international information portal"**

Project aim: Create a website to promote the culture and rights of ethnic groups in the Ural region. Promote the results of hate-speech monitoring in mass media.

Implementing partner: International Information Center.

Project costs: £1,130.

**AIDS is not dangerous for friendship**

Project aim: Improve tolerance towards people living with HIV/AIDS in Chelyabinsk and Sverdlovsk regions.

Implementing partners: Local NGO "There is an opinion" and the Service of Mutual Assistance for people living with HIV/AIDS.

Project costs: £5,629.

**Social rehabilitation of convicts through mass media**

Project aim: Raise prisoners' awareness of human rights in the Sverdlovsk region.

Implementing partner: Press Development Institute.

Project costs: £5,629.

*Moscow devolved programme budget***Training for journalists and broadcasters attending the Fund for Independent Radio's annual radio festival**

Implementing partner: Foundation for Independent Radio.

Project costs: £7,547.

*Democracy, civil society and institutions programme budget***Prison reform in Russia**

Project aim: Enhance protection of vulnerable social groups.

Implementing partner: Penal Reform International.

Project costs: £39,610.

**Assistance to victims of violence and trafficking**

Implementing partners: Ministry of Health and Sistri Foundation.

Project costs: £30,000.

**Kirov Legal College**

Project aim: Legal training for future law enforcement officers in Russia from UK police.

Implementing partner: Fiscal, Drugs and Crime Liaison Office, British Embassy, Moscow.

Project costs: £29,781.

**Centre for Political and Diplomatic Studies Duma project**

Project aim: UK and Russia parliamentarians' workshop on parliamentary opposition.

Implementing partner: Centre for Political and Diplomatic Studies.

Project costs: £10,307.

**Moscow School of Political Studies**

Project aim: Support civil society to develop and strengthen democratic institutions.

Implementing partner: Moscow School of Political Studies.

Project costs: £25,000.

**Foundation for Independent Radio**

Project aim: Support the development of independent radio in the regions.

Implementing partner: Foundation for Independent Radio.

Project costs: £25,000.

*Public Diplomacy Challenge Fund***Promotion of racial tolerance in St Petersburg**

Implementing partners: Fund for the Development of Peter and Paul Fortress, Association of Photo Correspondents of the Union of Journalists of St Petersburg, St Petersburg Institute of Law and the Youth Information Centre.

Project costs: £25,000.

## 2.15 Saudi Arabia

**Overview**

The overall situation continues to improve, but there is still cause for serious concern about human rights in Saudi Arabia. The Saudi authorities sanction discrimination against women, foreigners, non-Muslims and non-Sunni Muslims, and there are strict limitations on workers' rights. They restrict freedoms of expression and of the press, assembly,

## << The Saudi authorities sanction discrimination against women, foreigners, non-Muslims and non-Sunni Muslims, and there are strict limitations on worker's rights. >>

association, religion and movement. Implementation of human rights safeguards remains patchy, with cases reported of detention without trial beyond the period stipulated in the criminal code, difficulties in obtaining legal representation, mistreatment in detention and detention of foreigners where consular authorities are notified either late or not at all.

### Recent developments

Last year we highlighted a number of improvements in the overall human rights situation. These have continued during the period covered by this report. At the same time, public awareness has increased and media coverage of human

So-called "chop chop" square in Riyadh, where public executions take place. Saudi Arabia has the highest number of executions in the world per capita of population.



rights issues, including those relating to women and expatriate workers, has grown. We welcome the increase in the activities of the National Human Rights Association (NHRA).

Saudi Arabia was elected to the new UNHRC on 9 May for a period of three years. We hope that Saudi Arabia, along with all the council's members, will take seriously responsibility for

promoting universal respect for its human rights and for making the council a strong and effective body.

### Current concerns

#### *Death penalty*

We estimate that 92 people were executed in Saudi Arabia in 2005, of whom 53 were Saudis. This is the third highest number of executions in the world, behind China and Iran, and the highest per capita of the population. The vast majority were executed for murder; others were executed for drug offences and armed robbery. This figure is a significant increase on the estimate for 2004, when some 31 people were believed to have been executed. We cannot identify a reason for the increase; there has been no discernible trend in the past five years.

Sentences of flogging and amputation can be imposed by the judicial and administrative authorities, although amputation is rare. The cases of two teachers charged with blasphemy and sentenced to imprisonment and flogging at the end of 2005 were covered prominently in the Saudi press. Both received a royal pardon.

#### *Judicial system*

In May 2006, the Saudi justice ministry started to implement the reorganisation plan for the Saudi judiciary announced in April 2005 (and covered in last year's report), by establishing specialised courts for security, family, traffic and commercial cases. The timetable remains unclear. There are also plans for 300 new judges to be appointed during 2006. In May 2006, restrictions were imposed on the religious police withdrawing their right to detain and interrogate suspects. This authority was passed to the police, though the interior minister did say that members of the religious police could be present during interrogation.

We reported last year on three Saudi reformists, who had been detained since March 2004 and sentenced in May 2005 to between six and nine years' imprisonment. King Abdullah pardoned all three and ordered their release from house arrest shortly after his accession to the throne in August 2005. A well-known religious dissident was pardoned at the same time.



**The Prince of Wales visits the Imam University in Riyadh, 25 March 2006. The Prince delivered a speech at the university promoting religious tolerance.**

#### *Press freedom*

The government continues to restrict freedom of the press. Journalists practice self-censorship, avoiding direct criticism of members of the government and the royal family. The Ministry of Information appoints and has the power to remove all newspaper editors. The government provides comprehensive guidelines to newspapers on what they can and cannot publish. Foreign print publications are subject to censorship. Discussions continue between Saudi authorities and the BBC about the establishment of a BBC office in the country.

#### *Discrimination and freedom of religion*

The arrest of a Shia cleric in May 2006 because of his controversial public statements was reported to have sparked protests in Saudi's Eastern Province. He was released shortly afterwards. The matter prompted senior government officials to reiterate that all Saudi citizens were

equal, with the same rights and responsibilities.

The public profession of any religion other than Islam remains banned. Non-Muslims are forbidden to assemble for religious purposes. Apostasy is punishable by death, as is converting to a religion other than Islam. Discrimination against the Shia and other minorities continues, despite some improvements (groups such as the Shia, Ismailiyyah and Sufis have been able to participate in a national dialogue, which has given them a public platform to discuss a wide range of important issues).

#### *Women's rights*

Women continue to face tight restrictions in their day-to-day lives. Their freedom of movement is severely limited and they cannot travel without being accompanied by, or with the written permission of, a male guardian. Women are not allowed to drive. Access to legal advice and representation can be difficult. In divorce cases, courts are predisposed to award custody to fathers of boys over seven years and girls over nine years. Women account for just over half the school and university population, but there are still strict restrictions on their employment and the positions they can hold in society.

The position of women is, however, increasingly the subject of public discussion, and there have been some notable developments since the last report. Women have been elected to the board of the chamber of commerce in Jeddah and the Eastern Province chamber has also allowed women to take part in its activities. The Saudi government has also announced plans to increase the number of technical colleges providing vocational training to women.

#### *Reform*

Reform continues at a modest pace. Although municipal elections for half the country's council seats took place in early 2005, the remaining 50 per cent of municipal council seats were filled by appointment and not announced until December. There has been little indication yet of the councils' role or impact and no further statements on whether women will be included in the next round of voting.

The NHRA was set up in 2004 to raise human rights issues with the government and investigate prison conditions. It has made a number of prison visits over the past year and raised concerns with the prison authorities. In January 2005, the government announced plans to set up an official human rights commission. A headquarters has been established, and commission officials have attended HRC meetings in Geneva, but it is not yet clear how the work of the Saudi commission will fit with that of the NHRA.

## UK action

The UK discusses human rights with the Saudi authorities at working, ambassadorial and ministerial level. Over the past year, we have raised our concerns at several bilateral meetings.

In April 2006, the Saudi government hosted the second “Two kingdoms dialogue” forum in Riyadh (see last year’s report for detail on first event, held in London in 2005). The UK delegation was led by the then Foreign Secretary Jack Straw and included parliamentarians, officials, business people and civil society representatives. The discussions covered economic reform, youth education and employment, women’s issues and human rights.

The UK sponsored a visit by the deputy minister of justice at the end of 2005. The minister received a full briefing on the UK criminal justice system through a series of meetings with British officials and members of the judiciary. There is potential for further exchange visits with the British judiciary.

As well as funding the “Two kingdoms” initiative, the GOF continues to support several projects in Saudi Arabia. These include a project aimed at helping Saudi women succeed in business and a project (run in partnership with the British Council) to promote English-language training in the Saudi curriculum. We have also focused on promoting capacity-building and best practice in the NGO sector through inward and outward visits, which allow delegates to forge contacts and share expertise. Our next project will be co-sponsored by the Saudis and will provide training for young people of both sexes in entrepreneurial skills with the aim of tackling youth unemployment.

## 2.16 Sudan

### Overview

Sudan’s record on human rights is generally poor and the rule of law is underdeveloped. A widespread culture of impunity remains. Levels of sexual violence against civilians are high, especially in Darfur.

Recently, the government of Sudan and one faction of the rebel Sudanese Liberation Movement (SLM) signed the Darfur Peace Agreement (DPA). The Comprehensive Peace Agreement (CPA) covers the rest of the country. Now, the government needs to start implementing the DPA and making progress on the CPA. The UK and the international community will support them in doing so.

With strong UK support, the UN Security Council has: imposed an arms embargo on Darfur; imposed targeted

sanctions against four individuals from all sides of the conflict; and mandated the ICC to investigate war crimes and allegations of genocide. We will support the ICC as it takes forward its investigations and maintain pressure on all parties - including the government of Sudan - to co-operate fully with all ICC requests. We will also continue to press for more action against those who violate human rights and impede the peace process, and to work to secure the transition from the African Union (AU) force in Darfur to a UN peacekeeping operation.

Only a political process can deliver long-term peace and security in the region. We therefore welcome the signing of the DPA by the Sudanese government and the SLM faction led by Minni Minnawi. We now strongly urge the remaining SLM faction and the Justice and Equality Movement (JEM) to agree to adhere to the DPA, and call on the government and SLM-Minni Minnawi to start implementation.

### Recent developments

On 5 May 2006, the government of Sudan and one faction of the SLM signed the DPA. In the rest of Sudan, the CPA has led to a new government of national unity, new provisions on the sharing of power and wealth and a ceasefire across southern Sudan, which has been widely observed.

However, the rights enshrined in the CPA and the constitution have so far had little impact on the ground, and the government is falling short of many of the human rights commitments it has made. The human rights commission has not yet been set up, and UN human rights monitors have been given only limited access to places of detention in Darfur. There have been improvements in press freedom and some political prisoners have been released, but a recent UNHCR report made it clear that much remains to be done and commented that security and military intelligence agencies continue to act with relative impunity.

The Organisation of Humanitarian and Voluntary Work Act (“the NGO Act”) was passed in March 2006, causing grave concern among the international community and civil society groups. They fear that the act will make it more difficult to deliver humanitarian aid as, among other provisions, it requires the government to approve projects before NGOs can implement them.

### Current concerns

#### *Darfur*

We are clear that serious abuses of human rights have occurred and are still occurring in Darfur. We strongly believe there must be no impunity for those responsible for these crimes.

Belligerents on all sides of the conflict have committed human rights abuses. There have been widespread violations and civilians have been targeted. The prevalence of sexual violence and rape as a weapon of war is a particularly disturbing feature and one which we deplore. The UK continues to make clear to the government that more must be done to provide security for the citizens of Darfur and to bring the perpetrators to justice. Tackling rape and gender-based violence has been a priority at the regular meetings between the international community and the government of Sudan. The government has formulated an action plan to eliminate violence against women, and we continue to press them to implement it.

Despite the efforts of the UK and international partners, the situation remains precarious. The signing of the DPA did lead to an initial reduction in violent clashes between the government and the SLM and JEM. However, there is little evidence to suggest that there has been an improvement in security on the ground and attacks by other armed groups - including the so-called janjaweed militias - continue, and banditry and criminality remain rife. We continue to make it absolutely clear to the government and the rebels that the use of violence is unacceptable, and that they must all take urgent steps to improve the situation.

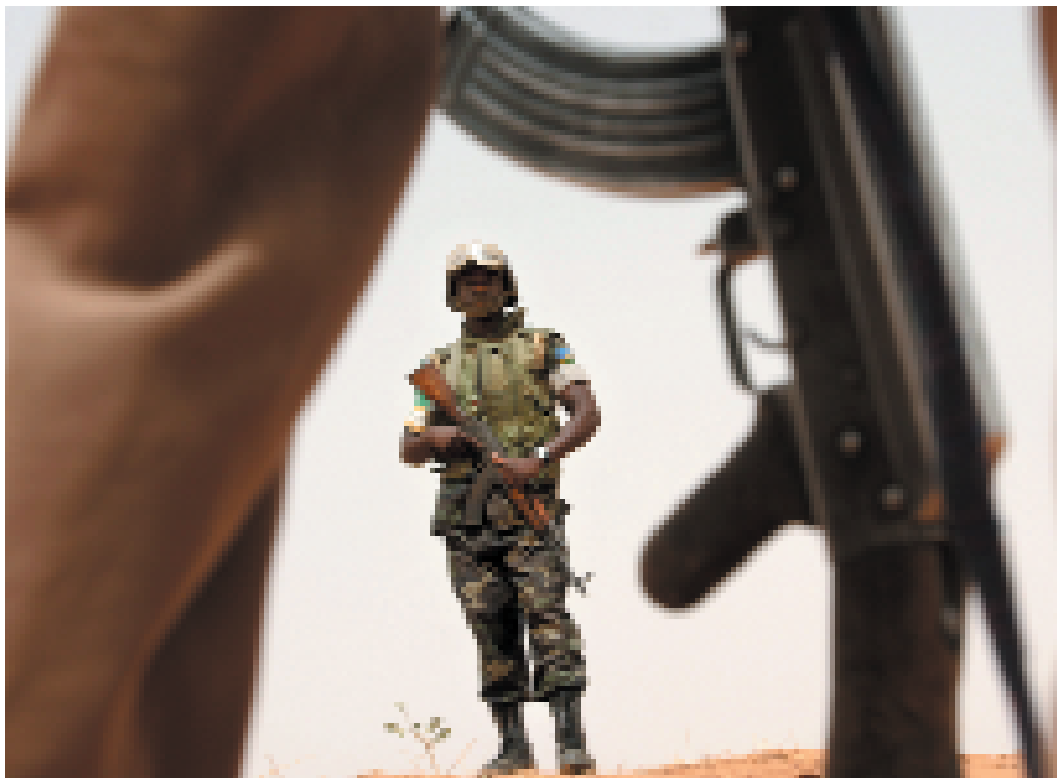
Primary responsibility for security in Darfur rests with the

government - and it is failing. We have made this absolutely clear. During his last visit to Sudan, the Secretary of State for International Development, Hilary Benn, announced a further UK contribution to the AU in the current financial year. Much of the support we have provided to date has been logistical. AMIS is the largest AU deployment, with around 7,000 military, police and civilian personnel. The AU is doing a good job in very difficult conditions. In areas where they are

<< **Banditry, insecurity and harassment impede the ability of humanitarian agencies to gain regular access to the worst affected areas in Darfur.** >>

present, there have been fewer attacks on civilians (including rapes) and key roads remain open, allowing the UN and other agencies to deliver much-needed humanitarian supplies.

However, a peace support operation will be required for some time in Darfur. The environment in which AMIS is working is changing constantly, and long-term financial support must be secured. We therefore welcome the AU's decision on 10 March 2006 to support the transition of AMIS to the UN, though at the time of writing the Sudanese government continues to block this.



An African Union soldier stands in front of a Sudan Liberation Army (SLA) fighter during a patrol near the SLA controlled village of Fakyale in central Darfur, 10 June 2006.





**Rebels of the Justice and Equality Movement (JEM) outside the venue of the Darfur peace talks in Abuja, Nigeria, 3 October 2005.**

Banditry, insecurity and harassment impede the ability of humanitarian agencies to gain regular access to the worst affected areas in Darfur, where 3.6 million people currently depend on their assistance. Assessments in 2005 indicated an improvement in nutrition and mortality indicators. But the humanitarian situation has deteriorated since the start of the year, with an increase of up to 250,000 displaced persons. We continue to press for unimpeded and safe access for humanitarian agencies.

#### *The International Criminal Court*

We support stronger international action to tackle the situation in Darfur, including by the UN. The UK co-sponsored UN Security Council Resolution 1593, passed on 31 March 2005, which referred continued human rights violations in Darfur to the ICC. This was the first time the Security Council had referred a country-specific situation to the international court.

We strongly support the ICC as the best mechanism for dealing with the principal violators of human rights in Darfur. The ICC is currently conducting a formal investigation into the situation and has produced a report setting out evidence of large-scale massacres, targeting of civilians and systematic rape. The report also set out the ICC's plans to focus its efforts on those individuals with greatest

responsibility for the most serious crimes in Darfur.

#### *Southern Sudan*

The activities of the Lord's Resistance Army (LRA) in Uganda are a cause of serious concern in southern Sudan. Their presence undermines the security situation and hampers the work of humanitarian agencies. The UK is committed to working with the government of southern Sudan and other regional governments, as well as members of the international community, to deal with the LRA and bring its indicted leaders to justice. The southern Sudan and other regional governments have an obligation to support the ICC in executing the arrest

warrants issued for the leaders of the LRA. The British Ambassador made this clear to President Salva Kiir when they met recently. At the time of going to press, the government of southern Sudan were facilitating peace talks between the Ugandan government and the LRA in the regional capital of Juba.

#### **UK action**

We have played an active role in the international community's efforts to stabilise Darfur and remain fully engaged at the very highest level. Hilary Benn visited Darfur in February 2006; and in early May he was in Abuja to support the AU's efforts to broker an agreement. This followed a number of UK ministerial visits to Sudan.

We also continue to raise wider human rights issues with the government of Sudan. The British Embassy in Khartoum is active in lobbying, and we have a frank and robust dialogue with the most senior government officials. Our concerns include: the death penalty; torture; the application of Hudud punishments (amputation, flogging and stoning); freedom of the media; and the harassment and arrest of civil society activists and political figures. We maintain a regular dialogue with human rights NGOs and international organisations.

We supported UN Security Council Resolution 1591 (passed on 29 March 2005), which threatens targeted sanctions against those who impede or threaten the peace process in Darfur or are responsible for violations of international humanitarian or human rights law. Subsequently, we co-sponsored Resolution 1672 (adopted on 25 April 2006), which imposed targeted sanctions on four individuals from different parties to the conflict. We are currently considering

whether these sanctions should also be applied to other individuals.

We have made clear that the UK and international community expect nothing less than full co-operation with the ICC. Hilary Benn reaffirmed this during his visit to Sudan on 21-23 February 2006. We have continually made clear that we expect the Sudanese government to comply with the wishes of the international community, as set out in UN Security Council Resolution 1593, and to co-operate fully with the ICC should it decide to visit Darfur.

At the end of August 2005, internally displaced people (IDPs) were forcibly relocated from Shikan camp in Khartoum to El Feteḥ, approximately 40 km away. The state government's policy of relocating IDPs without full consultation has already led to clashes between the police and IDPs. The UK is currently working through the UNDP to help the Wali of Khartoum's office ensure that any future relocations are handled within international law. At the time of going to press, there were disturbing reports of further forced relocations. The UK and the international community are monitoring the situation closely. For more details about refugees and IDPs in Sudan and neighbouring countries, see Chapter 6 (page 226).

The government of Sudan has ratified many international and regional human rights treaties but has not fully implemented them in domestic law. Sudan has previously refused to sign CEDAW because of concerns over incompatibility with Sharia and Sudanese tradition and has signed, but not yet ratified, UNCAT. The government is still considering its position. We have offered them our full support. In the past year, we have supported a range of human rights projects, including training for prison officers, strengthening the rule of law, promoting access to justice and raising awareness of CEDAW.

The UK has been supporting humanitarian efforts in Darfur since 2003. For the financial year 2006-07, we have allocated significant funding. We have also contributed to the Common Humanitarian Fund (CHF) in Sudan, which in turn has provided \$26.9 million to the World Food Programme. The one-year pilot CHF will give the UN Humanitarian Co-ordinator the authority and resources to meet the priorities set out in the 2006 work plan for Sudan. It will allow him to target funds on the areas of most need, encourage early donor contributions and respond rapidly to unforeseen needs. We urge other donors to respond generously and promptly.

We also allocated funds to support the AU-mediated peace

talks and sent a number of experts to assist the mediation team, maintaining a permanent presence at the talks. Rod Pullen, former Ambassador to Zimbabwe, was appointed as the UK's Special Representative to the Darfur Peace Process in March 2006.

In southern Sudan, we are funding a major programme on safety, security and access to justice, which supports rule of law organisations and law enforcement bodies and provides substantial capacity-building support to the GoSS Ministry of Legal Affairs and Constitutional Development. We are also supporting the southern peace commissions and the human rights commission and have funded several smaller projects, including the refurbishment of Juba prison and human rights training for prison officers. We continue to support mediation efforts to encourage LRA foot soldiers to stop fighting and return peacefully to their homes, and to express concerns about the integration of other armed groups.

## 2.17 Syria

### Overview

Syria is a socialist Arab republic based on a 1973 constitution, which guarantees a leading political role to the Ba'ath party. Other smaller parties are allied to the Ba'ath party in a Progressive National Front (PNF). All other political activity is illegal. Syria has a presidential system with strong executive power and a People's Assembly that approves and modifies, but does not initiate, legislation. Emergency law has been active in Syria since 1963 and overrides a number of rights guaranteed under the constitution. This can lead to abuses of human rights.

The current president, Dr Bashar al Assad, came to power in 2000 after the death of his father, Hafez al Assad. There has been a slight improvement in Syria's human rights record since 2000. However, we continue to have concerns, particularly about: the detention and treatment of political prisoners (there are believed to be at least several hundred); freedom of expression and association; the independence of the judiciary; and the use of the death penalty. Since the beginning of 2006 the situation has worsened. A recent crackdown on both human rights and civil society leads us to believe the future is bleak. In an interview with the pan-Arab newspaper *al-Hayat*, President al Assad defended the crackdown on signatories to the Beirut-Damascus Declaration, which, among other things, called for the establishment of Syrian-Lebanese diplomatic relations. He said the individuals concerned "had been warned not to sign". When they then ignored that warning, they "threatened national security and had to be dealt with accordingly". Civil society organisations

are very concerned about the statement and have curtailed their activities.

### Recent developments

There have been a number of positive developments. The Syrian government has begun preparations for establishing an official human rights council. The exact responsibilities of the council and whether it will have executive power remains unclear, and there is no timetable for setting it up.

Amnesty International was allowed to visit Syria in January 2006 for the first time since the early 1990s. They were allowed access to various ministers, including the minister of justice.

After the 10th Ba'ath party congress in June 2005, the Syrians began discussions about reforming the law of

association and political parties. To date they have announced an easing of restrictions on party formation, but continue to ban political parties based on religious or ethnic principles. In reality, the situation remains unchanged.

Prisoner amnesties took place in November 2005 and January 2006. Around 400 prisoners were released, among them five political prisoners from the "Damascus Spring" (the early period of Bashar al Assad's rule). The releases included the two MPs Riad Seif and Mamoun Homsy. During the same period, there was also a significant increase in freedom of speech, with a number of discussion forums starting up. However, all of these have subsequently been closed.

### Current concerns

We remain deeply concerned by Syria's ongoing support for Hizbollah. Hizbollah's role in the major outbreak of violence this year with Israel included abducting and detaining two Israeli soldiers and firing unguided rockets into Israeli towns and cities. In total, Hizbollah fired nearly 4,000 rockets into Israeli territory. These indiscriminate rocket attacks killed approximately 40 Israeli civilians and injured up to 2,000 more. Hizbollah's tactics included firing rockets from domestic buildings, which then became the target of Israeli attacks.

In response to the major escalation of violence in the Middle East, we summoned the Syrian Ambassador to raise our concerns and to call on the Syrians to use their influence with Hizbollah to secure the release of the captured Israeli soldiers. After one month of fighting, a ceasefire was established on 14 August. Two days later, President Assad delivered a speech in which he openly affirmed his support for the Lebanese "resistance".

### Judicial system

Even though independence of the judiciary is guaranteed under the constitution, the judicial system remains under the control of the executive. Under emergency law, civilians can be tried at a military court, the Syrian State Security Court (SSSC) or the normal criminal courts for a number of crimes, including creating an illegal organisation, fomenting sectarian strife and defaming the name of the state or its organisations.

The SSSC does not offer the right to a fair trial. There is no presumption of innocence, no right for the defendant to present evidence and no right of appeal. The court also has the power to impose the death penalty. The president of the SSSC has recently allowed EU observers to attend trials held at the court. This unprecedented move was welcomed publicly by the EU.

Syrians walk under photos of President Bashar Assad and Hizbollah leader Sheik Hassan Nasrallah in old

Damascus, 9 August 2006. The UK remains concerned by Syria's ongoing support for Hizbollah.





Syrian President Bashar Assad greets a journalists' association conference on 15 August 2006 in Damascus. Most national media in Syria is state controlled.

Arbitrary arrests are regularly made and detainees can remain in *incommunicado* detention for long periods of time. Torture is most commonly inflicted during this time.

#### *Death penalty*

Death by hanging can be imposed for murder, grave sexual or drug offences, membership of the outlawed political party the Syrian Muslim Brotherhood and inciting a foreign power to commit an aggressive act against Syria (if the act is actually committed). Death sentences are not normally announced publicly and there are no statistics available.

#### *Torture and prison conditions*

Torture is common, although statistics and details are scant. The information available suggests that beatings, including to the soles of the feet, electric shocks to sensitive parts of the body and sleep deprivation are the most common forms.

No independent or foreign organisations are allowed access to Syrian prisons. Criminal and political prisoners are

normally held separately and we understand that conditions in political prisons are slightly better than in criminal prisons. However, recently political prisoners have been detained in criminal prisons and tried through criminal courts. They are held in cells with no beds and which hold about 50 criminal prisoners. Prison guards have encouraged criminal prisoners to attack political prisoners and denied them basic items, such as blankets.

#### *Freedom of association and expression*

The formation of associations and political parties requires a licence under Syrian law. Any gathering of more than five people without prior permission from the authorities can lead to imprisonment. NGOs continue to require a licence in order to operate. NGOs regarded as "political" are not granted licences, and therefore work illegally. The definition of a "political NGO" is not clear. It is normally the responsibility of the security services to consider this aspect of the application.

Freedom of expression is guaranteed by the constitution but is restricted under the emergency law. Most national media - both print and electronic - is state controlled. Private publications are closely monitored and access to certain websites is blocked. Journalists are often harassed and/or imprisoned. No BBC-FM presence has been allowed in Syria, although in some parts of the country the signal transmitted from the BBC's relay in Jordan is audible.

#### *Human rights defenders and civil society activists*

Human rights defenders and civil society activists continually face the threat of arbitrary arrest, intimidation and harassment, including of their family members. Travel bans are frequently imposed.

There has been a significant increase in the arrest of human rights defenders, oppositionists and civil society activists since February 2006. The arrests have targeted individuals involved in Syrian opposition conferences outside Syria, those with links to the Muslim Brotherhood, human rights activists and, most recently, signatories to the Beirut-Damascus Declaration (see page 107).

The following individuals were arrested due to their participation in one or more of the opposition conferences held in Paris, Washington, Berlin and Brussels:

- Dr Ammar Qureibi was arrested on 12 March 2006 after attending seminars and conferences in Europe. He was held for five days and is now being charged at the SSSC for having contact with a foreign state. On 26 March, he was again arrested and held for 24 hours. He continues

to be called in for questioning on an almost daily basis by the security services.

- Dr Kamal al Labwani was arrested in November 2005 and charged with conspiring with a foreign state to commit an aggression against Syria and with publishing false information to weaken the character of the nation. If the state in question were to attack Syria, the first charge would carry the death penalty. Dr al Labwani's trial began on 29 May 2006.
- Mr Ali Abdullah was arrested on 23 March 2006 along with his son Mohamed. They are accused of insulting the president of the SSSC. Their case was being tried at the SSSC but has now been moved to a normal criminal court. Ali Abdullah's other son, Omar, was arrested on 18 March 2006 for allegedly campaigning to form an illegal youth group. No one has had access to Omar Abdullah since his arrest and no one knows where he is. Some human rights organisations believe he was arrested by Syrian airforce intelligence services.

The following individuals have also been arrested or harassed in the past 12 months:

- Mr Nizar Rastanawi was arrested on 18 April 2005. He has been charged with insulting the president, publishing false information and "weakening national feeling". He remains in custody and is being tried at the SSSC.
- Mr Riad Drar was arrested in June 2005 after reading a eulogy at the funeral of the prominent Kurd Sheikh Khaznawi. He was tried at the SSSC and sentenced to five years in prison.
- Mr Fateh Jamus was arrested on 1 May 2006 on his return to Syria following a trip to Europe during which he met various human rights organisations and political groups, including the Muslim Brotherhood. He gave a number of interviews, including to the pan-Arab satellite channel, Al Jazeera. He is being tried at a criminal court for inciting sectarian strife, weakening national feeling and publishing false information. He has already been interrogated; EU observers were not allowed to attend the proceedings.

#### *Association with the Muslim Brotherhood or other Islamic groups*

Since 2004, there has been an increased number of cases relating to alleged membership of the Syrian Muslim Brotherhood. These cases are tried at the SSSC. According to article 49 of the Syrian penal code, membership of the Brotherhood is punishable by death. However, in some recent cases, defendants who have been found guilty have been given a life sentence, although this is usually commuted to 12 years.

#### *The Beirut-Damascus Declaration*

The Beirut-Damascus Declaration called for, among other things, the establishment of proper diplomatic relations between Syria and Lebanon. It was signed by a number of Syrian and Lebanese intellectuals. The most prominent Syrian signatories were promptly arrested. Michel Kilo was detained on 14 May 2006. Others followed on 17 May 2006, including Anwar al Bunni, Mahmoud Meri, Nidal Darwish, Ghaleb Ammar, Safwan Tayfour, Mahmoud Issa, Abbas Abbas, Suleiman Shammam, Mahmoud Issa and Khaled Hussein. We understand from his lawyer that Anwar al Bunni has been on a hunger strike since his arrest. All have had access to their lawyers and some have received family visits.

#### **UK action**

We regularly raise our concerns about human rights abuses in Syria with the government, making representations both bilaterally and with our EU partners, both about the general situation and individual cases. For example, in May 2006, we made a public declaration with EU partners condemning the arrests of signatories to the Beirut-Damascus Declaration.

## 2.18 Turkmenistan

### **Overview**

Progress on democratic reform, the development of civil society and respect for human rights in Turkmenistan continues to be frustrated by the highly authoritarian rule of President Niyazov. Basic freedoms, including freedom of movement and expression, remain severely curtailed. There is no free media in Turkmenistan and the regime does not tolerate free debate. The BBC is not permitted to send correspondents into the country. Civil society and minority religious groups still face restrictions.

Since the last report, the EU Special Representative for Central Asia Jan Kubis, the OSCE Chairman-in-Office Karel De Gucht and the OSCE's High Commissioner on National Minorities Rolf Ekeus have all met President Niyazov. While his willingness to engage is welcome, dialogue will only have longer-term credibility if it is accompanied by substantive improvements.

In May 2006, the Turkmen government signed an agreement with the local UN office to help them to fulfil their outstanding reporting requirements under UN human rights treaties. These include a report on UNCAT, which has been outstanding since 25 July 2000, and reports due to the UN Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

A statue of President Niyazov at Turkmenistan's independence memorial in Ashgabat. Progress on

human rights remains frustrated by the President's highly authoritarian rule.



## Current concerns

### *Local elections*

Local elections were held on 23 July 2006. This was the first in a planned series of elections leading to national elections in 2008 and, possibly, presidential elections in 2009. The elections took place against the background of a political system with only one political party - led by the president - and a limited range of candidates, all of whom were loyal to the president. Nevertheless, there was a degree of competition for votes and this in itself is a step forward.

### *Freedom of movement*

Despite presidential decrees in January and March 2004, establishing freedom of movement for the people of Turkmenistan, many individuals are still being frustrated in their attempts to leave. However, following international pressure two individuals - Guljan Kyoker and Gulshat Esenova - were removed from the unofficial blacklist in April 2006 and given permission to leave the country to join their families overseas.

A law on migration was introduced on 7 December 2005. There is concern among the international community that its provisions could be read as permitting the reintroduction of exit visas. We will monitor closely the implementation of the

law and its impact on freedom of movement in Turkmenistan.

### *Civil society*

The prospect of independent NGOs being able to register and establish themselves in Turkmenistan remains bleak. Only a handful of independent NGOs are currently registered.

### *Religious freedom*

Minority groups, whether registered or not, still face restrictions in establishing places of worship (especially outside Ashgabat), importing religious literature and maintaining international contacts.

### *Child rights*

In last year's report, we highlighted the problem of child labour in Turkmenistan's cotton harvest. It has not been possible to carry out a full survey, but all the anecdotal evidence suggests that the legislation passed by the government in February 2005, banning the use of child labour, has largely been respected by local administrations. There appears to have been a significant and welcome fall in the use of child labour during the cotton harvest in autumn 2005. With our international partners we will continue to monitor the situation and hope that the progress achieved to date will be maintained during the next harvest.

In May 2006, the Turkmen authorities received comprehensive observations from the UN Committee on the Rights of the Child, in response to the country's report on the convention. The response included recommendations on health, education, religious freedom and discrimination.

### **UK action**

For the third consecutive year, the EU co-sponsored a resolution on Turkmenistan at the UNGA in November 2005. As EU presidency, the UK worked closely with the US on the resolution, which was supported by 70 countries in total, reflecting the wide international concern over the situation in Turkmenistan.

We are following closely the issue of an EU Interim Trade Agreement with Turkmenistan. Such an agreement was originally proposed as far back as 1998, as the existing agreement is with the USSR and so does not recognise Turkmenistan as an individual country. The European Parliament's trade and foreign affairs committees have now voted in favour of ratification of the interim agreement. However, the European Parliament has deferred a final decision. It sent its own delegation to Turkmenistan in June 2006, together with the rapporteurs for trade and foreign affairs. The delegation has yet to issue its findings, which will set out the concerns of various human rights

campaigners and will inform further discussion and decision in the European Parliament.

Under the UK's presidency, the EU urged the government of Turkmenistan to ensure a safe environment for all those who wish to exercise their right to freedom of expression, including the press, trades unions, students, teachers, social

<< Under the UK's presidency, the EU urged the government of Turkmenistan to ensure a safe environment for all those who wish to exercise their right to freedom of expression, including the press, trades unions, students, teachers, social workers, writers and artists. >>

workers, writers and artists. As part of this campaign on behalf of human rights defenders, we highlighted the cases of Gurbandurdy Durdykuliev and Rahim Esenov (no relation to Gulshat Esenova).

On 12 April 2006, Mr Durdykuliev was released from the mental hospital in which he had been detained for psychiatric treatment since February 2004. Prior to his incarceration, Mr Durdykuliev had written to the president requesting

permission to demonstrate against the government.

In February 2004, the Turkmen authorities took the 78-year-old author Rahim Esenov into custody from hospital. He was accused of inciting social, ethnic and religious hatred. He had written a biographical book about a medieval Turkmen figure that conflicted with the views of President Niyazov. Following pressure from countries including the UK, he was released in March 2004, but was believed to be banned from travelling abroad. His book remains banned, but, in April 2006, Esenov was given permission to travel to the US to collect a Freedom to Write award. He has subsequently travelled to Russia to receive long overdue treatment for a heart condition.

However, despite the progress in the above cases, we remain concerned about Kakabay Tejenov. There have been reports that he was confined to a psychiatric hospital on 4 January 2006 after distributing a "statement on human rights violations in Turkmenistan". This statement allegedly called for the restoration of freedom of

speech and the press, the election of local administrations by public poll and international sanctions against Turkmenistan. Our Embassy, working with the US and the OSCE, has asked the Turkmen authorities about Mr Tejenov's alleged detention, his whereabouts and his welfare. To date we have received no response, but we will continue to press the authorities and follow the case closely.

Last year, we highlighted the case of Geldy Kyarisov, the former head of the Turkmen Horses Association, who was jailed on corruption charges in 2002. He has suffered poor health while in prison and, having served more than half his sentence, is now eligible to be considered for parole. His family continues to suffer harassment from the authorities and moves are now underway to strip them of the horse yard. Our Embassy has remained in close contact with members of his family and continues to make regular representations on behalf of Mr Kyarisov and his wife for his release.

We are concerned that no agreement has yet been reached between the ICRC and the Turkmenistan government that would allow the ICRC to follow its standard procedure of visiting detainees. Our Ambassador, the Deputy Head of Mission and the EU Special Representative for Central Asia Jan Kubis have all raised the issue of access to prisons with President Niyazov over the last year.

Maral Yklimova, whose father is accused of involvement in

A teacher in an English class in Ashgabat writes the date, 24 January, with the new name for the month, Turkmenbashi - the preferred title for

President Niyazov, meaning "Father of all Turkmen." The president has renamed the months and days of the week and undermined the country's education system.



In 1994, the Turkmen government announced that it was cutting the period of general compulsory education from 10 years to nine. This has led to concerns about the quality of secondary school graduates, both as they leave school and as they enter higher education. Furthermore, the ability of Turkmen students to move into higher education outside the country has been seriously affected – most other nations require at least 10 years of general education as a basic condition for entry into university.

Within Turkmenistan, students now only spend two years at university, provided they are able to show evidence of two years' work experience after leaving school. Education certificates obtained overseas are not officially recognised in Turkmenistan, meaning that those who study abroad have little incentive to return.

At the same time, the *Ruhnama* – President Niyazov's own version of Turkmen history and guide to how Turkmens should conduct their lives – has been introduced into all levels of the education system. There is anecdotal evidence

of jobs being secured on the basis of an individual's knowledge of the *Ruhnama*, rather than their suitability for the job. With much of the curriculum focused on the *Ruhnama*, and a growing emphasis on traditional Turkmen culture, including dance and song, Turkmenistan faces a potentially disastrous shortfall in skills and education in future generations.

Working within the severe limitations imposed by the Turkmen authorities, the Embassy in Ashgabat runs projects designed to help open Turkmenistan up to the world. These include various internet-related projects, scholarships and projects that support civil society, for example, by funding resource centres and capacity-building. We provide English language teaching materials to a range of organisations and schools. We have run specific campaigns to broaden the knowledge of students – for example, at a UN model conference, students took on the roles of countries debating within the UN. We have also run competitions designed to raise awareness of climate change.

the coup attempt on President Niyazov in November 2002, remains under house arrest. Along with our EU colleagues, we have made it clear that we do not consider it acceptable that people, such as Ms Yklimova, are held as proxy hostages for family members who live outside Turkmenistan. However, the Turkmen authorities continue to restrict access to Ms Yklimova and appear unwilling to allow her to leave.

We remain in close contact with all religious groups, both registered and non-registered, and to make representations on their behalf both bilaterally and with our EU partners.

In May 2005, our Ambassador and the head of our Central Asia section again reminded the Turkmen Foreign Minister of the need for the continuing dialogue to be accompanied by positive, substantive reforms. In addition to following all aspects of human rights in Turkmenistan and lobbying on individual cases, our Embassy also supports a number of projects designed to improve access to information and the development of civil society.

## 2.19 Uzbekistan

### Overview

Since last year's report, the events of 12-13 May 2005 in Andizhan and the government's response have dominated the political landscape in Uzbekistan. There have been a series of questionable trials, accompanied by a clampdown on civil society, NGOs and the media. International organisations and media have been forced out of Uzbekistan.

Positive steps have been few and far between.

In last year's report we highlighted the events that took place in Andizhan in May 2005, in which Uzbek soldiers are reported to have killed hundreds of demonstrators. The criminal character of the original armed attack cannot justify the measures used against a crowd comprising so many civilians, including women and children (see the 2005 *Human rights annual report*). The Uzbek authorities claimed that this was a terrorist operation, that most of the 187 people killed were terrorists and that terrorists were responsible for all civilian deaths. The EU called on the Uzbek authorities to agree to an independent external enquiry into what took place. Meanwhile, the Uzbek authorities have cracked down on human rights defenders, journalists and eye-witnesses to the Andizhan killings, in an attempt to reinforce the official version of events.

Together with our EU partners, we have consistently worked to ensure that the Uzbeks appreciate the collective nature of the international response to the excessive, indiscriminate and disproportionate use of force in Andizhan on 13 May. The EU response had a significant impact and helped to rule out any possibility that the Uzbeks could normalise their relations with the west without movement on human rights and Andizhan.

The Uzbek authorities have to decide whether they wish to move forward in their relations with western countries or whether they wish to face continued, and possibly increased,



restrictive measures. In October 2006, the EU will review the restrictive measures, imposed in October 2005, taking into account the actions of the Uzbek authorities in addressing the EU's concerns. The new UNHRC is also likely to take a close interest in the situation in Uzbekistan. The UK's objective remains to influence Uzbek behaviour for the better. We and our EU partners will continue to work through the UN, the OSCE and other international fora to press for a more credible account of the events in Andizhan and for a sustained improvement in human rights.

### Current concerns

#### *Treatment and torture*

The report of the UN Special Rapporteur on Torture of November 2002 remains the benchmark for judging Uzbekistan's efforts to address the issue of torture in its penitentiary system. The Uzbek government claims to have fulfilled 20 of the 22 recommendations. However, the special rapporteur does not agree, and we have seen no evidence of systemic reforms that address the issues raised in the report. Uzbek efforts are partial at best, and cannot be described as substantial progress. Some defendants have complained of torture in court, but the government has yet to condemn torture at the highest level and systematically investigate and punish those alleged to have committed torture and mistreatment.

The plenary of the Supreme Court issued a decree in September 2004 stating that evidence obtained by unlawful means, including under torture, is not admissible. The Uzbeks claim that their new Supreme Court definition of torture is in accordance with UNCAT. However, it is not included in the

criminal code and, therefore, has no practical effect in the Uzbek criminal justice system. Judges tend to dismiss allegations of torture without investigating them. In a criminal justice system which relies heavily on confessions as the basis of convictions, this is an incentive for law enforcement officers to use coercion. In a letter to the UN Secretary-General in August 2006, the Uzbek Permanent Representative at the UN stated that 15 law enforcement officers have been found guilty of torture. Human rights defenders say that this statistic is credible, but the number of officials punished is small in comparison to the number of alleged perpetrators of torture within the law enforcement agencies.

We continue to receive credible reports from relatives of defendants and defence lawyers alleging ill-treatment or torture in pre-trial detention. A few defendants have made these allegations in court. Our Embassy monitored the case of five men facing charges of extremism in Namangan. They alleged that they had been beaten in pre-trial detention. The judge dismissed the allegations and the men received sentences ranging from six-and-a-half to 14 years' imprisonment.

Yakubjon Aliev was arrested in June 2005 and accused of being a member of Akramiya, a term that refers to the followers of the religious teachings of Akram Yuldashev, a former maths teacher who published a pamphlet in the 1990s on Islam, entitled *Path to Faith*. The authorities label Akramiya an "extremist Islamic movement" and blame it for the Andizhan killings. Aliev is accused of planning an armed assault on the Sangorod prison in Tashkent in an attempt to free Akramiya's leader, Akram Yuldashev. Aliev's lawyer wrote to the authorities claiming that his client had alleged torture in the investigation process. No investigation was launched. In the days after the complaint was written, Aliev signed a request to have his lawyer removed from the case.

Sanjar Umarov heads the moderate, independent opposition movement Sunshine Coalition. He was arrested on 21 October 2005 and disappeared for several days. When his lawyer was finally allowed to see him, he reported that Umarov looked ill and was not of sound mind. Umarov faced several charges of financial mismanagement related to his business affairs. During the week before his arrest, he had published an open letter, which was highly critical of the government. Umarov claimed in court that he had been drugged in the period immediately after his detention and retracted any statements he had made. The prosecution based their case on witness evidence and Umarov's confessions extracted in the first few days of detention. The authorities admitted that the tax charges against Umarov

**Alleged participants in the May 2005 events in the city of Andizhan sit behind bars during a trial in Tashkent, 14 November 2005. The men were accused of organising a jailbreak, the suppression of which led to many civilian deaths.**



Uzbek opposition activist Nodira Khidoyatova speaks to the media in her office in Tashkent. Ms Khidoyatova, a prominent opposition

activist, was arrested on 19 December 2005 and given a suspended sentence and 3 years probation for fraud and membership of a criminal group.



only came to light after his arrest, during the pre-trial investigation. On 6 March 2006, he was sentenced to 11 years' imprisonment, which was later reduced to eight. Human rights defenders considered that Umarov's claims that he had been given psychotropic substances were credible.

The Imam Shavkat Madumarov died in custody on 14 September 2005, three days after a court sentenced him to seven years' imprisonment for extremism and anti-constitutional activities. His death certificate said that he died of AIDS. During the trial he alleged that he was given unspecified medicines in jail. His father alleges that he was infected with the AIDS virus. The family were told they would be prosecuted if they opened the sealed coffin in which Madumarov's body was returned to them. The authorities did not carry out an investigation into his death. In response to questioning by the CHR, the Uzbek government stated that "there is no substance to allegations that Mr Madumarov was tortured or subjected to any other illegal forms of treatment. No wrongful acts were committed against Mr Madumarov, and no physical or psychological coercion was

employed during the investigation or trial".

In the past year, many Uzbek refugees have claimed asylum in neighbouring countries in the wake of the Andizhan killings. Several of them have been returned to Uzbekistan, in spite of concerns about the threat of torture or ill treatment. For example, in August 2006, the Kyrgyz authorities "refouled" (expelled people who have the right to be recognised as refugees) four Uzbek refugees and one asylum-seeker back to Uzbekistan, despite the fact that Kyrgyzstan is a signatory to the 1951 UN Convention on Refugees, which forbids this practice. Rukhiddin Fakhrutdinov, a Muslim cleric, was refouled to Uzbekistan by the Kazakh authorities in November 2005. On his return he was put on trial for terrorism and religious extremism, among other charges.

Uzbek refugees returning from Kyrgyzstan, Kazakhstan and Ukraine, as well as Uzbeks within Uzbekistan, including the human rights defender, Saidjahon Zainabiddinov, continue to be held incommunicado. Many have been charged with extremist and terrorist offences related to Andizhan. Hamdam Suleymanov, an opposition party activist from Ferghana, was held incommunicado for questioning in June 2005 about the distribution of a statement about the Andizhan events by the chairman of the opposition party Birlik, Abdurakhim Polat, during a US Helsinki Commission briefing on Uzbekistan in Washington.

Where the Uzbeks have taken positive steps, we have welcomed them, but they have been few. The Ministry of the Interior has signed a protocol with the Uzbek Bar Association to create a system of duty lawyers, and the government is considering setting up a permanent body to investigate deaths in custody. However, the Uzbek authorities tend to see such steps as ends in themselves. To achieve real reform would require follow-through and implementation in practice. All too often this is lacking. For instance, the seminar on the introduction of *habeas corpus* cited in last year's report has not yet led to a timetable for implementation, although a working group has been convened to review legislation. The Uzbek authorities point to the August 2005 decree transferring the right to issue arrest warrants to the courts from 2008. We welcomed this step last year, but much more remains to be done.

Our conclusion remains that torture and other forms of ill treatment continue to be routine in the early stages of custody.

#### *Access to prisons*

The level of access to prisons and other places of detention has not improved. Access for international organisations and

embassies is restricted. The ICRC is continuing discussions with the authorities with the aim of resuming visits to all detained persons consistent with its usual practices.

The Kyrgyz embassy has not been granted access to visit a Kyrgyz national returned in connection with the Andizhan events. The UNHCR was not granted access to any of the Uzbek asylum-seekers detained on their return from Ukraine, Kazakhstan or Kyrgyzstan.

According to official press reports, a presidential amnesty in December 2005 led to the release of approximately 10,000 prisoners. However, we understand that none of those released had been jailed on extremism charges.

#### *Judicial system*

From September to November 2005, the Uzbek authorities held a public trial of the first 15 individuals accused of participating in the Andizhan events. The EU expressed serious concerns about the credibility of the case presented by the prosecution and stated its belief that defence procedures were inadequate to ensure a fair trial. The UN Special Rapporteurs on Extra-judicial, Summary or Arbitrary Executions, on Independence of Judges and Lawyers and on Torture, and the Independent Expert on the Protection of Human Rights and Terrorism, cited the lack of evidence or cross-examination and warned that the defendants' confessions may have been obtained by torture. It became the norm for the authorities to hold subsequent Andizhan-related trials in closed session. The UK, the OSCE Chairman-in-Office, EU and US called consistently in OSCE fora for the Andizhan-related trials to be monitored fully. Trial monitors from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) - who had limited access to the first trial - produced a report in April 2006 calling for the verdicts to be set aside and retrials to be held. Uzbekistan rejected the report.

Trial monitoring has shown that prosecution cases continue to be largely built on confessions, even where these are subsequently retracted in court (as in the trial of the opposition activist Sanjar Umarov). Many observers have commented that such trials are politically motivated. The ODIHR trial monitors criticised the passivity of defence lawyers in the Andizhan trials. But even where defence lawyers are active, as they were in the trials of Umarov, Mutabar Tojibayeva and Nodira Khidoyatova (see below), courts rarely find defendants innocent. According to the Uzbek constitution, the judiciary is independent. In practice, the judiciary remains largely an extension of the executive in

both civil and criminal cases. Public prosecutors still play the decisive role in criminal investigations and trials, and judges continue to be appointed by the president.

The co-ordinator of the opposition Sunshine Coalition, Nodira Khidoyatova, was arrested on 19 December 2005. At the opening of her trial she rejected the services of her lawyer and asked for a closed trial, but the judge refused both requests. Khidoyatova rebutted the charges against her in court. The tax authorities admitted that the tax charges only came to light after Khidoyatova's arrest, during the pre-trial investigation. She was sentenced to 10 years' imprisonment on 1 March 2006 on charges including fraud, embezzlement and membership of a criminal organisation. She was also required to pay back around 269 million sum (about £250,000). On 23 May, the appeal court changed this to a suspended sentence and released Khidoyatova on three

<< **According to the Uzbek constitution, the judiciary is independent. In practice, the judiciary remains largely an extension of the executive in both civil and criminal cases.** >>

years' probation after she had negotiated a payment of compensation in return for a lighter sentence. If any of her activities are judged to be criminal during the probation period, she could be imprisoned again for seven years.

#### *Human rights defenders*

Human rights defenders have been routinely harassed, arrested and imprisoned, many in relation to the Andizhan killings. Several human rights defenders have fled the country and applied for asylum in Kyrgyzstan and Kazakhstan.

Elena Urlaeva, a human rights activist, was arrested in August 2005 for distributing leaflets caricaturing members of the Uzbek government. She was detained in a psychiatric hospital. On 18 October, a court declared her insane and submitted her to involuntary medical treatment. Prompt EU pressure, led by our Embassy in Tashkent, played a role in her release on 28 October. Urlaeva has continued to be active on human rights issues.

Mutabar Tojibayeva, also a well-known human rights activist, was arrested on 7 October 2005. She had told journalists that she could prove the innocence of the businessmen at the centre of the Andizhan disturbances. Her lawyer was beaten

up for refusing to co-operate with the authorities. She went on hunger strike twice. Her trial began on 31 January 2006 on charges including slander, extortion and tax evasion related to her business activities. Tojibayeva rebutted the accusations made in court. The prosecution reduced the number of charges against her from 17 to 13. Our Embassy was among those monitoring her trial. On 6 March, she was sentenced to eight years' imprisonment. This sentence was upheld on appeal. Since Tojibayeva was imprisoned, we have heard reports that her family members have had difficulties in gaining access to her.

Saidjahon Zainabiddinov, a human rights activist from Andizhan, was arrested in May 2005 shortly after he had given an eyewitness account of the killings to the international community. The EU raised his case repeatedly under the UK presidency, but he was tried in secret in January 2006 and sentenced to seven years in prison. His son, Ilhom Zainabiddinov, was arrested in May 2006 and accused of forgery. The authorities' investigation into his case continues.

Human rights defenders in Jizzakh have been under sustained pressure over the last 12 months. Many of them claim to be under constant surveillance by the authorities. On 15 August 2005, Munozhaat Imamova was beaten. She was three months' pregnant at the time and lost her child as a result. Jamshid Mukhtarov was beaten on two occasions in late 2005. On 29 June 2006, Utkir Pardaev was sentenced to four years' imprisonment for intentional harm. Mamarajab Nazarov was sentenced to three and a half years in prison for swindling and hooliganism on 19 July 2006. Most recently, the son of Bakhtior Hamraev was arrested on 2 August and charged with hooliganism. Hamraev claims he has been warned by sources close to the authorities that he himself will soon be arrested.

The Human Rights Society of Uzbekistan (HRSU) has also been targeted. On 15 June 2006, two of its members - Alisher Karamatov and Azam Farmanov - were sentenced to nine years in prison. Following this, HRSU's leader, Talib Yakubov, left the country.

The process and outcome of court proceedings followed closely by the EU over the last year have done little to dispel the widely held belief that many cases are politically motivated. On 9 March 2006, the EU issued a statement urging the Uzbek authorities to review the convictions of Umarov, Khidoyatova and Tojibayeva and ensure fair trials with access to national and international observers. In June 2006, the presidency issued a statement welcoming the reduction in the sentences of Umarov and Khidoyatova,

regretting that Tojibayeva's sentence had not been reduced and requesting information about the condition and whereabouts of Saidjahon and Ilhom Zainabiddinov.

#### *Death penalty*

As mentioned in last year's report, a presidential decree, announced in August 2005, declared the abolition of the death penalty in Uzbekistan, which would come into force on 1 January 2008. Of the 250 people convicted of serious crimes in relation to Andizhan, none received the death penalty. We welcome this. However, we are concerned about claims by NGOs that eight people have been sentenced to death for premeditated murder in the past year and that one prisoner on death row died of tuberculosis.

Farid Nasibullin, mentioned in last year's report, is still on death row in Tashkent prison. His case is with the UNHRC.

We remain uncertain about the fate of Akhrorkhuzha Toliphodjaev, who had appealed to the UNHRC in 2004 against the death sentence. As reported last year, the Uzbek authorities claim that he is still alive but have not provided details of where he is being held. NGOs claim to have seen his death certificate dated 1 March 2005.

Yuldash Kosimov went on trial in 2004 for murdering his parents. Our Embassy monitored his trial during which he alleged that he had been tortured. His death sentence has been commuted to a life sentence, which was in turn reduced to 12 years under a presidential amnesty.

One of the most serious aspects of the use of the death penalty in Uzbekistan is that it continues to be shrouded in secrecy. The Special Rapporteur on Torture recommended that relatives of persons sentenced to death be treated in a humane manner with a view to avoiding their unnecessary suffering. However, the date of execution and burial place of convicts remain classified as state secrets.

#### *Civil society*

Over the past year, the government's distrust of civil society has hardened further. Press reports have accused NGOs of helping foreign governments undermine Uzbekistan's independence. New legislation has further restricted their activity.

Many international NGOs have been forced to leave, including Freedom House, the Eurasia Foundation, Internews, the American Council for International Education (ACCELS) and Counterpart International. The American Bar Association's Central Europe and Eurasia Law Initiative (ABA/CEELI) lost its appeal against a court decision to close

their office. British, French, Dutch and Hungarian NGOs have also been targeted.

In December 2005, the Uzbek government introduced new regulations imposing stiff financial penalties on NGOs for participating in political activities that do not correspond with their statutes, for using unregistered logos and for holding events without giving prior notice to the Ministry of Justice. It is still difficult for NGOs to get foreign funding legally through bank accounts. Few new NGOs have been registered. Many have ceased functioning as their sources of funding have been cut off.

#### *Freedom of expression*

In June 2005, President Karimov said that “media attacks, organised and managed by a certain centre, are nothing but attempts to exert influence from outside and divert us from the chosen path. At a time when control over information can determine many things, the current situation requires an independent state to resolutely protect its national interests, not only from the political, economic and military but also informational safety points of view.”

The Uzbek authorities have harassed and prosecuted dozens of local journalists to reinforce the official version of the Andizhan events. Human Rights Watch and the OSCE reports on Andizhan and its aftermath document individual cases. Independent journalists and local representatives of foreign media outlets came under particular pressure. Nosir Zokirov, a correspondent for Radio Liberty, was sentenced to six months in prison in August 2005 after reporting on the Andizhan events. Many, including Galima Bukharbayeva of the Institute of War and Peace Reporting, have left the country. Following the events in Andizhan the Uzbek authorities made BBC reporting from the country untenable. BBC correspondent Monica Whitlock left the country in June 2005 after she was put under pressure and accused of prior knowledge of the events. No evidence was provided for this allegation. The BBC World Service office in Tashkent closed in September 2005 citing harassment by the Uzbek authorities. Radio Liberty followed suit. The Uzbek authorities are unwilling to allow the BBC to rebroadcast programmes and/or hire transmitters.

In March 2006, the Uzbek government introduced a new resolution making it illegal for local Uzbek journalists to work for international media unless they were registered with the Ministry of Foreign Affairs. The same resolution makes it difficult for foreign media outlets to work in Uzbekistan. The resolution contains vague provisions, such as foreign journalists may not “interfere with the internal affairs” of the country or “humiliate the honour and dignity of Uzbeks”,

leaving the Uzbek authorities enormous leeway to decide which activities are legal. The ministry can refuse or withdraw accreditation from foreign journalists or their representatives for violations of the law. A local correspondent for *Deutsche Welle* had his accreditation withdrawn for reporting “unchecked information” about a local bus crash. Local Uzbeks and their employers can also be prosecuted for “infringements of tax legislation”. Foreign NGOs have been closed down for violations of similar laws.

While censorship was officially abolished in 2002, most editors and journalists are cowed into self-censorship for fear of reprisals from the Uzbek authorities. In August 2006, several journalists from state-owned newspapers were accused of freelancing for independent and foreign media and were fired. Uzbek security service officials have given explicit warnings about coverage of certain events. Since Andizhan, the official Uzbek media have criticised the damage that foreign countries supposedly seek to inflict on Uzbekistan through their “distorted reporting”, and their “attempts to undermine national Uzbek values through the imposition of democracy”. Official speeches frequently refer to a western-financed “information war”.

EU heads of mission in Tashkent have been active on behalf of the media. Our Ambassador in Tashkent, David Moran, has expressed his concerns to the Uzbek Foreign Minister, particularly about the treatment of the BBC. The Embassy has also taken action on behalf of local journalists. We made representations to the Uzbek government regarding a physical attack on independent journalist Alexei Volosevich. We have also raised with the Uzbek authorities the cases of a number of human rights activists and journalists in Jizzakh province, who suffered arrests, assaults and harassment. For instance, Jarakul Mahmatkulov, a local journalist, has been warned by the Uzbek security service that his family will be under threat if he does not stop producing anti-government articles.

The trial of Dadakhon Khasanov, a famous singer and poet, began in August 2006. He was charged with slander in relation to a critical song he composed about the Andizhan events. In April 2006, two Uzbek citizens from Bukhara province, Jamal Kutliev and Khazrat Akhmedov, were sentenced to seven years and four years in prison, respectively, for possession of Khasanov’s cassettes featuring recordings of his song about Andizhan.

#### *Freedom of movement*

A number of human rights defenders and journalists have been refused exit visas when trying to leave the country to attend functions overseas. For instance, human rights

defenders Elena Urlaeva and Akzam Turgunov do not currently have exit visas. Nor does the independent journalist Alisher Taksanov.

#### *Religious freedom*

Reports of religious intolerance and persecution in Uzbekistan are also disturbing. Discrimination, harassment and criminal prosecutions of Muslims, as well as harassment of religious minorities, notably Protestant Christians, remain commonplace. The authorities tightly control religious practice. A new law, passed in June 2006, outlaws the illegal production, storage, import or distribution of religious material in Uzbekistan.

The Spiritual Board (Muftiate) controls the practice of Islam. It monitors, among other things, the contents of imams' sermons and the publishing of Islamic materials. The security services crack down on those who deviate from the state-sponsored version of Islam. Human rights groups accuse the authorities of using terrorism as a pretext for this.

So far there have been 19 trials relating to Andizhan involving 257 defendants, many of whom have been convicted of terrorism charges. Followers of the so-called Akramiya movement (see page 111) in particular have been singled out for harassment and prosecution following the Andizhan killings. Since last year's report there has been a steady flow of arrests and convictions of Muslims on charges of extremism. Commonly, defendants are accused of Wahabbism, a term liberally, but in most cases erroneously, applied as only a small number of Sunni Muslims in Uzbekistan are followers of Saudi-style Islam. The government continues to imprison followers of the outlawed Islamic organisation, Hizb ut-Tahrir. For example, in August 2006, 29 people were jailed for membership of Hizb ut-Tahrir in two separate trials.

The authorities have closed churches and detained Protestants for relatively minor infringements of the law. Some international NGOs providing humanitarian aid have been closed down for proselytism.

Bakhtior Tuychiev, a Pentecostal pastor from Andizhan, was arrested on 11 November 2005 and asked to sign a statement renouncing his faith. He refused. A few weeks later the authorities approached his mother and brother while he was in Novosibirsk in Russia. At the end of December, he was beaten up by unknown assailants and hospitalised. In August 2006, he received a court summons and notification that he would face charges of, among others, attempting to overthrow the constitutional order and organising illegal gatherings.

We remain keen to look at further ways of promoting religious

tolerance and fostering links between UK and Uzbek Muslim groups. We have also raised with the Uzbek authorities reports of religious persecution, both bilaterally and with international partners. We believe that constraints on religious freedoms can be an important factor in the emergence of radical and extremist ideologies.

#### **UK actions**

The international media, including the BBC, reported the events in Andizhan based on eyewitness accounts. ODIHR produced a report which is available online at: [www.osce.org/documents/odihhr/2005/06/15233\\_en.pdf](http://www.osce.org/documents/odihhr/2005/06/15233_en.pdf). The OSCE Representative on the Freedom of the Media issued a report on the media situation in the immediate aftermath of Andizhan which is available at: [www.osce.org/documents/rfm/2005/03/15195\\_en.pdf](http://www.osce.org/documents/rfm/2005/03/15195_en.pdf). The Uzbek authorities have repeatedly rejected an international independent enquiry.

The EU GAERC discussed the events in Andizhan in May, June and July 2005, calling on Uzbekistan to co-operate with the international community. As the Uzbek authorities remained intransigent the EU council, under the chairmanship of the then Foreign Secretary Jack Straw, returned to the subject of Uzbekistan on 3 October and adopted conclusions condemning the Uzbeks' refusal to allow an independent international enquiry and calling on them to discontinue the detention and harassment of those, including human rights defenders, journalists and others, who had questioned the authorities' version of events. The council also imposed an arms embargo and a visa ban on ministers and officials directly responsible for the Andizhan events, suspended technical meetings under the EU-Uzbekistan Partnership and Co-operation Agreement (PCA) and redirected assistance programmes to relieve poverty and support human rights, democracy and civil society. Norway and Switzerland supported the EU action by adopting similar measures (see box on page 117 for more details).

In November 2005, 77 countries voted for an EU-sponsored country resolution in the UNGA Third Committee, which expressed grave concern at the clear deterioration in the human rights situation in Uzbekistan and the government's refusal to co-operate with, or address the concerns of, the international community, including the UN.

Uzbekistan continues to refuse to co-operate with international institutions. The EU Special Representative on Central Asia Jan Kubis visited Uzbekistan in September 2005 but was not allowed to return before he stepped down from the job in July 2006. The UN Special Rapporteur on Torture, Manfred Nowak, has not been allowed to visit Uzbekistan.

On 3 October 2005, the council decided to impose an embargo on exports to Uzbekistan of arms, military equipment and other equipment that might be used for internal repression. It also imposed restrictions on admission to the EU of those individuals directly responsible for the use of force in Andizhan. The council suspended technical meetings under the EU-Uzbekistan PCA and reorientated assistance programmes to focus on the needs of the population, democracy, human rights and civil society. The council agreed that bilateral ministerial contacts should include strong messages on the importance of respect for democracy, the rule of law and human rights in Uzbekistan. EU member states should support the invocation of OSCE and UN mechanisms and procedures to obtain an independent international enquiry. The council urged the Uzbek authorities to lend their full co-operation to this process.

The council undertook to follow closely the situation in Uzbekistan, in particular:

- the conduct and outcome of the ongoing trials of those accused of precipitating and participating in the

disturbances in Andizhan. In this regard, the council takes note of the decision by the Uzbek government to allow OSCE observers to attend these trials. The EU also notes with utmost concern reports from independent organisations alleging unfair trials based on confessions extracted under duress of 15 persons tried for subversive activities in connection with the events in Andizhan;

- the situation regarding the detention and harassment of those who have questioned the Uzbek authorities' version of events in Andizhan;
- Uzbek co-operation with any independent, international rapporteur appointed to investigate the disturbances in Andizhan; and
- the outcome of any independent, international inquiry.

The council decided to implement these measures for one year and, in the meantime, to review them in the light of any significant changes to the current situation, including the willingness of the Uzbek authorities to adhere to the principles of respect for human rights, rule of law and fundamental freedoms.

Meanwhile, the Uzbeks have closed down avenues of co-operation by asking the office of the UNHCR to leave the country in April 2006. On 1 July 2006, at the request of the Uzbek authorities, the mandate of the original OSCE liaison office in Tashkent was changed. The office is now the OSCE Project Co-ordinator in Uzbekistan. We will follow closely how this new office is able to operate in the coming year.

On 10 May, the Prime Minister assured the House of Commons that the UK would keep up the pressure on Uzbekistan to improve its human rights situation. On the first anniversary of the Andizhan events, the Minister for Europe Geoff Hoon expressed his condolences to the families and friends of all those killed and reiterated our concern about the human rights situation. To mark the occasion, the Austrian EU presidency issued a declaration expressing deep disappointment at the failure of the Uzbek authorities to work with the EU over Andizhan; the EU High Representative for the Common Foreign Security Policy Javier Solana issued a statement; and the GAERC issued conclusions on 15 May 2006 reiterating the EU's position. On 18 May, the EU, the US, Norway, Canada, Liechtenstein, Iceland and Switzerland made statements on Andizhan at the OSCE Permanent Council in Vienna.

We have also provided support for specific projects. Our Embassy has supported training to help prison doctors recognise the signs of torture or inhuman treatment and to collect evidence and report such incidents. Another project

trained defence lawyers to file petitions to the UNCAT. One petition has already been submitted and another is being prepared for submission.

Our Embassy in Tashkent has regularly met the human rights community and NGOs and shown public support for human rights defenders by attending NGO events, inviting them to the Embassy and visiting NGOs in the regions, including rural areas. We funded the attendance of several human rights defenders at the May 2006 European Bank for Reconstruction and Development Conference on Uzbekistan.

In our relations with Uzbekistan we and our EU partners are committed to maintaining an active - and, where necessary, critical - dialogue across a range of issues. Human rights remain at the core of this dialogue. Where the Uzbek authorities are making genuine efforts to reform, we will also offer support.

## 2.20 Vietnam

### Overview

Vietnam is a one-party state in which the Communist party of Vietnam decides all major policy issues, which are then implemented by the government. Although Vietnam has made some positive steps forward with regard to civil and political rights, its overall record remains poor. We are particularly concerned about restrictions on freedom of expression, freedom of religion, the continued high rate of executions and

the situation of ethnic minorities in the north and central regions.

There have been some positive trends in Vietnam's adherence to its international obligations on civil and political rights. On freedom of expression, the Vietnamese media show an increasing willingness to test the boundaries. But we remain concerned at continued official determination to muzzle the media, smother internet use and restrict freedom of expression more widely. On freedom of religion, the 2004 Ordinance on Belief and Religion and the 2005 Prime Ministerial Instruction on Protestantism are having a positive, if slow and modest, impact. We remain concerned at the situation of Protestants in the northern uplands and members of the unlicensed Unified Buddhist Church of Vietnam (UBCV).

### Recent developments

Since May 2005, the government has released seven people on the EU's list of prisoners and detainees of concern but, as at August 2006, 21 remain in custody. Legal restrictions on free expression and the internet have increased, although

media freedom seems to have increased a little. Implementation of the 2004 Ordinance on Belief and Religion has proceeded slowly - restrictions have eased for most Protestants, but some continue to face problems at local level. Vietnam has made a public commitment to reducing the number of executions it carries out and, eventually, abolishing the death penalty but has not yet taken concrete action.

### Current concerns

#### *Freedom of expression, the media and the internet*

Despite constitutional safeguards, there is no free media in Vietnam. The state controls all domestic media and reporting on sensitive issues is not allowed. Some media are slowly gaining more freedom in areas such as reporting corruption, but this is limited. In spring 2006, the media was allowed unprecedented freedom to report on a corruption scandal at the Ministry of Transport. Some reporting of the five-yearly Communist party congress in April was also surprisingly critical in tone. There have been subsequent signs, however, that tighter control is being reimposed.



Vietnamese Deputy Transport Minister Nguyen Viet Tien is handcuffed and led from his home in Hanoi by police on 4 April 2006. Tien was arrested in a corruption scandal involving the transport ministry.



Foreign journalists face numerous restrictions. The government occasionally censors foreign publications and blocks some foreign websites. Internet use is taking off in Vietnam, but regulations control access and ban “subversive” material. In July 2005, a new communist party directive on electronic media and a new government joint circular on management of internet agents further increased restrictions on electronic media and the internet. Vietnamese websites must register with the government and have their content approved. As well as blocking “subversive” websites, internet service providers must assist security agencies to monitor usage. Internet café visitors must show identification papers. A recent Anglo-French survey found that many local and foreign websites (including Human Rights Watch and Radio Free Asia) were blocked.

Vietnam has sentenced “cyber-dissidents” to long prison sentences for expressing their views on the internet. Businessman Pham Hong Son was sentenced to 13 years in prison (reduced to five years on appeal) in 2003 for posting a translated article on democracy, while journalist Nguyen Vu Binh was sentenced to seven years’ imprisonment for circulating articles that were critical of the government. In December 2005, Reporters without Borders reported the arrest of three young internet users - Truong Quoc Tuan, Truong Quoc Huy and Lisa Pham - in Ho Chi Minh City on charges of attempting to undermine the state. They were released in July 2006 following international pressure (including from the UK).

#### *Freedom of religion*

Vietnam’s constitution guarantees freedom of religion and individuals are generally permitted to worship without restriction. In practice, the government maintains tight control on religious organisations and generally only permits state-approved religious groups. The 2004 Ordinance on Belief and Religion, while codifying many existing restrictions, nonetheless represents a modest step forward and sets out a road map towards official recognition. However, implementation to date has been slow and patchy.

We remain particularly concerned about the situation of non-recognised Buddhist and Protestant groups.

The non-recognised UBCV sought to re-establish itself at a congress in Vietnam in September 2003. The authorities subsequently cracked down, and Patriarch Thich Huyen Quang and his deputy, Thich Quang Do, were placed under tight movement restrictions, amounting to de facto house arrest. The 2004 Ordinance on Belief and Religion has not led to any loosening of restrictions on the UBCV. The

restrictions on Do have been eased a little. The British ambassador was permitted to visit Do in September 2005.

The government remains suspicious of Protestantism, viewing it as foreign and - in the Central Highlands region - equating it with separatism. The government recognises two official Protestant churches in northern and southern Vietnam, although it also places some restrictions on them. The 2004 Ordinance on Belief and Religion, reinforced by the 2005 Prime Ministerial Instructions on Protestantism, has resulted in a slow loosening of restrictions on unlicensed groups. However, continued local harassment is reported in some areas, particularly the northern uplands.

Poverty, land disputes, local corruption, restrictions on Protestants and outside agitation are believed to have triggered unrest among ethnic minorities (often called Montagnards) in the Central Highlands in 2001 and 2004.

## << Vietnam has sentenced “cyber-dissidents” to long sentences for expressing their views on the internet. >>

Following the 2004 unrest, hundreds of Montagnards sought asylum in Cambodia. The UNHCR rejected most of their asylum claims as unfounded and, following an agreement with Vietnam and Cambodia in January 2005, has either resettled the Montagnards in third countries or returned them to Vietnam. The UNHCR, supported by the EU and the US, has since sent a series of missions to the Central Highlands to investigate the welfare of the returnees. UNHCR found that the returnees have been well-treated and given positive assistance to restart their lives. After hearing allegations of intimidation and abuse from some returnees, the EU pressed Vietnam and the UNHCR to investigate. However, the EU did not conclude that intimidation or abuse of returnees was widespread.

#### *The death penalty*

Vietnam is believed to have one of the highest execution rates in the world after the US, China, Saudi Arabia and Iran. Official statistics are a state secret, but reports suggest that there are between 100 and 125 executions per year (most for drug-related offences). A recent fall in the number of executions reported in the local media cannot be confirmed. Execution is by firing squad, but Vietnam is reportedly considering introducing lethal injection.

Vietnam has stated publicly that it intends to restrict and



Vice Minister of Public Security Le The Tiem speaks to reporters at a press briefing in Hanoi, 28 August 2006. The Vice Minister announced that cyber-dissident

Pham Hong Son, sentenced to 13 years in jail after promoting democracy on the Internet, was set to be released in a general amnesty.

eventually abolish the death penalty. In 1999, Vietnam reduced the number of crimes attracting the death penalty from 44 to 29. The government has recently voiced plans to abolish between nine and 11 further death penalty offences, possibly in 2007. In its 2005 white paper on human rights, Vietnam stated that it aims "to narrow the scope of capital punishment, gearing towards its abolition in the future". However, Vietnam has yet to follow up these statements with concrete action and continues to impose the death penalty for economic offences. In May 2006, Amnesty International reported the case of Duong Quang Tri, who was sentenced to death for fraud.

In November 2004, the UK and other EU partners co-funded a seminar on the death penalty in Hanoi, which was attended by senior Vietnamese officials. Our Embassy is now taking forward plans to fund Vietnam-specific research on the death penalty with the Vietnamese government (see page 305 for further details).

## UK action

The UK, with our EU partners, regularly raises human rights issues with the Vietnamese government. Over the past year, the EU has repeatedly raised concerns regarding freedom of expression, the media and the internet, freedom of religion and the death penalty.

Our main fora for raising human rights concerns are the biannual meetings of the EU-Vietnam Human Rights Dialogue, which was established in 2003. The British Ambassador attended sessions in June 2005 and December 2005 in Hanoi. The EU also maintains a list of prisoners and detainees of concern to raise with the Vietnamese authorities and produces an annual report on human rights in Vietnam to inform EU policy. In addition, UK and EU diplomats undertake field missions, such as the visit by a group of EU ambassadors to the Central Highlands in November 2005. The EU also undertakes *ad hoc* interventions. In October 2005, for example, during our EU presidency, we led an EU delegation to lobby Vietnam in support of freedom of expression and the internet. The UK also raised human rights issues with Vietnam's Deputy Prime Minister during EU-Vietnam discussions on Vietnam's master plan for relations with the EU in September 2005.

UK ministers raise human rights issues with Vietnam bilaterally at every suitable opportunity. We will continue to press the Vietnam government to adhere to its international human rights obligations.

Increasingly, we are also engaging directly with key actors in sensitive areas through project work. Over the past year, at the request of the Vietnamese, we have funded human rights training for Vietnamese officials in the UK and Vietnam. The UK has also funded training on refugee law for Vietnamese officials to improve co-operation with the UNHCR in the Central Highlands region. With the British Council, we have funded journalist training to help develop the Vietnamese media's capacity for independent reporting. We have also funded media training for Vietnamese officials to encourage greater openness and media access. In 2007, we hope to co-operate further with Vietnam on the death penalty and the ratification of UNCAT.

Human rights are a sensitive issue for Vietnam and drawing the government into a regular, constructive dialogue with the EU is a positive step in itself. International dialogue has encouraged Vietnam to make a number of positive moves with regard to freedom of religion, the Central Highlands, the death penalty and persons of concern. Since our last report, EU and international concern and lobbying has led to the release of seven prisoners and detainees on the EU list. In

August 2005, on the occasion of the National Day Amnesty, Catholic monk Nguyen Thien Phung and political dissident Tran Van Luong were released. In September 2005, Baptist Pastor Than Van Truong was released. In January 2006, political dissident Nguyen Khac Toan was released. In July 2006, internet users Truong Quoc Tuan, Truong Quoc Huy and Lisa Pham were released. As of May 2006, 21 people remain on the EU list.

## 2.21 Zimbabwe

### Overview

Zimbabwe's already poor human rights situation has deteriorated further over the last 12 months. The last year has been dominated by the government's programme of housing demolitions, "Operation Murambatsvina" ("Drive out the filth"), which affected nearly a fifth of the population.

This operation violated people's fundamental rights to human dignity, to shelter, to employment, to education and to healthcare. A year on, many of those affected remain homeless, with little access to food, water or medical assistance.

The authorities have also continued to suppress and victimise those who criticise the ruling party; to crack down on peaceful protests; and to restrict the freedom of the media by denying rights to independent journalists and taking control of the country's second daily newspaper. The authorities have jammed independent radio stations. They have also raided one of the stations, charging their trustees under the restrictive Broadcasting Services Act.

Despite the immense damage caused to Zimbabwe's agricultural productivity by the land reform process, prompting condemnation by key international organisations (as well as admission by parts of the administration that it has failed), land seizures continued. Prior to the most recent harvest in April 2006, well over 3 million people were relying on international food aid. Despite unusually high rainfall, Zimbabwe's recent harvest is about half of what used to be normal and well below the national food requirement, so food shortages are likely to continue. However, for the third year running the government refused to invite the UN to conduct a joint crop and food assessment. Food distribution and, increasingly, food production have come under the control of the military. It is now frequently used as a political tool. Food was openly offered in return for votes in the Chegutu mayoral election.

### Recent developments

#### "Operation Murambatsvina"

In May 2005, the Zimbabwe government embarked on a

brutal crackdown against informal sector trade and housing. The scope of the campaign expanded rapidly to include a large section of the urban poor. The UN Secretary-General Kofi Annan described the mass evictions as "a catastrophic injustice...carried out with disquieting indifference to human suffering". In her June 2005 report, Kofi Annan's special envoy, Anna Tibaijuka, called the operation "a disastrous venture", which precipitated "a humanitarian crisis of immense proportions". The report estimated that it left 700,000 people homeless and/or destitute, with a further 2.4 million affected to varying degrees. Many of those who lost their homes were moved against their will to transit camps, which were overcrowded and lacked basic amenities. The Zimbabwe government rejected the Tibaijuka report and, instead of facilitating the international humanitarian response to the crisis, obstructed international efforts to

Malvern Chishazhe, cries after his family home was destroyed at Porta Farm, 9 miles west of Harare. One year after

"Operation Murambatsvina" thousands remain homeless and evictions continue.



supply temporary shelter for those made homeless. One year on, many thousands remain homeless and urban evictions continue.

In November 2005, the UN Under-Secretary-General for Humanitarian Affairs Jan Egeland highlighted the government's failure to address the consequences of "Operation Murambatsvina", as well as to tackle the broader humanitarian situation. The Security Council also addressed the issue, discussing it three times in 2005. We were instrumental, with support from partners, in securing attention to this man-made crisis at this level. We will continue to identify opportunities to put it on the agenda.

In July 2005, the Zimbabwe government launched "Operation Garikai" ("Live well"). The operation, ostensibly

<< **The Zimbabwe government has continued to target ruthlessly those who challenge its political authority or express their concern at the increasing levels of suffering in the country.** >>

designed to provide accommodation for those affected by the earlier evictions, was ill-conceived, poorly planned and inadequately financed. Only a fraction of the number of shelters required have been built (estimated to be no more than 3,325 houses), and there is strong evidence that "Operation Garikai" houses and "stands" (plots) are being allocated to police and civil servants, and on a party political basis, not to those in most need. The Governor of Matebeleland South and the Minister for Home Affairs, have both publicly criticised the distribution of "Operation Garikai" houses to officials and supporters of the ruling ZANU(PF) party.

#### *Civil and political repression*

The Zimbabwe government has continued to target ruthlessly those who challenge its political authority or express their concern at the increasing levels of suffering in the country. In February 2006, the Zimbabwe human rights NGO forum issued a report stating that cases of political violence and human rights abuses in Zimbabwe almost doubled between 2004 and 2005. In December 2005, the African Commission for Human and Peoples' Rights (ACHPR) passed a resolution condemning the Zimbabwe government for human rights violations and calling on it to respect

fundamental rights and freedom of expression, association and assembly by repealing repressive legislation.

The Zimbabwe government has refused to accept any of the ACHPR resolution's recommendations, and human rights violations continue. For example, on 31 July 2006, the Zimbabwe government announced economic measures that prohibited its citizens from holding more than Z\$100 million in cash. Following the announcement, government officials and ZANU(PF) activists seized "excess money", without giving receipts, at every major urban and rural crossroads in the country. The holding of cash has been criminalised. This has only increased the economic and humanitarian hardship that Zimbabweans face, as well as violating basic human rights. The manner in which the currency reform has been introduced and implemented, without the approval of parliament, amounts to an abuse of authority and further undermines property rights with no recourse to the courts.

The severity of Zimbabwe's economic and political crisis has led to a growth in civil society activity and an increase in the number of peaceful demonstrations. These are routinely broken up, often brutally, by the authorities and hundreds of those involved are arrested arbitrarily. During the peaceful 2006 Valentine's Day marches in Bulawayo and Harare, organised by Women of Zimbabwe Arise!, more than 400 people were arrested, including infants, breastfeeding mothers and the elderly. They were held in terrible conditions, with credible reports of abuse.

We are particularly concerned by the intimidating rhetoric used by the government in response to a call by the opposition for a mass, peaceful mobilisation, made at their party conference in March 2006 and reiterated since then at an All Stakeholders Forum. The government has interpreted this as a call to arms and branded those involved as traitors. During his 2006 Independence Day address, President Mugabe said, "Anyone who dares lead any group of persons to embark on a campaign of violent terrorist activities will be inviting the full wrath of the law to descend on him or those who follow."

Following the widely condemned March 2005 parliamentary elections (see last year's report), the government has sought further to entrench its control by suspending some independently elected mayors and councillors belonging to the opposition party and replacing them with appointed commissioners, in violation of basic democratic rights.

## Current concerns

### *Freedom of expression*

There has been no weakening of the government's resolve to curb media freedom and to suppress independent journalism. According to Reporters Without Borders' 2005 annual report (available online at: [www.rsf.org](http://www.rsf.org)):

"Freedom of the press simply does not exist in Zimbabwe. Everything is under government control, from the licensing of the media and journalists down to the content of articles. Television and radio are a state monopoly. Police and the judiciary ensure that dissenters live in terror or endure the constant battering of a relentless harassment."

Despite international condemnation, the government has

further strengthened existing repressive legislation, such as the Access to Information and Protection of Privacy Act (AIPPA). In January 2006, Minister for National Security Didymus Mutasa said, "It is sad to note that there is a crop of journalists who are selling the country to the enemy by writing falsehoods, with the intention of agitating violence and undermining national security. The net will soon close in."

The enactment of the General Laws Amendment Act in September 2005 tightened the Public Order Security Act by increasing penalties against journalists convicted for insulting or undermining the authority of the president. The law also allows reporters to be charged with writing false stories; unless they are prepared to disclose their sources to prove the articles are evidence-based, they can be prosecuted. Two

Zimbabwean police officers arrest pro-democracy demonstrators in Harare, 5 November 2005.



reporters have already been charged. An Interception of Communications Bill 2006 has been presented to the Zimbabwean parliament. According to Reporters Without Borders this law, when enacted, "will allow the authorities to place journalists and opposition politicians under surveillance without any control from the courts. It also directly threatens the local contacts of international media and NGOs. The government will have new tools to ensure that no embarrassing news or information crosses its borders."

The Media Institute of South Africa's annual report, *So this is democracy? - the state of media freedom in Southern Africa 2005*, said that, although fewer rights violations had been recorded in southern Africa, "the tools of repression are changing". A variety of these "tools" were used in Zimbabwe during 2005:

- The Media and Information Commission (MIC) continued to impede or delay accreditation for foreign and independent journalists. Any journalist working without the approval of this government-run censorship office faces a two-year prison sentence.
- Neither the *Daily News* nor the *Tribune* have yet received their licences to resume publishing, despite court judgments saying there was no reason to deny them a licence.
- The Central Intelligence Organisation took control of the "privately owned" Zimbabwe Mirror Group. Reporters Without Borders declared, "The CIO's behaviour is unacceptable...The *Daily Mirror* was one of Zimbabwe's last independent newspapers. The free press is being stifled by the government, which continues to flout court decisions and warnings from press freedom groups."
- Security services have prevented any independent radio broadcasts. They raided the offices of one independent station - Voice of the People (VoP) - confiscating their equipment and arresting their director and trustees, leading to the suspension of broadcasts; and they have repeatedly jammed both VoP and other independent radio stations - SW Radio Africa and Voice of America.

#### *Constitutional amendment 17*

The Zimbabwe government manipulated the 2005 elections to secure two-thirds of the seats in parliament. In August 2005, they used this majority to push through constitutional amendment 17, which contained further provisions eroding a number of human rights.

The most far-reaching consequence of the bill is the nationalisation of land, giving the state almost total control and the ability to force former owners and recent settlers off any piece of land. Owners will not have any right of challenge

in the courts (this provision is retrospective and nullifies existing legal challenges by former commercial farmers). Nor are there provisions for compensation for loss of ownership, though limited compensation may be payable for "improvements". After the amendments were passed, Minister for National Security Didymus Mutasa said that the Zimbabwe government would be speeding up the fast-track land resettlement in an effort to "rid the country of the white community". This led to an upsurge in the seizure of farms, often by regime figures.

Amendment 17 also allows the state to impose limitations on the right of Zimbabweans to leave the country. The government has already removed the passports of several prominent Zimbabweans, including the South African-based owner of the only independent paper group still operating in Zimbabwe. All passports were eventually returned, but the threat remains. The amendment also disenfranchised all

## << Zimbabwe's international isolation is a symptom of misgovernance, not the cause of the crisis. >>

those deemed to be "foreigners", by removing the right to vote from even second-and third-generation settlers from neighbouring countries.

#### *Food crisis*

Zimbabwe has been suffering from chronic food insecurity since 2002. The Zimbabwe Vulnerability Assessment Committee (ZimVAC) - a consortium of government, NGOs and UN agencies - released a report in November 2005, which estimated that as many as 2.88 million Zimbabweans faced food shortages. With inflation topping 1,000 per cent, this figure is likely to rise. But planning food aid for those affected is made more difficult by the government's lack of transparency regarding policies, capacity and activities in relation to grain imports, local procurement, stocks or marketing. For the third year running, the Zimbabwe government refused to invite the UN to conduct a joint crop and food assessment.

According to the South Africa-based NGO Solidarity Peace Trust, the Zimbabwe government's attempts to revive the agriculture sector by deploying the army under "Operation Taguta/Sisuthi" ("Eat well") has succeeded only in "destroying self-sufficiency in rural populations and creating vulnerability through dependency on government as the only source of food".

### UK action

Working with partners in both in the EU and the UN, we continue to press Zimbabwe to take the necessary steps to restore democracy, the rule of law and respect for human rights. During our presidency of the EU, we issued four statements strongly condemning the situation in Zimbabwe. We have reinforced this message through continued firm and co-ordinated international action. In February 2006, the EU extended the targeted measures against Zimbabwe that it has had in place since 2002. These measures are only targeted against the Zimbabwe government. They do not include broader economic sanctions, which would harm the people of Zimbabwe. There is a travel ban and assets freeze on named individuals, who are responsible for Zimbabwe's continued misrule, and an embargo on the provision of military equipment and training. With our support, the EU increased the numbers on the travel ban/assets freeze list to 126, to include those responsible for "Operation Murambatsvina".

We have successfully pressed for Zimbabwe to be placed on the UN Security Council agenda, and we will work to ensure that it continues to be discussed there. In addition, we supported the decision of the International Monetary Fund (IMF) board to suspend Zimbabwe's voting rights for a further six months. Despite repayment of some of its IMF arrears, Zimbabwe has consistently failed to co-operate with the organisation over the economic and fiscal reforms necessary to turn around the economy and alleviate the suffering of its people.

The UK is one of the three largest donors of humanitarian assistance to the most vulnerable in Zimbabwe. DfID humanitarian support focuses on tackling HIV and AIDS, assistance to orphans and other vulnerable children and food security. DfID also supports displaced persons, including victims of both "Operation Murambatsvina" and farm evictions. In April 2006, we committed significant funding to UNICEF in Zimbabwe in a bid to improve the plight of orphans and vulnerable children across the country. All funding is channelled through NGOs and UN agencies, including the International Organisation for Migration (IOM), UNICEF, UNAIDS and the WFP. This ensures that assistance reaches those that need it most.

Zimbabwe's international isolation is a symptom of misgovernance, not the cause of the crisis. We will continue to work with international partners, including the EU and UN, as well as the growing number of African states committed to the principles of democracy, good governance and human rights, to press Zimbabwe to reform. Zimbabwe needs to change, not because the international community demands

it, but because it realises that its policies are hurting its own people and destroying the country. Once this occurs, we stand ready to lead international efforts to help restore Zimbabwe to its previous position as the "bread basket" of southern Africa, with a government committed to sound economic practice, democracy and respect for the rule of law and human rights.



A girl puts her mother's vote into the ballot box at Sidi Moussa, outside Algiers, 29 September 2005. Voters overwhelmingly backed a peace plan aimed at ending the armed insurgency which has left an estimated 120,000 dead and led to serious human rights violations.



<< The goal of the EU is to form a region of freedom, security and justice. Freedom in this connection cannot be just the freedom of the strong ... it must be combined with fraternity and equality. >>

TARJA HALONEN, PRESIDENT OF FINLAND (HOLDER OF THE EU PRESIDENCY FROM JULY - DECEMBER 2006)

## Human rights and Europe

### 3.1 Introduction

This chapter looks at how the EU has worked to promote human rights, democracy and good governance over the past year, and at how the UK has contributed to that work. With its 450 million inhabitants, and its economic and political strength, the EU has enormous potential to promote the human rights and fundamental freedoms it seeks for its own citizens, through its political, trade and development relationships with the wider world. As holder of the EU presidency from July-December 2005, EU human rights policy and delivery were particularly high on the UK agenda during the period of this report.

This chapter also examines the ways in which we and our EU partners sought to deliver core EU human rights priorities, as part of our Common Foreign and Security Policy, and looks at how the UK worked to deliver its presidency goals: to promote freedom of expression and to mainstream human rights further within the EU.

The EU enlargement process continues to act as a powerful incentive for reform and for the development of international human rights standards in candidate and potential candidate countries. This chapter provides an overview of the human rights situation in the accession and candidate countries (such as Turkey, where there has been significant reform) and in other countries which may aspire to EU membership at a later stage (such as Montenegro, which only emerged as an independent state in June 2006). We also consider how the EU's relationship with its neighbours to the east and south is increasingly based on a mutual commitment to

common values, including the rule of law, good governance, respect for human rights and the principles of market economy and sustainable development under the umbrella of the European Neighbourhood Policy (ENP).

Although this chapter focuses on the EU's external human rights work, we are conscious of the need for coherence between the values the EU seeks to promote abroad and its internal policies. The fundamental rights and freedoms of EU citizens that are applicable at EU level are set out in the Charter of Fundamental Rights, a political declaration agreed

<< With its 450 million inhabitants, and its economic and political strength, the EU has enormous potential to promote human rights and fundamental freedoms. >>

by heads of government in 2000. Although the charter is not legally binding and does not alter any of the EU's existing powers, it brings together the relevant rights and principles in one statement, clearly setting out the citizens' rights that EU institutions must respect when exercising their powers. The charter should also help to protect citizens' basic rights and liberties at EU level. The charter forms Part Two of the European Constitutional Treaty and will only evolve from a political declaration to a legally binding document if that treaty comes into force. This will require the ratification of all 25 member states.

Negotiations to establish an EU Fundamental Rights Agency (see Chapter 3 of the 2005 *Human rights annual report*) continued during the period of this report but are not yet complete. There appears to be a broad consensus among member states that the agency's main focus should be on helping institutions - and member states implementing European law - on fundamental rights issues. Negotiations have also highlighted the need to avoid duplication with other regional human rights institutions, particularly the Council of Europe.

Finally, the chapter looks at the work of two other key players in the promotion of human rights and democratisation within Europe: the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe. We believe that the OSCE's "human dimension" activities, including its highly effective election observation missions, should remain central to its work. We continue to support the Council of Europe's efforts to reform the European Court of Human Rights (ECtHR), ensuring that it remains the world's most effective regional human rights mechanism.

### 3.2 Common foreign and security policy in the European Union

"The Union shall define and implement a common foreign and security policy...the objectives of which shall be...to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms."

Article 11, Treaty on European Union

Respect for human rights is one of the five overarching objectives of the Common Foreign and Security Policy (CFSP), which is written into the Treaty on European Union. The UK's work in promoting human rights is therefore complemented and strengthened by our membership of the EU.

EU human rights work was a particular focus for us for much of the period of this report, as the UK held the presidency of the EU from July-December 2005. The EU had already developed a comprehensive range of activities and priorities in the area of human rights under the CFSP (see below), and our primary goal for the UK presidency was to focus on this "inherited agenda" and ensure the concrete implementation of existing human rights commitments.

We also saw our presidency as an opportunity to add momentum in two particularly important areas: freedom of expression, which is closely linked to existing EU work on

human rights defenders; and the continued mainstreaming of human rights within wider EU work (see page 131). To achieve these goals, we needed to work closely with other EU member states, particularly Luxembourg (our predecessors) and Austria (who took over the EU presidency in the first half of 2006), the Council Secretariat, the European Commission and the EU's civil society partners.

The following section sets out some of the general CFSP tools available to the EU, then examines the activities of the EU Working Group on Human Rights during the six months of the UK presidency and the first six months of 2006. Other regional and country-specific EU human rights work is covered elsewhere in this report.

#### CFSP tools

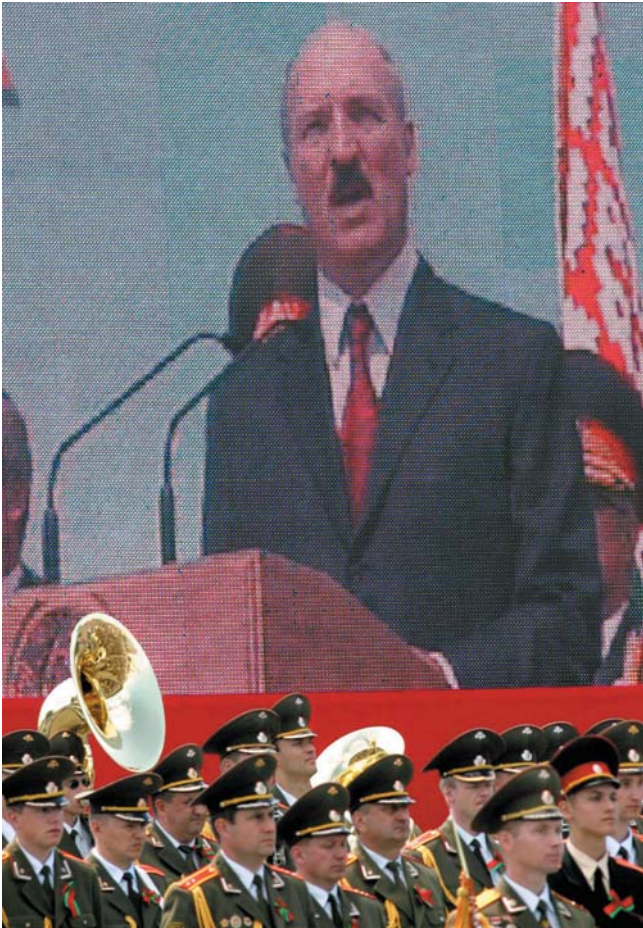
EU member states can agree a common policy towards other countries at three levels:

- Ministers and officials of the 25 member states can agree policies and make declarations and statements on events in non-EU countries.
- Officials of member states can agree common negotiating positions on human rights in other international organisations, such as the UN.
- Embassies of EU member states in third countries can identify human rights concerns and lobby their host governments on human rights issues.

Examples of action at ministerial level during the reporting period include **Belarus**, where EU foreign ministers agreed a set of restrictive measures (including travel bans) to be imposed on 31 individuals, including President Lukashenko himself, following the fraudulent presidential election on 19 March 2006. At the same time, the EU supported democratisation by extending assistance to Belarusian civil society organisations.

EU foreign ministers have also been following the human rights situation in **Uzbekistan** closely, following the events in Andizhan of May 2005 (see Chapter 2, page 110). At its meeting on 3 October 2005, the General Affairs and External Relations Council (GAERC) condemned the Uzbek authorities' refusal to allow an independent international enquiry into the events and agreed to impose: an embargo on exports of arms; restrictions on admission to the EU; and a suspension of scheduled technical meetings under the EU-Uzbekistan Partnership and Co-operation Agreement. These measures took effect from 14 November 2005.

The EU was able to make good use of common negotiating positions both at the meeting of the UN General Assembly



**EU foreign ministers agreed to impose a travel ban on Alexander Lukashenko following the fraudulent elections held in Belarus in March 2006.**

Third Committee in autumn 2005 and during negotiations to establish a new UN Human Rights Council (see chapter 4, page 161). Many EU missions lobbied on human rights issues during the reporting period; for example, in May 2006, security forces reacted in a heavy-handed manner to a protest about indigenous land rights in Cauca, **Colombia**, resulting in a fatality. Heads of mission raised the EU's concerns about use of unnecessary force with Colombian officials. During our presidency of the EU, such efforts were often co-ordinated by the UK.

The CFSP also uses a series of legal instruments - common strategies, common positions and joint actions - to underpin and implement its political dialogue with third countries. Many of these contain substantial human rights elements. Joint actions set out specific EU operational actions. One example is the EU Integrated Rule of Law Mission (EUJUST LEX) to Iraq, which provided integrated rule of law and police

training in member states for up to 770 senior Iraqi police, judiciary and prison officials during its initial one-year mandate, which ended on 30 June 2006. Human rights protection formed an integral part of the curriculum. The mission's mandate has now been extended for a further 18 months and expanded to include specialist courses and a stronger focus on protecting human rights.

Démarches, though not a legal instrument, are an important element of the CFSP. A démarche is a formal expression of the EU's concern at a country's actions, and is often used to address human rights issues. Démarches can be confidential, but may also include a public declaration calling on a government to respect human rights or welcoming positive developments. During the UK's presidency of the EU, the EU carried out over 30 démarches and made over 40 statements on human rights issues. These were in addition to the démarches carried out under specific EU human rights guidelines (see below).

#### **EU human rights activities: an overview**

Much of our presidency activity was guided by the EU's agreed human rights priorities. These priorities are set out in five sets of human rights guidelines, covering: the death penalty; torture; human rights dialogues; children and armed conflict; and human rights defenders - available online from the EU Council Secretariat website at: <http://consilium.europa.eu> (click on "Policies", "Foreign policy" then "EU human rights policy").

We and our EU partners continue to act on behalf of individuals facing the death penalty. During our presidency, we co-ordinated an EU campaign in 11 "countries on the cusp" - that is, countries which are on the point of abolishing the death penalty, restoring it or establishing a moratorium. The EU continued to build on this work during the first half of 2006, widening the campaign to cover 14 countries. For further information about the EU and death penalty issues, see Chapter 5, page 191.

We also took forward an agreed programme of action on torture. During our presidency, EU heads of mission carried out démarches to 39 governments, which had not yet signed or ratified the UN Convention against Torture (UNCAT): one, Madagascar, has since ratified and the EU has had positive indications from a number of others. The programme of action continued during the first half of 2006, with a focus on countries which are signatories to UNCAT but which have not reported to the Committee against Torture (as required by the convention) or which have not responded positively to requests to visit by the UN Special Rapporteur on Torture.

Two rounds of the EU-China human rights dialogue have been held during the period of this report. The first, focusing on freedom of religion and judicial independence, took place during the UK presidency in Beijing in October 2005 and included a useful field trip to Xinjiang in north-west China. An associated human rights legal seminar was held in London in December 2005, with the aim of promoting China's ratification of the International Covenant on Civil and Political Rights (ICCPR). A further dialogue round, in Vienna in May 2006, focused on compliance with international human rights mechanisms and freedom of expression. For the first time, the associated seminar was held back-to-back and in the same place as the dialogue, allowing discussions at the seminar to inform the subsequent dialogue. The seminar covered human rights education and the implementation of recommendations by UN special rapporteurs and treaty bodies (see also Chapter 2, page 47).

There has been little substantive progress on the EU-Iran human rights dialogue during the period of this report. The dialogue has not taken place since June 2004. The Iranian government failed to agree dates for a meeting, despite strong and repeated requests from the EU. In December 2005, the GAERC affirmed that the EU should continue to use other means to register its concerns about human rights in Iran, particularly the plight of the country's persecuted human rights defenders. We were therefore pleased that the EU expressed concerns on human rights issues to the Iranian authorities on 16 occasions during our presidency. Efforts to find ways to take the dialogue forward have continued under the Austrian and Finnish presidencies.

### The EU-India human rights dialogue

The first human rights dialogue to be held under the terms of the 2005 EU-India action plan took place on 1 December 2005 in New Delhi. The UK presidency led discussions with representatives from the Indian Ministries of External and Home Affairs and a wide range of expert participants, including members of a number of Indian national commissions. The dialogue focused on multilateral issues, the treatment of minority groups and immigrants and human rights and security. There were also exchanges on the UN Human Rights Council, country-specific resolutions, co-operation with UN special rapporteurs, the Convention on the Elimination of Racial Discrimination, the ratification of UNCAT, preventive detention, the death penalty, child labour, Gujarat and issues relating to Dalits, Sikhs and other minority communities. These talks marked a step forward in terms of the depth and openness of our human rights dialogue with India.

There have also been two rounds of the EU's *ad hoc* human rights consultations with Russia during the reporting period: one in Brussels in September 2005, and one in Vienna in March 2006. The EU has welcomed this chance to discuss a range of issues with the Russian authorities, including the ongoing situation in Chechnya and increasing restrictions on civil society. We and our EU partners are keen to see civil society organisations get involved in these consultations, and the EU has also pressed the Russian side to host the dialogue in Moscow, allowing a wider range of Russian participants.

The EU also conducts a number of human rights dialogues through heads of mission at local level, including with Vietnam. A new dialogue was launched with India in December 2005 (see box below).

We co-ordinated action with a number of governments on the issue of children and armed conflict, but our main focus was on carrying out a substantive review of the EU guidelines on the issue (see chapter 8, page 267). Working closely with civil society organisations, we and our EU partners produced a set of forward-looking recommendations to give further impetus to EU work in support of this vulnerable group. These were agreed at the GAERC's December 2005 meeting. The Austrian presidency has co-ordinated an implementation strategy aimed at putting the recommendations into effect, working with EU civilian crisis management and military colleagues to ensure that the protection of children affected by armed conflict is integrated into all European defence and security policy operations.

In the light of the EU's desire to implement the 2004 Guidelines on Human Rights Defenders, and the importance of promoting freedom of expression, we agreed with EU partners that we should use our presidency to run a proactive campaign on behalf of human rights defenders around the world. The campaign involved lobbying in 26 countries on behalf of 180 individuals suffering as a result of having exercised their right to freedom of expression. For more details, see Chapter 9, page 285.

We also promoted freedom of expression by making it the theme of the EU's presidency statement delivered at the UN General Assembly's Third Committee debate on human rights in October 2005. We also chose freedom of expression as the theme of the annual EU-NGO human rights forum, held from 8-9 December 2005 at Lancaster House. The forum, which was run jointly with the European Commission, was attended by leading human rights experts and activists from all EU member states. Further details about the forum are in

Like the UK, the EU is mainstreaming human rights and democratisation in its wider policies and operations with the aim of building an effective, coherent approach. Work on mainstreaming began in 2001, and a number of measures are already in place in the EU Council, the Council Secretariat and the European Commission. However, there is still scope for the EU to give the policy greater operational effect.

During our presidency we worked closely with Michael Matthiessen (Javier Solana's personal representative on human rights) to carry out a programme of human rights briefings and discussions with council geographic and thematic working groups. The aim was to raise awareness of the wide range of human rights "tools" which the EU has developed in recent years and to find effective ways to apply EU human rights policy in different situations. As a result, one working group drew up a new internal strategy for more active EU engagement in its region. We also succeeded in raising awareness and encouraging wider use of the regular internal reports on human rights issues produced by EU heads of mission.

Under its presidency of the EU, Austria has continued to generate real momentum on this issue, working with a broad range of EU players to raise awareness of the key principles of mainstreaming and the human rights tools available. The EU has agreed and disseminated practical ideas and suggested new working methods designed to ensure that its human rights goals are reflected in its wider activities.

Chapter 9, page 278.

During our presidency, we worked closely with the European Commission, the EU Council Secretariat and EU partners to produce the 2005 *EU Annual report on human rights* (available at: [www.consilium.europa.eu](http://www.consilium.europa.eu). Click on "Policies", "Foreign policy", "EU human rights policy" and "EU annual reports on human rights"). For the first time, the report includes an assessment of the impact of EU action, specific examples of EU project work and a substantive chapter on the work of the European Parliament, provided by the parliament itself. The European Parliament showed a renewed interest in the report, holding a plenary debate in December 2005 which was attended by the leader of the House of Commons, Peter Hain.

### Human rights in the EU's agreements with third countries

The EU has included a human rights clause in all its bilateral

trade and co-operation agreements with third countries since the early 1990s. These include association agreements, such as the Europe Agreements with accession countries, the Euro Mediterranean Agreements with countries in North Africa and the Near East and the Cotonou Agreement with 77 African, Caribbean and Pacific (ACP) states. Since 1995 all general bilateral agreements have included a human rights clause calling for:

- respect for democratic principles and fundamental human rights as laid down in the Universal Declaration of Human Rights, and for the principle of the rule of law;
- the promotion of sustainable economic and social development and the equitable distribution of the benefits of association with the EU; and
- the importance of the principle of good governance.

Over the last year, the EU has continued to increase the number of agreements with human rights provisions and to use existing provisions as a basis for dialogue with third countries.

The Cotonou Agreement governs the relationship between the EU and the ACP states. The agreement is based on shared values of human rights, democratic principles, the rule of law and good governance, and is supported by regular political dialogue. If countries fail to respect these values, the EU can open consultations and, ultimately, suspend non-humanitarian development aid.

Measures partially suspending development assistance to **Haiti**, introduced in 2001 following the flawed elections the previous year, were finally lifted in September 2005 with the country set on a course towards new elections. Consultations with **Guinea**, opened in March 2004 to address the deterioration of democracy and the rule of law, the country's failure to respect human rights and its poor economic governance, were concluded in June 2005 following signs of improvement. The EU opened consultations with **Mauritania** after the coup there in August 2005: these were concluded in May 2006 following clear evidence that the country intended an early return to constitutional rule. Budgetary and project support for **Zimbabwe** remain suspended.

Negotiations continued on an association agreement with the South American common market, Mercosur. Leaders at the EU-Latin America and Caribbean summit in Vienna in May 2006 called on negotiators to intensify their efforts to move the process forward. The agreement will give the EU a formal mechanism for dialogue on human rights with the whole of Latin America and the Caribbean, except Cuba. Negotiations have also begun with some south-east Asian

countries. An association agreement came into force with **Algeria** on 1 September 2005 and with **Lebanon** on 1 April 2006, laying the foundations for in-depth political dialogue based on shared values, such as democracy, human rights and the rule of law.

The EU has used the mechanisms in the Euro-Mediterranean association agreements to raise human rights issues at a formal level with third countries. During 2006, the EU plans to discuss human rights with all Mediterranean partner countries with functioning association agreements. Negotiations are also underway for a free trade agreement with the Gulf Co-operation Council, which will include a human rights clause.

### The European Initiative for Democracy and Human Rights

The European Initiative for Democracy and Human Rights (EIDHR) is the EU's main dedicated financial tool for addressing support for human rights and democracy in non-EU countries.

In 2006, the EIDHR received £81.78 million from the EU budget for work on four campaigns in 68 countries. These campaigns were designed to:

- promote justice and the rule of law;
- foster a culture of human rights;
- promote the democratic process; and
- advance equality, tolerance and peace.

While most of the budget will be used on projects undertaken by international NGOs, an increasing percentage - 25 per cent, or £20.5 million, in 2006 - will go to support small initiatives by local organisations in developing countries. This micro-projects facility is managed by European Commission delegations in the countries concerned.

In the period under review, the EU institutions have been negotiating new legal instruments and allied programmes for the period 2007-13. These include a successor to the EIDHR, which comes to an end in 2006. The European Parliament has insisted that a separate instrument be promulgated to cover the promotion of human rights, fundamental freedoms and democracy, giving a sharper focus and ensuring greater coherence in this field. The UK favours a simplified budget process with fewer regulations, but recognises that there is some merit in the parliament's approach.

In January 2006, the European Commission produced a

thematic programme for 2007-13, which the UK broadly supports. The programme focuses on strengthening civil society and the international framework for the protection of human rights. It will also support victims of human rights abuses and seek to build confidence in the democratic process through the development of electoral observation.

However, we have expressed disappointment that the Commission was unwilling to provide more direct support for democracy-building, for example, by helping to build political parties or providing training for parliamentarians in how to be effective representatives and for parliamentary staff in providing neutral support for both government and opposition. The Commission argues that this would be seen as unacceptable political interference in internal affairs. In response, members of the European Parliament have proposed creating a European Foundation for Democracy

<< **The prospect of EU membership acts as a powerful incentive for political and economic reform, particularly in the areas of democracy, governance and human rights.** >>

that would support democracy-building both directly and indirectly, by supporting the work of organisations such as the Westminster Foundation for Democracy.

For a list of projects supported through the EIDHR, go to: <http://ec.europa.eu/comm/europeaid>. Click on "Programmes and projects", "Democracy and human rights", then "Projects".

### 3.3 EU enlargement

The prospect of EU membership acts as a powerful incentive for political and economic reform, particularly in the areas of democracy, governance and human rights. The accession of the new member states in 2004 demonstrated how far these countries had come in introducing democratic systems, safeguarding minority rights and developing a free media.

Democracy and human rights are at the heart of the enlargement process. According to article 49 of the Treaty on European Union, any European state that respects "liberty, democracy, respect for human rights and fundamental freedoms and the rule of law" can apply for

membership. Candidate countries must also meet the Copenhagen Criteria agreed by member states at the Copenhagen summit in 1993 before negotiations can begin. This means they must guarantee democracy, rule of law, human rights and respect for and protection of minorities. Each year, the commission reports on the progress made against these criteria by the candidate countries (currently Turkey and Croatia) and the countries of the Western Balkans (Macedonia, Albania, Bosnia and Herzegovina (BiH), Serbia, Montenegro and Kosovo), and sets a list of priorities for each country.

Accession talks with Turkey and Croatia began on 3 October 2005, during the UK's presidency of the EU. Talks with Croatia were originally scheduled for March 2005 but were delayed because of Croatia's failure to co-operate fully with the International Criminal Tribunal for the Former Yugoslavia (ICTY). The talks began following an eventual assessment of full co-operation by ICTY's chief prosecutor. In December, Croatia's last remaining fugitive, Ante Gotovina, was transferred to The Hague. The opening of talks will enable the EU to carry out a fuller assessment of each country's human rights reforms.

In the remainder of this section, we highlight the main issues

of concern in the countries seeking accession to the EU. We also provide some examples of how the UK and the EU is helping them address these concerns. Further details of UK assistance through the GOF Reuniting Europe programme are contained in Chapter one and the Annex.

### Bulgaria

Bulgaria has ratified all the main human rights conventions, including The Hague Convention for the Protection of Children in early 2006. Throughout 2005 and early 2006, Bulgaria also improved its domestic human rights legislation, adopting a new Law on Protection against Domestic Violence and a new Health Act addressing the placement of the mentally ill in institutions. Moreover, amendments to the Law on Child Protection passed in April 2006 established a legal basis for professional foster care and de-institutionalisation of children placed in social homes for the first time.

The practical implementation of several other new laws has also gained momentum. Following the adoption of a Law on Protection against Discrimination, an anti-discrimination commission was established in 2005 and is now reviewing petitions from citizens. The Bulgarian courts have issued several first-instance decisions in favour of victims of ethnic discrimination, including a ruling against ethnic segregation



One of thousands of supporters of the extremist national party, 'Attack', takes part in a National Day rally in the Bulgarian capital Sofia, March 2006. Attack's emergence led to incidences of racist rhetoric during the 2005 parliamentary elections.

of Roma children in a Bulgarian school. This decision was the first of its kind, not only for Bulgaria but for the whole of Europe. Despite positive legal developments, however, the entry into parliament of an extreme nationalist party, Ataka ("Attack"), led to incidences of racist rhetoric and discriminatory sentiments, largely against the Roma and ethnic Turkish minorities, during the 2005 parliamentary election campaign.

Further work is needed if Roma are to be integrated in all aspects of economic and social life. On the positive side - Bulgaria was one of the signatories to a regional initiative - the Decade of Roma Inclusion, and has already prepared a detailed action plan. In March 2006, the government also endorsed a national programme aimed at improving Roma living conditions with a budget of €630 million for the period 2005-15. However, tangible results have yet to be seen from either initiative. Access to healthcare services also remains inadequate. In the area of education, the government is increasingly successful in preventing young Roma pupils from dropping out but now needs to extend this to older pupils. For more information on Roma issues, see Chapter 8, page 251.

The new Law on Protection against Domestic Violence soon yielded results. NGOs in the field have noted an increased number of victims of violence seeking assistance and more cases coming to court. In Sofia alone, the regional court has initiated hearings for 80 cases of domestic violence since the law came into force and has already issued decisions on 38 of these.

Progress on preventing ill-treatment in custody and improving prison conditions has been more limited. In some localities, ill treatment and the use of excessive force by

detention officers remain an issue. Living conditions in some prisons and detention centres are poor. Problems include lack of bathroom facilities in cells, lack of open-air spaces for exercise, lack of places for meetings with relatives and lawyers and overcrowding.

Bulgaria remains a country of transit and to, a lesser extent, a country of origin for people trafficking, although joint action by the Bulgarian police and their EU colleagues has helped dismantle a number of networks trafficking in women. The Bulgarian authorities have changed the law on Bulgarian identification documents so that children can no longer travel abroad unaccompanied, but implementation is still incomplete. The trafficking of pregnant women, mostly of Roma origin, to sell their newborn babies abroad is a growing problem.

Child protection requires further efforts. Although the number of foreign adoptions is falling and the number of domestic adoptions rising, the number of institutionalised children remains high. A key reason for this is the lack of an integrated national system, which would enable parents from one region of the country to adopt children from another. Sanitary and living conditions remain poor in a number of social homes for children.

Some institutions for the mentally handicapped are also in a poor state. Overcrowding is an issue, and there are few opportunities for social integration. The Bulgarian government took several measures last year to try to improve integration, including providing supplementary social aid. Another positive step was the adoption of a new programme providing disabled people with private assistants whose salaries are paid by the state.

The UK continues to assist Bulgaria on human rights issues through projects under the Global Opportunities Fund (GOF). The British Embassy also monitors these issues, including through contact with NGOs and the European Commission Delegation in Sofia.

### Romania

The prospect of EU accession continued to have a positive effect on human rights protection in Romania throughout 2005. After visiting the country in October 2005, the European Parliament Sub-committee on Human Rights concluded that agencies and strategies have been put in place to deliver the changes needed to satisfy the criteria for accession. The delegation recognised that adequate funding is essential, and noted that the country will need to introduce a number of new laws in order to meet the Copenhagen Criteria and the *acquis communautaire* - the body of



**A child waves a banner combining the flags of the EU and Turkey. Turkey's accession to the EU depends on it carrying out reforms in a number of areas, including human rights.**



European legislation with which countries must comply, in order to become members.

The UK shares the concerns expressed by Amnesty International in its 2005 overview about continued discrimination and attacks against Roma people, the situation in mental health institutions and discrimination and intolerance towards the lesbian, gay, bisexual and transgender community. There is a particular need for action to improve prison conditions, tackle property restitution and fight corruption and people trafficking. Romania is a point of origin and transit for trafficked people, mainly women and girls. The International Organisation for Migration (IOM) helped 100 trafficking victims in 2005, of whom 26 were minors.

Generally, though, progress is encouraging. The harassment of Romanian journalists has been reduced and a “march of diversity” involving the lesbian, gay, bisexual and transgender community was held in Bucharest in June 2006. In the field of justice and home affairs, wide-ranging reforms have included the ending of parliamentary immunity (while still allowing for freedom of speech in parliament), anti-corruption measures and measures to ensure the independence of magistrates. In July 2005, 439 Uzbek refugees from Kyrgyzstan were allowed to enter the country and stay temporarily on humanitarian grounds.

A law introduced in 2005 restricted inter-country child adoption and set up an office to handle all adoption-related matters. There is still work to be done to reduce the number of children abandoned in maternity hospitals and the UK is supporting the efforts of the High Level Children’s Group to tackle this issue. However, Romania has taken significant steps to address the severe child rights problems it inherited in 1989.

While the UK welcomed the Decade of Roma Inclusion initiative launched in February 2005, we remain concerned that the Roma minority – which may number up to 2.5 million – continues to experience discrimination. A recent survey found that 75 per cent of Romanians do not want to live near Roma, and the Foundation for an Open Society reports that 40 per cent of Romanians believe Roma should be forced to live separately from the rest of society. An NGO survey of the Romanian press and media entitled “Although different – same blood” found continued widespread use of the term “gypsy” rather than Roma, sensationalism of negative stories about Roma and pejorative headlines, such as “(female) gypsies arrested stealing”, under a line-up photo of six accused Roma women. Roma NGOs continue to accuse the police of brutality against and harassment of

members of their community. However, allegations of police brutality are not confined to the Roma community and it has been alleged that three extra-judicial killings occurred during 2005, indicating that the progress made in other areas is not always matched by the country’s law enforcement agencies.

Since May 2005, the GOF has been paying for a British adviser on corruption to work in the president’s office. Britain also helped to establish and still provides support for Project Reflex, which has been highly successful in disrupting people-smuggling gangs operating in or through Romania. Through the Global Conflict Prevention Pool (GCPP), we were able to provide advice on drafting the law on minorities. The British Embassy monitors the human rights issues outlined above, maintaining regular contact with NGOs and the European Commission Delegation in Bucharest. For more information on Roma issues, see Chapter 8 (page 251).

### Turkey

Turkey has made significant human rights reforms in recent years. It has abolished the death penalty, guaranteed constitutional rights for women and taken significant steps towards combating torture and improving the rights of minorities. However, concerns remain – for example, about freedom of expression and some aspects of freedom of religion. Turkey’s human rights record has been subject to intense scrutiny during EU accession negotiations, and advancement in the negotiations will be measured against the country’s progress in a number of areas including human rights.

### EU accession negotiations

**O**n 3 October 2005, the EU opened negotiations with Turkey for full membership. EU leaders agreed that Turkey had succeeded in bringing into force six specific pieces of legislation and that it sufficiently fulfilled the Copenhagen Criteria, including the requirement for the “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”.

Since negotiations started, the Turkish government has continued to move the political reform process forward. In 2005–06, the EU and Turkey continued their intensive political dialogue on issues including democracy, the rule of law and respect for human rights and fundamental freedoms. The EU expects Turkey to make further progress towards the complete abolition of torture, full protection of the rights of women and minority groups and the strengthening of the judiciary, and has clarified its priorities for action in the renewed accession partnership for Turkey, agreed in December 2005.

## The new Turkish penal code

Implementing the new penal code, which came into force on 1 June 2005, has been a priority for the Turkish government in 2005–06. It has also been working to bring the Turkish penal system more closely into line with EU models. Positive progress was made in fighting torture, with the number of incidents of serious torture reported by NGOs close to zero. However, concerns remain over freedom of expression, the application of the penal code and freedom of religion. Nonetheless, the EU reform process continues: in late June 2006, the Turkish parliament adopted several items from its “ninth package” of reforms, including establishing an ombudsman system and imposing further restrictions on the trial of civilians in military courts. Other items aiming to improve the rights of religious minorities, exert tighter civilian control over military expenditure and set up an independent national human rights body are on the agenda for the next parliamentary session in October 2006.

### *Torture and ill-treatment*

In its 2005 regular report, the European Commission stated that “the broad assessment of international and Turkish NGOs is that the incidence of torture is diminishing”. However, NGOs expect that figures for 2006 will show a sharp but temporary rise in torture and ill-treatment allegations as a result of the March/April riots in south-east Turkey. The EU has called on Turkey to ensure that proper investigations are made into allegations of human rights abuses occurring during the riots, and that punitive measures are taken as necessary.

NGOs and Bar associations link the continued decline of

**A riot policeman fires teargas at Kurdish demonstrators in south-eastern town of Viransehir on 3 April 2006. Violence broke out across the region as the predominantly Kurdish population demanded an end to discrimination and increased cultural rights.**



reports of ill-treatment to the raft of legal reforms introduced in recent years, including the new Turkish code of criminal procedure (CCP), which came into force on 1 June 2005. The CCP includes provisions for better access to lawyers, stricter requirements for medical assessments of detainees and the introduction of unannounced visits to police stations by local human rights boards. The Turkish Parliament’s human rights commission also carries out regular unannounced visits to police stations and prisons across the country. The commission’s findings are generally positive but, at the time of writing, none of their reports had been made public.

On 14 September 2005, Turkey signed the Optional Protocol to the UN Convention Against Torture (UNCAT) and is now focusing on the steps required to implement it.

### *Reducing impunity*

There has been some progress on tackling the impunity of security forces, and an increase in levels of accountability for misconduct.

The case implicating several *jandarma* (Turkish gendarme, or police soldier) officers and an ex-PKK informant in the fatal bombing of a bookshop in the south-eastern town of Semdinli on 9 November 2005 was followed closely by Turkish MPs, international observers and NGOs, including Amnesty International. Two officers have now been sentenced to nearly 40 years’ imprisonment each.

On 27 March 2006, two police officers were convicted for beating a man in July 2004 and on 29 March 2006 another officer was convicted for the torture of a detainee in June 2001.

Positive steps have also been taken by the police themselves to tackle impunity within their organisation. The European Commission has agreed funding of €1.6 million for a project aimed at enhancing the accountability of, and public confidence in, Turkish law enforcement bodies. The UK will be the lead partner. Bilaterally, the UK government is also providing support in the form of human rights training for deputy and district governors, who have oversight of police and *jandarma* activities, as well as for prosecutors and judges across Turkey.

### *Freedom of expression*

The new Turkish penal code limits the range of circumstances in which people can be convicted for the non-violent expression of opinion. Both official and NGO figures suggest that the number of prosecutions and convictions under the penal code articles traditionally used against

individuals for peaceful expressions of opinion has been falling for several years and has continued to fall since the new code came into force.

In November 2005, a case was brought against Orhan Pamuk under article 301 of the penal code (“denigrating Turkishness”) for remarks made about the killing of Armenians and Kurds in 1915-16. Pamuk’s prosecution was eventually halted in January 2006 after the justice minister declined to give permission for the case to proceed. The case against Ibrahim Kaboglu (ex-chairman of the Prime Ministry’s Human Rights Advisory Board) and Baskin Oran (a member of the same board), for their authorship of a controversial November 2004 report on minorities in Turkey, ended in the same way in May 2006. The court also acquitted them of inciting religious and ethnic hatred.

A number of judicial decisions reached since the introduction of the new penal code has been in line with European Convention on Human Rights (ECHR) standards. Nonetheless, the code still includes broad offences, such as “insulting the Turkish state”, and new cases continue to be opened - for example, those against writers Hrant Dink and Perihan Magden. Our ministers have raised concerns with the

Turkish government about the continued prosecution of cases, which conflict with the ECHR principle of freedom of expression. The EU has said that “if the Turkish Penal Code continues to be interpreted in a restrictive manner, then it may need to be amended in order to safeguard freedom of expression in Turkey”.

A package of amendments to the Anti-Terror Law was passed by parliament on 29 June 2006. This law widens the number of crimes which can be considered as terrorism, hands down harsher sentences for terrorist crimes as a whole and provides tighter sanctions against civil society or media organisations which support terrorist groups. It also allows for restriction of defence rights in certain circumstances. Concern is widespread among Turkish NGOs and press that the new law will be used to repress freedom of expression and assembly, rather than tackle terrorism.

#### *Freedom of association*

There have been some positive developments in the area of freedom of association. On 25 January 2006, a court affirmed the right to criticise the policies and actions of the government through peaceful demonstration, in line with ECHR principles, and acquitted nine people of holding a

### The south-east and Kurdish cultural rights

In a speech given during his August 2005 visit to the south-eastern city of Diyarbakir, Prime Minister Erdogan acknowledged the existence of a “Kurdish problem” and said that the government was ready to tackle the issue with “increased democratisation”. We have continued to emphasise to the Turkish government the need to follow up this statement with much-needed social and economic reforms.

Government reforms have already led to improvements in the cultural rights of the Kurdish community. For example, following legal changes to broadcasting rights and the launch of national broadcasting in Kurdish in 2004, two local TV channels and one local radio station began broadcasting in Kurdish on 23 March 2006. In June 2006, the Turkish broadcasting authority, RTUK, announced that they were further loosening broadcasting restrictions on certain types of non-Turkish language broadcasting. Cultural programmes, such as films and music concerts, would no longer be bound by time restrictions. However, non-cultural programming in languages other than Turkish remains tightly regulated.

The private Kurdish language courses launched in 2004 closed down in 2005 due to “lack of demand”. According to former course administrators, the unaffordable course fees and restrictions on curriculum and participation were also

important contributing factors. In 2005, the pro-Kurdish political party DEHAP (now merged with the DTP) ran a campaign demanding non-Turkish mother-tongue language teaching at ordinary state schools and asking for the constitution to be amended to enable this. The constitution currently states that only Turkish can be used as a mother tongue in schools, and political campaigning in languages other than Turkish is still illegal. We will continue to press the Turkish authorities to ensure that all Turkish citizens can fully enjoy their cultural rights.

Between 29 March and 2 April 2006, large-scale, violent demonstrations involving thousands of people – including large numbers of children – broke out in the south-eastern cities of Diyarbakir and Batman and in the Kiziltepe and Nuseybin districts of Mardin. The demonstrations were widely considered to have been inspired by the Kurdish terrorist organisation, the PKK. Seventeen people were killed. A number of these deaths may have been the result of security forces firing into the air in an attempt to disperse the crowd. Hundreds of people were detained, and many have accused the police of ill-treatment and torture. Since the riots ended, administrative and judicial investigations have been launched into most of the deaths. UK and EU officials have visited the region and discussed the events with the Turkish government.

demonstration against traffic problems.

Official and NGO figures both show evidence of increased official tolerance for demonstrations. In 2005 fewer demonstrations were broken up by police and also fewer demonstrators were detained than in 2004.

#### *Freedom of religion*

According to the European Commission's 2005 regular report, non-Muslim communities continue to experience discrimination, including in relation to legal personality, property rights, training and education. The draft Law on Foundations is currently on the parliamentary agenda as part of the ninth package of EU reforms. The law is expected to ease some of the restrictions on minority religious organisations, including in the area of self-administration and property rights. However, further work is required in this area and the problem of expropriated properties being sold on to third parties still requires a solution.

The UK has continued to lobby at a high level on freedom of religion and improving the rights of non-Muslim communities. This includes urging the Turkish government to find a solution, which would facilitate the reopening of the Greek Orthodox seminary on Heybeliada. We welcomed the restoration and reopening of the Syrian Orthodox church in central Istanbul in June 2006.

#### *Compensation for victims of terrorism*

Commissions set up to assess and award compensation for damages caused by terrorism began work across Turkey in 2005-06, in line with the July 2004 Compensation for Victims of Terrorism Law. The quality of the commissions' work has varied, and in February 2006 Human Rights Watch called for an urgent review of compensation payments, describing the rulings of some commissions as "realistic and acceptable" while others were "patently inconsistent with the government's avowed intention". There have been worrying reports from NGOs that compensation awards and payments across the country have slowed down and reduced in size following the ECtHR's decision in February 2006 that the new law constituted a "sufficient domestic remedy".

#### *Women's rights*

The joint UNICEF and Ministry of Education campaign to increase girls' attendance at school continued to yield positive results throughout 2005-06. The campaign, which now covers the whole of Turkey, continues to address shortages in classroom space, school materials and teacher training, and to encourage members of the community to identify girls who are not going to school and to discuss the issue with their parents. As a result of the campaign,

enrolment and attendance have dramatically increased among primary age girls.

Honour killing remains an issue of concern. The new penal code, which came into force in June 2005, has made progress in addressing this issue by removing the sentence reductions for murders motivated by "honour", thus treating "honour killings" as seriously as any murder. Turkish Prime Minister Erdogan issued a directive on 17 July 2006 aimed at reducing honour killings and domestic violence and calling for "new and urgent" action. The directive includes setting up a free helpline for victims of domestic violence and a number of educational and awareness-raising initiatives about "honour crimes". This builds on the work of a parliamentary commission set up in November 2005 to investigate the incidence and causes of honour killings in Turkey which produced a number of recommendations.

We are concerned by reports of a sharp rise in female suicides since the introduction of the new penal code. Yakin Erturk, the UN Special Rapporteur on Violence against Women, visited Turkey in June 2006 to investigate this trend and is currently preparing a report; we look forward to reading her findings and recommendations. Local initiatives, led by women's NGOs, include setting up advice centres and specialist suicide units for women.

#### *Civil-military relations*

The Turkish government has proposed measures designed to provide greater oversight and tighter civilian control of military expenditure. These have not yet been adopted but are on the agenda for the next parliamentary session in October 2006. The Turkish parliament has already amended article 160 of the constitution to give the Court of Audits responsibility for auditing the accounts of the armed forces. In late June, it passed legislation further restricting the already very limited competence of military courts to try civilians in peacetime.

#### *The European Court of Human Rights*

In 2005, the ECtHR handed down 290 judgements against Turkey: more than any other Council of Europe country. However, the number of new cases brought against Turkey fell substantially to 2,244 (compared with 3,930 in 2004), putting the country in sixth place after Russia (8,781), Poland (4,744), Romania (3,820), Ukraine (2,457) and France (2,826). In January 2006, the Ministry of Justice issued 96 new circulars, including a new provision which made individual prosecutors liable for any ECtHR compensation awarded against Turkey as a result of their cases.

## Croatia

The human rights situation in Croatia remains generally positive. The country's goal of joining the EU and NATO gives the government an incentive to tackle those areas most in need of reform, including refugee return, minority rights and the judiciary.

At the beginning of October 2005, the ICTY ruled that Croatia was co-operating with it fully. EU accession negotiations began almost immediately, on 3 October 2005. The fugitive general, Ante Gotovina, was subsequently located in December in the Canary Islands and transferred to the tribunal. He is accused of committing serious war crimes during the operation to re-take Serb-held territory in Croatia in 1995.

During the fighting, in which large numbers of ethnic Croats were displaced, killed or wounded, some 320,000 Croatian Serbs also left Croatia. Eleven years on, refugees continue to return, although the rate of return is slowing. The Croatian government is working with its counterparts in Serbia and BiH to complete return initiatives by the end of 2006 under the Sarajevo Declaration, which was signed in January 2005. Much progress has been made in repossessing occupied properties, building new houses for settlers and reconstructing housing destroyed during the fighting. The government has also started providing social housing for those Croatian Serbs, who lost their tenancy rights during the conflict. But the process needs to be accelerated and the issue of sustainability of return must be addressed, particularly with regard to essentials such as water and electricity supplies and access to education and employment. Greater commitment to the process is also needed at local level.

Croatian law provides well for minority rights. A number of minority representatives, including Serbs, support the current Croatian Democratic Union (HDZ) government in the Croatian parliament. But the government needs to do more to ensure implementation of laws tackling the problem of under-representation of minorities in public bodies, including the judiciary and the police.

Croatia has a relatively small Roma minority in comparison with other countries in the region. As elsewhere, though, they suffer discrimination and social exclusion. In 2003, the government adopted a programme to assist Roma and, in 2005, it signed up for the Decade of Roma Inclusion regional

initiative. These are positive steps and there has been some progress, but the government still needs to provide adequate financial resources and ensure that the initiatives are implemented properly.

We remain concerned about the functioning of the judiciary. The government needs to take serious action to tackle the backlog of cases, which stands at 1.6 million. OSCE reports have revealed some ethnic bias against Serbs in war crimes trials. Most of these continue to be conducted in areas directly affected by the war, where there is a risk of witness

<< **The UK is actively supporting the Croatian government's judicial reform efforts by working with them to promote alternative dispute resolution, provide training for judges, set up a pilot victim-support scheme and increase the capacity and effectiveness of the judicial academy.** >>

intimidation or bias. The government is working with the ICTY and the OSCE to address this. Judicial staff at four specially designated courts have been trained to handle war crimes cases transferred from the ICTY. There is some interstate co-operation with Serbia, Montenegro and BiH in the field of war crimes trials, but this needs to improve. The government must also take action to ensure access to justice, the right to a fair trial and the application of the rule of law. The UK is actively supporting the Croatian government's judicial reform efforts by working with them to promote alternative dispute resolution, provide training for judges, set up a pilot victim-support scheme and increase the capacity and effectiveness of the judicial academy.

The EU is working with the Croatian government on all these human rights issues and providing substantial assistance, particularly in the area of judicial reform. The EU also monitors minority rights and refugee return and makes representations, working in close co-operation with the local OSCE mission.

## Macedonia

The Macedonian government is focused on completing the implementation of the Ohrid Framework Agreement (OFA),

which ended the inter-ethnic conflict in 2001 and guarantees legal and political rights for ethnic minorities in Macedonia. The OFA required the implementation of a broad legislative programme, which was completed in July 2005. We are now pressing the government to encourage stability and build confidence by implementing the legislative framework fully. EU and NATO accession requires key reforms, such as the application of the rule of law throughout the country and judicial and economic reform.

Macedonia held parliamentary elections on 5 July 2006. The conduct of these elections was an important test of Macedonia's democratic maturity and were crucial to Macedonia's prospects for EU and NATO integration. The OSCE assessed that while the elections largely met international standards, they were tainted by instances of violence and intimidation during the first half of the campaign and on election day. The UK contributed to the OSCE's monitoring mission.

We remain concerned about mistreatment in detention centres, particularly of ethnic minorities, and about inadequate provision for disabled people. The British Embassy in Skopje is working to improve rights for the disabled. With UK backing, local NGO Polio Plus has set up an inter-party parliamentary group to lobby for the rights of people with disabilities. We are also working to promote tolerance between ethnic groups, economic development in deprived communities and an independent media. In 2006-08, we will fund police assistance to complement the work of the EU Police Reform Group and the OSCE Police and Access to Justice projects.

We will work bilaterally and multilaterally to support Macedonia as it works towards EU and NATO accession. In December 2005, Macedonia was granted candidate status by the European Council in recognition of progress made since the conflict in 2001. We welcome this, and encourage Macedonia to continue the reform process so it can progress

**Bosnian Muslim women hold pictures of men missing since the 1995 Srebrenica massacre as they call for the arrest of suspected war criminals Ratko Mladic and Radovan Karadzic in Tuzla, 11 April 2006.**



to the next stage of EU integration. FCO project funding will increasingly be concentrated on public sector reform and assisting Macedonia's integration into the EU.

In 2005-06, FCO funds were used to support a range of activities. Specific projects built confidence between citizens and the police, promoted the Ohrid Framework Agreement by improving communication between government authorities and the public and supporting the State Commission for the Prevention of Corruption. We also support youth-targeted activities and the promotion of democracy among young people, the assessment of child services and the promotion of children's rights (in partnership with UNICEF) and access to information on environmental issues. The UK also contributes 20 per cent of the EU's bilateral assistance to the Western Balkans (€40 million in 2006).

### Albania

Albania is party to several international agreements on human rights, but continues to have difficulty implementing legislation and reform in some areas. Although the country has made some efforts to tackle organised crime and corruption, the rule of law remains weak. Trafficking of drugs and people and conditions for prisoners and detainees are still major problems. Court cases can be lengthy and decisions are not always enforced. Since coming to power, the new government has made a public commitment to tackling organised crime and corruption and to meeting European and international standards, and there have been some notable successes so far. However, some of the legislation passed has come under scrutiny from human rights observers in Albania and the international community, owing to perceived conflicts with international standards.

The UK funds a range of programmes designed to improve human rights in Albania, either directly or indirectly. The FCO Migration Fund is funding a major IOM project, which aims to promote regular migration, prevent people-trafficking and foster the social inclusion of victims of trafficking. The project includes training media professionals in responsible reporting of trafficking issues, and establishing a national telephone hotline to provide information on safe migration and which the public can use to report instances of human trafficking. We continue to fund a forensic laboratory in Tirana. The FCO also sponsors a centre in Shkodra, which local NGOs and government staff can use as a venue for civic meetings or running citizenship courses. Through the European Commission we contribute funding to a large police assistance mission (PAMECA), customs assistance (CAFAO-EU) and a judicial assistance mission (EURALIUS). We continue to receive reports regarding the ill-treatment of

detainees and, notwithstanding improvements to existing facilities and some new prison buildings, conditions remain poor. There are relatively few minors in custody, but they are often housed in pre-trial detention centres or with adults. There are plans to open a new juvenile detention centre in Pogradec, but its size and location may hamper rehabilitation and access for family visitors. Many of the improvements to date have been funded through foreign donors: Albania does not yet have a long-term investment strategy in this area.

Although the OSCE/ODIHR noted some shortcomings, the 2005 parliamentary elections (and subsequent change of government) went smoothly. The independent bodies, including the police, largely respected their agreed roles. As at previous Albanian elections, the UK contributed towards the ODIHR election monitoring mission. We also funded a programme of national media monitoring before and during the elections, together with a polling exercise.

Although civil society organisations are developing, the influence of the sector is limited by comparison with other transition countries. The embassy and the FCO maintain contact with some well-organised NGOs, and fund projects aimed at improving the quality of the media and encouraging democratic values. In 2006, the FCO is providing four young Albanian journalists with three months' combined training and work experience at the BBC in London.

Albania is a religiously diverse country, but relations between the various communities are harmonious. Three national minorities are recognised - Greek, ethnic Macedonian and Montenegrin - as well as two ethno-linguistic groups, Vlachs and Roma. Although provisions are in place for these communities, further efforts are required to implement them.

### Bosnia and Herzegovina

BiH continues to make mixed progress on human rights. The country's failure to reach a final agreement in April 2006 on a package of constitutional reforms which would have better catered for individual rights, was disappointing and there is still a need to resolve outstanding issues from the 1992-95 conflict. As BiH progresses towards EU integration, the need to improve human rights standards will become more urgent.

BiH showed improved co-operation with the ICTY during 2005 but, following a change of government in the Republika Srpska in January 2006, progress has slowed. Six ICTY indictees - including war-time president Radovan Karadzic and his military commander Ratko Mladic - remain at large, and full co-operation is imperative. This remains a key condition for progress towards joining the EU and NATO. It is

also an essential element in the longer-term reconciliation of BiH's different ethnic groups.

However, domestic capacity to conduct war crimes trials is increasing. The trial of Boban Simsic, the first war crimes trial to be held in the War Crimes Chamber at the State Court, began in September 2005 and the first Hague indictee, Radovan Stankovic, was transferred at the end of that month. By June 2006, the ICTY had transferred two more cases - *Jankovic* and *Mejakic and others*. This marks an important step in the transition from international to national justice, and a key stage in the establishment of the rule of law in BiH. The UK is the second largest donor to the court after the US. As well as providing funding, we second experts to the court.

In July 2005, the Secretary of State for Foreign and Commonwealth Affairs attended the commemoration of the 10th anniversary of the massacre of almost 8,000 people at Srebrenica. The UK has supported the building of a memorial room near the site of the massacre, which we hope will serve as a poignant memorial for the victims and fulfil an important educational and historical role. An estimated 15,000 people who went missing during the war are still unaccounted for. The International Commission for Missing Persons (ICMP) has found DNA matches for approximately 7,600 of them. The UK has been a major donor to the ICMP since 2001.

According to statistics from the UN High Commissioner for Refugees (UNHCR), by February 2006, 1,012,320 refugees and internally displaced persons (IDPs) had returned to their pre-war places of origin. In almost half of these cases, people returned to places where they did not belong to the majority ethnic group. While this is encouraging, around 50,000 refugees from BiH remain in Croatia, Serbia and Montenegro, and almost 200,000 are still internally displaced within BiH. Incidents of return-related violence are rare but do still occur. Returnees continue to face a lack of educational facilities, unresolved property issues and poor economic prospects.

The UK has played a lead role in facilitating much-needed constitutional reform. However, on 26 April 2006, the BiH parliament rejected a reform package, which would, among other measures, have provided for the explicit inclusion of a human rights charter in the new constitution. This package would also have addressed the inherent structural problems of the country's political institutions.

The Venice Commission of the Council of Europe made clear in March 2006 that the system of elections to the presidency discriminates against minority groups. Currently, the

presidency must be made up of one Bosniac, one Croat and one Serb; so undeclared citizens and minority groups cannot be represented at this level. This is symptomatic of the fact that the existing constitution protects the collective rights of BiH's three constituent peoples, rather than those of individual citizens. Furthermore, the complicated political system allows considerable leeway to block important human rights legislation. BiH urgently needs to address these problems in order to protect better the rights of individuals.

Education continues to be largely conducted along ethnic divisions. The practice of "two schools under one roof" (with pupils separated according to ethnicity) continues, especially in the Federation. This is not conducive to longer-term reconciliation and prolongs the potential for instability. Progress towards legislation to regulate higher education facilities in BiH is ongoing, but the country still has to fulfil its post-accession obligations to meet Council of Europe standards of education. The British Embassy in Sarajevo made "education and youth" the theme of the UK's presidency of the EU in BiH.

BiH urgently needs to bring its policing into line with European and international standards. This is essential if the country is to establish and maintain rule of law. It is also an important part of the fight against organised crime (including human trafficking). The EU police mission was refocused in early 2006 to concentrate on the process of police reform, and on building capacity to fight against organised crime. Agreement on police restructuring is a key condition for the conclusion of a stabilisation and association agreement with the EU, but progress towards this goal has not been encouraging. The politicisation of the issue of policing, particularly in the Republika Srpska, has obstructed the work of the Directorate for Police Restructuring, which was set up in December 2005. The UK remains closely involved.

We hope that BiH will continue to build upon its improving human rights record. This is imperative if it is to make progress towards EU membership.

### **Serbia and Montenegro**

Following a referendum on 21 May 2006, Montenegro declared its independence from the State Union of Serbia and Montenegro (SaM) on 3 June 2006. According to the provisions of the State Union Charter, Serbia inherits the international personality of the union. In line with these developments, we have given Serbia and Montenegro separate entries in this report. However, given that the state union existed until June 2006, we would recommend that both sections are read in conjunction.



The EU was clear that the pace and conclusion of negotiations on the SAA would depend in particular on SaM's progress in developing its legislative framework and administrative capacity, the effective implementation of the constitutional charter, and full co-operation with the ICTY. Unfortunately, despite a number of voluntary surrenders to The Hague in early 2005, the Serbian government missed a number of deadlines for full co-operation with the ICTY, including the transfer of former Bosnian Serb General Ratko Mladic. As a result, EU Commissioner for Enlargement Olli Rehn announced in May 2006 that the SAA talks would be disrupted until SaM could demonstrate full co-operation. The UK fully support this position. Co-operation with the ICTY is key: it will promote regional reconciliation after the atrocities of the 1990s, and enable Belgrade to demonstrate its acceptance of EU standards for the rule of law.

During its short existence between March 2002 and June 2006, SaM made good progress in establishing legal and institutional frameworks for the protection of human rights (including minority rights) and promoting the rule of law. By June 2006, SaM was approaching full implementation on commitments relating to Council of Europe conventions and the adoption of relevant legislation. The UK supports both Serbia and Montenegro in taking this work forward.

### *Serbia*

The EU Thessaloniki Summit in June 2003 offered the prospect of EU accession to the entire western Balkans region. The EU's 3 October 2005 decision to open negotiations with Serbia and Montenegro (SaM) for a stabilisation and association agreement (SAA) represented an important step forward.

Despite Serbia's failure to co-operate fully with the ICTY (see box above), there have been improvements in the handling of domestic trials of war criminals. In December 2005, delivering the first verdict since its inauguration in June 2003, the Belgrade Court Specialised War Crimes Department sentenced 14 people for war crimes committed against Croats in 1991. The verdicts met with a positive reaction from the public and the media. Also in December 2005, five members of the Scorpions paramilitary group went on trial for the execution of Bosnians in Srebrenica in 1995. A number of other prosecutions for war crimes committed in the 1990s, including in Kosovo, are being vigorously pursued.

Serbia's membership of the Council of Europe provides an effective mechanism for monitoring and encouraging

progress on human rights and the rule of law. However, major challenges remain. Following the dissolution of the state union, Serbia is moving towards the establishment of a new constitution. This will provide an important opportunity to address such issues as the independence of the judiciary and the protection of human rights and freedoms in accordance with international standards. Effective implementation of existing and future international conventions will be vital to the process of Serbia addressing such issues as the independence of the judiciary and the protection of human rights and freedom in accordance with international standards. We continue to follow the situation closely.

The protection of the rights of minority groups remains an important issue. Although there is no systematic discrimination or persecution of ethnic or religious minorities in Serbia, inter-ethnic tensions still exist. This is largely a result of poor economic progress in some regions and of ethnic minorities not being sufficiently integrated into state institutions outside the municipal government. The problem is particularly acute in the south of the country, where the UK and the international community continue to press the Serbian government to create the conditions necessary for full participation by the ethnic Albanian community in local and national institutions. We also press ethnic minority community leaders to act in good faith towards these institutions. The FCO has funded a project which started on 1 July 2006 aimed at reviving political dialogue between ethnic group leaders and between these leaders and the government in Belgrade.

The UK also supports other minority groups, such as the Roma, who have few education and employment opportunities. The FCO is currently co-funding a project by Save the Children in Serbia, Montenegro, BiH and Kosovo aimed at helping more minorities (including Roma) into mainstream education between 2005 and 2008 (see Chapter 8, page 251, for more detail). The Wilton Park Conference on education in minority languages held in November 2005 and co-funded by the FCO has successfully raised awareness among the authorities about the importance of this issue.

The UK will continue to urge the Serbian government to facilitate the integration of refugees and IDPs who wish to stay in Serbia, including by granting them their full rights as Serbian citizens and access to public services. This will help create a stable environment and promote reconciliation. Serbia has now produced draft asylum laws which are expected to be adopted later this year. On 1 June 2006, the European Charter for Regional and Minority Languages came into effect in Serbia and Montenegro.

An independent, responsible and professional media is key to raising awareness of human rights issues. While there have been some improvements in this area since the end of the Milosevic regime, reform has been slow. The FCO is funding two projects, which are training journalists to report on human and minority issues thoroughly and professionally. Another welcome advance was the decriminalisation of libel and defamation under the Serbian criminal code in September 2005.

With regard to the rule of law, there have been some advances in the enactment of legislation on police. Work is also under way further to improve the democratic control of other security and law enforcement agencies. However, more work is still required. The government has also made some progress in building its capacity to investigate and prosecute serious organised crime, although further work is required throughout the law enforcement and justice system to improve democratic control and accountability. Legislation on witness protection was adopted in September 2005.

The UK will continue to support the national strategy for judicial reform, which was finalised at the end of 2005. The strategy aims to create an independent, transparent, accountable and efficient judicial system, and to counter corruption within the judiciary. Organised crime, including human trafficking, presents a major challenge. The UK is working with the OSCE to help the Serbian authorities build capacity in this area.

### Montenegro

The Republic of Montenegro declared independence on 3 June 2006 following a referendum on 21 May. The ODIHR (to which the UK had seconded a team of short-term observers) deemed the referendum to have been conducted in line with international standards. The UK formally recognised Montenegro's independence on 13 June 2006.

Montenegro will be expected to continue the advances on human rights that it made while part of the state union, including by ratifying all the relevant international conventions. We hope and expect the new Montenegrin constitution to affirm conclusively Montenegro's commitment to defending human rights, and to implementing all the necessary EU and UN human rights legislation.

At the time of writing, Montenegro is seeking membership of the Council of Europe. This will require it to ratify the ECHR and work with the Council to promote and protect human rights and the rule of law. As the newly independent republic works towards membership of the EU and NATO, it will also be expected to continue to comply with all the obligations that were incumbent on the state union – for example, that of full co-operation with the ICTY. The UK supports these aspirations and will continue, where it can, to assist Montenegro to meet the criteria at each stage of the process. The UK plans to open an embassy in Podgorica as soon as is practicable. In the meantime, the British Embassy in Belgrade, supported by the locally staffed British Office in Podgorica, will continue to look after relations with Montenegro.

<< A process to determine Kosovo's future status was launched in October 2005, following a positive review of progress against a set of UN-endorsed standards, designed to ensure that Kosovo becomes a sustainable, multi-ethnic democracy. >>

Although the long-awaited draft legislation on the protection of national minorities was adopted in May 2006, further efforts are needed from the authorities to implement it. Montenegro expects to adopt a draft asylum law in the latter part of 2006.

### Kosovo

Under UN Security Council Resolution 1244, Kosovo has been administered by the UN since June 1999. Constitutionally, it remains a province of the Republic of Serbia pending a final political settlement.

Much international attention has focused on the position of Serbs and other minorities in Kosovo. However, there are human rights issues that affect all Kosovo's communities. For example, the judicial system is slow to process casework and witness intimidation is common. The system is not fully independent. But despite the ineffective judicial system, Kosovo's courts have succeeded in convicting 423 people out of a total of 513. Sixty-three cases are pending, while 27 have resulted in acquittals or charges dropped for their part in the

violent, ethnically motivated riots of March 2004. However, the 2006 Human Rights Watch annual report criticised local and international institutions for failing to do enough to bring those responsible to justice. Kosovo's particular status means that the ECHR and associated instruments do not apply. The 2005 ombudsman's report stressed the need for a more effective legal system and stated that, although the constitutional framework includes human rights safeguards, there are still too few mechanisms to ensure protection.

Levels of inter-ethnic violence fell during 2005 and the first half of 2006. Crime statistics for the first quarter of 2006 showed a clear decline in potentially ethnically motivated crimes: between January and March 2005, 72 incidents were recorded compared with 19 in the same period in 2006. In December 2005, Kosovo's Ministries of Justice and the Interior were established as part of the ongoing transfer of responsibility from UNMIK to Kosovo's own institutions. The UK has sent 73 police officers to UNMIK to help Kosovan police officers develop the ability to deliver training to their colleagues and to build the capacity of the service. The Kosovo Police Service (KPS) is multi-ethnic, with 15.2 per cent of officers from minority communities. This exceeds the proportion of minorities in the overall population.

A process to determine Kosovo's future status was launched in October 2005, following a positive review of progress against a set of UN-endorsed standards, designed to ensure that Kosovo becomes a sustainable, multi-ethnic democracy. The process is being led by UN Status Envoy Martti Ahtisaari, who was appointed by the UN Secretary-General in November 2005. Ahtisaari has already initiated talks between Belgrade and Pristina on decentralisation and other "status neutral" technical issues, which will nevertheless play an important role in reassuring minorities that they have a secure future in Kosovo and that their rights will be respected.

The standards include: freedom of movement (according to the latest UN report, 80 per cent of minorities now say they feel safe to travel); property rights (illegal occupation of Serb-owned property remains common); and, crucially, the establishment of conditions under which any IDPs who wish to return home can do so. Estimates of the number of Kosovo Serb IDPs in Serbia vary between 65,000 and 200,000. There has been some progress towards creating a more conducive climate for returns, and some successes. The UNHCR documented 218 voluntary returns between December 2005 and March 2006, of which 50 per cent were Kosovo Serbs. Returns projects are ongoing in 17 of Kosovo's 30 municipalities, and UNMIK is supporting those IDPs who wish to return to places other than their place of origin. The

Kosovo government recognises that more work needs to be done.

Through our membership of the contact group (which comprises the US, UK, France, Germany, Italy and Russia, plus EU representatives), we continue to emphasise to the Kosovo government the need for progress on standards relating to minority rights and good governance. We also look to Kosovo's government to continue to develop practical proposals, which will reassure minority communities that they have a genuine stake and future in a multi-ethnic Kosovo.

The international community is still trying to find a solution to the unacceptable living conditions faced by Roma/Ashkali and Egyptian people in Kosovo. UNMIK, with the support of the World Health Organisation (WHO), OSCE and UNICEF, is leading international efforts to move the Roma from their lead-polluted camps to the safer Osterode camp, while they wait for permanent homes to be built at Roma Mahalla in northern Kosovo. By May 2006, 58 Roma/Ashkali and Egyptian families had been relocated, but 272 individuals were still living in the lead-polluted camps. The FCO has part-funded a project that provides construction training and employment opportunities for Roma teenagers.

Human trafficking is a significant problem in Kosovo, although the exact scale is difficult to estimate. The UK is working with the UNMIK and KPS anti-trafficking team to develop Kosovo's capacity to combat trafficking by drawing up an action plan and launching a campaign - "Not for sale". The action plan delivered education programmes in schools, TV and radio awareness campaigns and support to an NGO-run victim shelter. In June 2006, under the same campaign, the FCO also funded a design contest for schools and a Kosovo-wide billboard campaign.

Throughout 2005-06, the UK has funded projects via the GCPP aimed at improving human rights in Kosovo. These include providing witness protection equipment to the local district courts and constructing a multi-ethnic secondary school in Novo Brdo.

### 3.4 The European Neighbourhood Policy

The European Neighbourhood Policy (ENP) is designed to help the EU develop relationships with its near neighbours<sup>1</sup> based on a mutual commitment to common values including

<sup>1</sup> Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia and Ukraine.

the rule of law, good governance, respect for human rights and the principles of market economy and sustainable development. Each country is involved in developing an action plan which sets out priorities that promote the interests of both parties. The priorities will also reflect the state of the EU's relationship with the country and take into account the country's needs and capacities.

The implementation of each action plan is regularly monitored by the joint bodies set up by the association or partnership and co-operation agreements each country signs with the EU. To date, Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine have completed action plans. The EU will consider developing an action plan with Belarus as soon as the Belarusian authorities demonstrate a sincere willingness to respect human rights, the rule of law and democratic values. The European Commission will compile a report in 2006 with a view to negotiating an action plan with Algeria.

We will now look in closer detail at the human rights situation in some of the EU's near neighbours. See Chapter 2 for information on the human rights situation in Belarus, Israel and the Occupied Territories and Syria, and Chapter 9 for information on democratisation and reform in Middle Eastern and north African countries, including those that fall under the ENP.

### Eastern neighbours

#### *Armenia*

The EU and Armenia signed a Partnership and Co-operation Agreement in April 1996, which came into force in July 1999. Armenia became a full member of the Council of Europe in January 2001.

The constitution was amended by a referendum in November 2005. The amendments aimed to bring legislation into line with the commitments Armenia made on joining the Council of Europe and to restrict the power of the president, particularly to appoint and dismiss members of the judiciary. As a result, power is now more evenly balanced between the president and parliament. The majority of the international community viewed the changes as positive, but they were rejected by most opposition parties as not going far enough. The opposition also questioned the legitimacy of the government, who they claim "stole" the previous election, and called for a boycott of the vote. The amendments were approved by an improbably high margin amid widespread allegations of fraud and ballot stuffing.

A new electoral code drafted with the assistance of the

Venice Commission and the ODIHR was introduced in 2005. However, it is widely perceived to be flawed and there are moves to change it again in advance of the 2007 general election.

In 2003, the government adopted an anti-corruption strategy. The prime minister chairs an anti-corruption council, and NGOs have been included in an anti-corruption monitoring commission. However, this process is now defunct and there is no evidence of any real political will to tackle corruption. Civil society groups are now calling for a new, more robust anti-corruption strategy to be drawn up.

The UK supports human rights in Armenia in a number of ways. We have supported a number of small NGOs in their work on tackling corruption in the traffic police, promoting greater transparency of judgments in the judicial system and freedom of information. We have helped translate important manuals on the workings of the ECHR. *ECHR practice*, funded by the British Embassy, is the first monthly periodical in Armenia to provide up-to-date information on developments in the court, which is currently considering 24 Armenian cases.

The embassy works closely with reformist elements of the judiciary to help them in their efforts to modernise and reform the system. We have also helped investigative journalists to cover human rights violation cases in the regions.

Young people in Armenia are often excluded from the political process, and have become cynical about their leaders. Two recent embassy-funded concerts - "Rock the referendum" (promoting participation in elections) and "It's possible" (promoting the idea that young people can drive change) - have been major successes, attracting more than 2,000 young people.

#### *Azerbaijan*

A partnership and co-operation agreement between the EU and Azerbaijan came into force in 1998. Azerbaijan joined the Council of Europe in 2001 and signed the ECHR and its associated protocols. The government has made some progress on human rights, abolishing the death penalty in 1998 and establishing an ombudsman's office and a constitutional court in 2002. We welcome the continued co-operation between the Council of Europe and the government on the issue of political prisoners.

Despite these steps, Azerbaijan's human rights record remains poor. The judiciary does not function independently of the executive and is widely perceived to be inefficient and corrupt.

During the parliamentary elections in November 2005, the UK made one of the largest contributions to the OSCE Election Observer Mission. This included 50 short-term and three long-term observers; and two secondees to the core team of the Mission. Their final report concluded that the elections failed to meet international standards. The UK, along with EU and OSCE partners, continues to press the Azerbaijani government and the Central Election Commission to build on the OSCE's report, and to amend procedures and laws to ensure that future elections are conducted according to international democratic norms.

The OSCE and the Council of Europe noted that some progress had been made during parliamentary by-elections held in May 2006, but that more needed to be done to ensure that future elections were free and fair. We share the OSCE's concern that Azerbaijan has made little progress in implementing the recommendations set out in the OSCE's final report. The justice ministry continues to deny registration to many NGOs, hampering the development of civil society. Although the government abolished censorship in 1998, it still exerts strong control over the broadcast and electronic media. The City of Baku authorities have failed to approve any application to hold demonstrations since November 2005.

We were deeply concerned at the murder on 2 March 2005 of the journalist Elmar Huseynov (see also page 279), who had made a significant contribution to the development of a free media, democracy and pluralism in Azerbaijan. On behalf of EU heads of mission in Baku, the British embassy issued a press release paying tribute to the contribution made by Elmar Huseynov to the development of a free media, democracy and pluralism in Azerbaijan. The British

ambassador attended his funeral and events marking the anniversary of his death. The ambassador has expressed concern to the Azerbaijani authorities at senior levels at the lack of progress in identifying and bringing to justice those responsible for the murder.

We supported the OSCE statement, which concluded the trial of three youth activists from the Yeni Fikir ("New Thought") youth movement, who were arrested on charges of treason prior to the parliamentary elections in November 2005, fell short of international standards in upholding the rule of law commensurate with international obligations.

The UK closely monitored the activities of the media in Azerbaijan in the run-up to the November 2005 elections. According to the OSCE, state-funded television did not provide equal or equitable coverage to the main political parties and blocs. The state media must develop a neutral, objective and informative editorial line and ensure that its reporting is balanced at all times. The establishment of a public TV channel in Azerbaijan in August 2005 was a welcome step forward, but the government will need to ensure it meets the standards laid down by the Council of Europe.

#### *Georgia*

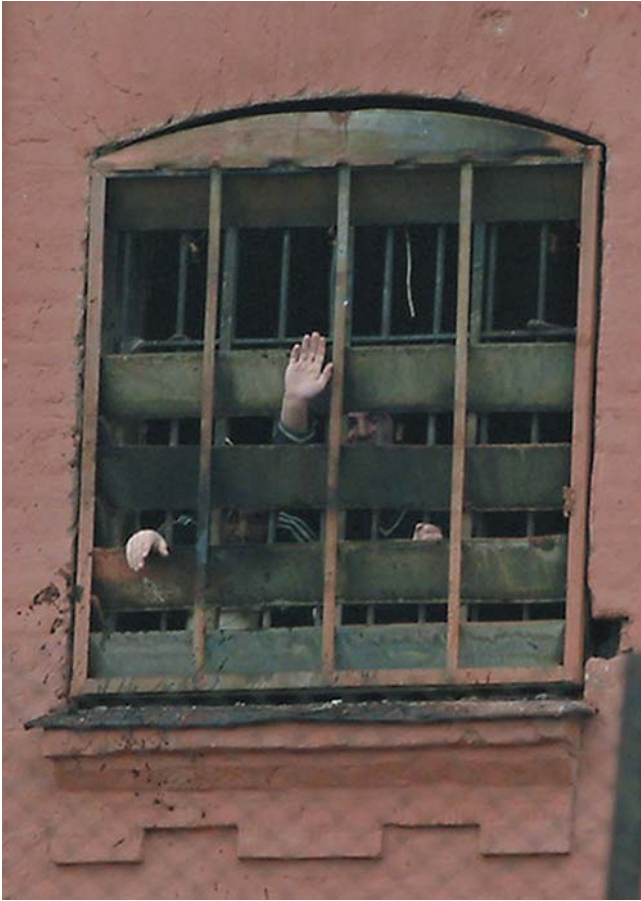
President Saakashvili has set an ambitious reform programme aimed at promoting and establishing democracy, good governance and the rule of law in line with Georgia's NATO and EU accession aspirations. Despite considerable progress in some areas, though, Georgia's human rights record remains uneven. The local elections, scheduled for 2006, will be the litmus test for Georgian democracy. We continue to be concerned about the freedom and independence of the media. There have been allegations that, through indirect control, government influence has led certain sections of the media to become less critical. Media outlets that have spoken out against the actions of the government claim to have been subjected to political pressure. Despite this, the right to demonstrate still exists and has been frequently exercised in 2006. Civil society has become more outspoken, and extra-parliamentary opposition activities have increased. While 2005 saw a decrease in the number of reported attacks on non-orthodox religious groups, the legal framework to clarify the situation of non-orthodox religious groups in Georgia is not yet in place.

Although the government has taken several important steps to prevent torture and mistreatment by the police and other security agencies, incidences of torture continue to be reported and remain a serious concern. The lack of professionalism and independence of the judiciary makes

**A woman walks past candidates' posters ahead of Azerbaijan's parliamentary elections in November 2005. The**

**OSCE's final report concluded that the elections failed to meet international standards.**





**Inmates at a prison in Tbilisi. Georgia's prison population has doubled since 2004, leading to overcrowding and unsanitary conditions.**

prosecution difficult, as does the apparent culture of impunity among the security services. Police officials routinely use firearms against suspects with the explicit support of both President Saakashvili and the Ministry of the Interior. Several suspects have died in the course of violent arrests.

As a result of the police's zero tolerance approach, pre-trial detention facilities and prisons are increasingly overcrowded. The prison population has almost doubled since 2004, a fact the government views as a positive achievement. Sanitary and health conditions do not meet international standards. Several deaths in custody have been reported. Most detainees' cases have reportedly been investigated, but follow-up has been hindered by a lack of judiciary staff. In recent months there have been several clashes between detainees and authorities. On 27 March 2006, at least seven prison inmates were killed in circumstances which remain unclear. There is a growing belief among human rights activists that the government needs to end the apparent

culture of impunity that exists within the security agencies. The judiciary is also under pressure from the government. In the drive to tackle corruption and establish a new and independent judiciary, judges have been pressured to resign and/or dismissed in arbitrary procedures directly influenced by the executive branch.

Through Penal Reform International (PRI), the UK has supported two projects aimed at improving the independent monitoring of prisons. We have also supported the writing and publication of a new *Parliamentarians' guide to human rights* for MPs and researchers, which should help ensure that human rights issues are given proper consideration in future legislation. The embassy has also used devolved funding to support a range of other projects, including training support for public broadcasting, training the police to handle domestic violence and providing free legal advice to vulnerable groups through the parliament's Committee on Human Rights and Civic Integration.

#### *Moldova*

Although Moldova has made some progress on human rights and democracy since gaining independence in 1991, serious reform in key areas is still needed. The government decriminalised libel in 2005, and has promised to implement the key political reforms set out in its ENP action plan. However, the UN Committees on Human Rights, Racial Discrimination and the Rights of the Child have all expressed concern at Moldova's human rights record. There are also continuing allegations of ill-treatment and torture of suspects and prisoners by Moldovan police officers and concern at levels of corruption within the Moldovan police force and in other areas of public life, including the judiciary.

Independent observers have reported that some detentions could be regarded as politically motivated. The authorities detained Mihail Formuzal, a leading opposition figure in the autonomous region of Gagauzia, on charges of abuse of office and misuse of funds. Former defence minister Valeriu Pasat - who had openly criticised the government on several occasions - was arrested in early 2005 and sentenced to 10 years in prison for fraud. The EU has expressed its concern to the Moldovan authorities over the lack of transparency in the trial process. Mr Pasat's lawyers announced on 30 June 2006 that they intend to appeal to the ECtHR on the grounds that the Moldovan authorities have violated the rights of their client.

Moldova also needs to undertake serious reforms in order to meet European standards for a free and pluralistic media. Teleradio-Moldova (the state broadcaster) is not a genuine public broadcaster and continues to support the government.

Moldova also needs a new audiovisual code, as agreed in its ENP action plan, to bring it into line with European standards.

The FCO has funded projects in a number of key human rights areas, including child abuse, trafficking in women and torture in prisons. The FCO has also funded projects carried out by the High Commissioner on National Minorities.

The human rights situation in the secessionist region of Transnistria remains worrying. Political and linguistic rights and freedom of expression are curtailed, and there are continuing reports of the use of torture and arbitrary arrest and detention. A recent report by the office of the OSCE's Representative on Freedom of the Media criticised the media situation in Transnistria, although it welcomed the authorities' willingness to open a dialogue with the OSCE. The region held elections in December 2005. These were neither recognised nor observed by the international community.

Schools in Transnistria are divided between those teaching Moldovan in the Latin script under the curriculum of the Moldovan Ministry of Education, and those teaching Moldovan using the Cyrillic script under the curriculum of the Transnistrian "Ministry of Education". In July 2004, the Transnistrians began a campaign of intimidation against Latin script schools, ultimately forcing their closure. On 26 August 2005, the EU responded by imposing travel restrictions on 10 individuals within the Transnistrian administration directly responsible for the measures. Travel restrictions on eight of these individuals were lifted in January 2006 in recognition of improvements in the situation of Latin script schools in some parts of Transnistria.

### Ukraine

Since the Orange Revolution of late 2004, Ukraine has made good progress in promoting the shared values of democracy, rule of law and respect for human rights, although there is still work to be done in a number of areas.

Ukraine held parliamentary elections on 26 March 2006. In its initial post-election statement, the ODIHR commented

<< **Ukraine now has a vibrant media environment that represents a wide range of views and opinions.** >>

that the elections "...further consolidated the breakthrough in the conduct of a democratic election process that began less than a year and a half ago". The Foreign Secretary welcomed the conduct of the elections in the House of Commons and contrasted it with the fraudulent elections and crackdown on the opposition taking place in neighbouring Belarus.

While the elections represent a major step forward, there is still further work to be done to entrench democracy. The holding of local elections at the same time as the parliamentary elections highlighted a number of systematic problems that still need to be addressed. The OSCE will be making a full report to the government of Ukraine.

One of the first major steps the Ukrainian authorities took in the aftermath of the Orange Revolution was to entrench the newly won freedom of the media. Ukraine now has a vibrant media environment that represents a wide range of views and opinions. This was recognised by the EU in its interim report on Ukraine's progress against its ENP action plan and

## Human trafficking

Ukrainian men, women and children are trafficked to the EU, including for the purpose of sexual exploitation. The UK is a final destination for some of them. The Ukrainian police have been active in fighting trafficking, upgrading their counter-trafficking unit in 2005. On 12 January 2006, Ukraine's parliament amended article 149 of the criminal code to criminalise trafficking in line with the additional Protocol to the UN Transnational Organised Crime Convention on the Prevention and Suppression of Trafficking in human beings, especially women and children. The amended article expands the definition of trafficking and punishable offences. The penalty for human trafficking is now three to 15 years'

imprisonment. Under an amendment to article 303, responsibility for prostitution has been transferred to the administrative code, which means that trafficking victims can no longer be convicted for prostitution if they have been forced into it. This should increase victim-investigator co-operation, although the extent of witness protection remains a concern.

The UK is supporting a counter-trafficking project through the GOF. The project, which is implemented by the British Council, is aimed at developing co-operation between the law enforcement authorities and counter-trafficking NGOs throughout Ukraine.

Former police officers Mykola Protasov, left, and Valery Kostenko face trial for their alleged involvement in the 2000 killing of journalist Georgiy

Gongadze. Since 2004, the Ukrainian government has taken significant steps to protect the freedom of the media.



by the OSCE following the parliamentary elections. The authorities have also brought three men to trial for the murder of journalist Georgiy Gongadze in 2000, but progress in the trial has been slow, as has the investigation into who ordered the murder. We hope to see substantial progress made on both fronts in 2006.

As the Minister of Interior Affairs has admitted, Ukraine must also focus on eliminating torture and ill-treatment in pre-trial detention and improving detention conditions. The country should also continue its work to improve the treatment of refugees and asylum-seekers. The EU Justice, Freedom and Security Assessment carried out in May 2006 echoed the findings of earlier Human Rights Watch and Council of Europe assessments, concluding that Ukraine could not be considered safe for returning third country migrants and failed asylum-seekers until it significantly improved its human rights record and its capacity to protect refugees.

This includes respecting the non-refoulement principle, which prohibits the return of individuals to countries where there is a substantial risk that they may face torture. In February, Ukraine controversially deported 10 Uzbek asylum-seekers.

Ukraine is increasingly playing a positive and constructive role in promoting human rights both in the region and more widely. At the end of 2005, President Yushchenko launched the Community of Democratic Choice initiative to help promote democracy in the region. At the UN, Ukraine co-operates closely with the EU on human rights issues, including on Belarus, and is playing a constructive role at the new UN Human Rights Council.

Looking ahead, Ukraine needs to implement the OSCE's recommendations and the recommendations of the EU's Justice, Freedom and Security Assessment Mission. These recommendations cover judicial reform, including improved salaries, appointment procedures and training, all of which would help increase the independence of the judiciary. The UK and the EU will continue to provide support and advice through the GOF, the fund for Technical Assistance to the Commonwealth of Independent States (TACIS) and the new European Neighbourhood and Partnership Instrument.

### **Southern neighbours**

The ENP has enabled more focused engagement between the EU and its southern neighbours through the implementation of commitments set out in individual ENP action plans. It has also committed Mediterranean partner countries to a range of economic, political and social reforms. The sections below outline the main issues of concern and EU actions in these areas. For more information on UK activities, see the sections on the work of the FCO's Engaging the Islamic World programmes, a general overview in Chapter 1 (page 24), on women's rights in Chapter 8 (page 264) and on democracy in Chapter 9 (page 271)

#### *Algeria*

The entry into force of the EU-Algeria Association Agreement on 1 September 2005 gives the EU a formal mechanism for discussing human rights issues with Algeria. The European Commission is currently drawing up a national report on Algeria with a view to negotiating an action plan.

As part of its 2005 reform of the family code, the Algerian government introduced legislation making torture a criminal offence. Other new legislation will bring Algerian prisons up to international standards by 2009. The Algerian government has also said it intends to abolish the death penalty. In February 2006, the UK sponsored a visit by senior Algerian judges and Ministry of Justice officials to see the



working methods of the British judicial and penal systems. We also supported Professor Andrew Coyle, a leading authority on prison reform, to attend a Ministry of Justice seminar in Algiers in December 2005.

In an effort to put an end to armed insurgency, President Bouteflika announced plans for a Charter for Peace and National Reconciliation in November 2004. The Algerian people overwhelmingly approved this in a referendum in September 2005. However, critics are concerned that the charter grants impunity to those from both sides responsible for human rights violations during the conflict, and that it will prevent justice from being pursued. In a statement issued during the UK's presidency of the EU, the EU welcomed the participation of the Algerian people in the referendum and expressed the hope that Algeria will achieve lasting peace and reconciliation, based on the rule of law, respect for human rights and ongoing consultation with its citizens.

The EU also issued a statement about the amnesty for convicted journalists announced by President Bouteflika on World Press Freedom Day (3 May 2006). The statement said that the EU saw the measure as a positive sign of the Algerian leadership's willingness to respect the freedom of the press. The EU furthermore expressed the hope that this amnesty will be followed by a change in the way the law of defamation is applied, to bring it in line with Algeria's obligations under the International Covenant on Civil and Political Rights.

The 2005 reform of the family code also brought some important gains for women in respect of divorce settlements and polygamy. We have helped a leading women's NGO produce a guide to the revised code for use in literacy classes. On the eve of International Women's Day in March 2006, President Bouteflika pardoned 152 women prisoners. However, a visit by the UN's Special Rapporteur on Violence against Women has been postponed by the Algerian authorities and has not yet been rearranged.

#### *Egypt*

Negotiations on the EU/Egypt ENP action plan are ongoing. The plan will contain commitments on governance, rule of law, human rights and democracy. It will also commit the EU and Egypt to setting up a sub-committee covering human rights and democracy issues.

In the past year, the EU has raised human rights issues with Egypt many times. The EU raised its concerns with the Egyptian authorities following reports of violence and intimidation during the parliamentary elections in November/December 2005 and has called on Egypt to

remove the requirement to list religion on identity cards and to re-consider the sentencing of the opposition party leader, Ayman Nour. The EU has also condemned the disproportionate force used by police at demonstrations against the dismissal of two senior Egyptian judges.

The National Council for Human Rights, established in 2004 and chaired by former UN Secretary-General Boutros Boutros Ghali, issued its second annual report in April 2006. The report reiterates the council's recommendation that the state of emergency should end and proposes new legislation to combat torture, including a wider definition of the term. It highlights deficiencies in the conduct of elections in Egypt and recommends the establishment of an independent electoral commission to oversee the electoral process. The council has also proposed legislation relating to equal treatment of religious groups. The publication of this report (and the council's first report, issued in April 2005) is a positive development. The Egyptian government has already acted on some of the council's recommendations, but many remain outstanding.

#### *Jordan*

The Jordan ENP action plan came into force on 1 June 2005. The plan commits Jordan to reforms in the areas of democracy, good governance and human rights. Jordan is the first southern neighbour to set up a human rights sub-committee, which held its initial meeting in June 2005.

Jordan's National Centre for Human Rights was established in 2002. In April 2006, the centre published its second annual report setting out a number of areas, including administrative detentions and trials by state security courts, where Jordan is failing to meet international standards on fair trials. The year 2005 also saw an increase in the number of death sentences carried out in Jordan.

The report also noted some improvements in the human rights situation, including prison visits by national and international human rights NGOs. The Jordanian government is actively working to improve awareness of women's rights with a view to discouraging "honour crimes".

#### *Lebanon*

The entry into force of the EU-Lebanon Association Agreement on 1 April 2006 gives the EU a formal mechanism for discussing human rights issues with Lebanon.

Negotiations on a Lebanon ENP action plan are continuing. We expect the plan to contain commitments on governance, rule of law, human rights and democracy.

Lebanon's overall human rights record is mixed. Civil and

political rights are generally respected, but there are occasional cases of human rights abuses. Good governance and rule of law remain weak. Although there is widespread agreement in Lebanon on the need for reform, few concrete steps have so far been taken either in the judiciary or the administration. Freedom of speech and freedom of the press is relatively good and has improved in the last year, but there were several cases of threats and violence against journalists in 2005. The death penalty, the status of women, prison conditions and the situation of migrant workers remain matters of concern.

#### *Libya*

Libya retains the death penalty for a wide range of crimes, including the formation of political parties. Under the UK presidency in August 2005, the EU demarched Libya on its use of the death penalty. We welcomed the debate held in the Libyan Basic People's Congress on its restriction or possible abolition. On 25 December 2005, a Libyan court overturned the death sentences imposed on Bulgarian and Palestinian medics convicted of infecting children with HIV. However, they remain in prison and are undergoing retrial. In March 2006, 130 political prisoners were released. However, reports suggest that suspected opponents of the regime are still subject to arbitrary detention. FCO Minister Kim Howells raised the case of the medics again during a visit to Libya in June 2006.

There is no independent press or civil society, and there are restrictions on freedom of expression and association. International human rights NGOs face considerable limitations on their ability to monitor the situation. However, the UK welcomed the opening of a dialogue in 2004 between the Libyan authorities, Amnesty International and Human Rights Watch. In January 2005, the People's Court was abolished and prison conditions have improved overall. The UK has part-funded a project to improve prison management through the GOF. Libya is a transit country for EU-bound migrants, and the rights of migrants have not always been respected. Libya is now working with the EU to address the problems associated with illegal migration. Women's rights are generally well respected in Libya, as are religious freedoms.

#### *Morocco*

Morocco is party to all core UN human rights conventions and continues to make progress in improving its human rights record. As part of the commitments set out in its ENP action plan, Morocco and the EU have agreed to establish the EU-Morocco Sub-Committee on Human Rights, Democratisation and Governance - issues which have been discussed in the EU-Morocco reinforced political dialogue.

In 2004, King Mohammed VI created the Equity and Reconciliation Commission (IER) to investigate allegations of



Reporters Without Borders presents a world map highlighting countries with poor records on press freedom to delegates at the World Summit on the Information Society, Kram, Tunisia, 17 November 2005. The organisation describes both Tunisia and Libya as "internet black holes".

human rights abuses during the reign of King Hassan II (1956-99). The IER panel, whose mandate ended on 30 November 2005, was chaired by Driss Benzekri, a former political prisoner. Other members included human rights activists and former political prisoners. State-owned TV broadcast live public hearings, with victims recounting their experiences of torture to the panel. A report produced by the IER in December 2005 established that 322 people had been killed by government troops in protests, and 174 people had died in arbitrary detention. It claimed that political figures opposed to King Hassan II had disappeared without trace and identified 9,280 victims as being entitled to compensation. Its recommendations include changing the constitution to allow greater freedom of movement and expression, imposing tighter control over the intelligence agencies, introducing a national strategy against impunity and developing policies in the areas of security and public order, in accordance with international human rights law. The Royal Advisory Human Rights Council will lead on ensuring that these recommendations are implemented.

Anti-terrorism laws introduced after the terrorist attacks in Casablanca in May 2003 challenged the balance between respect for human rights and the effective fight against terrorism. In the wake of the attacks, Morocco was criticised by human rights groups for illegal arrests, detentions and allegations of torture. The king has publicly accepted that there were cases of arbitrary detention in the aftermath of the attacks. The courts are examining these cases and the Ministry of Justice has undertaken to examine allegations of torture. Parliament passed a law criminalising torture on 20 October 2005.

There is an increasingly free press in Morocco, although criticism of Islam and the monarchy remain sensitive. The king has said that he favours the growth of a professional, free and credible media. There is a national debate about the revision of the 2002 press code, which is expected to end judicial condemnation of journalists.

Morocco's constitution provides for freedom of association, although the Interior Ministry has to grant permission for any public meeting. Civil society is becoming increasingly dynamic. There are over 30,000 registered NGOs, although a small number of organisations remain banned. We work with civil society in a number of areas. Under the GOF Engaging with the Islamic World programme, we are funding a number of projects including: reinforcing strategic management capacities for prison staff and improving prisoners' rights; establishing alternative dispute resolution mechanisms; and developing and distributing a booklet on the Moroccan family code with the aim of promoting women's rights.

### *Tunisia*

Under its ENP action plan, which came into force on 4 July 2005, Tunisia has signed up to commitments in the areas of democracy, good governance and human rights. Implementing these commitments will help to develop stronger relations between Tunisia and the EU. The EU is working with Tunisia to set up a sub-committee on human rights within the framework of the action plan.

Tunisia has a good record of promoting reform in the Arab world, notably on the position of women and the right to education. However, we remain concerned about the human rights situation in Tunisia, particularly with regard to the freedom of expression and assembly and the independence of the judiciary.

Until May 2005, all newspapers had to clear articles with the Ministry of the Interior in advance of publication. Although this is no longer the case, the EU is concerned that the fear of reprisals has resulted in self-censorship. NGOs report that internet access is routinely blocked and that messages addressed to certain email accounts never reach the intended recipient. However, access to foreign TV is widespread.

Tunisia's constitution provides for freedom of association within certain limits. Free assembly is allowed, subject to obtaining a permit from the Ministry of the Interior. However, some NGOs find it difficult to rent office space and obtain funding. A number of associations, including the National Council for Liberties, have had their applications for legal status refused.

The Tunisian Human Rights League, the oldest human rights body in Tunisia, has claimed that its activists have been harassed by the police and that it has been prevented from functioning properly. A court decision in September 2005 postponed its congress. The EU demarched the Tunisian authorities and issued a statement reminding Tunisia of its international human rights obligations. The League rescheduled the congress for the end of May 2006, but the meeting was again disrupted by the Tunisian authorities.

The EU expressed its concerns about freedom of expression and freedom of assembly issues during the World Summit on the Information Society, held in Tunis on 16-18 November 2005. See Chapter 9, page 282, for more details.

NGOs working in the country report ongoing problems with overcrowding in prisons and discriminatory treatment of political prisoners, as well as a lack of medical care, poor hygiene, torture and ill-treatment. The EU welcomed the fact

## The Barcelona summit

The Euro-Mediterranean partnership, or Barcelona process, was founded in 1995 and now embraces 25 EU member states and 10 partners from the eastern and southern Mediterranean (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey).

On 27–28 November 2005, the UK and Spain marked the partnership's tenth anniversary with the first ever Euro-Mediterranean summit. The summit was held in Barcelona and co-chaired by the UK and Spanish prime ministers. The summit agreed a number of actions covering political and economic reform, education and migration. It also agreed a code of conduct on countering terrorism: the first time that Europe, Israel and Arab countries have agreed to condemn terrorism in all its forms and take practical steps against it.

Other commitments include: creating a governance facility to reward Mediterranean partners who make progress on good governance; extending political pluralism and participation by citizens in the political process; raising standards in the conduct of elections; developing measures to achieve gender equality, prevent discrimination and protect women's rights; facilitating the work of independent information providers and increasing access to information;

ensuring that all children (boys and girls) have access to quality education; halving current illiteracy rates in the region by 2015; and managing legal migration and combating illegal flows of people through a balanced package of measures.

One of the most important achievements of the Barcelona summit was the participation of civil society representatives. Until then, the Barcelona process had been largely inter-governmental, but at the summit the Euro-Med Non-Governmental Platform, founded in April 2005 and representing a diverse range of civil society interests, was invited to participate and deliver its declaration in front of heads of state. This followed a series of meetings in Malaga, at which experts and civil society representatives from the platform took stock of the Barcelona process on its tenth anniversary. They assessed how to strengthen civil society's involvement in the process and how to establish a permanent interface between civil society and the public authorities.

The UK is now working with Euro-Mediterranean partners and the European Commission to take forward the key commitments in the five-year work programme agreed at the summit.

that, since June 2005, Tunisia's authorities have allowed the International Committee of the Red Cross (ICRC) access to prisons. The Tunisian authorities have also announced their intention to allow Human Rights Watch representatives access to prisons, but this has not yet happened. In the same year, the Minister for Justice and Human Rights announced that the practice of detaining prisoners in solitary

confinement beyond 10 days, the maximum allowed under the constitution, would cease. In early 2006, President Zine El Abidine Ben Ali granted presidential pardons that led to the full release of 1,298 prisoners. A further 359 were given conditional releases and others had their sentences commuted.

Under Tunisia's constitution, the judiciary is independent. However, according to Amnesty International and others, the authorities interfere in the judicial process. This is borne out by the trial in April 2005 of a lawyer and member of the National Council for Liberties, Mohamed Abou, for writing an article criticising the president. The Tunisian Magistrates Association has complained of increased intimidation by the government after its board issued a communiqué criticising the attack on Abou. The public prosecutor closed the association's office in August 2005.

A law passed on 12 August 2005 makes provision for a statute of magistrates, but fails to take into consideration earlier calls by the Tunisian Magistrates Association concerning terms and conditions of service and appears to weaken the position of magistrates overall. Despite several requests to visit, the UN's Special Rapporteur on the Independence of Judges and Lawyers has yet to receive an invitation from the Tunisian government.

Prime Minister Tony Blair and his Spanish counterpart Jose Luiz Rodriguez closing the first EuroMed Summit,

November 2005. The summit agreed a number of actions, including a code of conduct on countering terrorism.



### 3.5 The Organisation for Security and Co-operation in Europe (OSCE)

The Organisation for Security and Co-operation in Europe (OSCE) is the world's broadest based regional security body. It brings together 55 participating states from Europe, North America and Central Asia (as well as 10 other Mediterranean and Asian countries as Partners for Co-operation), with the shared aim of preventing conflict through a comprehensive approach to security in the OSCE region. An integral part of this approach is promoting human security by setting standards and assisting states to implement their OSCE and other international commitments to human rights. These standards are upheld through peer review and monitoring. The UK's total financial contribution to OSCE activity in the 2005-06 financial year was £16.5 million.

The OSCE makes a particularly important contribution to human rights, democracy and the rule of law through its special representatives and 18 field missions, mainly in South-Eastern Europe and the former Soviet Union. The UK contributes to these missions through core budgetary costs and by providing seconded personnel; the current Head of the OSCE Mission in Georgia is Roy Reeve, a UK secondee. In the last year, over one-third of UK secondees to OSCE Missions and Institutions have worked in the human rights field, including on democratisation and rule of law in the Balkans. During 2005 there were approximately 50 British secondees working in OSCE field missions, at a total cost to the UK of approximately £3 million. Within this figure, 10 per cent of UK secondees to the OSCE were serving police officers. These officers make a sizeable contribution to the success of the Kosovo Police Service School, the police development unit in Macedonia and to community-policing training in Serbia and Montenegro. Another UK secondee, Richard Monk, acted as the OSCE's Senior Police Adviser until March 2006.

More information on the OSCE and the work of its missions and institutions is available at: [www.osce.org](http://www.osce.org). Application forms for secondment to an OSCE field mission are available in the OSCE section of the FCO website: [www.fco.gov.uk](http://www.fco.gov.uk). To enable the OSCE to achieve its goal it has developed the following structures and institutions; further details can be found in Chapters 8 and 9.

#### Office for Democratic Institutions and Human Rights

The Office for Democratic Institutions and Human Rights (ODIHR) began as the Office for Free Elections in 1991. It is

now the largest OSCE institution. ODIHR's Director Christian Strohal took office in March 2003. His mandate was renewed this year until March 2008.

ODIHR's role is to ensure full respect for human rights and fundamental freedoms and the rule of law and to promote principles of democracy, to build, strengthen and protect democratic institutions and to promote tolerance throughout society. It is particularly valued for its role in election observation. ODIHR also promotes wider democracy by combating human trafficking, promoting gender issues and freedom of movement and acting as a contact point for issues relating to Roma, Sinti and NGOs. ODIHR's assistance on rule of law is increasingly in demand and the UK supports

<< ODIHR's unrivalled expertise in observing elections is widely recognised within Europe and the US. The FCO provides significant financial support for this work. >>

this work in Central Asia. Trial monitoring is a specific area in which they work; this year the FCO has again contributed £50,000 to ODIHR's Fair Trials Programme. The programme operates in the CIS and South-Eastern Europe, assisting countries to develop and strengthen legal institutions, mechanisms and practice to ensure fair trials, by providing training in national and international fair-trial standards and trial-monitoring methodology and co-ordinating monitoring activities.

The UK has also contributed £50,000 each to ODIHR's Criminal Justice Reform and Democratisation Programmes. The Criminal Justice Reform Programme works to support penal reform and the abolition of torture by training officials and providing experts to advise governments as they seek to make legislative reforms. The Democratisation Programme works with citizens and governments to increase citizen awareness of their rights under democratic systems and to encourage the development of transparent and accountable political parties and institutions.

ODIHR's unrivalled expertise in observing elections is widely recognised within Europe and the US. It has come to particular prominence in recent years following its reports on elections in Georgia, Ukraine and Kyrgyzstan. Last year FCO contributed around £1.3 million to ODIHR for election observation and follow-up work.

Every year, ODIHR organises a meeting to review the implementation by participating states of the full range of OSCE commitments in the fields of human rights and democracy. In 2005, this Human Dimension Implementation Meeting (HDIM) was held in Warsaw from 19–30 September. As presidency of the EU, the UK delivered a number of statements covering the full range of human dimension work. The former Foreign Office Minister, Ian Pearson, delivered the EU opening statement and met the heads of OSCE human dimension institutions. In the first week, discussion focused on democracy and citizenship, migration and refugees, freedom of movement, assembly and association, media freedom, human rights and terrorism and the rule of law. The second week saw exchanges on human trafficking, tolerance and non-discrimination, gender and Roma, Sinti and national minorities.

The UK delivered a strong and well-received closing statement. It included a reaffirmation of EU support for OSCE election observation work and a call for the tolerance and discrimination programme to develop its scope to include consideration of discrimination on the basis of sexual orientation. It also focused on three countries where the human rights situation was of increasing concern. We called on Turkmenistan to cease repression of civil society, protect the rights and safety of members of all religious communities and to allow the ICRC to examine its prisons. We raised concerns over the lack of an

independent judiciary and media freedom in Belarus and called on President Lukashenko to allow civil society and opposition parties to function. We reiterated our deep concern at the situation in Uzbekistan, renewed our call for an independent international investigation into the Andizhan events on 12–13 May and urged the authorities there to conduct free and fair trials, in the presence of OSCE monitors, of those accused of involvement.

We valued these discussions with NGOs and other international organisations as equal partners at the table. NGO participation is a fundamental element of HDIM. Their voices play an important part in deciding the future direction of human dimension work. For the fifth consecutive year, the UK hosted an NGO forum in advance of HDIM. We discussed OSCE human rights work, the human rights situation in the OSCE region and encouraged strong attendance from UK NGOs. NGOs hosted many of the side events at HDIM, using the opportunity to draw further attention to their concerns and issues. The UK co-hosted a side event with the European Monitoring Centre on Racism and Xenophobia (EUMC) on policing crime, as well as on the OSCE observation of the UK general election (further details are in Chapter 9).

HDIM 2006 will take place 2–13 October. This year's three themes for particular focus are human trafficking, access to justice and tolerance and non-discrimination.

### High Commissioner on National Minorities

The OSCE High Commissioner on National Minorities (HCNM) was established in 1992. The office operates independently to identify ethnic tensions that endanger peace, stability or friendly relations between and within OSCE participating states and to engage in preventive diplomacy at the earliest stage. Since 1992, HCNM's effective use of quiet diplomacy has demonstrated that this intrusive, yet discreet, instrument remains a vital means of conflict prevention. The HCNM makes recommendations to the country concerned on specific issues, such as language, education and political participation of minority groups. The HCNM also produces general recommendations for the whole of the OSCE area on the situation and treatment of minority groups. Jon de Fonblanque, a UK national, is Director of the HCNM's office.

The current High Commissioner is Rolf Ekeus, who was appointed to the position in July 2001. His mandate was renewed for a further three years in July 2004. The UK has supported several of the HCNM's key long-term projects; details can be found in Chapter 8. These include a conflict prevention and integration plan for the Samtskhe-Javakheti region of Georgia, now in its fourth year. The project's

objective is to reduce ethnic tensions in the region by encouraging the integration of minority groups into society. Language barriers are one of the main reasons for exclusion - the official state language is Georgian, which most of the mainly Armenian minority do not understand. In addition to providing language training, the project is improving the flow of information between minority regions and Tbilisi, improving the legal framework on minority issues, providing better access to legal information and advice, reducing tensions between different ethnic groups and improving training for civil servants, teachers, journalists and other professions.

Inter-ethnic tension remains an area of concern in Kyrgyzstan. The UK has been supporting a successful long-term project since 2000 to improve ethnic relations by providing seminars in managing inter-ethnic relations. Based on role-play, the seminars are for civil servants, such as, teachers and police officers who encounter inter-ethnic issues in their daily work.

### The Representative on Freedom of the Media

On 10 March 2004, the OSCE appointed Hungarian writer,

journalist, human rights advocate and university professor, Miklos Haraszti, as the Representative on the Freedom of the Media for a three-year term. The role of the representative is to assist participating OSCE states in their commitment to free, independent and pluralistic media. He highlights cases that infringe freedom of the media and reports to the OSCE Permanent Council on a quarterly basis with his observations and recommendations. Following the events in Andizhan on 12-13 May 2005 (see page 110 for more details), the Representative quickly produced a report on the ability of the national and international media to report what occurred. The report, available on the OSCE website, assessed that an information blockade was in place and identified significant harassment of journalists and media outlets. It played an important part in informing the

international community as it reacted to the events of May 2005.

### **Current issues and challenges for the OSCE's human dimension work**

Some OSCE participating states have expressed concern about the balance between the OSCE's three "dimensions", or areas of work (the political and military dimension; the economic and environmental dimension, and the human dimension). Russia and some CIS states in particular believe there is too much emphasis on the human dimension and are particularly uneasy about ODIHR's election observation work. They accuse the OSCE of "double standards" and of only exerting itself on human rights and democracy "east of Vienna" and would like to see tighter control placed on

**Members of the election commission empty a ballot box at a polling station in Kiev, Ukraine, 27 March 2006. The OSCE declared the country's parliamentary elections "free and fair".**



election observation activity. The UK, our EU partners, Canada, the US and other like-minded states do not agree. ODIHR's autonomy allows it to keep its work independent from the politics of OSCE's Permanent Council, and to report objectively on the facts as it finds them on the ground. We are working to ensure ODIHR's autonomy and election observation work is protected.

### 3.6 The Council of Europe

The Council of Europe was established in 1949 to protect and promote human rights, the rule of law and pluralist democracy throughout Europe. Its Secretary-General is Terry Davis from the UK.

The Council played a key role in rebuilding and strengthening Europe's shattered societies in the aftermath of World War II. More recently, it has helped to shape the new democracies that have emerged since the Cold War. The Council of Europe

**Sweden's Thomas Hammarberg, a former chairman of Amnesty International, became the new Council of Europe Commissioner for Human Rights on 1 April 2006.**



has 46 member states, Monaco being the last to join in October 2004 (see Annex 3, page 323, for a full list of member states). Through its Council of Ministers (the main deliberating body), the Council of Europe has concentrated on developing institutions and consolidating the rule of law and freedom of expression in its newer member states. Member states take turns to chair the Council of Ministers for six months at a time.

The Parliamentary Assembly of the Council of Europe (PACE) also plays an important role in protecting human rights. The PACE, which comprises MPs from across Europe, meets four times a year. PACE sends rapporteurs to monitor member states' compliance with their Council of Europe commitments and commissions reports on a wide range of subjects for debate. It then makes recommendations to the Council of Ministers on how countries can improve human rights and other related issues.

The Council of Europe enforces human rights through legally binding conventions. There are currently over 170 of these, the main four being the ECHR, the European Social Charter, the European Convention for the Prevention of Torture and the Framework Convention for Protection of National Minorities. The most prominent is the ECHR, adopted in 1950, which established the ECtHR. The ECHR is the foundation of European human rights protection and it must be signed and ratified by all member states before they can join the Council of Europe. Under the ECHR, all member states guarantee their citizens basic civil and political rights in a state governed by the rule of law. Since October 2000, the UK has incorporated the rights and freedoms guaranteed under the ECHR into domestic law through the Human Rights Act, so that people living in the UK can claim these rights in UK courts instead of taking their case to Strasbourg.

#### The European Court of Human Rights

The ECtHR in Strasbourg was set up by the Council's member states to enforce the ECHR. Together, the court and the ECHR offer a unique system of access to justice, allowing individuals to bring proceedings against their own governments. The court deals with inter-state petitions and a large number of individual applications from citizens from all Council of Europe states. The governments of member states are legally obliged to comply with the court's judgments and, where necessary, to change domestic legislation in line with its rulings.

The accession of new member states and increased awareness of human rights in the established Council of Europe states has led to a steady increase in workload, with some 44,100 new applications lodged in 2005 and the



The Council of Europe May 2006 ministerial concentrated on reform of its human rights system, with the WPG presenting its interim report on reform of the court and many states calling for the ratification of protocol 14. Russia, in its capacity as incoming chair of the committee of ministers (May to November 2006) presented its priorities. The UK was represented by Baroness Ashton, who delivered key messages on the need for the council to focus on its core activities of human rights, democracy and rule of law and emphasised the importance the UK attaches to reform and modernisation of the court.

number of cases pending rising to 82,100. In 2005, the former Lord Chief Justice of England and Wales, Lord Woolf, was asked to review the court's working methods. His remit was to suggest administrative measures that could be taken without amending the convention to allow the court to cope with its current and projected caseload, pending the introduction of protocol 14 to the ECHR, which will streamline the workings of the court and introduce more fundamental long-term reform.

Protocol 14 was agreed at the annual Council of Europe ministerial meeting (or "ministerial") in 2004 (see box above), but needs the signature and ratification of all 46 member states to come into force. The UK signed the protocol in July 2004 and ratified it in January 2005. By 30 May 2006, all 46 member states had signed the protocol, with six ratifications still outstanding.

Several of Lord Woolf's proposals have already been implemented, but some cannot be pursued until protocol 14 comes into force. An interim report on the follow-up to the proposals was published in late May 2006. A "wise persons group" (WPG) was also tasked by the Council of Europe Third Summit in Warsaw in May 2005 with drawing up a comprehensive strategy to secure the long-term effectiveness of the court and its control mechanism. The WPG is made up of distinguished lawyers nominated by Council of Europe member states. The group's chair, Mr Gil Carlos Rodriguez Inglesias, presented an interim report on its work at the ministerial meeting held in Strasbourg on 18-19 May 2006. The full report is not due until December 2006.

### **The EU/Council of Europe Memorandum of Understanding**

The Council of Europe's third summit tasked the Council and the EU with drafting a memorandum of understanding in order to enhance co-operation and strengthen political dialogue. The EU was tasked with producing the first draft,

setting out a framework for future co-operation between the Council and the EU on areas such as: human rights; discrimination; racism and xenophobia; and the promotion of pluralistic democracy. Prime Minister Juncker of Luxembourg produced a report to inform the text. The latest draft is circulating for further comment among Council of Europe member states. At the May 2006 ministerial, ministers noted the state of play and agreed a proposal for establishing a high-level group to follow up on Prime Minister Juncker's report.

### **The Commissioner for Human Rights**

The Office of the Commissioner for Human Rights was established in 1999 as an independent institution within the Council of Europe. Its mandate is to promote respect for human rights and ensure that everyone living in a member state enjoys full access to human rights. The PACE elected Alvaro Gil-Robles as the first Commissioner in 1999. Mr Gil-Robles' activities focused on identifying short-comings in the law and practice of human rights.

Official visits to member states form a key part of the commissioner's mandate. After each visit, the commissioner produces a public report to present to the Committee of Ministers and PACE. These reports, which are based on discussions with senior government officials, members of the legislature and judiciary and civil society organisations, set out recommendations for increasing levels of respect for human rights. The commissioner also visits places such as prisons, asylum centres and psychiatric institutions, where respect for human rights is a particularly sensitive issue. During the period of this report, Mr Gil-Robles visited Italy (June 2005), Iceland (July 2005), France (September 2005) and Russia (February 2006).

Mr Gil-Robles' successor, Thomas Hammarberg, took up his duties on 1 April 2006.

More information is available at:

The Council of Europe: [www.coe.int](http://www.coe.int)

The European Court of Human Rights: [www.echr.coe.int](http://www.echr.coe.int)

The Parliamentary Assembly: [www.assembly.coe.int](http://www.assembly.coe.int)



A flag with the logo of the UN Human Rights Council hangs over the Mont Blanc bridge in Geneva, Switzerland, 17 June 2006. The Council's remit is to promote "universal respect for the protection of human rights and fundamental freedoms for all".

<< There has been a quiet revolution in human rights in recent months....It has served to return human rights to their rightful place firmly at the centre - indeed, at the very foundations - of the United Nations. >>

UN HIGH COMMISSIONER FOR HUMAN RIGHTS LOUISE ARBOUR ADDRESSING THE FINAL SESSION OF THE UN COMMISSION ON HUMAN RIGHTS, 27 MARCH 2006

# Human rights and international actions

## 4.1 Introduction

Nearly 60 years ago, in the aftermath of the Second World War, states across the world agreed for the first time a common set of human rights and fundamental freedoms that belong to all human beings, everywhere. In so doing, they recognised that each of us has rights by virtue of our very humanity - and that these rights transcend geographical, economic, social, age and gender divides. It is this recognition that led to the establishment of the Universal Declaration of Human Rights.

At the same time, these states recognised the need for an international institution to translate these theoretical rights and freedoms into practice. The UN Commission on Human Rights (UNCHR) was therefore set up to promote and protect the rights set out in the declaration. Since then, the declaration has given rise to legally binding human rights conventions and other internationally recognised standards, and the Commission, despite recent criticism, has been a powerful influence on improving respect for human rights throughout the world.

The Commission's guiding principle remains as valid today as it was in 1946: states must act together to uphold and protect those human rights that belong equally to all their citizens. However, the way in which this principle is implemented has been the subject of some major changes at the UN this year. The creation of the new Human Rights Council (HRC) and Peacebuilding Commission are two important elements of the UN's efforts to reform and improve its work. This chapter explores these changes in detail.

States also work together to uphold shared human rights values outside the framework of the UN. Regions face their own particular challenges and will often share views on how these should be tackled. Neighbouring countries can often co-operate more closely with each other to uphold and monitor the implementation of shared values than they could with states on the other side of the world. For these reasons, regional human rights mechanisms continue to play a vital role. This chapter therefore provides an overview of some of the key mechanisms operating in Africa and America. For information on European mechanisms (such as the EU, the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe), see Chapter 3.

## 4.2 UN reform

At the UN World Summit on 14-16 September 2005, some 150 world leaders agreed that "development, peace and security and human rights are interlinked and mutually reinforcing". This section looks at how that principle is underpinning the establishment of stronger, more effective UN bodies.

### The UN Human Rights Council

The UN World Summit outcome document set out an important challenge: to "create a Human Rights Council...responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all". The Council replaces the UNCHR. The UK, which held the presidency of the EU at the time, co-ordinated and led the EU's position throughout the negotiations on the setting up of the Council in autumn 2005.

On 15 March 2006, following further negotiations, the UN General Assembly (UNGA) adopted a resolution establishing the HRC. The UK voted in favour of the resolution, along with 169 other UN member states. Three states abstained (Iran, Venezuela and Belarus) and four voted against the resolution (the US, Israel, the Marshall Islands and Palau). The US had been hoping for a stronger resolution, but they nevertheless committed itself to co-operating with the new body.

The new HRC has a broad mandate, which includes: promoting universal respect for human rights; addressing human rights violations; and promoting the co-ordination of human rights issues within the UN system. It will meet at least three times a year for a minimum of 10 weeks in total, allowing for a more systematic treatment of human rights than before. As a subsidiary body of the UNGA, the council's status within the UN system is more central than the commission's, reflecting the importance of human rights to the UN's overall work.

In an effort to ensure that the HRC's member countries are active and committed, candidates will now require a clear majority of votes (at least 96) from all UN members to be elected. They will also be expected to table voluntary pledges and commitments to promoting and protecting human rights. The Council will build on the work of the CHR by retaining its most effective elements: a system of monitoring and advisory mechanisms dedicated to specific issues or countries; a complaints procedure; and a high level of NGO

participation. The Council will also have a new universal periodic review mechanism for examining each state's human rights performance.

Inevitably, there have been compromises. For example, the UK and others were in favour of setting a higher threshold for election to the Council and qualification for membership. However, the HRC has the potential to make a real difference to the UN's treatment of human rights. We will continue to work hard in partnership with others to ensure that it fulfils that promise.

As a Council candidate, the UK put together a set of voluntary pledges and commitments (available at: [www.un.org/ga/60/elect/hrc](http://www.un.org/ga/60/elect/hrc)). Along with our fellow EU candidates, we presented these to the UNGA 30 days before the election to allow plenty of time for consideration. The EU candidates also agreed not to vote for any candidate countries currently under Security Council sanctions for human rights-related reasons, and expressed the view that no state guilty of gross and systematic violations of human rights should be allowed to serve on the Council.

The UK was successfully elected to the HRC, along with 46 other countries, on 9 May. Despite efforts to improve the quality of the Council's membership, some countries with weak human rights records - including some of those highlighted in chapter 2 of this report - were elected. However, some other countries, which had been members of



**Wangari Maathai, winner of the 2004 Nobel Peace Prize, at the first meeting of the UN Human Rights Council, Geneva, June 2006. In her speech, she emphasised the links between good governance, environmental management and conflict resolution.**

The UK welcomed the agreement to establish the new HRC. Speaking at the time of the UNGA meeting, then Foreign Secretary Jack Straw said:

“The UN must remain at the forefront in setting standards in the promotion and protection of human rights worldwide, and examining progress in the implementation of these standards... The establishment of the new Council provides a unique opportunity to strengthen the way in which the UN addresses human rights, and to restore human rights to a central role in the UN’s work.”

The HRC represents a fresh start. It is an opportunity for the UN to adopt a new approach to human rights, and to develop more effective tools for dealing with today’s human rights challenges. Combined with the other measures agreed at the September 2005 summit – most notably the doubling over the next five years of regular budget resources for the Office of the High Commissioner for Human Rights (OHCHR) – the establishment of the Council should significantly strengthen the UN’s human rights machinery.

Although the Council has already met three times (19–30 June; 5 July; and 18 September–6 October 2006) it is still a work in progress. During its first year, the HRC will review the elements it has inherited from the Commission, finalise its working methods and set up its universal periodic review system. We will be working with our partners to ensure that these tools and mechanisms are as strong and effective as possible.

the CHR despite their poor human rights records decided not to stand; while others, including Iran, stood but were not elected. All Council members are expected to uphold the highest standards in the promotion and protection of human rights, to co-operate fully and to be reviewed under the universal periodic review mechanism.

See page 165 for information about the HRC’s first meeting.

### Responsibility to protect

Agreement on the concept of responsibility to protect was one of the main outcomes of the September 2005 UN World Summit. For the first time, 191 world leaders underlined their unwillingness to tolerate genocide, war crimes, ethnic cleansing and crimes against humanity within states, and acknowledged their collective responsibility for protecting vulnerable populations from such crimes.

The Security Council reaffirmed this commitment when adopting Resolution 1674 on the Protection of Civilians in

Armed Conflict in April 2006. It was reinforced again at the most recent Security Council open debate on the protection of civilians in armed conflict, held on 28 June 2006. Other themes emerging during that debate included: the importance of the rule of law and respect for international humanitarian law, human rights law and the Geneva Conventions; the need for an end to impunity and the role of the International Criminal Court (ICC) in achieving this; the extent and gravity of sexual and gender-based violence; the effect of armed conflict on children; the importance of unimpeded humanitarian access; and concern about the increasing number of internally displaced persons (IDPs).

The UK will continue to work through the UN, including at the Security Council, to ensure that the agreement on responsibility to protect is translated into a willingness to act in specific cases.

### The Peacebuilding Commission and Support Office

The UK played a significant role in helping to reach an agreement at the September 2005 World Summit to establish a Peacebuilding Commission and Support Office. The Commission will support post-conflict recovery by bringing together all those involved in peacebuilding, advising on strategic priorities and highlighting any issues that could undermine the peacebuilding process. The Commission’s organisational committee met for the first time on 23 June 2006. The summit also agreed to establish a standing Peacebuilding Fund. This is likely to focus on ensuring that funding for activities begins early in the post-conflict process and on filling critical financing gaps. Detailed terms of reference need to be drawn up but we expect the UK to pledge funds in due course. The UK is a member of the Peacebuilding Commission.

## 4.3 Human rights at the UN

### The Commission on Human Rights

The UNCHR, which has now been replaced by the HRC, convened for its 62nd and final session on 27 March 2006. The session adopted a short procedural resolution, transferring the mandates for the Commission’s special procedures and its outstanding reports and recommendations to the new Council.

Despite recent criticism, the CHR played a valuable role in protecting and promoting human rights during the 60 years of its existence. Its main achievements include:

- Establishing the Universal Declaration on Human Rights and the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights (ICCPR)

and ICESCR). In her statement to the final session, High Commissioner Louise Arbour described these as "...groundbreaking human rights instruments, maybe the most famous contribution ever made by the United Nations to the well-being of the whole of mankind".

- Introducing five other international human rights treaties with monitoring bodies to hold states accountable for their implementation, as well as numerous protocols, declarations and guidelines on other areas of human rights.
- Creating a network of 41 special procedures to report on serious human rights issues, such as torture, arbitrary detention, summary executions and judicial independence, and raise individual cases of concern with governments.
- Taking specific actions to tackle human rights issues in individual countries of concern which, though sometimes controversial at the time, are now recognised by many states (including Argentina, Chile, Guatemala, Romania and the former Yugoslavia) as making a significant contribution to bringing about democratic change.
- Drawing international attention to those countries with the worst human rights records, such as Iraq under Saddam Hussein, South Africa during the apartheid era, Burma and the Democratic People's Republic of Korea (DPRK).

We are working with our UN partners to ensure that the HRC builds on this important legacy, while developing wider-reaching and more effective tools to tackle today's human rights challenges.

### UN General Assembly Third Committee

UNGA meets in New York each autumn. Its Third Committee deals with human rights, social development and humanitarian issues. The committee's 60th session took place between 3 October and 23 November 2005 and resulted in the adoption of 55 resolutions.

The UK held the presidency of the EU during the session. We were therefore responsible for co-ordinating EU positions and spearheading lobbying, negotiating and other consultation processes. We were able to co-ordinate a common EU position on all but two of the 69 resolutions considered in total.

#### Country resolutions

The EU presented resolutions on the human rights situations in five countries: Burma, the DPRK, the Democratic Republic of Congo (DRC), Sudan and Uzbekistan. In addition, the EU co-sponsored a Canadian resolution on Iran and tabled a text on Turkmenistan jointly with the US. There was a marked - and disappointing - increase in the use of procedural no-action motions by members seeking to prevent consideration of

country texts. However, four of the resolutions were successfully adopted and the remaining one - on Sudan - was only rejected by five votes. This was an excellent result overall, reflecting the recognition of the need for this type of resolution in the most serious cases.

#### Thematic resolutions

The bulk of the Third Committee's resolutions are on thematic human rights, social or humanitarian questions. Individual EU member states ran five of these and the EU itself was responsible for a further two (on the rights of the child and religious intolerance).

The resolution on rights of the child is covered in Chapter 8. The EU resolution on religious intolerance was adopted by consensus (for the first time in three years) with new and welcome language on the right to change religion or belief. Three individual countries' resolutions were also adopted by consensus: on torture (Denmark); on international covenants (Sweden); and on minorities and the administration of justice (Austria).

The Netherlands and Belgium presented a new resolution on human rights mainstreaming. Despite much careful preparation, and with broad agreement to the concept and text from across the UN, the resolution was withdrawn after the US called for a vote in response to a series of amendments from South Africa. Only two other resolutions were also withdrawn: human rights and corruption (tabled by the US); and the situation of and assistance to Palestinian children (tabled by Egypt).

### The Office of the High Commissioner for Human Rights

The OHCHR has a mandate to: prevent human rights violations; secure respect for all human rights; promote international co-operation to protect human rights; co-ordinate related activities throughout the UN; and strengthen and streamline the UN system in the field of human rights. Its main activities include: providing technical assistance in response to requests from governments; monitoring human rights; supporting the UN committees that monitor the implementation of UN human rights treaties; integrating human rights into the wider work of the UN; and supporting human rights special procedures.

The UN Secretary-General's report, *In larger freedom*, published in March 2005, called for the office to increase its activities and raise its profile. In May 2005, the OHCHR responded with an action plan which identified four "gaps" (in knowledge, capacity, commitment and security) that

“...this Council represents a great new chance for the United Nations, and for humanity, to renew the struggle for human rights. I implore you, do not let the opportunity be squandered.”

UN SECRETARY-GENERAL KOFI ANNAN, 19 JUNE 2006

The HRC met for the first time from 19–30 June 2006 in Geneva. During the opening session, ministerial representatives from around 85 UN member states set out their vision for the new body. Many stressed their desire for an effective Council, based on better co-operation and deeper dialogue between states and regional groups.

The session agreed a package of measures to take the Council’s work forward. Delegates agreed to set up two working groups to review the mechanisms inherited from the old CHR and to discuss the creation of a new universal periodic review system. They also extended the mandates of the special rapporteurs and other special procedures so they could continue to function during the review period. The session also agreed a work programme for the Council’s first year. Civil society representatives played a full part in the debates.

Actions on human rights issues included adopting the draft UN Declaration on the Rights of Indigenous Peoples and the draft UN Convention on Enforced Disappearances. The Council also held a productive dialogue with the UN High Commissioner on Human Rights and discussed several human rights issues of pressing importance: the deteriorating situation in the Occupied Palestinian Territories; the situation in Darfur; restrictions on human rights defenders across the world; preventing religious intolerance by promoting dialogue; and human rights and migration.

Despite the best efforts of the UK, EU and others, the

Council could not agree a common statement on these issues. The Organisation of the Islamic Conference (OIC) therefore tabled two texts for adoption: one on defamation of religions and one on the situation in the Occupied Palestinian Territories. We considered both texts to be unhelpfully unbalanced and, along with the council’s other EU members, voted against them. They were nevertheless adopted by majority vote.

In view of the developing situation in the Occupied Palestinian Territories, Israel and Lebanon in July–August, the OIC and Arab Group members subsequently called two Special Sessions of the Council: the first took place on 5–6 July to discuss the situation in the Occupied Palestinian Territories; and the second on 11 August to discuss the situation in Lebanon. The OIC tabled draft resolution texts at both. The UK and EU had repeatedly made clear our deep concern at the evolving situation and the suffering of civilians in Israel, Lebanon and the Occupied Palestinian Territories. However, the draft resolution texts did not adequately reflect these concerns, or the complexity of the situation. The UK and other EU members of the Council therefore voted against the resolutions, which were nevertheless passed. Resolution S-1/Res1 of 6 July decided to dispatch a fact-finding mission to the Occupied Palestinian Territories, headed by the Special Rapporteur for the situation of human rights in the Palestinian Territories occupied since 1967. Resolution S-2/Res2 decided to establish and dispatch a high-level commission of inquiry to look at aspects of the conflict in Lebanon.

We were disappointed that the HRC’s resolutions on these important and difficult issues were not sufficiently balanced to gain our support. We remain committed to using dialogue and discussion to bridge the gap between different points of view on key human rights questions and will seek to use these methods in the future.

prevent full respect for human rights, and set out its direction over the next five years. The Office’s priorities will be to improve country engagement, enhance human rights leadership, build stronger partnerships with civil society and UN agencies, develop greater synergy with UN human rights bodies and improve management and planning. The World Summit outcome document stated that the OHCHR’s regular budget would be doubled over the next five years.

The High Commissioner’s strategic management plan, released in March 2006, sets out a programme for the implementation of an action plan during 2006–07. It sets out how capacity will be increased, including through the establishment of new thematic units (such as the Policy Planning, Monitoring and Evaluation Unit) and three new regional offices (for North Africa, Central America and West

Africa). It sets clear benchmarks and progress indicators and provides detailed action plans for the OHCHR’s regional missions. The first tranche of increased regular budget funds will create 91 new staff posts in support of this work.

The UK is one of the OHCHR’s largest donors in terms of voluntary contributions. DfID has agreed an institutional strategy with the OHCHR which guarantees the office substantial unearmarked funding each year from 2004–08. The strategy has two key objectives:

- to improve the OHCHR’s capacity to deliver its mandate; and
- to enhance its ability to promote and protect human rights at country level (including by combating the stigma and discrimination associated with HIV/AIDS).

The FCO complements DfID's work by contributing to the following specific OHCHR projects:

#### *The Voluntary Fund for Technical Co-operation*

The Fund, made up of voluntary contributions from UN members, supports all the OHCHR's country activities. It provides technical co-operation in the field of human rights on request and supports the OHCHR's ongoing field-level activities in countries such as Colombia, Sudan and Cambodia.

#### *Nepal*

On 10 April 2005, the Nepalese government signed an agreement with the UN High Commissioner on Human Rights to establish an office in Nepal with a far-reaching mandate. The mandate includes: assisting the authorities in protecting human rights; monitoring the human rights situation and observance of international humanitarian law; advising and assisting the national human rights commission; and providing advisory services and support to civil society representatives. The Nepal office is one of the OHCHR's largest field presences.

#### *The Voluntary Fund for Victims of Torture*

The year 2006 marks the 25th anniversary of the fund, which supports organisations that provide humanitarian assistance to victims of torture and their families. This assistance ranges from psychological, medical and social help to legal aid and financial support. The fund currently supports around 187 projects worldwide.

#### *The Justice and Rule of Law Unit*

The unit is responsible for designing and implementing technical advice to judiciaries and transitional justice processes. It has worked in a number of countries, including Iraq and Sudan. It also supports the OHCHR's field operations and will work with the new UN Rule of Law Unit established in New York following the 2005 World Summit. The Unit has used FCO funding to support a project developing a policy tool on hybrid tribunals, such as the Sierra Leone Special Court (see page 222).

#### *Sustainable development*

The FCO has pledged an unearmarked contribution to the OHCHR from the GOF Sustainable Development Fund for the 2006-07 financial year.

#### **UN Security Council activity on human rights**

The UN Security Council has primary responsibility for maintaining international peace and security. The UK has long advocated for human rights issues to be taken into account in all the Security Council's work.

#### *Specific countries*

The Council has taken a number of actions relating to specific countries.

On 16 May 2006, it adopted Resolution 1679, which expressed concern over the dire consequences of a prolonged conflict in **Darfur** for the civilian population, strongly reiterated the need to put an immediate end to violence and atrocities and called on the parties to the Darfur Peace Agreement to respect their commitments and implement the agreement without delay. The UK co-sponsored Resolution 1672, adopted on 25 April 2006, which imposed targeted sanctions on four individuals from all sides of the conflict.

Resolution 1546 tasks the United Nations Assistance Mission in **Iraq** (UNAMI) with promoting the protection of human rights, as well as judicial and legal reform. UNAMI supported the election and constitutional processes in Iraq and is helping to establish a National Centre for Missing Persons and Exhumation. It also produces a bi-monthly report on the human rights situation in Iraq.

The UK was instrumental in pressing for the increased attention at the Security Council on the situation in **Zimbabwe**. Following Operation Murambatsvina - the government's brutal crackdown against informal sector trade and housing - the UK pressed for and won a contested vote to place Zimbabwe on the Security Council agenda. The Council was subsequently briefed by UN Special Envoy Anna Tibajuka (July), Under-Secretary-General for Political Affairs Ibrahim Gambari (October) and Under-Secretary-General for Humanitarian Affairs Jan Egeland (December), all of whom drew its attention to the humanitarian situation in Zimbabwe.

The Council has continued to shore up the fragile security situation in the **DRC** by strengthening the mandate of the UN peacekeeping force (MONUC), reaffirming the need for all parties to support the transition process and work towards free and fair elections and committing the UN to continuing its monitoring of the human rights situation on the ground. Resolution 1653 condemned the activities of those armed groups, including the Lord's Resistance Army (LRA), who continue to commit human rights abuses.

On **Liberia**, the Council unanimously adopted Resolution 1688 on 16 June 2006, drafted by the UK. This provided a legal basis for the transfer of former Liberian President Charles Taylor for trial before the Special Court for Sierra Leone, sitting in the Hague. For more details on efforts to bring Taylor to justice to face charges of war crimes and crimes against humanity, see Chapter 6 (page 223).



In **Somalia**, the Council has reaffirmed its support for the process of national reconciliation and welcomed the steps taken by the transitional federal institutions towards establishing effective national governance. The Council has also condemned the continuing flow of weapons into Somalia and has called on member states to comply with the arms embargo. The Council emphasised its position on all these issues in a Presidential Statement on 13 July 2006.

The Council has also been briefed by the government of Uganda and the Under-Secretary-General for Humanitarian Affairs, Jan Egeland, on the humanitarian situation in **northern Uganda**, including with regard to child soldiers. The Ugandan government has since launched a joint monitoring committee to improve the protection of civilians and address

humanitarian problems. The UN Secretariat has made recommendations on what more can be done to address the Lord's Resistance Army (LRA). On 27 April, the UK Mission to the UN in New York and the Government of Uganda mission co-hosted a seminar on tackling the LRA. The UK is liaising closely with partners in New York to continue to support the engagement of the Security Council on addressing the LRA.

The Security Council has also discussed the situation in **Burma**. The UK took an active role in the discussion on 16 December 2005, raising our concerns about human rights abuses including the detention of political prisoners, internal conflicts and the spread of HIV/AIDS. UN Under-Secretary-General Gambari visited Burma in May 2006, and met Senior General Than Shwe and National League for Democracy

Foreign Secretary  
Margaret Beckett  
addresses the UN  
Security Council during a  
discussion on Sudan, 9  
May 2006.



A female former child soldier plays with a drum at a rehabilitation camp near Bukavu, eastern DRC. The UN

Working Group on children and armed conflict discussed a report on the DRC in June 2006.



party leader Aung San Suu Kyi. We shall continue to support fully all action in the UN, including in the Security Council, which could help to promote reform and positive change in Burma (for more details on Burma see Chapter 2).

#### *Thematic issues*

The UK welcomes the Council's continued focus on thematic issues. This work allows responses to be developed in a way that is not always possible during time-pressured negotiations on country-specific situations.

In December 2005, the UK hosted an open debate on the **protection of civilians in armed conflict**. In his briefing to the Council, Jan Egeland noted that its more systematic engagement on the issue had already had a positive impact with, for example, peacekeeping mission mandates now including a range of protection measures. Egeland also

highlighted the plight of displaced people in Sudan, the DRC and Uganda. In response, the Council adopted a new resolution (Resolution 1674) setting out further measures designed to address gaps in the international community's response, and noted the responsibility of states to protect vulnerable populations.

On 28 June 2006, the Security Council again held an open debate on the protection of civilians in armed conflict. It focused on how to turn the commitment expressed in Resolution 1674 into tangible improvements for civilians on the ground. Themes covered in the debate included: reaffirmation of the responsibility to protect; the importance of conflict prevention, the rule of law and respect for international law; the need for an end to impunity and the role of the International Criminal Court in achieving this; the extent and gravity of sexual and gender-based violence; the effect of armed conflict on children; the importance of unimpeded humanitarian access; and concern about the increasing number of internally displaced persons.

Following a debate in February 2005 on **children and armed conflict**, the Security Council underlined the importance it attaches to this issue by passing its sixth resolution on the subject - Resolution 1612 of July 2005. In it, the Council asks the Secretary-General to implement a mechanism for monitoring and reporting on the situation of children affected by armed conflict and calls on concerned parties to develop and implement action plans to stop the practice of recruiting and using child soldiers (see also page 266).

The Security Council took stock of developments since the adoption of Resolution 1612 by again debating children and armed conflict on 24 July 2006. A mechanism had been established for monitoring and reporting as envisaged in Resolution 1612, and to the establishment of a Council Working Group to consider reports from this mechanism. The Working Group meets every two months, and had met four times by the end of August 2006. The UK supports, and is actively involved in, its activities. The group has begun to consider specific situations of armed conflict affecting children. For example, it discussed a report on the Democratic Republic of Congo in June 2006. In future, we expect the group to consider further country situations and recommend follow-up action.

The UK continues to promote the implementation of Resolution 1325 on **women, peace and security**, which calls for women to play an equal part in all efforts to maintain and promote peace and security. The UK has developed a national action plan to implement the key points highlighted in the resolution and to bring together development,

humanitarian, defence and diplomacy work. We also systematically seek opportunities to ensure that gender concerns are properly addressed in resolutions, mission mandates and progress reports within the UN and other international organisations. See also the section on women's rights in Chapter 8.

### New human rights standards

As well as focusing on the effective implementation of international human rights standards, the UK continues to participate in the development of new standards, including a new international instrument on the rights of disabled people (see page 259).

On 29 June 2006, the HRC adopted the UN Declaration on the Rights of Indigenous Peoples (see page 251) after more than a decade of negotiations. On the same day, the Council also adopted a draft of the UN Convention on Enforced Disappearances (see page 259). UNGA will consider adopting the declaration and the draft convention in autumn 2006.

## 4.4 Sanctions

Under Chapter VII of the UN Charter, the Security Council can impose sanctions in order to either maintain or restore international peace and security. Security Council resolutions, which impose sanctions, are binding upon all UN member states. The UN Secretary-General has described sanctions as a vital tool, providing "a necessary middle ground between war and words".

### UK policy on sanctions

The UK's sanctions policy is based on a 1998 Whitehall review, which concluded that sanctions must be smart and targeted: that is, they must be applied where there are clear objectives, where their likely effectiveness has been assessed and in a such a way as to limit their humanitarian impact.

Sanctions are designed to change behaviour. The UK therefore aims to ensure that sanctions are coercive rather than punitive and that they are supported by complementary initiatives, such as political dialogue, in order to maximise the chances of reaching a solution. We also want sanctions to exert maximum pressure against those individuals who are responsible for, and who have the ability to influence, the situation in question. We therefore often target leadership elites rather than introducing measures that directly affect civilians. Sanctions traditionally include arms embargoes, targeted assets freezes or travel bans on senior figures and embargoes on trade or financial flows. The UK continues to play a key role through its membership of the Security Council in ensuring that sanctions are implemented and

enforced internationally, that they are designed appropriately and that it is clear when they will be lifted.

We fully implement all mandatory UN and EU sanctions. We also implement the OSCE arms embargoes on Armenia and Azerbaijan, and operate a national arms embargo against Iran.

### UN actions

The Security Council continues to deploy targeted sanctions in response to developments in a number of countries, tailoring measures to reflect the specific situation. For example, the Council has imposed sanctions against three individuals who it considered to be impeding the peace process in **Cote d'Ivoire**, sending a strong signal that the international community is prepared to hold people personally accountable for their actions.

The UK played an important role in achieving stronger Security Council action through sanctions in response to attacks against civilians in **Sudan** (see above). We have also helped to strengthen sanctions against the **DRC**. On 1 November 2005, the Security Council agreed to impose financial sanctions on 14 individuals (and one organisation) who we believed were involved in violating the arms embargo. We also achieved agreement on Resolution 1649 adopted on 21 December 2005, which expanded the criteria for sanctions to include the political and military leaders of foreign and foreign-backed Congolese armed groups who were impeding disarmament, demobilisation and reintegration. We also supported the adoption of Resolution 1698 on 31 July 2006, which further expanded these criteria to include individuals committing serious violations of international law involving the targeting or recruiting of children in situations of armed conflict.

### EU actions

At EU level, the UK played an important role in the development of the *Guidelines on the implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy*. In 2005, during the UK's presidency, the EU revised the guidelines in order to reflect recent improvements in sanctions implementation. The guidelines now contain stronger wording on avoiding targeting sanctions against under-18s and a clearer list of equipment that could be used for internal repression. This will help implementing governments make more robust decisions about banning exports on human rights grounds. A further successful UK-led initiative established a template setting out all the information states need to provide when calling for sanctions to be imposed on individuals. This will help ensure that

sanctions are applied to the right target. We also initiated revisions to the chapters on EU best practice, which now set out a more coherent approach to asset freezing. For more information on the EU guidelines, go to [www.europa.eu.int](http://www.europa.eu.int).

Common positions define the EU's approach to a geographic or thematic issue. In human rights policy, they often establish restrictive measures or sanctions against third countries. In early 2006, the EU renewed its sanctions against Zimbabwe and Burma in the light of the failure of both regimes to make necessary improvements in the areas of good governance or human rights. In April-May 2006, the EU expanded its sanctions regime in relation to Belarus, imposing travel bans and asset freezes on individuals responsible for violating international electoral standards during the presidential elections held on 19 March 2006.

On 14 November 2005, the EU imposed an arms embargo on Uzbekistan, along with travel bans on those individuals directly responsible for the excessive, disproportionate and indiscriminate use of force by the security forces in Andizhan. The EU decided to review the measures after 12 months in the light of the conduct and outcome of the trials of those involved in the Andizhan events, the situation regarding the harassment and detention of those who questioned the Uzbek authorities' version of events, Uzbek co-operation with any independent international rapporteur and the outcome of any independent international enquiry.

For more details about the human rights situation in Zimbabwe, Burma, Belarus and Uzbekistan, see Chapter 2.

## 4.5 UK involvement in UN peacekeeping missions

There are currently 15 UN peacekeeping operations deploying military and political personnel, civilian police and experts in human rights, child protection, gender and HIV/AIDS. In addition to their military and political tasks, UN peace-support operations now routinely integrate human rights into their work - for example, by working with national governments and civil society to organise and manage elections, demobilising, disarming and reintegrating ex-combatants, promoting the rights of women and children and helping to establish justice and the rule of law. By integrating all these elements within a single mission, the UN aims to achieve just and lasting peace settlements, which promote and protect human rights and help bring an end to impunity.

However, there have been some disturbing allegations of sexual exploitation and abuse by civilian and military

## Making peacekeeping more effective

The process of improving and reforming UN peacekeeping is ongoing. The September 2005 World Summit addressed some key areas, including the establishment of a standing police capacity, a 10-year project to build the capacity of regional and sub-regional organisations in Africa and the need for rapidly deployable reinforcements. The UN's Department of Peacekeeping Operations has also made real progress on improving planning for complex peacekeeping operations and on leadership training. Along with our European partners and other member states, we are working closely with the UN on all these issues.

## British military and police personnel working in UN missions

Mission	Military	Civilian police
MONUC	6	
UNIOSIL	1	2
UNFICYP	283	
UNMIK	1	62
UNMIL	3	
UNOMIG	8	
UNMIS	3	

peacekeeping personnel deployed in several peacekeeping missions. The UN has responded by introducing a zero-tolerance policy and appointing HRH Prince Zeid Ra'ad Zeid Al-Hussein, the Jordanian Permanent Representative to the UN, as special adviser on the issue.

In March 2005, the UN published its first comprehensive analysis of the problem of sexual exploitation and abuse by UN peacekeeping personnel. The report also included practical recommendations to help the UN and member states prevent further cases. The UK was active in ensuring that the UNGA's Special Committee on Peacekeeping adopted the report's recommendations. The UK is also working with EU member states and other key partners on the Special Committee to drive forward work based on the report's recommendations.

The UN is currently focusing on those recommendations that aim to bring peacekeepers, who commit crimes, to justice and prevent further abuse. To this end, the UK has supported the establishment of conduct and discipline teams as a full-time dedicated capacity in all missions, so ensuring that these teams' work has a long-lasting impact. We also encourage the UN General Assembly Special Committee on

Peacekeeping to endorse the participation of troop-contributing countries themselves in investigations. This aims to ensure that any evidence collected is admissible in a national criminal court. We recognise that the key to the success of any investigation will be follow-up by the troop-contributing countries. To this end, we look forward to a revised paper on National Investigations Officers being prepared by the UN's Office of Internal Oversight Services, and to the Secretary-General's upcoming comprehensive strategy for assistance to victims of sexual exploitation and abuse.

Measures that have already been put in place are showing tangible results, particularly in the DRC, but reports of continued abuses by UN peacekeeping personnel – for example, in Liberia – remain a cause for concern.

As a permanent member of the Security Council, we continue to take a leading role in the establishment and tasking of UN missions. Because the UK is involved in drafting the resolutions that set the mandates for missions, we can ensure that they address human rights effectively. We remain the fourth largest contributor to the UN's regular budget and to the budget for peacekeeping operations.

As well as funding, we contribute military and civilian personnel to those UN missions where we have a particular interest or appropriate skills to offer. A number of military staff officers from the UK are currently with the UN mission in Sudan (UNMIS), which was established in 2005. The mission's main focus is to support the implementation of a comprehensive peace agreement between the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A). This includes promoting the rule of law and human rights by protecting civilians and monitoring activities. We also expect to contribute personnel if UNMIS expands into Darfur.

## 4.6 The Commonwealth

The Commonwealth is a free association of 53 independent and sovereign states. It has no formal charter or code; instead, its principles and aims are set out in a series of declarations and statements issued after the meetings held once every two years of its heads of government.

The last Commonwealth summit was held in Valletta, Malta, in November 2005. Heads confirmed their commitment to the Commonwealth's fundamental values of tolerance,



Peacekeepers take part in military training drills to mark the international day of UN peacekeepers near Nicosia airport, Cyprus, 31 May 2006. The UK has contributed a significant number of military personnel to UNFICYP.

respect, international peace and security, democracy, good governance, human rights, gender equality, rule of law, independence of the judiciary and freedom of expression and to its desire to create a political culture that promotes transparency, accountability and economic development. The summit agreed four new mandates, one of which - on respect and understanding - is directly related to the Commonwealth's human rights work. The heads of government also commended the Commonwealth Secretariat's work in assisting member countries to promote and protect human rights and fundamental freedoms, as enshrined in the Universal Declaration on Human Rights and other relevant instruments, and welcomed the establishment of the HRC (see above).

The Commonwealth Secretariat implements Commonwealth declarations and statements via strategic and operational plans. These plans include four broad peace and democracy programmes: good offices; democracy; rule of law; and human rights. Priorities are agreed by consensus among member states. Recent programme activities include:

- good offices initiatives in 13 countries;
- election observation and voter registration work;
- preparations for parliamentary, presidential and local election missions;
- promoting human rights standards;
- providing legal assistance to member states on preventing and combating terrorism;
- promoting good governance and human rights;
- strengthening judicial processes; and
- providing training to combat corruption and money laundering.

The Commonwealth Ministerial Action Group (CMAG) continues to monitor countries that seriously or persistently violate the Commonwealth's core principles. Pakistan, though re-admitted to the Commonwealth in 2004, remains on the CMAG agenda. The Commonwealth recognises that progress has been made but is concerned that President Musharraf's decision to remain as the chief-of-staff of Pakistan's army is not an acceptable permanent arrangement for a Commonwealth government. The UK was invited to re-join CMAG at the Valletta summit.

## 4.7 Regional human rights mechanisms

Regional human rights mechanisms can make a valuable contribution to the promotion and protection of human rights. Chapter 3 looks at the instruments and institutions that promote and protect human rights in Europe: the EU,

the OSCE and the Council of Europe. This section describes the mechanisms operating in Africa and America.

The UK recognises the potential of regional human rights mechanisms like these to achieve positive change and, together with the EU, is seeking to do more to support and promote them.

### The African Union

#### *The African Court*

The protocol establishing the African Court on Human and Peoples' Rights was opened for ratification in 1998, but did not receive the requisite number of ratifications until 2004. While preparations to make the court operational were under way, the African Union (AU) decided to merge it with the African Union Court of Justice, and to suspend the process until the legal and practical implications of the merger could be fully considered. With severe human rights violations taking place in Darfur, the DRC and Zimbabwe, and abuses occurring across the continent, the need for such a court is greater than ever and it is commendable that the AU has continued to work towards its establishment.

The court will add an enforcement mechanism to Africa's existing human rights institutions. Its role will include determining cases and providing opinions on any matter relating to the African Charter, or any other relevant human rights instrument ratified by the states concerned.

On 21 January 2006 in Khartoum, Sudan, the AU's Executive Council of Ministers elected 11 judges out of the 21 nominated candidates put forward by the 16 states that have ratified the protocol on establishing the court. These judges were sworn in during the AU Summit in Banjul, The Gambia, in July 2006. We urge more states to sign up to the protocol, as the court has the potential not only to provide an African solution to African problems, but also to act as an important conflict resolution tool.

The elected judges are: Fatsah Ouguerouz (Algeria); Jean Emile Somda (Burkina Faso); Gerard Niyungeko (Burundi); Sophia Akuffo (Ghana); Kellelo Justina Masafu Guni (Lesotho); Hamdi Faraj Fanoush (Libya); Modibo Tounty Guindo (Mali); Jean Mutsinzi (Rwanda); El Hadji Guisse (Senegal); Bernard Ngoepe (South Africa); and G Kanyeihamba (Uganda).

#### *The African Commission of Human and People's Rights*

The Banjul-based African Commission of Human and People's Rights presented a set of relatively hard-hitting reports on the situations in **Zimbabwe, Uganda, Sudan, Ethiopia and Eritrea** to the AU Summit in Khartoum in January 2006.



**UN Secretary-General Kofi Annan talks to journalists at the AU Summit in Banjul, July 2006. The meeting, which set out to deal**

**with a range of issues affecting Africa, was dominated by the conflicts in Sudan and Somalia.**

Disappointingly, these resolutions were not adopted by the summit as some countries, most notably Zimbabwe, objected that they had not been given an opportunity to rebut the claims in the report. They were given a three-month deadline by which to register comments with the Commission, which expired at the end of April 2006. At the AU summit in Banjul in July 2006 they were given a further two months to respond. We remain concerned that further delay on these resolutions would send a negative signal about Africa's willingness to tackle examples of poor governance and abuse of human rights. Lord Triesman raised human rights in his meetings with African leaders during the AU Summit in Banjul in July 2006.

### **The Organisation of American States**

#### *The American Convention on Human Rights*

The American Convention on Human Rights was adopted by the Organisation of American States (OAS) and came into force in 1978. By August 2006, 24 OAS member states were party to the Convention.

The Convention sets out a broad range of rights. There are some key differences between it and the European Convention on Human Rights. For example, under article 4, the right to life must normally be protected from the

moment of conception, rather than the moment of birth. The prohibition on torture and inhuman or degrading treatment is more extensive and is placed in the context of the right to humane treatment. Articles 18 and 19 protect the right to a name and the specific rights of the child. Article 26 provides for the progressive achievement of the rights implicit in the economic, social, educational, scientific and cultural standards set out in the OAS Charter (1948) as amended by the Protocol of Buenos Aires (1967).

#### *The Inter-American Commission on Human Rights*

The Inter-American Commission on Human Rights has jurisdiction to receive, analyse and investigate complaints alleging violations of the American Convention on Human Rights by states parties. The Commission can also look at alleged violations of the rights set out in the American Declaration of the Rights and Duties of Man (1948) by OAS member states that are not parties to the Convention. Cuba is a member of the OAS but has been suspended from participation in the inter-American system since 1962.

Its other functions and powers include promoting respect for, and defence of, human rights in the Americas – for example, by preparing reports and studies, making recommendations to member states on adopting measures to promote human rights and advising member states on human rights-related matters.

The Commission has received thousands of individual petitions alleging human rights violations. By 2005, this had resulted in more than 12,000 completed or pending cases. In 2005, the Commission conducted on-site visits to observe the human rights situation in a number of countries, including Haiti, Colombia, Guatemala and Mexico. In 2005, it received and examined 1,330 complaints.



An opposition activist throws stones at riot policemen during a protest demonstration in Dhaka, Bangladesh. Witnesses said that riot police fired tear gas on stone-throwing protesters trying to march on the election commission office to demand electoral reforms.



<< No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land. To no one will we sell, to no one deny or delay right or justice. >>

EXTRACT FROM **MAGNA CARTA**, 1215

## Human rights and the rule of law

### 5.1 Introduction

The rule of law is founded on the principles that a state is bound by the law, guarantees the equality of its citizens before the law, ensures law and order, administers efficient and impartial justice and upholds human rights. The rule of law affects everyone. It governs the relationship between the institutions in a state and between those institutions and the citizen, and enables individuals to hold their state to account for failing to respect their human rights. Respect for human rights and the rule of law is essential if international peace and security is to be maintained, and sustainable development achieved.

In last year's annual report, we examined the challenges that all governments face in dealing with the unprecedented threat from global terrorism at the same time as protecting human rights and fundamental freedoms. The terrorist attacks in London on 7 July 2005 were a stark reminder of the reality of that threat. They also created a new set of challenges for the UK in finding effective ways to counter terrorism while respecting the rule of law. Combating terrorism is about preserving our most fundamental and cherished human rights, so we must uphold the principles we seek to defend at every step of the way. We cannot allow terrorists to undermine the work of democratic governments.

We also believe that the promotion of human rights, democracy, good governance and the rule of law is, in the long term, the most effective way of undermining terrorists and guaranteeing our own security. This chapter explains how the UK seeks to apply these principles in practice, and looks in detail at two specific issues related to counter-terrorism where there have been notable developments since the 2005 annual report - rendition and the holding of detainees at Guantanamo Bay.

The chapter goes on to examine those areas where there is most scope for abuse of the rule of law by the state: the security forces and the police; prisons; and the death penalty. There is a particular focus on our efforts to combat torture. One of the UK's main human rights goals has been to secure the entry into force of the Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which happened on 22 June 2006. This represents a major landmark in torture prevention. The UK has been a longstanding supporter of the optional protocol and was the third country in the world to ratify it. We continue to work with our international partners and non-governmental organisations (NGOs) to ensure its effectiveness and to lobby more states to sign and ratify the protocol.

The chapter also includes many examples of how the Foreign and Commonwealth Office (FCO) is funding work to promote

**FCO human rights publications**

Over the past six years, the FCO has been working with human rights experts to produce a series of human rights handbooks. These explain how key international human rights standards relate to the day-to-day work of groups such as judges, prosecutors, prison guards, human rights defenders and medical professionals. Governments, international organisations and NGOs around the world use the handbooks to combat torture, prevent unlawful killings and reform prisons.

On 26 June 2006, FCO Minister Ian McCartney launched the latest handbook, *Medical investigation and documentation of torture: a handbook for health professionals*. The handbook provides practical advice and guidance on the legal and ethical principles involved in this area of work and on gathering evidence and compiling reports, as well as on how to conduct interviews with victims of torture. It will be particularly useful for people with little or no forensic expertise.

Other handbooks in the series include:

- *The torture reporting handbook;*
- *Combating torture: a manual for judges and prosecutors;*
- *Reporting killings as human rights violations;*
- *A human rights approach to prison management;*
- *Guidance notes on prison reform; and*
- *Ethical investigation: a practical guide for police officers.*

Tens of thousands of copies of these handbooks have been distributed around the world in a wide range of languages. Many are being used in FCO-funded projects, and governments and international organisations (including the UN and the OSCE) are using them as the basis of training programmes. We continue to promote the handbooks through our high commissions and embassies worldwide.

human rights and the rule of law.

**5.2 The rule of law**

Promoting respect for human rights and the rule of law benefits the UK as well as individuals living in the countries we work with. Countries that respect human rights and the rule of law at home and abroad make more stable and predictable partners. They are safer places to live and work, trade with or visit. Support for the rule of law therefore remains a key component of our human rights, democracy and good governance strategy.

In 2004-05, we developed a toolkit to help our high

commissions and embassies promote respect for the rule of law. The toolkit is based on the principle that work must be tailored to a country's specific needs: our aim is to make existing systems more effective, rather than to impose inappropriate solutions from outside. Reforms must be owned locally if they are to be effective and sustainable. The toolkit therefore helps our missions to identify local stakeholders and ensure their participation from the start. We are encouraging FCO and Department for International Development (DfID) missions to use the toolkit to assess the situation in their host country and provide guidance on developing a rule of law action plan so that future work is targeted where it is needed most.

In 2004, we set up an expert panel on the rule of law to advise the FCO on existing and future rule of law initiatives. The panel includes the directors of JUSTICE, Penal Reform International, the International Bar Association, the heads of the Bar Human Rights Committee and Nottingham University Law Department and representatives from the Law Society and Amnesty International. At the time of writing, the panel was due to meet again in September 2006.

We continue to support projects and initiatives aimed at improving the rule of law around the world through our Global Opportunities Fund (GOF). These include: reforming criminal and civil laws; reforming institutions through judicial reform; strengthening legislation; retraining prosecutors; police and prison reform; strengthening the role of ombudsmen; supporting legal associations and improving legal education; and improving access to justice through public interest reform and support for NGOs that promote legal and judicial reform. The following text provides some specific examples:

**Rwanda** faces a unique challenge: to work towards national reconciliation at the same time as delivering justice for the hundreds of thousands of serious crimes committed during the genocide. Many legal professionals were either killed or forced to flee during the genocide; as a result, the criminal justice system does not have the capacity to cope with demand. The government is therefore using *gacaca*, a traditional community-based system of conflict resolution, to try people suspected of genocide-related crimes. After a pilot period, this was rolled out across the whole country in 2005. It is estimated that up to 750,000 cases will be heard under the system. *Gacaca* is not perfect, but it is a practical means of achieving justice, reconciliation and, eventually, national unity. So far, over 4,000 people have been judged and sentenced by *gacaca* courts.

The Rwandan government is currently discussing

amendments to the law on *gacaca*. The UK, along with our EU partners, has urged the government to ensure that the amendments will not mean *gacaca* courts can hand down the death penalty and that international concerns over the variable punishments and lack of defence counsel in the *gacaca* process are addressed. We have also urged Rwanda to formalise the moratorium on capital punishment that was introduced in 1998 and to move towards the complete abolition of the death penalty.

The year 2006 has seen a number of high-profile convictions in **Cameroon**. Although the law has historically protected MPs and traditional leaders, in a number of flagship cases this year defendants have been stripped of parliamentary immunity in order to face trial. One particularly significant case involved the conviction and sentencing of the traditional leader of Balimkumbat - who is also an MP - to 15 years' imprisonment for the murder of John Kohtem, an electoral district chief for the opposition party.

Nevertheless, rule of law remains an area of particular concern. The Cameroonian judiciary and police services are widely accepted to be corrupt, which hinders human rights development. Through the GOF, the UK paid for senior officials from the police and prison service to visit the Leadership Academy for Policing at Bramshill. This is an ongoing project that will support reform in the areas of

corruption, human rights and community policing (see Annex 2 for more details).

We continue to be extremely concerned about the lack of access to justice and lack of independence of the judiciary in **Equatorial Guinea**, following the trials of the alleged coup plotters (see pages 184-5 of our 2005 report). Arbitrary detention is common for political reasons, as well as criminal, and is sometimes imposed for apparently minor offences. Imprisonment without trial is also commonplace. Expatriates working on contract in the country have been detained (not always in prison) in purely commercial disputes. Judges and others in the judicial system are corrupt and bribery is widespread. Nepotism is also rife, so resolving consular difficulties can be problematic and time-consuming. Where trials do occur, they are often considered to be unfair. Amnesty International, which observed the coup trials in 2005, stated in its 2006 report that subsequent trials were also unfair, with defendants held incommunicado before the trial and reportedly convicted on the basis of confession statements extracted under torture. In May 2006, the EU, as part of its regular dialogue with Equatorial Guinea, raised concerns about human rights issues with the authorities.

**Colombia** has a new accusatorial penal system. We are supporting projects to help judicial practitioners manage cases more effectively and to ensure fair trials under the

### Strengthening and modernising the justice system in Mexico

**T**he GOF is supporting the efforts of the Mexican government to reform the country's judicial system. Between 2003 and 2007, we are funding a package of projects in four areas of reform: access to justice; alternative dispute settlement mechanisms; oral trials; and the modernisation of the police force. The UK is publicly recognised by local and federal governments as Mexico's partner of choice in the reforms.

In June 2006, the state congress in Chihuahua unanimously approved the first of three comprehensive packages of reforms. The package includes three major new regulations, which will underpin all subsequent reforms: the new criminal code; the organic law for the attorney-general's office; and the organic law for the judiciary. These regulations include a restorative justice model which Chihuahua is committed to introducing by 1 January 2007, when all three reform packages will come into force. With the support of the state attorney-general's office, we will continue to provide training and advice for restorative justice experts and session facilitators leading up to that deadline.

Other states are also adopting alternative dispute resolution mechanisms. The Tecnológico de Monterrey, one of the country's top universities, recently introduced the subject into its syllabus and has set up a mock courtroom.

#### The mock trials roadshow

The British Council and the British Embassy are working closely together to introduce oral trials into the Mexican justice system. In September 2005, over 900 lawyers, judges, academics and law students took part in four mock trials in the states of Chihuahua, Aguascalientes, Oaxaca and Mexico City. The sessions included an overview of the criminal justice system in England and Wales given by a UK legal team and a "live" role-play based on a typical UK trial. The next round of trials is scheduled for late 2006 and will include new states, such as Jalisco, Zacatecas and Estado de México.

We have now put together an information pack on oral trials for key justice reform stakeholders, showcasing the benefits and explaining how the justice system works in England and Wales. The pack also includes a video of the 2005 mock trials roadshow.

new system. These projects aim to build capacity by strengthening the offices of the procurator general and the ombudsman as well as the wider judicial system.

### 5.3 Human rights and counter-terrorism

“... these days you often hear the accusation made that the scales have tipped away from human rights and towards counter-terrorism. It is a false dichotomy. There need be no zero sum equation between human rights and counter-terrorism. Counter-terrorism measures are there to help us preserve a democratic and free society. At the most basic level, measures which protect innocent civilians from an attack are supporting one of the most basic human rights of all - the right to be alive - and they protect people's ability to enjoy fully their other rights. Equally, we respect and promote human rights not only because it is the correct thing to do but because that is one of the most effective ways to undermine the terrorists.”

Jack Straw, then Foreign Secretary, speaking to the Royal United Services Institute Conference on 16 January 2006

Terrorism now represents the main threat to the UK's security, at home and abroad. The threat is of a new order, with small groups willing and able to inflict mass casualties in pursuit of radical objectives, as shown by the terrorist attacks in London in July 2005. We remain determined to face that threat, and will continue to work closely with our international partners in order to do so.

The defence of human rights is one of the five main elements of the strategy set out in the UN Secretary-General's May 2006 report, *Uniting against terrorism: recommendations for a global counter-terrorism strategy*. The report explains how terrorist acts seriously undermine fundamental human rights, such as the right to life and liberty, why states have an obligation to adopt and implement effective counter-terrorism measures and why they must at the same time preserve their own values. The UK strongly supports this approach. We believe that the rule of law is essential to any successful long-term counter-terrorism strategy.

The UK's counter-terrorism strategy has four key aims:

- to prevent the emergence of a new generation of terrorists by tackling the factors that encourage and facilitate radicalisation and recruitment;

- to pursue terrorists and those who sponsor them by better understanding terrorist networks and, where possible, to bring terrorists to justice;
- to protect the British people and British interests at home and abroad so that we are a harder target; and
- to prepare thoroughly to respond to any attack so that we can reduce the consequences if one occurs.

The government believes it has a responsibility to safeguard the fundamental right to life and to enable British citizens to go about their lives freely and safely. We also believe that

<< Promoting human rights, democracy, good governance and the rule of law is, in the long term, the best guarantee of our own security. >>

counter-terrorism measures should be legal, proportionate and justifiable. Promoting human rights, democracy, good governance and the rule of law is, in the long term, the best guarantee of our own security. Maintaining the rule of law, including human rights law, is also important in the pursuit of terrorists and those who sponsor them, both in the UK and overseas.

In recognition of this, the FCO's latest human rights strategy commits us to ensuring that “measures taken as part of the international fight against terrorism fully comply with international obligations, including international human rights, refugee and humanitarian law, and that promotion of human rights, democracy and good governance forms part of the long-term solution” (the *Human rights, democracy and good governance strategy 2006-08* is available online at [www.fco.gov.uk](http://www.fco.gov.uk)).

We plan to achieve this by systematically addressing human rights at every phase of our counter-terrorism work, from planning through to implementation. Human rights is now a permanent agenda item at counter-terrorism strategy meetings and all strategy papers now include a paragraph on human rights. We give full consideration to the impact of all our actions on human rights. In addition, we keep all our counter-terrorism work under constant review so it can be adapted in line with the prevailing human rights situation. We assess the situation on the ground through regular regional visits, which also enable us to track the implementation of specific projects and evaluate the impact of our engagement. This has included the active involvement of FCO human

rights advisers in field visits to Jordan, Libya, Lebanon and Algeria, aimed at furthering our counter-terrorism and human rights objectives.

### Human rights and the prevention of radicalisation

We believe the most effective way to prevent the emergence of a new generation of terrorists is to tackle the issues that lead to the radicalisation of individuals. Promoting respect for international law and human rights standards must be an integral part of this effort. While there are wider reasons for pursuing such activity, addressing structural issues around political exclusion and socio-economic disadvantage can help reduce the sense of alienation, disenfranchisement and discontent that can be exploited by terrorists and extremists.

We encourage the addressing of discontent through political processes, while at the same time supporting the development and strengthening of inclusive democratic societies. In countries where freedom of expression or association is limited, we work with the government, NGOs and international actors, such as the UN Development Programme (UNDP) and the World Bank, to bring about change from within - for example, by promoting essential reforms in the justice sector or taking steps to weed out corruption.

The FCO has helped lead work by the G8 and the EU to encourage political and economic reform, particularly in those Arab countries noted for their poor record on freedom and democracy in the UNDP's 2005 *Arab human development report*. For example, since 2004, the G8 and governments of the broader Middle East and North Africa region (BMENA) have met annually to discuss progress on political reform. In 2005, as part of the UK's G8 presidency, the G8/BMENA Forum for the Future meeting included NGOs as full participants for the first time. Discussions covered key

recommendations on political pluralism, women's empowerment, the rule of law, transparency and human rights and recommended priority areas for action. The meeting also marked the launch of a major new initiative - the \$50 million Foundation for the Future. The foundation, which will support democratic development and civil society participation, held its inaugural meeting in Doha in July 2006. The UK has pledged significant funds to the foundation.

The EU actively supports better governance by providing funding and technical assistance to its Mediterranean partners, much of it through the "Barcelona Process". During the UK's 2005 presidency of the EU, we agreed with our partners that programmes should focus on key issues of political and economic reform. The prime minister chaired the 10th EuroMed Summit in November 2005, which agreed a substantial new facility for rewarding Mediterranean partners who make progress on good governance (see page 154 for more detail on the Barcelona Summit). The UK is pressing for the facility to be introduced as soon as possible.

The GOF Engaging with the Islamic World programme provides backing for a range of initiatives in partnership with many organisations in Muslim countries. Since the programme began, we have supported over 150 projects, many of which aim to expand political and social participation. See Chapter 1 for more details about the programme and Annex 2 for a complete list of projects.

### Counter-terrorism assistance

Another key feature of the UK's counter-terrorism strategy is operational co-operation with international partners. An important element of this is the government's counter-terrorism capacity-building assistance programme. The FCO's contribution is provided by the GOF.

Through the programme, we work with other countries to help them develop their own counter-terrorism capability. All projects are scrutinised regularly to ensure that they are consistent with the government's human rights obligations, and FCO human rights advisers sit on all counter-terrorism project selection boards. Many projects have a direct impact on human rights standards in the recipient countries by raising awareness and compliance through specific advice or training. See Chapter 1 for more details on the GOF counter-terrorism programme.

### Deportation from the UK

The government's policy of seeking assurances regarding the future treatment of foreign nationals deported from the UK on grounds of national security continues to attract



A girl waits to add her bouquet to the memorial for victims on the first anniversary of the London bombings, 7 July 2006. The bombings have focused debate on the need to combine effective counter-terrorism measures with respect for the rule of law and human rights.



**Dick Marty, the Council of Europe's Parliamentary Assembly Rapporteur, who released a report on rendition on 7 June 2006.**

considerable attention. The government has been discussing memoranda of understanding (MOUs) - which aim to formalise the process - with a number of countries in the Middle East and North Africa since 2003. The policy became a central feature of the government's wider response to the threat posed by foreign nationals in the UK after the law lords judged in December 2004 that the powers contained in Part IV of the Anti-Terrorism Crime and Security Act - which provided for the detention of foreign nationals on the grounds that they posed a threat to national security - were incompatible with our obligations under the European Convention on Human Rights (ECHR), because they only applied to foreign nationals and were disproportionate to the threat from terrorism. The importance of the policy was reaffirmed in the wake of the London terrorist attacks in July 2005. The government has since signed MOUs with Jordan, Libya and Lebanon.

Where possible, the government will bring prosecutions against suspected terrorists in the UK, whatever their nationality. However, sometimes there is insufficient evidence

to bring a successful criminal prosecution, even though the government has information or intelligence that an individual is involved in terrorist activity. The government believes that individuals who pose a threat to national security and who are not British nationals should not have the right to remain in the UK indefinitely.

The government will not deport an individual if their removal is incompatible with the UK's human rights commitments. It will not deport an individual where there are substantial grounds for believing they are at real risk of torture or other inhuman or degrading treatment, or that the death penalty will apply. The decision to deport an individual can be appealed in the British courts, and deportation cannot take place while an appeal is being heard.

The MOUs take full account of our international human rights obligations, including those under the ECHR. They enable the UK to obtain assurances that will safeguard the rights of individual deportees. These include assurances in respect of medical treatment, access to justice and humane treatment that meets internationally recognised standards. The government may also seek specific additional assurances in relation to an individual.

The MOUs signed with Jordan, Libya and Lebanon are accompanied by monitoring mechanisms. Monitoring bodies are jointly appointed by the UK and the government concerned to oversee the implementation of the assurances set out in the MOU. The appointed monitoring bodies must be independent, and they must also be adequately equipped for the task - for example, they should have access to experts who are trained in detecting the signs of torture and ill-treatment. In Jordan, the MOU is being monitored by the Adaleh Center for Human Rights; in Libya, the Qadhafi Development Foundation has been appointed. Where necessary, we can provide training and capacity-building to help monitoring bodies prepare for their role. We are currently working to identify a monitoring body for Lebanon.

By signing an MOU and agreeing to the appointment of a monitoring body, governments make a public commitment to safeguarding the well-being of deported individuals. An MOU therefore provides an additional layer of protection over and

above the provisions contained in international human rights instruments.

### Article 3 of the European Convention on Human Rights

Article 3 of the ECHR states that “no one shall be subjected to torture or to inhuman or degrading treatment”. In 1996, the European Court of Human Rights (ECtHR) ruled in *Chahal v. UK* that, when assessing whether the deportation of an individual who may pose a terrorist threat would breach article 3, states cannot take national security concerns into account.

In so ruling, the court rejected the UK’s argument that an implicit balancing test should be applied, whereby the risk to the individual is assessed against the risk they pose to

<< Protection from torture and ill-treatment is a fundamental right and we would not return an individual to a country in the knowledge that they would be tortured. >>

national security. Seven of the 19 judges in the court’s grand chamber dissented, holding that, in cases of national security, a balancing test was appropriate.

The government believes that this ruling does not take sufficient account of the extent to which individuals may pose a threat to our national security and to the ability of others to enjoy their human rights. We still believe that there should be some recognition of the importance of balancing risks.

The UK has therefore decided to intervene to support The Netherlands in the case of *Ramzy v. The Netherlands*, a case concerning the deportation of an individual to Algeria which is currently before the ECtHR. In particular, we have suggested that the court should reconsider the view of a substantial minority of judges in the *Chahal* case. We believe that the current heightened security threat means it is proper for the court to take this opportunity to revisit the issue. A number of NGOs has also intervened, essentially arguing that the decision in *Chahal* was correct. This does not mean we have changed our position on torture; nor does it mean that we wish to opt out of or seek to amend article 3. Protection from torture and ill-treatment is a fundamental

right and we would not return an individual to a country in the knowledge that they would be tortured.

We have discussed our approach to deportations based on assurances (and our wider counter-terrorism efforts) with NGOs and international experts, including Louise Arbour, the UN High Commissioner on Human Rights, Martin Scheinin, the UN Special Rapporteur on Counter-Terrorism, Manfred Nowak, the UN Special Rapporteur on Torture, and the European Committee for the Prevention of Torture. After the London bombings on 7 July 2005, for example, Manfred Nowak wrote to the government asking for information about the UK’s response to the terrorist threat and expressing concern about the policy of deportations based on diplomatic assurances. The government invited him to London in October 2005 to discuss the policy with the then

Home Secretary Charles Clarke. In February 2006, the then Foreign Secretary Jack Straw had the opportunity to discuss the government’s approach with Irene Khan, secretary-general of Amnesty International. We also welcomed the opportunity for constructive engagement on these issues during Louise Arbour’s visit to London in February 2006. The government is committed to maintaining a dialogue with international human rights experts and mechanisms, as well as NGOs, on this difficult issue.

### Rendition

Over the past year, there has been much interest in the practice of “rendition” and the human rights obligations and responsibilities of countries that assist or facilitate it. Although the term “rendition” is not defined in law, it has been used to describe informal transfers of individuals in a wide range of circumstances, including the transfer of terrorist suspects between countries. The term “extraordinary rendition”, which also has no legal definition, has been used to describe “renditions” where it is alleged that there is a risk of torture or mistreatment.

We do not use rendition to bring terrorist suspects to face legal proceedings in the UK. This does not mean that rendition by other states is unlawful. Whether rendition is lawful or not will depend on the specific facts of each individual case, including the domestic law and international obligations of the country concerned. The Council of Europe’s Parliamentary Assembly Special Rapporteur, Dick Marty, produced a report on 7 June 2006 (see below) which reached the same conclusion.

Were the UK asked to help another state in a rendition operation, we would base our decision on a careful

consideration of all the circumstances, in particular with respect to human rights. We would not assist in any case if doing so would put us in breach of UK law or our international obligations. In particular, we would not facilitate the transfer of an individual from or through the UK to another state if there were substantial grounds to believe that they would face a real risk of torture.

The UK takes the issue of rendition very seriously. In response to allegations that UK territory or airspace might have been used for rendition operations, the FCO and other government departments made a full search of relevant files back to 1997. The then Foreign Secretary Jack Straw summarised the results of this search in a written ministerial statement on 20 January 2006. The search found that there were just four cases in 1998 where the US requested permission to render one or more detainees through the UK or its overseas territories. In two cases the request was granted; in the other two it was refused. In the cases where permission was granted, the individuals were transferred to the US to stand trial on terrorism charges and subsequently convicted. There was no evidence of detainees being rendered through the UK or its overseas territories since 1998.

In November 2005, during the UK's presidency of the EU, the Foreign Secretary wrote to the US Secretary of State, Condoleezza Rice, on behalf of the EU, seeking clarification with respect to the US's alleged detention or transportation of terrorist suspects in or through EU member states. The Secretary of State responded in a statement on 5 December 2005 setting out, *inter alia*, that the US government does not authorise or condone the torture of detainees. The statement explained that torture and conspiracy to commit torture are crimes under US law, wherever they occur in the world. The Secretary of State also made clear that the US fully respects the sovereignty of other countries. In response, the foreign secretary issued a public statement that the government was confident that the US would not render a detainee through UK territory or airspace without our permission.

At the international level, the UK has also co-operated fully with a number of enquiries into alleged rendition by international organisations acting within a human rights mandate. In November 2005, the Secretary-General of the Council of Europe, acting under article 52 of the ECHR, asked the Council's 46 member states to provide information with respect to the implementation of ECHR obligations relevant to rendition. In his report of 1 March, the Secretary-General confirmed that the UK had answered all his questions. The Secretary-General subsequently wrote to 37 states, including

the UK, seeking additional clarification on certain points. The UK responded in full to the Secretary-General's request for further clarification about control mechanisms in respect of the activities of foreign intelligence services within the UK's jurisdiction on 7 April 2006.

The UK also contributed to separate work on rendition by the Council's Parliamentary Assembly. The information sent by the UK government to the Secretary-General is available online at [www.fco.gov.uk](http://www.fco.gov.uk) (click on "International priorities", then "Human rights"). Dick Marty, the Council of Europe's Parliamentary Assembly Rapporteur, released his report on 7 June. This concluded that, while hard evidence was not forthcoming, a number of "coherent and converging elements" indicated that secret detention centres had existed and that renditions had taken place in Europe. It also claimed that some Council of Europe member states had knowingly colluded in these operations.

The European Parliament has also established a temporary committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners. Although the committee has primarily collected information from lawyers, journalists, NGOs, parliamentarians and alleged victims of rendition, not governments, we remain ready to assist the committee as and when required.

Neither the 7 June PACE report, nor the temporary committee's 15 June interim report, contained new evidence in respect of the UK. The Foreign Affairs Committee's fourth report on "Foreign policy aspects of the war against terrorism", published on 2 July, concluded that, although there has been speculation about the complicity of the British government in unlawful rendition, "there has been no hard evidence of the truth of any of these allegations".

### **Guantanamo Bay**

The government has long made it clear that it regards the circumstances under which detainees continue to be held at the US detention facilities in Guantanamo Bay, Cuba, as unacceptable. Our views are well known to the US government and the Prime Minister has publicly expressed the view that it would be better if Guantanamo were closed. We regularly discuss issues relating to Guantanamo Bay with the US administration, ensuring that key decision-makers have a detailed understanding of our concerns. We welcome the statement by President Bush in May 2006 that he would like to see the camp at Guantanamo closed and the detainees held there put on trial.

We agree with the US that careful consideration needs to be given to how the camp should be closed so that international



security is maintained and the human rights of detainees are respected (particularly if they are transferred back to their home countries). Since October 2002, approximately 310 Guantanamo detainees have been transferred to their country of origin. Approximately 450 detainees remain.

We are concerned about reports of hunger strikes involving a number of detainees, and the tragic suicide of three inmates in May 2006. The US authorities have assured us of their commitment to ensuring the welfare of the detainees. However, we believe the situation at Guantanamo underscores the need to find more suitable long-term arrangements for holding terrorist suspects within a clearer legal framework.

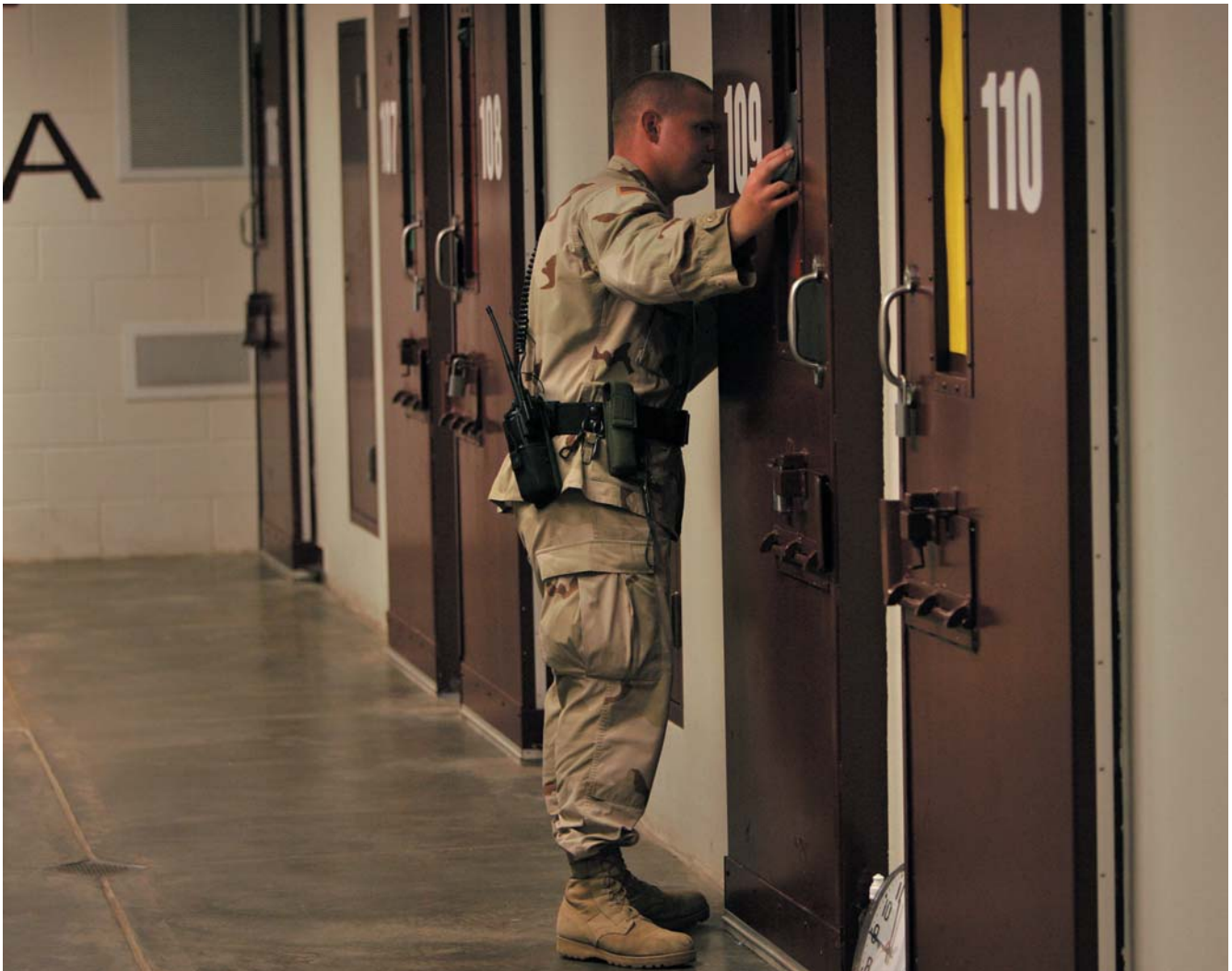
The UK continues to believe that, whatever the status of the detainees at Guantanamo, they are entitled to humane

treatment and, if prosecuted, to a fair trial. Most military commission proceedings were stayed pending a decision on the right of the detainees to challenge the legality of their detention. On 29 June, the US Supreme Court ruled by a majority of five to three that detainees could not legally be tried by military commission, as its procedures violated the basic tenets of military and international law. President Bush has expressed his readiness to work with Congress to find a way forward on this issue which is consistent with the court ruling. Most recently, US Deputy Secretary of Defence Gordon England affirmed that detainees held by the US military should be treated humanely and ordered US commanders to review practices to ensure they are compliant with common article 3 of the Geneva conventions.

International bodies, NGOs and the media continue to criticise the treatment of detainees. In February 2006, five

**The UK continued to call for the closure of the US detention camp at Guantanamo Bay throughout 2006. We**

**welcomed President Bush's statement in May that he would like to see the camp closed and the detainees put on trial.**



UN special rapporteurs issued a report in which they stated that the continuing detention of all persons held at Guantanamo Bay amounted to arbitrary detention in violation of article 9 of the International Covenant on Civil and Political Rights (ICCPR). They also concluded that the interrogation techniques authorised by the Department of Defense, particularly if used simultaneously, amounted to degrading treatment in violation of article 7 of the ICCPR and article 16 of UNCAT and could in some circumstances amount to torture. In its formal reply to the UN report, the US government strongly objected to the report both in terms of process and substance, arguing that the factual and legal assertions in the report were inaccurate and flawed.

During 2005, we regularly lobbied the US both bilaterally and (during our presidency) on behalf of the EU to find a way to reach agreement on access to the camp for UN special rapporteurs. We commend the US for inviting the rapporteurs to visit Guantanamo. However, we noted with disappointment that they were unable to agree the terms of the visit. We continue to encourage the US government to engage with the UN and other international organisations on these issues. We welcomed the visit of the President of the Belgian Senate, Anne-Marie Lizin, who is also the OSCE Parliamentary Assembly's Special Representative on Guantanamo Bay, to the camp in March 2006. She is the first European political figure to visit Guantanamo on an official basis.

We have encouraged the US government to give clearer information on its policy on the treatment of detainees. We therefore welcomed the detailed public statement on the issue made by the Secretary of State on 5 December 2005. Dr Rice stated clearly that the US respects the rules of international law, including the UNCAT, and that it does not authorise or condone the torture of detainees, and reaffirmed that torture and conspiracy to commit torture are crimes under US law wherever they occur in the world.

The US Detainee Treatment Act, enacted on 30 December 2005, is another significant positive development in the clarification of US procedures. The act provides that no individual in the custody or under the physical control of the US government, regardless of nationality, shall be subject to cruel, inhuman or degrading treatment or punishment. We note President Bush's very clear press statement that US policy "has not been to use cruel, inhuman or degrading treatment, at home or abroad. This legislation now makes that a matter of statute for practices abroad".

#### *UK nationals and residents at Guantanamo Bay*

Since the return of four UK nationals in January 2005, no

UK nationals have been held at Guantanamo Bay.

A number of individuals held at Guantanamo are foreign nationals who were formerly resident in the UK. The government has a long-standing policy of not offering consular assistance to foreign nationals, except where we have specifically agreed to do so with another state. However, in response to concerns about the welfare of detainees whom we knew had been resident in the UK, an FCO minister met the families of those detainees in March and April 2005 and passed on their concerns to the US authorities. Since then, we have continued to raise humanitarian issues relating to these detainees with the US during our regular exchanges.

The former foreign secretary's decision not to make formal representations to the US for the release and return to the UK of three of the detainees at Guantanamo Bay formerly resident in the UK was subject to judicial review in March 2006. In its judgment in May 2006, the divisional court held that there is no duty on the foreign secretary, in domestic or international law, to make the formal request sought by the claimants. An appeal hearing was held on 24-26 July but judgment had not been given at time of going to press.

## 5.4 Penal reform

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." Article 10, ICCPR

This principle applies to all persons, including those convicted of the most heinous crimes. Prisons should be managed according to the rule of law and operate within the framework of international human rights law, as well as domestic law and regulation. This will benefit not only prisoners and their families but also prison staff, by creating safer working conditions. We continue to promote human rights as part of prison reform worldwide.

In the past year, we have embarked on a three-year global prison reform work programme, aimed at consolidating our work to date and making best use of the FCO's existing prison reform materials. The programme has three priority areas:

- developing and providing tools to help our diplomats take forward work on prison reform;
- increasing commitment from states to manage prisons, in line with human rights standards, by running regional workshops for prison officials; and
- engaging like-minded donors, governments and NGOs.



Families of inmates of the Magdalene prison near Buenos Aires, Argentina, await information about their relatives. A fire, set by feuding inmates, in

October 2005 killed some 32 prisoners. The UK funded a visit by the International Centre for Prison Studies to review Argentine prison conditions.

The prison reform toolkit for diplomats will include practical guidance on raising awareness of the need for reform and encouraging host countries to initiate prison reform work. We are currently trialling the toolkit with a number of our high commissions and embassies. It will be disseminated to all our missions overseas later in 2006.

For decades, prisons in the **Dominican Republic** have been managed by the police and the military. They have faced huge problems: corruption; overcrowding; unsanitary conditions; drug trafficking; lack of opportunities for rehabilitation; and a generally low standard of care. Over the past three years, the UK has been working closely with the government of the Dominican Republic on its prison reform programme. UK experts, including representatives from the International Centre for Prison Studies (ICPS), have been to the Dominican Republic; and Roberto Santana, the director of the new Dominican Republic prison school, has visited the UK. The FCO's prisons adviser for the Caribbean region, Nick Brooke, has provided much-needed technical advice and mentoring.

Over the past year, prison management and the treatment of prisoners have continued to improve. The new prison service

uses a management model that aims to stamp out ill-treatment and corruption, segregate different categories of prisoners, improve health conditions and provide rehabilitation and treatment. Six new model prisons are now running, with a further 10 expected to open by the end of 2006. The country now has its first open prison for non-violent prisoners and those coming to the end of their sentences.

An important factor in the success of the new prisons has been the presence of well-trained prison staff. New staff are trained at the recently established El Cerro prison service college, where they follow a curriculum based on the ICPS

handbook, *A human rights approach to prison management*. The training centre includes a "museum of torture", which illustrates the differences between the old and new prison regimes. The Dominican Republic is now viewed as a model for prison reform in the region, with many Central American countries keen to send their prison staff for training at El Cerro.

An Arabic version of the FCO handbook, *Guidance notes on prison reform*, was launched at the "Prisons in the 21st century: prison reform in the Arab world" conference held in **Morocco** in May 2006. The conference, which was organised by the British Embassy, ICPS and the Moroccan prison service, was attended by 150 delegates from 14 countries in North Africa and the Middle East. The conference formed part of an ongoing project to help the Moroccan prison service develop a management training package for governors and senior prison staff. The training package, which is being developed and run by the ICPS, is based on *A human rights approach to prison management* (available online at: [www.prisonstudies.org](http://www.prisonstudies.org), click on "Publications") and covers gap analysis, strategic planning, change management and managing performance.

Conditions inside **Brazil's** prisons continue to cause concern, with overcrowding and disorder on the rise. Since 2002, the FCO has been financing a project to improve prison management in Brazil, working with the ICPS, the Brazilian ministry of justice and individual states' prison secretariats. The first phase of the project led to the establishment of a successful prison improvement office in the state of Sao Paulo; the second phase aims to take a more strategic

approach, extending the initiative to other states and consolidating improvements in Sao Paulo and at federal level. With ongoing advice and support from UK experts, members of the prison improvement office and training school in Sao Paulo, along with key figures trained in the first phase, have set up prison improvement offices in the states of Espirito Santo and Rondonia. Although there is still a great deal of work to be done, the project has already had a positive impact in three states. Ultimately, it will help institutionalise methods for improving prison management across Brazil and ensure more widespread respect for the human rights of both prisoners and staff.

We have supported a number of projects designed to help **Russia's** federal prison administration improve human rights compliance in the country's penal establishments. With the Ford Foundation, we co-funded an ICPS project to build on significant improvements in the treatment of pre-trial prisoners in Moscow and the general observance of human rights in prisons resulting from an earlier DfID project. The project, which disseminated the learning from the original project throughout the Russian federal districts, was successfully concluded with workshops held in the Urals and St Petersburg. The formal partnership between the prison services of England, Wales and Northern Ireland and Moscow's pre-trial prisons, which had been successfully running for a number of years as part of these projects, was also formally concluded during the year. A final conference for delegates from all the Russian federal districts was hosted in Manchester.

As a result of the wide-ranging impact of these projects, the ICPS was asked by the head of the Russian Federal Prison Service to deliver further training and professional development for the local human rights advisers recently appointed throughout Russia. This project was jointly funded by the GOF and the Council of Europe. Seminars on measuring and auditing human rights delivery have been run in St Petersburg and Manchester with small groups of senior staff. These will continue throughout 2006.

There has been considerable interest in the conditions in **Argentina's** prisons from the media and the Inter-American Court of Human Rights. Argentina has acknowledged the crisis facing its penitentiary system. The system is underfunded, there is severe overcrowding (due to the frequent use of pre-trial detention) and there are allegations of breaches of human rights. Prompted by the success of *A human rights approach to prison management*, the Argentine government invited the ICPS to review current prison conditions and advise on how best to tackle the problems. The visit was funded by the FCO's Public Diplomacy

Challenge Fund. Although Argentina faces considerable obstacles, it has the political will for reform.

The ICPS visited 10 provincial and federal prisons and detention centres in Buenos Aires and in the Patagonian provinces of Rio Negro and Neuquen. They met provincial tribunals along with legislators and representatives from the Federal Penitentiary School and the universities of Buenos Aires and Comahue, and provided training for the senior directorate of the federal prison service, the directors of individual federal prisons and 300 cadets. The ICPS has subsequently been invited to provide more substantial training for prison officers on applying a human rights approach to prison administration.

Through the GOF, we have supported two prison reform projects in **China**. In March 2006, the Prison Administration Bureau of the Chinese Ministry of Justice sent a delegation of prison administrators and governors to the UK to look at prison categorisation and attend an ICPS training course. This was the largest and most senior delegation the bureau has ever sent abroad for a study visit. Feedback shows that the visit was very fruitful. We also supported academic research by the China Academy of Social Sciences and Beijing University into Chinese prison law with the aim of generating proposals for reform. Chinese versions of *A human rights approach to prison management* and training materials were disseminated during the two projects. See Chapter 2 for more details about conditions in China's prisons.

The prison system in **Rwanda** remains heavily overburdened and conditions are harsh. Overcrowding was eased by the release in August 2005 of 22,000 prisoners, who had been detained without trial since 1994 on genocide-related charges, and by the completion of a new prison built to international standards. The Rwandan human rights commissioner said in early 2006 that the most frequent human rights abuse remained detention without charge for more than the statutory 72 hours. Most detainees in police stations were being held for common law offences, but some were held for divisionism and negativism. Following the nomination of more magistrates during 2005, there was some improvement in the time normally taken between arrest and appearing before a judge. International monitors have good access to prisoners, including those in military detention facilities.

In May 2006, NGOs expressed concern that hundreds of people, including children, beggars and young sex workers, were being detained without charge and kept in appalling conditions in detention centres. The UK, EU partners, UNICEF

and NGOs have made representations to the government of Rwanda urging them to respect their obligations under the international conventions protecting the rights of children.

In March 2005, the Vera Institute of Justice launched a commission on safety and abuse in **America's** prisons (see the 2005 *Human rights annual report*). The commission, co-chaired by former US attorney-general Nicholas de Belleville Katzenbach and the Honorable John Gibbons, former chief judge of the Third Circuit Court of Appeal, has spent the past year investigating problems in US prisons. It has held four public hearings, visited jails and prisons, consulted current and former corrections officials and other experts, and conducted a thorough review of the available research and data. A number of UK experts have testified, including Her Majesty's Chief Inspector of Prisons, Anne Owers, who spoke about independent oversight of prisons in the UK. In June 2006, the commission published its final report, *Confronting confinement*, and presented its key findings and recommendations to the US Senate Judiciary Sub-committee on Corrections and Rehabilitation.

In **Colombia** we are funding a pilot project with the Buen Pastor women's prison in Bogotá to improve relations between inmates and prison authorities and increase respect for human rights. The project should make a significant contribution to wider institutional reform.

## 5.5 Torture

"The British government's position on torture is clear and has not changed. We unreservedly condemn its use as a matter of fundamental principle. We condemn it not just in principle but also in practice. And not only do we condemn it, we continue to implement a global campaign to eradicate it." FCO Minister Kim Howells speaking at the Channel 4/Human Rights Watch debate "Torture: bending the rules?" on 7 March 2006

Torture has no place in the 21st century. It is one of the most abhorrent violations of human rights and human dignity. Its prohibition is absolute. There are no exceptional circumstances under which its use may be justified. Yet, sadly, it continues to be reported in all parts of the world.

International action against torture has been a priority for the government since the UK anti-torture initiative was launched in 1998. The initiative has included efforts to strengthen UN and other international mechanisms,

## The Optional Protocol to the UN Convention Against Torture

**T**he UK has been a committed supporter of the Optional Protocol to UNCAT (OPCAT), since negotiations began over 10 years ago. The UK was the third country in the world to ratify the protocol, and its implementation is one of our major UK human rights goals. In June 2004, the FCO launched a worldwide lobbying campaign to encourage further ratifications in order to bring OPCAT into force as soon as possible. Since last year's report, OPCAT has been ratified by Bolivia, Costa Rica, Honduras, Georgia, the Maldives, Paraguay, Poland, Spain, Sweden and Uruguay, taking the total number of ratifications up to the 20 required for it to enter into force. OPCAT came into force on 22 June 2006. Since its entry into force, the Czech Republic and Moldova have also ratified OPCAT.

In June 2006, the FCO launched a further lobbying campaign aimed primarily at those countries that had signed but not ratified the optional protocol. We will also continue to encourage more countries to sign up.

diplomatic activity, such as lobbying, and providing funding for project work. The UK is one of the most active countries in the world on torture, speaking out clearly on torture prevention, advocating strong international machinery and developing practical tools to combat torture in all its forms. We also continue to work hard with our international partners to eradicate this abhorrent practice.

The aim of OPCAT (see box above) is to prevent torture and

<< **The UK is one of the most active countries in the world on torture, speaking out clearly on torture prevention, advocating strong international machinery and developing practical tools to combat torture in all its forms.** >>

other forms of ill-treatment by establishing a system of regular visits to places of detention by independent international and national bodies. OPCAT will establish a new sub-committee of the UN Committee Against Torture, which will visit places of detention within countries that have ratified OPCAT and make recommendations for improvements. The sub-committee will initially comprise 10 independent experts from states parties. Elections will be

held in December 2006. OPCAT also requires countries to set up, designate or maintain existing independent national bodies that will carry out regular visits to places of detention. The programme of visits is due to start in early 2007.

OPCAT is based on the principle of preventing violations through collaboration rather than public condemnation. Both international and national bodies will work with the relevant authorities to help them implement their recommendations. The bodies carrying out visits in the UK will include Her Majesty's Inspectorate of Prisons (due to be replaced by new Criminal Justice Secretariat), Her Majesty's Inspectorate of Prisons for Scotland, local independent monitoring boards and prison visiting committees.

We continue to support the work of the Association for the Prevention of Torture (APT), the leading NGO advocating the adoption and ratification of the optional protocol. With UK funding, and in association with the Inter-American Institute for Human Rights, the APT published a guide, *Optional protocol: a manual for prevention*, which is now available in English, French, Spanish, Portuguese and Russian. The manual provides detailed information about OPCAT and suggests strategies for ratification and implementation. UK funding also helped the APT provide advice and assistance to states on creating effective national bodies and to the office of the UN High Commissioner on Human Rights (UNHCR) on setting up the sub-committee.

### Multilateral action on torture

Scrutiny and openness are essential elements in combating torture. We therefore attach great importance to the UN's international monitoring mechanisms, especially the Committee Against Torture and the UN Special Rapporteur on Torture. The Committee Against Torture is composed of

Louise Arbour, UN High Commissioner for Human Rights, presents the book "25 Years Rebuilding Lives: United Nations Voluntary Fund for Victims of Torture", for the International day in support of victims of torture, during a press conference in Geneva, 26 June 2006.



## The UN Voluntary Fund for Victims of Torture

The year 2006 marks the 25th anniversary of the UN Voluntary Fund for Victims of Torture, which provides small grants to organisations that support victims of torture and members of their families by, for example, providing drop-in centres and counselling.

The UN has recently published a book, *Rebuilding lives*, which focuses on the work of the fund and the efforts of the NGOs it has supported over the past 25 years to assist and rehabilitate victims of torture. We continue to provide financial support to the fund.

In April 2006, the fund agreed funding for 165 projects worldwide. British organisations that received grants in 2005–06 included: the Kurdish Human Rights Project; the Medical Foundation for the Care of Victims of Torture; Penal Reform International; the Prisoners of Conscience Appeal Fund; the Redress Trust; the Refugee Therapy Centre; Response International; the Sudanese Victims of Torture Group; and Women Against Rape.

The fund's new board of trustees has made good progress in implementing the recommendations of an independent review and evaluation report published in November 2004. Although the report concluded that the fund was primarily fulfilling its mandate and having a positive impact on victims of torture, it suggested that it needed to develop a more systematic approach to monitoring and evaluating projects, ensure a better geographical balance in its grant allocations and make better use of its trustees. We hope the fund will act on these recommendations, making its work even more effective.

10 independent experts in the field of human rights. Its role is to monitor states parties' implementation of the convention. We welcome the appointment in November 2005 of Essadia Belmir (Morocco), Nora Sveaass (Norway), Xuexian Wang (China), Fernando Marino Menendez (Spain) and Alexandre Kovalev (Russian Federation) to the committee.

As a signatory to UNCAT, the UK is required to report to the committee on our implementation of the convention every four years. We were examined by the committee on our last report in Geneva in November 2004. In April 2006, we responded to the committee's recommendations in a number of areas, including detentions under the Anti-Terrorism, Crime and Security Act 2001, the use of diplomatic assurances and the application of the convention to British troops serving overseas. Our response is available online at: [www.ohchr.org](http://www.ohchr.org) (click on "Treaty bodies", then "CAT"). The UK is due to report to the committee again in 2008.

The UN Special Rapporteur on Torture plays an important

role in global efforts to eradicate torture. Since the last report, the current rapporteur, Manfred Nowak, has undertaken fact-finding missions to Mongolia, Nepal, China and Jordan. Following his mission to Mongolia in June 2005, the rapporteur concluded that torture persisted, particularly in police stations and pre-trial detention facilities, but was encouraged by the activities of the country's human rights commission, in particular its critical public inquiry into torture allegations. Following his visit to Nepal in September 2005, he noted that the practice of torture was systematic and involved the police, the armed police and the Royal Nepalese Army. His conclusions after his visit to China in November and December 2005 were that torture, although on the decline, was still widespread. Following his visit to Jordan the rapporteur concluded there was general impunity

### The EU Guidelines on Torture

In December 2004, the EU agreed on a programme of action to raise the issue of torture systematically with all countries. We used our presidency of the EU to drive this forward, carrying out *démarches* in 48 countries. The main focus of the *démarches* was to lobby for ratification of UNCAT; but we also used them to raise specific issues of concern, such as reports of police brutality, extra-judicial killings and prison conditions. One country, Madagascar, has already ratified the convention. We also used our presidency to try to improve transparency in the EU's work on torture. As part of this effort, we encouraged EU heads of mission – where appropriate – to inform relevant NGOs that the *démarches* had taken place.

The UK and our EU partners were present at the examination of third-country reports by the UN Committee Against Torture. During the period of this report, the committee considered submissions from Austria, Bosnia and Herzegovina, the Democratic Republic of Congo (DRC), Ecuador, France, Georgia, Guatemala, Guyana, Nepal, Peru, Qatar, the Democratic Peoples Republic of Korea (DPRK), Sri Lanka, Togo and the US. During the most recent session in May 2006, the EU considered the performance of the committee itself. In light of the appointment of a new chairman and newly elected members, the EU will look again at the committee's working methods at the next session in November 2006.

Action has continued during the Austrian and Finnish presidencies of the EU. Further *démarches* have focused on states parties to the convention, who had not reported to committee, and on countries with outstanding requests for visits from the UN Special Rapporteur on Torture.

for torture and ill-treatment.

### EU action on torture

The prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment across the world is a priority for the EU. In 2001, the EU adopted guidelines that it now uses in its contact with third countries at all levels, as well as in multilateral human rights fora, to support and strengthen ongoing efforts to prevent and eradicate torture and ill-treatment in all parts of the world. During our presidency of the EU, the UK used the guidelines to co-ordinate a worldwide lobbying campaign on torture (see box).

In June 2005, the Council of the European Union adopted Regulation (EC) 1236/2005 on the trade in goods, which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. In 1997, the UK introduced its own national controls on torture equipment, including a prohibition on the export of devices designed to administer electric shocks, such as electric batons, and leg irons or gang chains. The adoption of the regulation means that the rest of the Europe will now follow the UK's lead in this area.

The regulation came into force in the UK in July 2006 and bans the import and export of listed equipment that could be used for torture or capital punishment, together with the provision of technical assistance for equipment used either for torture or capital punishment. It also introduces a licensing system for other equipment which could be used for torture but also has other legitimate uses. The full text of the resolution, including a list of items to be controlled, is available online at: <http://europa.eu.int/eur-lex/en/index.html>.

The UK worked hard during the negotiations on the regulation to ensure that we retained our existing national prohibitions on the export of equipment, which we consider has no legitimate use but for torture. In implementing the regulation, we will also extend all our extra-territorial controls to cover equipment listed in Annexes II and III of the regulation. This means that any UK subject based anywhere in the world will be legally required to apply for a trade control licence to broker the sale of these goods between two countries, even if the goods never pass through the UK.

The FCO recognises the importance of working closely with experts, NGOs and academics. In 2003, we set up a panel of leading experts on torture, including academics, NGO representatives and human rights lawyers, to advise on existing and future policy initiatives. At its most recent meeting on 26 June 2006, the panel discussed the

## The European Committee for the Prevention of Torture

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT), which the UK ratified in 1988, aims to prevent the ill-treatment of people who are deprived of their liberty. Under the convention, the European Committee for the Prevention of Torture (CPT) carries out periodic *ad hoc* visits to places of detention in member states. The committee is made up of independent and impartial experts from each member state.

In December 2005, British criminologist Dr Silvia Casale was elected by the Council of Europe Committee of Ministers to serve a third term on the CPT. In March 2006, she became president of the committee for a fourth time. Dr Casale is also a member of the FCO's expert panel on torture.

To date, the CPT has carried out 11 visits to the UK. The

government welcomes these visits, and co-operates fully with them. During their most recent visit, in November 2005, the CPT examined the treatment and conditions of detention of people being detained under the Immigration Act 1971 with a view to being deported. The delegation visited Full Sutton and Long Lartin prisons, Broadmoor special hospital and Paddington Green high security police station and met people served with control orders under the Prevention of Terrorism Act 2005. The delegation also met officials from the Home Office and the FCO to discuss the use of diplomatic assurances and the proposal to extend police custody to a maximum of 28 days in terrorism-related cases.

At the request of the UK government, the CPT published its report of the visit and the government's response on 10 August 2006. Both are available online at: [www.cpt.coe.int](http://www.cpt.coe.int).

government's work on deportations with assurances and identified practical ways to help states implement their international obligations on torture.

### 5.6 The death penalty

#### UK action on the death penalty

Working towards the universal abolition of the death penalty is a key element of the UK's human rights policy. The FCO's human rights strategy, which was published in October 2005 and updated in 2006, set out the following aims for the period 2005-08:

- to increase the number of abolitionist countries, or countries with a moratorium, through following up the "on the cusp" lobbying campaign conducted under the UK's presidency of the EU;
- to enhance observation of due process in retentionist countries; and
- to implement the EU guidelines on the death penalty and reduce the number of countries permitting juvenile executions.

We are working to achieve these aims bilaterally, with our EU partners, multilaterally and by supporting individual projects. The FCO's death penalty panel was set up in 1998. Members include academic, legal, medical and NGO experts. In June 2005, the panel met to discuss how the UK should take forward work on the death penalty during its presidency of the EU (see box on page 192 for more details). The panel is due to meet again in October 2006 to review the UK's current and future strategy.

During 2005, the FCO funded a number of projects aimed at strengthening the death penalty review system, encouraging open debate on the death penalty, examining death penalty reform and providing technical training for public defenders. Projects have sought to improve the treatment of prisoners on death row and to promote education or discussion on the death penalty in countries which are strongly in favour of retaining it. The following paragraphs provide examples of these projects:

**China** is believed to carry out more executions per year than any other country in the world. Statistics remain a state secret, but Amnesty International recorded 1,770 executions in 2005, while citing sources which suggest the real figure could be as high as 8,000.

The FCO is funding a number of projects in China, including one designed to bring about the reform of the death penalty review system. This involves working with the Supreme People's Court to reduce the number of crimes to which the death penalty applies. Another project has produced a set of guidelines designed to standardise sentencing and reduce the use of the death penalty. The guidelines have been adopted by courts in Hunan province, with a view to rolling them out nationwide. We have also contributed to a wider EU project to reduce the use of the death penalty in China by strengthening the capacity and role of defence lawyers in capital crime cases. Wuhan University has produced a pilot training course and best practice models. For more details about the death penalty in China see Chapter 2.

The British Embassy in Almaty is working with local partners



to help bring an end to the death penalty in **Kazakhstan** and **Kyrgyzstan** through GOF-funded projects, and pursuing related issues such as improving prison conditions for those facing the death sentence.

In **Kazakhstan**, following a 2003 moratorium on the death penalty, parliament's lower house has introduced legislation improving prison conditions for convicts sentenced to death. Our embassy is working with Charter for Human Rights, a Kazakh NGO, to lobby for Kazakhstan's accession to the second optional protocol of the ICCPR, which would mean the full abolition of the death penalty.

In **Kyrgyzstan**, our embassy is working with Penal Reform International (PRI) to promote death penalty reform. The process is already well under way. In December 2005, President Kurmanbek Bakiyev signed a decree prolonging

the moratorium on the death penalty until its full abolition, and tasked the government with developing draft legislation on alternatives to the death penalty. The Ministry of Justice has proposed fixed long-term imprisonment. PRI is actively involved in a dialogue with the Ministry of Justice and other stakeholders. The GOF is also supporting work to improve prison conditions for those sentenced to death and to improve public monitoring of penitentiary facilities.

Most **Caribbean** countries still have the death penalty on their statute books, although there have been no executions since 1999. In some countries, such as Jamaica and the Bahamas, where the UK's Privy Council is still the final court of appeal, the mandatory imposition of the death penalty has been deemed unconstitutional. Nevertheless, public support for the death penalty remains high across the Caribbean and, while crime rates continue to rise, there is little support for abolition among the region's governments. The FCO has been targeting the media and young people in schools and universities. In 2005-06, the High Commission in Barbados organised a debate which included supporters of the death penalty and leading young opponents. The debate was recorded and the CD is now being used to stimulate debate in other countries in the region. In Jamaica, we have worked with a local NGO to produce human rights manuals for use in primary schools.

We welcome recent comments by **Vietnam's** senior leaders signalling their long-term intention to abolish the death penalty. However, we remain concerned about the country's ongoing use of the death penalty, especially for drug-related and economic offences. Through our embassy in Hanoi, we are working with the government to encourage further research into the application of the death penalty and inform the abolition debate.

### **EU action on the death penalty**

The EU believes that the "abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights". During our 1998 presidency of the EU, the UK government developed a set of guidelines on the death penalty, which still form the basis of the EU's approach.

The EU believes in the universal abolition of the death penalty. Where the death penalty is retained, the EU believes it should only be used under strict minimum guidelines, such as those described below, and with transparency and due process. Where possible, the EU uses its dialogues with third countries to make its position on the death penalty clear.

The EU will take action with third countries in individual

**President of the Philippines Gloria Macapagal Arroyo announces the abolition of the death penalty, 24**

**June 2006. The move followed increased pressure from the UK and the international community.**



cases where the use of the death penalty falls below UN minimum standards (for example, where it is applied to pregnant women, the insane, those aged under 18 when the crime was committed or those who have committed non-violent financial crimes). The EU will also lobby in situations where a government's policy on the death penalty is in flux (for example, where they are considering lifting a moratorium, or a de facto moratorium, on its use). The EU guidelines are available online at: <http://ec.europa.eu>.

In the period covered by this report, the EU has raised the question of the death penalty with, among others, the governments of Afghanistan, Bangladesh, Belarus, Botswana, Cameroon, China, the Democratic Republic of Congo, the Democratic Republic of Korea, India, Indonesia, Iran, Iraq, Japan, Kenya, Kuwait, Kyrgyzstan, Libya, Malawi, Papua New Guinea, Pakistan, the Palestinian Authority, the Philippines, Republic of Korea, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Taiwan, Tajikistan, Tanzania, Trinidad and Tobago, Uganda, the US, Vietnam and Yemen. This includes action co-ordinated by the UK during our presidency to target countries "on the cusp" (see box)

The UK also works with EU partners to promote the abolition of the death penalty at a multilateral level. The EU has traditionally sponsored an annual resolution on the death

### Countries "on the cusp"

**D**uring our 2005 presidency of the EU, the UK proposed a lobbying exercise for countries whose policy on the death penalty was on the cusp of change and where political pressure could therefore have the greatest impact. EU representations might not otherwise have been made to these countries, as the guidelines set out specific criteria for EU lobbying. The "countries on the cusp" exercise was agreed at the EU's Committee on Human Rights (COHOM) in July 2005. The UK then worked with the FCO death penalty panel to identify 11 countries in two categories: those taking positive steps towards abolition; and those moving towards, or who had recently moved away from, a moratorium. The EU has so far made representations to Kyrgyzstan, Malawi, Papua New Guinea, South Korea, Sierra Leone, Taiwan, Tajikistan, Tanzania and Uganda as part of the campaign.

Subsequent presidencies have undertaken to continue this work. During Austria's presidency, Finland (its successor) reviewed the list of priority countries. In May 2006, three new "countries on the cusp" were added to the list: the Philippines (which has now abolished the death penalty – see page 194), Trinidad and Tobago and Jordan.

penalty at the UN Commission on Human Rights (UNCHR). Following the establishment of the Human Rights Council (HRC) in March 2006 (see Chapter 4, page 161), the commission only met in shortened session this year, so it was not possible to run a resolution. The HRC has a mandate to discuss thematic issues. The UK will continue to discuss with EU partners how best to ensure that the HRC addresses the death penalty.

### The death penalty in the US

The UK opposes the death penalty in all circumstances. Along with EU partners, we urge the US authorities, at both federal and state levels, to abolish the death penalty. In particular, we continue to make regular representations on cases where we consider the use of the death penalty to be in contravention of UN minimum standards, as well as on behalf of UK nationals facing a possible death sentence.

#### Key developments

On 2 December 2005, Kenneth Boyd of North Carolina became the 1,000th person to be executed in the US since the death penalty was reinstated in 1976. The EU issued a statement expressing deep regret at the execution, and renewing its call to the US federal and state authorities for a moratorium on the application of the death penalty pending full abolition. Thirty-eight states and the federal government retain the use of the death penalty. Around half have carried out executions in the past four years.

Concern is growing in the US over the use of lethal injections in death penalty executions in 37 of the 38 states (Nebraska uses the electric chair). Opponents argue that the cocktail of drugs used causes unnecessary suffering, violating the constitutional ban on "cruel and unusual punishment". Court challenges are pending in more than a dozen states, leading to the staying of several executions. The US Supreme Court has declined to consider the constitutionality of the lethal injection. However, on 12 June 2006, the court supported the right of Clarence Hill of Florida to appeal against his death sentence using a Reconstruction-era civil rights law to challenge the constitutionality of his execution. The case addresses the method of legal challenge, rather than the method of execution.

Elsewhere, California suspended executions indefinitely in February 2006 after medical professionals refused to administer a lethal injection as required by a federal judge. The judge had agreed with a complaint by the defendant that prison officials were not qualified to administer the lethal injection without the supervision of qualified medical personnel. Hearings are scheduled in September 2006

before the same judge to consider whether California's method of lethal injection violates the constitutional ban against cruel and unusual punishment.

On 17 January 2006, the outgoing governor of New Jersey signed into law a moratorium on the death penalty, which will remain in effect until November 2006, when a state commission is due to complete its investigation into whether the death penalty is fairly imposed and whether there are alternatives which would still ensure public safety and address the needs of victims' families. There are 10 prisoners on death row in New Jersey, which has not executed anyone since adopting the death penalty in 1982. It is the first state to suspend executions through legislation.

#### *EU action in the US*

The UK, with EU partners, makes representations to the US authorities whenever we consider the application of the death penalty to be in contravention of international standards, in particular in cases involving EU nationals, foreign nationals sentenced to death in violation of article 36 of the Vienna Convention on Consular Relations, de facto moratoriums, mental retardation and severe mental illness.

On 19 September 2005, the EU wrote to the Chairman of the Indiana Parole Board in the case of Alan Matheny, who had a long history of severe mental illness. He was executed on 28 September 2005.

On 3 February 2006, the EU wrote to the governor of Texas, and the Texas Board of Pardons and Paroles, requesting clemency for Steven Staley, who has a history of mental illness and suffers from paranoid schizophrenia. The state district court judge has since withdrawn Staley's execution date on the grounds that his mental illness makes him incompetent to be executed.

On 4 May 2006, the EU issued a statement calling for the appropriate authorities in the state of Tennessee to grant clemency to Sedley Alley, whose execution would have been the state's first in six years and only its second since the re-enactment of the death penalty in 1974. Following a 15-day reprieve granted on 17 May, a new execution date of 28 June was set, when Sedley Alley's execution went ahead.

On 24 May 2006, the EU wrote to the governor of Virginia, requesting clemency for Percy Walton, who has been diagnosed as psychotic and as suffering from a severe form of schizophrenia and mental retardation. The governor has

since granted a six-month stay of execution until 8 December 2006, to allow time to obtain an evaluation of Walton's mental competency.

On 13 June, the EU wrote to the governor of Tennessee, requesting clemency for Paul Reid, who has a long history of severe mental illness, including chronic paranoid schizophrenia. Following reference to the Supreme Court, Reid's stay of execution has held.

On 15 June 2006, the EU presidency wrote to the governor of Texas and the Texas Board of Pardons and Paroles, requesting clemency for Angel Maturino Resendiz, a Mexican national with a history of severe mental illness. Resendiz was executed on 27 June.

<< The UK, with EU partners, makes representations to the US authorities whenever we consider the application of the death penalty to be in contravention of international standards. >>

On 28 July, the EU wrote to the governor of Montana, requesting clemency for David Dawson, appealing against the prospective breaking of Montana's de facto moratorium on executions. Dawson was executed on 11 August, becoming the first person executed in the state since 1998.

#### **Recent developments around the world**

According to the UN Secretary-General's report on the question of the death penalty to the 62nd session of the UNCHR (published in February 2006), 85 countries have completely abolished the death penalty and a further 12 have abolished it for ordinary crimes but retained it for crimes such as those committed in wartime. The report considers 34 countries de facto abolitionist on the basis that they retain the death penalty but have not used it for at least 10 years. The death penalty is still used in 65 countries, one less than in the Secretary-General's last report to the commission's 60th session in 2004. The number of abolitionist countries has increased by eight over the same period.

Amnesty International classifies countries as *de facto* abolitionist, if it believes that they have a policy or deliberately established practice of not carrying out executions or have made an international commitment not to use the death penalty. On this basis, an Amnesty

International report, dated May 2006, states that: 86 countries have abolished the death penalty for all crimes and 11 for ordinary crimes; 27 countries are abolitionist in practice; and 72 countries retain the death penalty.

Overall, the global trend remains towards the abolition of the death penalty for all crimes.

#### *Positive developments*

In the **Philippines**, both Houses of Congress crossed party lines and approved the abolition of the death penalty law on 6 June 2006. The senate voted 17-0 for the measure with one abstention, while the house voted 119-20 with one abstention. The measure, signed into law by the president on 24 June 2006, effectively repeals Republic Act (RA) 7659 ("the Death Penalty Law"), which was reimposed by Congress in 1994 and a related measure, RA 8177, which prescribes death by lethal injection for those convicted of heinous crimes. The abolition will benefit over 1,000 convicts on death row. The UK has written to the government of the Philippines to offer our congratulations.

In April 2006, newly appointed justice minister Mr Bire Kimisopa announced his intention to work towards abolishing the death penalty in **Papua New Guinea**. He is now developing a strategy to have the existing death penalty bill, which was passed in 1991, nullified. He recognises that the justice department must improve its performance, if it is to gain the public's trust, and is looking for ways to strengthen the justice system in order to increase the number of successful prosecutions.

On 3 August 2005, Islam Karimov, the president of **Uzbekistan**, signed a decree abolishing the death penalty. This will take effect from 1 January 2008. However, despite a presidential decree dated January 2004 setting out alternatives to the death penalty, NGOs claim that eight people were sentenced to death for pre-meditated murder during 2005.

The Law Society of **Singapore** has set up a review committee on capital punishment, which is due to report in October 2006. The committee has been studying sentencing, including the death penalty, in other countries including the UK, Canada, Australia, Hong Kong and India and examining the mandatory nature of the death penalty in Singapore, as well as the list of crimes to which it applies. The committee will also look at whether capital punishment is an effective deterrent, and explore issues of proportionality. The number of hangings in Singapore has fallen in recent years from around 40 per year in the late 1990s to eight per year in both 2004 and 2005. This is mainly due to the police and

prosecution service using more discretion when bringing charges, especially in cases of murder, rather than a change in crime levels per se.

We raised the issue of the death penalty in **India** at the EU-India Human Rights dialogue held in New Delhi on 1 December 2005, during our presidency of the EU. In late 2005, India's chief justice publicly expressed his personal opposition to the death penalty, and the president asked that consideration be given to commuting a number of death penalty sentences to life imprisonment. But both public and political opinion remain unswayed, and there is little evidence to suggest that India is inclined towards either abolishing or imposing a moratorium on the death penalty.

**Mexico** abolished the death penalty on 9 December 2005. **Liberia** abolished the death penalty on 16 September 2005. In 2007, **Vietnam** is expected to abolish the death penalty for up to 11 out of the 29 offences to which it currently applies (see Chapter 2).

#### *Negative developments*

On 1 September 2005, three Iraqi nationals were executed in Al Kut in Wasit Province, southern **Iraq**. These were the first capital sentences to be carried out since the death penalty was reintroduced in August 2004. The sentences had been handed down by the Central Criminal Court and related to charges of kidnapping, rape and murder arising out of 20 separate insurgency operations, which led to the deaths of over 70 Iraqis.

The death penalty was suspended by the Coalition Provisional Authority from 10 June 2003 but reinstated by the Iraqi government in the Iraqi Death Penalty Order, which took effect on 7 August 2004. The UK regularly lobbies the government of Iraq to abolish the death penalty.

According to reports, the number of executions (including those of juvenile offenders) in **Iran** is increasing. Amnesty International estimates that at least 94 people were executed in 2005. There have also been reports suggesting that at least five youths were executed for crimes they committed while under the age of 18. International NGOs maintain that Iran is second only to China in terms of the total number of executions carried out in 2005. The early part of 2006 saw a significant increase in the number of reported executions compared with the same period in 2005.

**Zambia** completed its constitutional review and produced a final report in 2005. During the review process, a number of petitioners across Zambia called for the death penalty to be retained. The Constitution Review Commission

recommended that the death penalty should be retained under the new constitution due to be adopted after parliamentary elections in late 2006. There may be an opportunity to lobby against the inclusion of the death penalty in the draft constitution when the new parliament re-convenes.

Between June and July 2005, the **Palestinian Authority** executed five Palestinians. These were the first executions since 2002. There was a significant increase in the estimated number of people executed in **Saudi Arabia** in 2005 compared with 2004 (see Chapter 2 for details).

## The death penalty in Iran

### Juvenile executions

The age of criminal responsibility in Iran was amended in 1991 in line with Sharia principles. As a result, girls are considered criminally responsible at nine lunar years (eight years and two months) and boys at 15 lunar years (14 years and one month). Above these age limits, children can face the same punishment as adults. There are no official statistics, but media and NGO reports suggest that over 50 juvenile offenders have been sentenced to death in the last two years, and that between five and eight executions took place in 2005. Amnesty International claims that Iran was the only country in the world to execute children in 2005. This is despite commitments to the ICCPR and the Convention on the Rights of the Child and a declaration to the UN Committee on the Rights of the Child in January 2005 that a moratorium was in place on capital punishment for minors. The day after that declaration, Iman Farrouki was executed for a crime he committed when he was 17.

The death sentence can be imposed for a variety of crimes in Iran, including murder and rape. On occasion, the courts have also imposed the death penalty for lesser crimes, such as “acts incompatible with chastity”. Qesas – sentences of retribution – may also result in the death penalty if it is requested by the victim’s family. Minors in particular are often sentenced to death as a result.

Executions cannot be carried out without the authorisation of the head of the judiciary. However, a qesas sentence cannot be overruled: only the “owner of the blood” (the victim’s closest relative) has the power to waive their right to demand the death penalty in favour of blood money.

Rostam Tajik, an Afghan national, was executed in December 2005 for a murder he committed when he was 16. We raised his execution with the Iranian Ministry of Foreign Affairs and the Iranian Embassy in London.

Two youths were executed in Mashad on 19 July 2005. One, Mahmoud Asqary, was under 18 at the time of his execution, and we believe both were under 18 at the time

## 5.7 Security services and the police

“The ultimate test of the strength of a state’s commitment to the rule of law lies in the way it deals with those who offended against its rules.” – Dr Silvia Casale, President of the European Committee for the Prevention of Torture, in *Ethical investigation: a practical guide for police officers*.

The police and security forces are at the front line of a state’s dealings with the people within its territory. As the guardians of the law, they also provide the first line of defence for human rights. Yet in many countries, people do

of the alleged crime. The UK, which held the presidency of the EU at the time, issued a public statement of concern on 26 July. The statement recalled the EU’s “...long-held position that capital punishment may not, in any circumstances, be imposed on persons below 18 years of age at the time of the commission of their crime. Such a punishment is in direct contravention of Iran’s obligations under the ICCPR and also the UN Convention on the Rights of the Child. The EU calls on Iran to clarify its position urgently.”

On 13 May 2006, the Iranian authorities executed two youths – one aged 17, the other 20. They were hanged in Lorestan province barely a month after their alleged crime. It is unclear how a fair trial could be completed in such a short period of time and whether the two were able to exhaust every avenue of appeal open to them. We had raised their case with the Iranian Embassy in London prior to the execution. The EU also raised the case with the Iranian Ministry of Foreign Affairs in Tehran.

### Methods of execution

Under “normal” circumstances, when a person is hanged they will die quickly from a broken neck. In Iran, hangings carried out in prison use a gallows, but for public executions victims are raised by a crane and die from strangulation. Perpetrators who have been given multiple sentences for multiple crimes will be raised and lowered a number of times, depending on how many death sentences they have been given. The perpetrator may also have been to prison or been flogged prior to the execution.

At the first round of the EU–Iran human rights dialogue in December 2002, Iran confirmed a moratorium on the implementation of stoning sentences. While this seems to have been upheld, stoning sentences continue to be handed down, particularly for cases of adultery. As the punishment is set down in Iran’s Islamic penal code, the judiciary believes it cannot be converted. As a result, prisoners are being held with an extant death sentence in place, knowing that it could be carried out at any time.

not see the police and security services as protecting their rights but instead as the perpetrators of human rights abuses. This erodes public confidence, hampers effective prosecutions, isolates the police from the community and results in the guilty going free while the innocent are punished - all factors which exacerbate civil unrest and

<< In many countries, people do not see the police and security forces as protecting their rights but instead as the perpetrators of human rights abuses. >>

radicalise individuals. Violations of human rights by police and security authorities only make the already challenging task of law enforcement more difficult.

We aim to promote respect for human rights among police and security forces by advocating community policing that is professional and dedicated to serving the public, and disciplined security services that are controlled by - and accountable to - civil authorities. A number of FCO activities promote this approach internationally. The human rights handbooks funded by the FCO (see page 176) are a particularly useful tool.

The handbook *Ethical investigation: a practical guide for police officers* was well received by police officers taking part in two GOF-funded police projects in **China**. One aimed to prevent police misconduct by training Chinese police supervisors; the other delivered human rights training direct to police officers. A workshop organised by the high commission in **Bangladesh** used the handbook as the basis for discussions on the needs of modern police forces and how they could be professionalised to bring them into line with international human rights norms. The workshop helped representatives from police stations in Dhaka, Chittagong, Khulna, Barisal, Sylhet and Rajshahi gain a better understanding of police accountability both nationally and internationally.

Police brutality (including torture) remains a concern in **Nigeria**, although the number of extra-judicial killings by the police seems to have fallen since last year's report. The UK continues to increase its collaboration with the Nigerian police. A two-year project to strengthen administration of justice culminated in the production of a manual on human rights enforcement in the police in early 2006. During his visit to Nigeria in February 2006, the then Foreign Secretary Jack Straw announced funding for a new metropolitan police project to improve investigative capacity. This project, based in Kaduna state, is working with the police criminal investigations unit responsible for northern Nigeria.



Policemen watch as protesters march through a major street in Lagos, Nigeria, in September 2005. The UK is working with the Nigerian police force on a number of projects, including the production of a human rights manual, published in early 2006.

Two further projects specifically relating to building the capacity of judges, prosecutors, law enforcement agencies and doctors to manage and prevent torture are due to be completed in July 2006 and July 2007, respectively. The projects will also raise awareness of the effects of torture on victims, as well as documenting and monitoring victims and perpetrators.

DfID continues to work with the Nigerian police through its security, justice and growth programme which addresses reform in general as well as issues such as community policing. Further details of the programme are available at: [www.dfid.gov.uk/countries/africa/nigeria\\_programme.asp](http://www.dfid.gov.uk/countries/africa/nigeria_programme.asp).

In July 2005, two experts from the Central Police Training and Development Authority (Centrex) started looking at how the UK could further the development of the security sector in **Cameroon**. They were impressed by the Cameroonian police chief's vision of a professional police force dedicated to serving the public, and by the Secretary of State for Penitentiary Administration's vision of a better managed penal system that rehabilitates prisoners and prepares them for a return to civilian life. The Centrex team concluded that the first step was to provide assistance at management level: for example, by developing standard operating procedures, national training strategies, systems of accountability and financial management and communication and information systems. The next step would involve targeted training of police officers and penal officials.

A multi-phased project is now underway. The first phase was carried out in London in March 2005 and involved the design of mission statements for the police and prison service and to develop a transformation plan. The second phase involved two strategy workshops in July and August in Yaoundé aimed at helping senior officials develop a future vision and agree the transformation plans for the police and prison service in Cameroon. The next phase, which will focus on implementation of the action plans, will take place in November.

Modernising the police force is essential if **Mexico** is to carry out an effective reform of its judicial system. Through the GOF, our embassy is implementing a two-year project with the help of Centrex, which will introduce modern police practice in the states of Chihuahua and Aguascalientes through a "training the trainers" programme. So far, eight police officers have travelled to the UK for training in community policing and to help design training programmes for use in Mexico. The officers were able to work directly with the Hampshire County Police, getting first-hand experience of community-focused policing.

In March 2006, the Secretary of Public Security in Aguascalientes announced that the training devised by the officers during their time in the UK would form part of the core curriculum for new entrants to the state police academy. A national conference in 2007 will present the results of the project to local and federal authorities and promote best practice in community policing across Mexico.

The number of extra-judicial killings in the **Philippines** has risen significantly in recent years and most cases go unsolved. The investigative media and human rights activists appear most vulnerable. At least 10 journalists and 20 human rights defenders were killed in 2005 (making the Philippines second only to Iraq as the most dangerous country for journalists). Vigilante groups are emerging in a number of major cities. Local newspapers in Davao City reported nearly 100 killings in 2005, mainly of young criminals. Possible perpetrators include state agents and paramilitary and vigilante groups working for local political, military or criminal leaders. The government has given assurances that those responsible will not go unpunished and set up various task forces, but prosecutions are rare.

The UK remains concerned about extra-judicial killings in the Philippines. We are also concerned that many cases remain unsolved. We have raised these concerns with the Philippine government and continue to engage with them, the police and other stakeholders to strengthen and promote respect for human rights in the Philippines and the upholding of the rule of law.

Human rights groups continue to register concern over allegations of human rights violations by the security forces in **Angola**, particularly in the enclave province of Cabinda and the diamond-producing provinces of the Lundas. In the first half of 2006, an embassy representative (liaising closely with the UN Human Rights Office) visited both Cabinda and Lunda Sul for meetings with the provincial government, opposition parties and civil society representatives. We are also currently using funds from the Africa Conflict Prevention Pool (see Chapter 6) to sponsor an NGO representative from Cabinda during an internship with a South African NGO specialising in conflict resolution. We hope this will bring longer-term benefits for Cabinda in terms of peacebuilding and human rights promotion.

Violence in the southernmost provinces of **Thailand**, where Muslims make up the majority of the local population, has resurfaced in recent years. Over 1,200 people have been killed since January 2004, many as a result of separatist-inspired bombings and murders. A variety of factors contribute to the unrest including traditional separatism,

criminality and resentment against the government. On 25 October 2004, 85 demonstrators were killed in Tak Bai: 78 died largely from suffocation after being incorrectly loaded on to army trucks; the remaining seven were shot by members of the security forces. An official report into the incident found that three senior army generals had acted negligently. The generals were transferred, but so far no further action has been taken against them.

In mid-2005, the Thai government launched a new strategy to restore peace and stability to the three provinces and established a national reconciliation commission to examine the problem in depth. A report on their findings is due in 2006. The EU and the UK remain in close contact with the Thai government over developments in the far south and have expressed their condolences, as well as their concerns, over the ongoing loss of life and instability.

We continue to support the NGO Forum Asia's work on skills development with the Royal Thai Police. The programme uses modern, professional and interactive methodology to help officers serving in southern Thailand develop the basic skills they need. It includes components on community policing, use of force and firearms and conflict intervention.

We have supported the creation of a new module on policing in multi-ethnic communities and funded capacity-building workshops for new community policing committees in the far south. We have also passed on some of our own experience and technical expertise in the handling of public order incidents.

We continue to support the modernisation of the Royal Thai Armed Forces (RTAF). In 2005, we helped the judge-advocate-general's department produce a training video on rules of engagement. We have also organised a training seminar for senior RTAF officers on the same subject.

## 5.8 Enforced disappearances

"I began to realise that I was not only searching for my own daughter and son-in-law, but for all the disappeared sons and daughters of Argentina, and of Latin America, and today for all the *desaparecidos* around the world...after the occurrence of the detention and disappearance of a loved one, we came to the painful conclusion that there were no answers to be found. No recourse existed nor was the *habeas corpus* writ or judiciary protection orders valid. It was then in our despair that we reached out to the international community but only

## The Voluntary Principles on Security and Human Rights

In many parts of the world, businesses in the extractive sector (oil, gas and mining) work in insecure and dangerous environments and face threats such as hostage-taking and illegal tapping of their pipelines. To protect themselves, they often employ private security companies or rely on the local police. However, these security providers may well have questionable human rights records.

Between March and November 2000, the FCO and the US State Department held a series of meetings with leading energy companies and human rights and corporate responsibility organisations to discuss security and human rights issues. These talks led to the development of the Voluntary Principles on Security and Human Rights (VPs).

The VPs set out specific guidelines to help companies handle their security arrangements in a way that is consistent with international standards on human rights. They cover three key areas: the criteria companies should use to assess the impact of their security arrangements on human rights; company relations with state security forces, both military and police; and company relations with private security forces.

Following the guidelines can help extractive companies defuse tensions and improve their relationship with local populations. As well as creating a better working

environment, it can help companies improve their corporate image. The VPs can also help both public and private security services improve their human rights records.

An independent secretariat supports efforts to apply the VPs, and encourages participants to share best practice. The secretariat is run jointly by the London-based Prince of Wales International Business Leaders Forum and the US non-profit business association, Business for Social Responsibility. Company and government participants in the VPs (including the UK government) make an annual contribution of \$3,000 each to the secretariat.

To date, 16 companies, four governments and seven NGOs have signed up to the VPs. The UK and the other governments are keen to involve more countries that host large oil, gas or mining operations, such as Nigeria, Colombia and Indonesia, and more extractive companies. In May 2006, a group of representatives from participating governments, including the UK, businesses and NGOs, went on a scoping mission to Nigeria to see how the VPs could be applied there. We continue to encourage more extractive companies to sign up to the VPs.

For more information, go to: [www.voluntaryprinciples.org](http://www.voluntaryprinciples.org)





Family members of victims of enforced disappearance, some missing since the 1970s, raise their clenched fists and pictures of their

loved ones as they remember them on All Souls Day, 2 November 2005 in a church compound south of Manila, Philippines.

to discover that no suitable instruments existed there.” - Marta Ocampo de Vasquez, one of the founders of the Argentine association Mothers of Plaza de Mayo, addressing the HRC on 22 June 2006.

In 2003, a UN inter-sessional working group began work on a draft convention on enforced disappearances. The convention created a new human right: the right not to be subject to enforced disappearance. It has wide cross-regional support, especially from Latin American countries. In her speech at the HRC, Marta Ocampo described enforced disappearances as “this scourge of humanity, which was initiated in the American continent by military dictatorships, but which today has

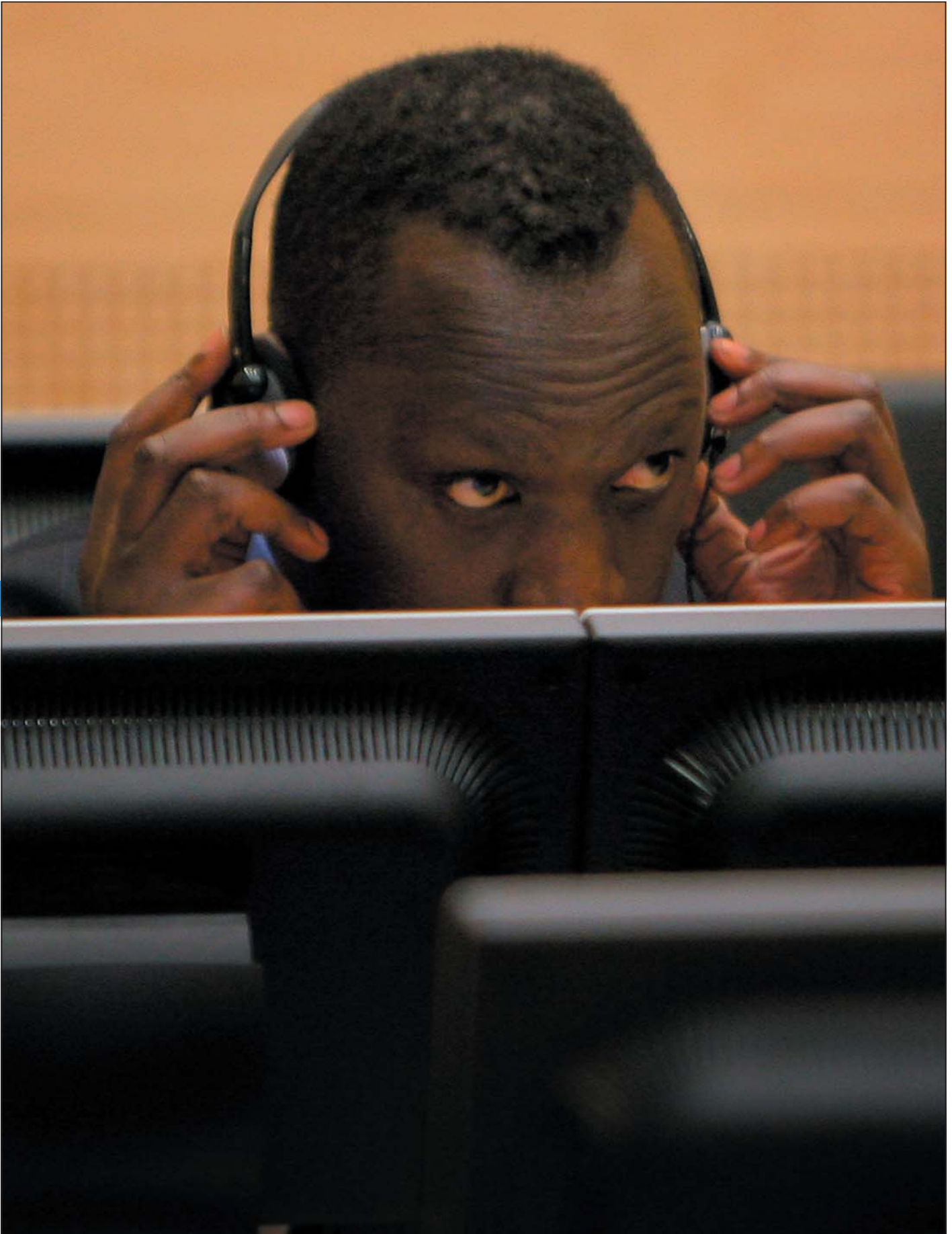
spread to all regions of the world”. The draft convention was completed in September 2005, and includes the following main points:

- No one shall be subject to enforced disappearance.
- No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearances.
- Each state party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.
- Where there are reasonable grounds for believing that a person has been subject to enforced disappearance, the authorities referred to above shall undertake an investigation even if there has been no formal complaint.

On 29 June 2006, the HRC adopted the Convention on Enforced Disappearances by consensus. Mexican ambassador and council president Luis Alfonso de Alba said, “I think it is a very well-deserved homage to the victims that the new council’s first decision was to adopt the convention, and without a vote”. The UK played an active role throughout the negotiations and strongly supported the adoption of the convention. It will now go forward for adoption by the UN General Assembly (UNGA) and will come into force 30 days after it has been ratified by 20 countries.

The UN Working Group on Enforced or Involuntary Disappearances was established by the UNCHR in 1980 and meets three times a year in Geneva. At its April 2006 meeting, 27 new and 500 unresolved cases were raised from countries including Algeria, Brazil, China, Columbia, the Russian Federation and Yemen. The group welcomed the progress made by Nepal in implementing some of its recommendations, but expressed concern at continuing reports of disappearances and secret detentions. For a full report and more information about the group, go to: [www.ohchr.org](http://www.ohchr.org) (click on “Issues”, then use the alphabetical index).

<< In her speech at the HRC, Marta Ocampo described enforced disappearances as “this scourge of humanity which was initiated in the American continent by military dictatorships, but which today has spread to all regions of the world”. >>



The first suspect to be brought before the International Criminal Court, Congolese warlord Thomas Lubanga, adjusts his headset at the start of his trial in The Hague, 20 March 2006.

<< If you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner. >>

NELSON MANDELA

# Human rights and conflict

## 6.1 Introduction

Conflicts create an environment in which respect for human rights is often ignored or forgotten. Human rights abuses are often a consequence of conflict, but they can also be a warning sign - attacks on minority groups, suppression of religious or ethnic diversity, restrictions in civil, political and press freedoms and increased corruption are all indicators of impending conflict.

People living in conflict zones risk injury and death at the hands of armed groups and governments acting with impunity. They can also be forced to flee their homes, becoming displaced within their own country or outside its borders. The loss of properties and livelihoods and the lack of access to education and healthcare services combine with the breakdown of local economies to undermine human rights; and displacement leads to further destabilisation and conflict, which in turn affects the human rights of more people.

This chapter sets out what the UK is doing to prevent and resolve conflict around the world and to rebuild countries devastated by fighting or insecurity. It focuses on conflict prevention in Africa and Asia, as well as in other countries not covered in Chapter 2. It includes examples showing how our input is helping to break the cycle of conflict and support post-conflict justice mechanisms.

## 6.2 Conflict prevention

The cost of conflict in terms of lives lost, communities divided and livelihoods destroyed is immense. Conflicts

destabilise countries and regions, turn people into international refugees and create havens for criminal and terrorist activity. The effect on the world's poorest and most vulnerable people is devastating, but the consequences also directly affect the international community, including the UK. The benefits of resolving violent conflicts and dealing effectively with their aftermath are therefore substantial.

Preventing conflict is vital if we are to promote international security and stability, protect human rights and reduce poverty. "Preventing and resolving conflict through a strong

<< Preventing conflict is vital if we are to promote international security and stability, protect human rights and reduce poverty. >>

international system" is therefore one of the UK government's main strategic priorities. The Foreign and Commonwealth Office (FCO), the Department for International Development (DfID) and the Ministry of Defence (MoD) work closely together to improve the effectiveness of UK and international support for conflict prevention.

### The conflict prevention pools

The Global Conflict Prevention Pool (GCPP) and the Africa Conflict Prevention Pool (ACPP) were set up in 2001 with the aim of reducing both the number of conflicts that occur and the number of people whose lives are affected by them. The pools support a joint FCO, DfID and MoD Public Service Agreement target:

"By 2008, deliver improved effectiveness of UK and

international support for conflict prevention by addressing long-term structural causes of conflict, managing regional and national tension and violence and supporting post-conflict reconstruction, where the UK can make a significant contribution, in particular in Africa, Asia, the Balkans and the Middle East.”

Working together has helped the three departments develop a common understanding, take a joined-up approach to conflict prevention and bring greater focus and cohesion to the UK's response to changing situations around the world. Through the pools, the UK can agree where and how best to target resources and conflict prevention efforts. The pools primarily address the medium-and long-term causes of conflict and tension with the occasional short-term intervention where appropriate.

#### *The Global Conflict Prevention Pool*

The FCO chairs the GCPP, which has an allocation of £74 million for the financial year 2006-07. This money funds programmes in a wide range of priority countries outside sub-Saharan Africa. It also supports activities under thematic strategies such as security sector reform (SSR).

The GCPP currently has 15 strategies, 12 of which cover conflicts or potential conflicts in Afghanistan (including

counter-narcotics), the Balkans, Latin and Central America, the Caribbean, Russia/Commonwealth of Independent States (CIS), India and Pakistan, Indonesia and East Timor, Iraq, the Middle East and North Africa, Nepal and Sri Lanka. There are also three thematic strategies: SSR; small arms and light weapons (SALW); and the UN's capacity to manage conflict and peacekeeping operations (see Chapter 4). The strategies are approved by government ministers and reviewed annually to ensure that they continue to meet the government's conflict prevention objectives.

The aim of the **Middle East and North Africa** strategy is:

“To support the Middle East peace process and to reduce the risk of further conflicts in the region by addressing issues and conflict processes that:

- either present a substantial risk of violent conflict or high tension; or
- offer important opportunities to resolve or tackle underlying problems that are of major long-term significance for conflict prevention, focusing on areas and activities where the UK can make a difference.”

We continue to work with a number of NGOs on advocacy projects aimed at addressing key aspects of the conflict between Israel and the Palestinians. The goal of a number of these projects is to prevent the creation and spread of “facts” on the ground that might prejudice a just, two-state solution to the conflict, and to alleviate the humanitarian situation of Palestinians affected by recent developments (such as the construction of a barrier in the West Bank and the Israeli settlements in the Occupied Territories). One project provides accurate and reliable monitoring of settlement expansion in the context of the Road Map. Another is focused on the future status of Jerusalem, one of the most complex and least understood issues in the Israeli-Palestinian conflict. Another aims to facilitate freedom of movement for Palestinians in the Occupied Territories through legal and administrative action, advocacy and public education, in the hope of reducing tension between the two sides.

In the last year, following the withdrawal of Syrian forces from Lebanon, we have been providing training and advice on SSR to the Lebanese security forces. One of the aims of this was to help the government extend its control over all Lebanese territory as called for in UN Security Council Resolution 1559. The outbreak of fighting between Hizbollah and Israel in July 2006 has further emphasised the need for a full and effective implementation of the resolution, which also calls on all foreign forces to withdraw from Lebanon and

### Reducing the effect of conflict on human rights

The GCPP aims to reduce the impact of conflict on human rights by:

- carrying out conflict assessments to measure the likely impact of policies and programmes on conflict situations and on human rights;
- supporting peace initiatives;
- promoting safety and security: for example, by supporting military efforts to stabilise conflict situations;
- supporting fair and accessible justice systems;
- improving the professionalism and accountability of security organisations, such as the police and armed forces, ensuring greater human rights awareness;
- enhancing local military capacity to contribute effectively and efficiently to regional and international peacekeeping and other peace support tasks;
- demobilising, disarming and reintegrating soldiers into society; and
- helping civil society organisations defuse the tensions that can lead to violent conflict and human rights abuses.

A Lebanese woman salvages belongings from the remains of a building in the southern suburbs of Beirut. The resurgence of hostilities between Israel and

Hizbollah in summer 2006 has emphasised the need for a lasting resolution to the conflict in the Middle East.



for all militias to be disbanded. The UK is resolved to continuing to support the Lebanese government in pursuing this aim.

When King Gyanendra took power in February 2005, human rights became a priority for projects within the **Nepal** strategy. In 2005-06, the strategy made a significant contribution to the UN Office of the High Commissioner for Human Rights' (OHCHR) Nepal mission, which has had a considerable impact on reducing human rights abuses, in particular by cutting the number of illegal detainees held by the Nepalese army. A human rights adviser appointed under the strategy worked closely with the OHCHR, providing analysis and advice to support the strategy's wider conflict resolution aims. The strategy also funded human rights training for the army.

The **Iraq** strategy has funded an adviser to the Iraqi Ministry of Human Rights. The adviser played a significant part in setting up the Iraqi Human Rights Training Centre, which

aims to mainstream human rights awareness throughout all government departments and civil society organisations. The strategy is also funding a training and mentoring project designed to raise human rights awareness within the Iraqi police service.

In **Colombia**, the Latin America strategy has worked with the human rights ombudsman to send community defenders to remote and vulnerable areas (usually those populated by indigenous communities), where there is a high incidence of forced displacement. These defenders will work with the church, the ombudsman's office and NGOs to analyse, report on and defend against human rights abuses and threats to individuals and communities. Their work will reduce the risk of forced displacement and increase access to justice. The strategy has also worked with the UN High Commissioner for Refugees (UNHCR) to develop a border management model that promotes awareness of human rights with a particular focus on the rights of refugees.

The **Russia/CIS** strategy supports the Stichting Russian Justice Initiative, which tackles impunity in Chechnya by overseeing the later stages of litigation for most Chechen cases at the European Court of Human Rights (ECtHR). By December 2005, the project had brought 93 cases involving disappearance, torture and extra-judicial execution to the court. As well as helping to secure legal redress for victims, the project is developing Russian legal expertise and promoting legal reforms. By improving accountability for serious human rights abuses, it is also helping to defuse tensions and providing a model for dispute resolution through legal rather than violent means.

The **Indonesia and East Timor** strategy has supported the Timor Leste Police Development Programme (TLPDP), which is strengthening the capacity of the police service to maintain law and order effectively, professionally and with full respect for human rights. The TLPDP has designed a new curriculum for the police academy, which incorporates human rights materials throughout. The programme has had positive coverage in the 2006 Human Rights Watch report, *Tortured beginnings* (available online at: <http://hrw.org/reports/2006/easttimor0406/>).

The widespread availability of **small arms and light weapons** (SALW) in many regions of the world is a major source of insecurity and poverty. SALW fuel conflict, crime and terrorism, undermining peace, human rights and development. In 2005-06, the strategy contributed to the destruction of more than 100,000 SALW at the same time as promoting a progressive approach to small arms transfer controls through non-governmental organisations (NGOs),

such as Saferworld and the International Action Network on Small Arms (IANSA). Despite the lack of an outcome document from the recent RevCon, one of the strategy's primary objectives remains to secure agreement on common guidelines for small arms transfers. Ensuring better regulation of the legal trade in small arms will minimise the risk of their falling into the hands of regimes that perpetrate human rights abuses. See page 217 for more details of our work on SALW and page 219 for more details about the proposed arms trade treaty.

The UN strategy supports efforts to increase awareness of human rights issues throughout the UN. This includes promoting child protection by supporting organisations such as the Watchlist on Children and Armed Conflict, and working with the UN's Department of Peacekeeping Operations to promote gender issues in peacekeeping missions. Many

<< **Security forces that are corrupt, undemocratic, inefficient ...or ineffective, create a climate of instability, and increase the likelihood of violent conflict.** >>

programmes supported by the UN strategy are underpinned by human rights principles, such as the development of training and guidance materials for UN field officers, including rule of law experts.

Security forces that are corrupt, undemocratic, inefficient or ineffective are more likely to commit human rights abuses. They create a climate of instability, and increase the likelihood of violent conflict. The **security sector reform** (SSR) strategy helps developing and transitional countries deliver security and justice for their inhabitants more legitimately, democratically and effectively. In doing so, it helps to reduce the potential for both internal and external conflict. SSR is also a key element of post-conflict reconstruction - security and access to justice for all is essential if post-conflict states are to achieve sustainable economic and social development.

#### *The Africa Conflict Prevention Pool*

The ACPP is chaired by DfID, and has a budget of £63 million for the financial year 2006-07. The UK's overall approach to conflict prevention in Africa has three broad objectives:

- to support the building of African conflict management capacity;

- to assist with conflict prevention, management and post-conflict reconstruction in a number of priority sub-regions and country conflicts; and
- to support pan-African initiatives for SSR and small arms control and address the economic and financial causes of conflict.

These objectives are set within the context of the UK sub-Saharan strategy for conflict prevention. Within this overall strategy there are four regional strategies and a number of individual country strategies covering key themes in conflict prevention, management and peacebuilding. Engagement spans the spectrum from high-level work with the African Union (AU) and sub-regional organisations to grass-roots activities at country level.

In **Nigeria**, the ACPP is supporting civil society organisations in order to encourage better law enforcement and promote access to justice. In particular, the ACPP is supporting the work of Nigerian NGO the Centre for Law Enforcement Education (CLEEN), which is monitoring the implementation of the ECOWAS protocol on freedom of movement at border crossings between Nigeria and Benin.

The pool supports the **Sierra Leone** SSR project (SILSEP), which is working to reform the country's security sector, including its police force. The programme has succeeded in creating a more effective and accountable civilian police service, which respects the rights of the people, especially the poor.

In **Uganda**, the ACPP part-funds the Acholi Conflict Reduction Programme (ACRP). A core part of the programme is the Gulu-based Mega FM radio station project, which is now a financially self-sustaining, editorially independent enterprise broadcasting across northern Uganda.

For more information on both pools, go to: [www.fco.gov.uk](http://www.fco.gov.uk), [www.dfid.gov.uk](http://www.dfid.gov.uk) and [www.mod.uk](http://www.mod.uk)

## 6.3 Conflict prevention in Africa

Over the past 12 months, some African countries have made significant steps towards tackling conflict and violence, with both Burundi and the Democratic Republic of Congo (DRC) holding democratic elections. But many countries still face major obstacles to peace. This section highlights those obstacles and outlines the actions the UK is taking to overcome them, beyond the work described above under the

ACPP. For information about our activities in Sudan, see Chapter 2 (page 101).

### Great Lakes

This section looks at conflict – and its aftermath and consequences – in the Great Lakes region of central Africa. The region has been seriously affected by conflict since the 1990s. Millions have been killed either directly by fighting or indirectly by disease and malnutrition. The complex web of inter-related conflicts has dragged in neighbouring countries, and the region's porous borders mean that arms can circulate freely. The illegal trade in natural resources has financed the conflicts. A climate of impunity has meant that human rights abuses have gone unpunished, with civilians bearing the brunt. National and regional peace initiatives have brought about some improvements in conditions for civilians, but the human rights situation across the region remains poor.

The **Democratic Republic of Congo (DRC)** in particular continues to suffer from a severe and long-term humanitarian crisis, with an estimated 4 million people killed as a result of the conflict since 1998. The security situation in eastern and north-eastern DRC remains especially fragile due to a volatile cocktail of competing political and regional interests, entrenched ethnic animosity, an abundance of valuable natural resources and easy access to small arms.

**A woman sits in front of her house preparing cassava plants for cooking in Kinshasa, Democratic Republic of Congo. Decades of conflict in the country have led to a severe, long-term humanitarian crisis.**



Armed groups from outside the DRC, such as the Forces Démocratiques de la Libération du Rwanda (FDLR), the Ugandan Lord's Resistance Army (LRA) and the Burundian Forces Nationales de Liberation (FNL), have used eastern DRC as a base for their operations, which include attacks on neighbouring countries and on DRC's civilian population.

The FDLR has made no moves towards disarmament since declaring on 31 March 2005 that they would cease hostilities. They continue to harass, threaten and illegally tax local civilians in the Kivu provinces of eastern DRC and to perpetrate other human rights abuses on the Congolese people. The UK has urged the Rwandan and Congolese governments to support the disarmament and reintegration of the FDLR. In the eastern Kivu provinces, the UN Peacekeeping Mission to the DRC (MONUC) has adopted a more robust interpretation of its Chapter VII mandate, actively disrupting FDLR activities. However, it has made little progress towards disarmament. In Ituri, MONUC has successfully disbanded militia groups and begun the process of reintegrating them into civilian life.

Army integration remains a major priority in ensuring the long-term resolution of conflict in the DRC and the Great Lakes region. The DRC military and militia groups have not yet been brought under unified command. Several thousand troops belonging to ex-combatants, particularly the Republican Guard, and elements of the ex-Mouvement pour la Libération du Congo (MLC) and ex-Rassemblement Congolais pour la Démocratie (RCD) forces remain loyal to individual political groups rather than to the nation. Some Congolese troops have gone through an integration process and had some basic re-training, but they remain largely unpaid and

poorly equipped. As a result, they often prey on civilians in order to survive. Atrocities, including widespread rape, occur on a daily basis.

In order to address this, the EU launched its ground-breaking Security Sector Reform Mission (EUSEC) in June 2005. The mission's role is to help the transitional government integrate the rebel factions into a unified army. In December 2005, the EU launched a further mission to reform army pay structures and ensure that salaries reach soldiers on the ground. The UK has provided experts to both

missions. The UK has also offered to contribute to providing accommodation and sanitation for the newly integrated brigades to help stop them preying on the local population - but only on condition that the government ensures that the troops are properly paid.

Despite some setbacks, regional relations have improved considerably since 2004. The UK has worked with international partners to help countries in the region maintain this stability through ongoing dialogue. We continue to support the Tripartite Commission (a US-led forum bringing together foreign ministers from Uganda, Rwanda, Burundi and the DRC), which aims to resolve regional peace and security issues by fostering dialogue between regional governments. In 2005, the commission established an intelligence fusion cell in Kisangani, which included

intelligence officers from all the partner countries. Sharing intelligence on armed groups will make it easier for the Congolese armed forces or MONUC to limit their operations and disarm them. The cell began work in April 2006.

The exploitation of natural resources continues to play a major part in fuelling the conflict. As well as supporting initiatives to combat illegal resource extraction, the UK is encouraging international efforts to help the DRC's transitional national government rebuild its capacity to manage its natural resources in an efficient and transparent manner.

Throughout 2005-06, the UK also supported the UN in its work to trace the origins of arms illegally imported into the DRC and identify those responsible. We worked closely with a

**Militiamen that have been disarmed with the assistance of the UN, stand together at the small town of Luvungi, eastern Democratic**

**Republic of Congo, 28 September 2005. Armed groups from outside DRC are blamed for many human rights abuses.**





group of experts from the UN and our Security Council partners to impose targeted sanctions on individuals and NGOs, who violated the arms embargo.

After 12 years of brutal ethnic conflict, **Burundi's** peace process (based on the 2000 Arusha Agreement for Peace and Reconciliation and subsequent agreements) culminated in August 2005 in democratic elections. Independent observers judged these to be largely free and fair. The former rebel movement, CNDD-FDD, won a decisive victory, and Pierre Nkurunziza was sworn in as president. However, the rebel Front National de Libération (FNL) refused to recognise the newly elected government and is still mounting raids and attacks, mainly in Bujumbura Rurale, Cibitoke and Bubanza.

The government continues to face daunting challenges. Extreme poverty is widespread. Food shortages have been exacerbated by the drought affecting central Africa. Systems are weak, as is government capacity for planning and implementation. Corruption has become institutionalised – an issue which is yet to be addressed, although the government says it is a priority. The security situation remains poor across the country due to rebel/military activity and banditry, and the population continues to suffer as a result of clashes between FNL rebels and the newly created national army. Rape, torture and extra-judicial killings of suspected FNL collaborators were commonplace throughout 2005 and early 2006.

The UK continues to urge the Burundian government to put an end to the prevailing climate of impunity. UK ministers raised the issue with the Burundian foreign minister in March 2006. In the same month, we contributed to a Security Council presidential statement, which expressed deep concern at the violence and human rights abuses perpetrated by government forces and the FNL and urged the parties to seize the opportunity for a negotiated solution. In 2005, a number of attempts were also made by the Tanzanian government to facilitate talks between the Burundian government and the FNL. The parties started talks in Dar es Salaam in May 2006 under the facilitation of the South African government.

There has been an increase in the number of attacks against freedom of expression. Peace activist Terence Nahimana was arrested by the intelligence services on 9 May 2006 after criticising the government's lack of progress towards peace with the FNL. In April 2006, MP Mathias Basabose and 30 journalists were held hostage in his home for over seven hours after he made allegations of high-level corruption in the CNDD-FDD. The government, which supports a free and

independent media, was quick to condemn the actions of the police and is now drawing up a press law. The international community will continue to monitor events and raise concerns with the government. We will also follow the drafting of the law closely to ensure it complies with international norms.

The UN Peacekeeping Mission to Burundi (ONUB), which started in 2004 in order to oversee the transition, was gradually scaled down throughout 2006 and should withdraw completely by the end of the year. Key tasks, including human rights monitoring, are likely to be handed over to an integrated UN office. The Burundian government has confirmed its intention to work with the UN to establish a truth and reconciliation commission and set up a special chamber within the existing judicial system. These bodies will help to promote reconciliation and justice and bring an end to the climate of impunity.

The UK's development programme in Burundi is run through DfID. It focuses on providing humanitarian aid, supporting the implementation of the peace process and promoting long-term recovery and poverty reduction, including through capacity-building. We are also a significant partner in the World Bank-led Multi-Country Demobilisation and Reintegration Programme for the Great Lakes, from which Burundi draws funds for its demobilisation and reintegration programme. The UK has also made a significant contribution to the World Food Programme to support initiatives in Burundi.

In the 12 years since the 1994 genocide in which around one million people were killed, **Rwanda** has made impressive strides in terms of security and development. However, illiteracy remains widespread and poverty acute, and human rights are still an area of concern.

The Rwandan government is understandably concerned that people in Rwanda remain susceptible to a re-awakening of ethnic divisions. It is therefore keen to avoid a resurgence of ethnically polarised political debates. However, international and local NGOs have expressed concern at the government's use of phrases such as "genocidal ideology" or "divisionism" to apply to anyone who disagrees with their policies.

The government must enable legitimate political debate at the same time as protecting Rwanda's fragile society. According to the post-genocide constitution, no single political party can dominate. Half the (non-elected) cabinet must be either independent or representatives of parties other than the ruling party. However, at present, no real political opposition to the ruling Rwandan Patriotic Front

(RPF) is tolerated. Alternative political parties are legal, but they must join the forum of political parties, which is chaired by the RPF. The constitution seeks to avoid opportunities for "divisionism" by emphasising consensus rather than competition, but this tends to restrict people's freedom to express dissent.

In early 2005, there were reports that journalists working for opposition newspapers, who published articles critical of the ruling RPF, had suffered intimidation. There is still an element of self-censorship in the media. Journalists, like many other occupations, suffer from low wages and lack of training.

In May 2006, NGOs expressed concern that hundreds of people, including children, beggars and young sex workers, were being held without charge in appalling conditions in detention centres.

The UK, EU partners, UNICEF and NGOs have made representations to the government of Rwanda, urging it to respect its obligations under the international conventions protecting the rights of children.

The Rwandan government has embarked on a major decentralisation programme, which aims to bring decision-making to the people and make local administration more efficient and accessible. People will be able to lobby those who raise and spend their taxes, with a view to improving delivery of basic services and accountability. However, if local administrators are political appointees, the programme could further limit formal opposition to the government.

**French troops drive towards their camp situated in the city of Abidjan, Cote d'Ivoire, 4 February 2006. The UK supported targeted**

**sanctions against three individuals who blocked the peace process, from both the government and rebel camps.**



In 2004, former President Pasteur Bizimungu was sentenced to 15 years' imprisonment on charges of fostering ethnic division, embezzlement and engaging in banned political activities. At the time, human rights NGOs judged that the trial fell short of international standards of fairness and impartiality. In February 2006, Bizimungu appealed the verdict. Several of his co-accused were released, but his appeal was dismissed. He remains in prison.

The UK is Rwanda's main bilateral development partner. In February 2006, the UK and Rwanda signed a memorandum

<< **In February 2006, the UK and Rwanda signed a memorandum of understanding guaranteeing assistance over the next 10 years.** >>

of understanding guaranteeing assistance over the next 10 years provided Rwanda respects the undertakings set out in the memorandum. These include: reducing poverty; fostering respect for human rights and good governance, including sound financial management and accountability; strengthening effective, accountable and democratic governance; and building peace and security in the region.

The peace process in **Côte d'Ivoire** continues slowly. The Pretoria Accord signed in April 2005 set out a timetable for peace with presidential elections originally scheduled for 30 October 2005. Delays in voter registration and disarmament, demobilisation and reintegration (DDR) programmes meant that the elections had to be postponed. The AU and UN have now agreed that the elections should be held no later than 31 October 2006 and an international working group has been set up to ensure the government meets this new deadline. In May 2006, initial work started on voter identification and registration, as well as DDR.

The UK is a member of the working group and has played an active role in UN discussions on the Côte d'Ivoire. Following an outbreak of violence at the time of the group's January meeting, the UK supported the imposition of targeted UN sanctions - including asset freezes and travel bans - against three individuals who had blocked the peace process. The UK has also contributed funding towards a UN election team.

Human rights abuses and breaches of international law have occurred regularly in Côte d'Ivoire since the crisis there began in November 2002. We continue to receive reports of serious violations, including summary executions of civilians, soldiers who have surrendered and prisoners of war, and



**Somali presidential guards watch as people gather for a ceremony marking the inauguration of the country's new government in Baidoa, 6**

**July 2006. However, fighting between powerful militias continues and the situation remains extremely volatile.**

aerial bombings of civilians. The failure of the Ivorian legal system to investigate these violations fully has led to a culture of impunity. The use of hate media is another serious problem. We are also concerned by the security situation in western Côte d'Ivoire, where serious violence in early 2006 led UN forces to stage a temporary withdrawal from the region.

The border war between **Ethiopia** and **Eritrea** is variously reported to have caused between 70,000 and 120,000 deaths. Some 191,000 people have been internally displaced. Following the Algiers Agreement in 2000, the border line was submitted to binding international arbitration, but Ethiopia subsequently refused to accept the boundary commission's decision.

Progress in demarcating the disputed border continued to be held up during 2005 as Ethiopia focused on its elections, held in June 2005. In September 2005, Eritrea began imposing a series of restrictions on the UN Mission to Ethiopia and Eritrea (UNMEE), which has been maintaining the integrity of a 25-km-wide temporary security zone separating the opposing armies. As tension along the border increased, Ethiopia sent more forces to the area. In November 2005, UN Security

Council Resolution 1640 demanded that Eritrea lift its restrictions on UNMEE and that Ethiopia pull back its forces to December 2004 positions and take steps to implement the boundary commission's decision.

Ethiopia complied with part of Resolution 1640 and tension eased as the US stepped in to kick-start the demarcation process. The witnesses to the Algiers Agreement met in New York in February to pave the way for a new set of meetings between the boundary commission and representatives of the two countries. These meetings were held in London in March and May 2006, and there has been some progress. On 31 May, the Security Council reviewed UNMEE's force structure, reducing to 2,300 the number of troops monitoring the temporary security zone and assisting with border demarcation. Demarcation will inevitably lead to the displacement of some of the residual population in the border area. Estimates suggest that around 15,000 people could be displaced, but this is far outweighed by the numbers likely to be able to return.

The UK strongly supports the US initiative and continues to urge the parties to resolve their dispute and reap the economic dividends of establishing better relations. We have also played an active role in Security Council deliberations on the issue.

There has been disappointingly little change in the human rights situation in **Somalia** since last year's report. The UK has continued to support international efforts to restore governance to Somalia and to entrench good governance and stability in Somaliland (following the collapse of the Siad Barre regime in 1991, the north-west of Somalia declared itself the Independent Republic of Somaliland).

The transitional federal government and parliament returned from Kenya to Somalia in June 2005. Worries over security led to the decision to adopt the city of Jowhar as a base, rather than the capital Mogadishu. Disagreements between the president, prime minister and speaker impeded progress until the Aden Declaration of January 2006 enabled parliament to assemble for the first time in the southern city of Baidoa.

In response, a group of powerful Mogadishu-based warlords - who had wanted the government to be based in the capital - have boycotted the new parliament and formed a new Alliance for Peace Restoration and Combat Against Terrorism. The Islamic courts then announced the formation of an opposing alliance - the Council for Uprising and Defending Religion. Militias supporting these two forces and their respective clan allies have engaged in several episodes

of heavy fighting for control of northern Mogadishu, leading to many civilian casualties and displacement of many of the city's residents.

The transitional federal institutions have remained outside this conflict and called for a ceasefire and reconciliation talks. Meanwhile, they have started to engage in small-scale reconciliation initiatives in other parts of Somalia and Puntland (an internally self-governing region in the north of the country). They are also in the process of adopting a national security and stabilisation plan.

In late 2005 and early 2006, southern and central Somalia experienced a severe drought, which left many farmers and pastoralists destitute and in need of famine relief. A large and well co-ordinated international effort, in which the UK played a prominent role, has alleviated the worst effects of this famine, but it will take time before the destitute population can return to their traditional activities.

International Development Secretary Hilary Benn visited southern Somalia in May 2006 to see for himself the scale of the famine.

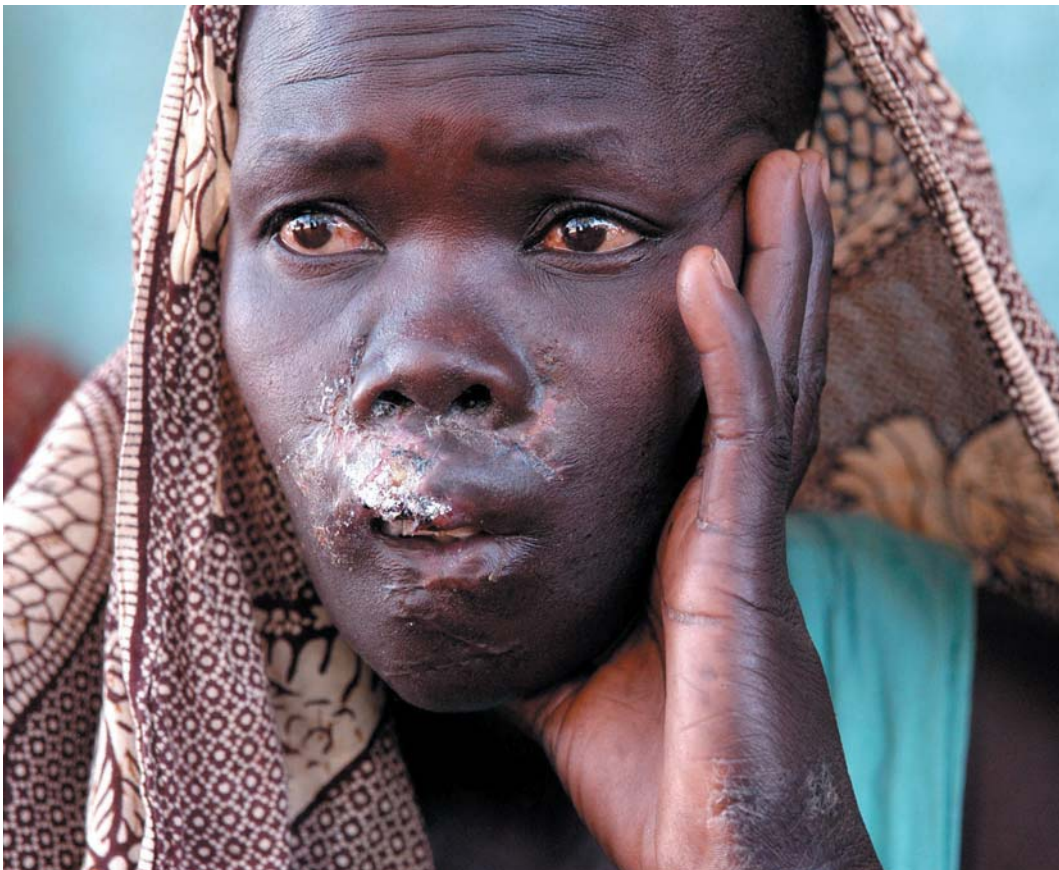
Against this volatile background there has been little improvement in human rights. The Gaboye minority continues to suffer discrimination and abuse by the authorities. Prominent peace activist Abdulqadir Yahya Ali

was assassinated in July 2005. The Islamic courts have pursued the establishment of Sharia law: in one recent case, the public execution of a convicted murderer was carried out by the victim's young son. The transitional federal institutions have yet to start re-establishing the basic elements of a judicial system. However, the UN Development Programme's (UNDP) rule of law programme is supporting the training of a new police force, the first cohort of which graduated in Puntland.

A number of militants accused of the murder of western aid workers has been convicted and may face the death penalty. Prison conditions remain extremely poor and an attempted break-out by extremists, along with an alleged plot to disrupt the elections, led to many arrests. We regularly urge the Somaliland authorities to engage in dialogue with the Somalia transitional federal authorities in order to establish a mutually acceptable relationship.

In the self-declared Independent Republic of Somaliland, democratic elections were held for the lower house in September 2005 and judged to be largely free and fair. The UK supported the international election monitoring mission.

Communities in northern **Uganda** have now been terrorised by the Lord's Resistance Army (LRA) for almost 20 years. The LRA has no recognisable political agenda. It is a brutal



**Doreen Aciro of Kitgum District, northern Uganda, recovering after surgery to repair injuries caused by rebels from the Lord's Resistance Army. The LRA is responsible for widespread atrocities and human rights abuses.**

organisation responsible for many atrocities and systematic human rights abuses. The principal method of recruitment is the forced abduction of children. Current estimates suggest that 20,000 children have been abducted to date, of whom 6,000 are still unaccounted for.

Although the conflict is characterised by low levels of engagement, the constant fear of child abduction and abuse has led 1.7 million civilians to seek refuge in temporary camps in northern Uganda. The LRA is now thought to be largely based in the north-eastern DRC and southern Sudan, although they remain highly mobile.

Successive military campaigns by the government of Uganda have failed to deliver a solution to the conflict and increased the number of civilians living in camps. The Ugandan army has limited capacity, problems with leadership and corruption and a culture of failing to protect civilians. Military and intelligence officials operate with impunity in the region. Allegations of arbitrary arrest and detention, torture and profiteering continue.

The UK believes that the problems in northern Uganda cannot be resolved solely through military action. In late 2004, some countries and international organisations, including the UK, backed a local initiative to end the conflict through mediation. However, despite a promising start, the initiative made little progress during 2005. In October 2005, the International Criminal Court (ICC) issued arrest warrants for five LRA commanders. The UK is a strong supporter of the ICC, and we are encouraging the regional governments to work together to ensure the arrest warrants are implemented.

Since the start of 2006, the Security Council has taken a greater interest in the regional aspects of this conflict, passing two resolutions condemning the LRA's activities. While we support the UN's engagement, we recognise that a long-term solution is unlikely to succeed if imposed from outside. The Ugandan government must do more to encourage all those not indicted by the ICC to seek amnesty and reintegration into their communities, and the LRA must end its violence. We will continue to support peace efforts wherever possible.

The status of **Western Sahara** is still undetermined, pending UN efforts to find a solution. Sovereignty is disputed between Morocco and the pro-independence Polisario. Morocco occupies most of the territory. The Polisario is based in Tindouf in southern Algeria, where large numbers of Western Saharan refugees live in camps. The UN Mission for a Referendum in Western Sahara (MINURSO) monitors a

ceasefire between parties signed in 1991 and is mandated to organise a referendum on the territory's status. However, there are currently no plans for a referendum to be held. The UK supports the efforts of the UN Secretary-General Kofi Annan and his personal envoy to Western Sahara, Peter van Walsum, to find a solution. UN Security Council Resolution 1675, passed on 28 April 2006, extended MINURSO's mandate until 31 October 2006 and reaffirmed the Security Council's commitment to helping the parties achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara.

We believe that the resolution of humanitarian questions should not await the conclusion of a political settlement. The UK, along with EU partners, regularly calls on Morocco and the Polisario to deal with outstanding human rights issues and implement measures that will increase people's confidence. We have encouraged all parties to co-operate with the International Committee of the Red Cross (ICRC) to account for those reported missing during the conflict between 1976 and 1991.

There have been some positive developments in the past year. During our presidency of the EU, the UK welcomed the Polisario's August 2005 release of its remaining Moroccan prisoners of war. Some had been held for up to 20 years. On 25 November 2005, the UNHCR and MINURSO resumed its exchange programme of family visits between the territory and the Tindouf camps after an 11-month hiatus. More than 2,000 people have benefited from the programme since the start of March 2004. Since the establishment of a telephone service between the camps and the territory, over 40,000 calls have been made from the camps, enabling refugees to communicate with their relatives in the territory.

In his most recent report on Western Sahara (19 April 2006), the Secretary-General expressed concern at reports of heavy-handed Moroccan responses to demonstrations in the territory, including the arrest and detention of several individuals. He also stated that, although international and local observers as well as defence counsel are allowed to attend trials, concerns remain over whether standards for fair trials are being respected. During the UK presidency of the EU, the EU raised the issues in the Secretary-General's report with the Moroccan authorities in August 2005 and in meetings held in the context of the EU-Morocco Association Agreement (see Chapter 3, page 152 for more details about the agreement).

In May 2006, the OHCHR sent a delegation to the territory and to Tindouf. The mission will gather information on the

human rights situation and suggest ways for the UN to address human rights concerns.

## 6.4 Conflict prevention in Asia

There have been significant developments in conflict resolution over the past year. Under the aegis of its newly reinstated parliament, a ceasefire has been agreed in **Nepal** and peace talks with the Maoists have resumed (see Chapter 2 for more details). Developments in Kashmir also give hope that the long-running dispute between **India** and **Pakistan** over control of the region can be resolved. The signing of a peace agreement between government and rebel forces in Aceh, **Indonesia**, followed by the withdrawal of Indonesian armed forces from the region, marked a huge step forwards after years of violence and human rights abuses. However, the situation in **Sri Lanka** has deteriorated, with an increase in violence in territory controlled by the Liberation Tigers of Tamil Eelam (LTTE).

**India** and **Pakistan** advanced their composite dialogue, which covers all outstanding issues including Kashmir. The continuation of the dialogue and the maintenance of the ceasefire across the line of control (LoC) has made life significantly easier for families living near the LoC. The opening of five transit points has enabled divided families to meet each other, though the numbers benefiting from this are very limited so far. The road bridge between Muzaffarabad and Srinagar, which was damaged during the October 2005 earthquake, has been rebuilt, and the cross-LoC bus service has resumed. We warmly welcome this progress. We are in regular contact with the Pakistani and Indian governments and continue to encourage them to sustain their dialogue. We hope that the continuation of the dialogue will improve the human rights situation in Kashmir and welcome recent commitments by the Indian authorities to deal more effectively with violations.

We also welcome the efforts of the Indian prime minister to improve relations between Delhi and the State of Jammu and Kashmir through various forms of dialogue, including two roundtable meetings between the Indian government, the main political parties in Kashmir and representatives of minorities in the state. The prime minister said in May 2006 that he had instructed the security forces "to be more mindful of human rights and to be sensitive to the liberties and self-respect of ordinary people". This is the latest in a series of commitments made by both governments to address human rights issues. They have also made efforts to conduct investigations into past abuses, such as that at Pathribal in 2000.

However, we continue to be concerned by reports of human rights abuses in Kashmir, some of which are apparently perpetrated by Indian security forces. The UK raised its concerns on this issue with the Indian authorities during its presidency of the EU. We also condemn the ongoing militant violence that continues to take its toll on civilian life in Jammu and Kashmir and, in particular, attempts to undermine people's voluntary participation in democratic processes - for example, by attacking party workers and officials. Violence will not resolve the Kashmir issue, and we urge the militants to cease fighting.

Since the 1980s, **Sri Lanka** has been the site of significant ethnic violence between the majority Sinhalese Buddhist community and the minority Hindu Tamil community, which is concentrated in the north and east of the island. Full-scale fighting began in 1983 and ended with a ceasefire between the government and the LTTE in 2002. By then, over 60,000 people had been killed.

Violence against civilians and terrorist attacks on the security forces increased dramatically during the period covered by this report, as increased tension between the two sides put significant strain on the ceasefire agreement. Nearly 900 people were killed between December 2005 and June 2006, over half of them civilians. The LTTE has launched attacks against civilians, as well as military targets, and stands accused of involvement in the execution-style murder of 12 people in eastern Sri Lanka in May 2006 and the murder of a further 64 in an attack on a bus in June 2006. The LTTE continued to recruit children, extort "taxes" and harass civilians in the north and east. In November 2005, the LTTE used violence and threats to prevent much of the Tamil population participating in the Sri Lankan presidential election. The LTTE exercise complete control in parts of Sri Lanka, preventing any form of rival political activity or freedom of expression.

There have been credible reports that members of the government security forces were involved in extra-judicial killings and repeated allegations that some civilians detained during large anti-terrorist operations have disappeared. Anti-LTTE paramilitary groups have also engaged in violence and intimidation. Despite promising to do so, the government has not succeeded in preventing these armed groups operating in government-controlled areas, and there are allegations of collusion by the security forces.

Prior to 2005, there had been no talks on the peace process in Sri Lanka since April 2003. Intense international lobbying, including by the UK and EU, led to the Sri Lankan government and the LTTE meeting to discuss the

implementation of the ceasefire agreement in Geneva in February 2006. At the talks, the government pledged that no armed group or person other than government security forces would carry arms or conduct armed operations. The LTTE pledged to take all necessary measures to ensure that there would be no acts of violence against the security forces and police. Both sides made a commitment to ending intimidation, acts of violence, abductions and killings.

However, levels of violence, which had fallen when the talks were announced, have subsequently risen again. The four leading international players in the peace process - the EU, Japan, Norway and the US (the "co-chairs") - believe that

both parties have failed to deliver their responsibilities, including the commitments made at the Geneva meeting. The UK shares this view.

We continue to support the peace process both politically and practically, including by making an active contribution to EU policy-making on the conflict and by supporting the co-chairs, particularly during our presidency of the EU. UK ministers and officials have had regular contact with Sri Lankan ministers, and FCO officials in London and Colombo maintain contact with the government of Sri Lanka, with representatives of Tamil political parties and with civil society.

**A displaced child holds her father's sarong in a church garden in Mankeni, about 144 miles east of Colombo, 3 July 2006. Dozens of Tamil villagers have fled their homes in areas of eastern Sri Lanka controlled by Tamil Tiger rebels to escape forced combat training, villagers and officials said.**



Our firm view is that dialogue, not violence, is the only viable route to resolving the conflict. Dialogue needs to take full account of the legitimate demands of all parties and promote a democratic and stable Sri Lanka. We have repeatedly called on the LTTE to renounce violence. We have made clear that the Sri Lankan government must do everything in its power to ensure the safety and well-being of its population, to ensure that allegations of human rights abuse are credibly investigated in an open and transparent way and that, where there is sufficient evidence, prosecutions follow.

The UK proscribed the LTTE under the Terrorism Act in 2001. In line with our national position, we actively support EU measures including a ban on visiting delegations being received in the member states and the listing of the LTTE as a terrorist organisation.

<< **The overall human rights situation in Indonesia has improved dramatically in the last few years. The country now has a flourishing free media and an increasingly liberal and plural political environment.** >>

The UK continues to channel assistance to the Sri Lankan Human Rights Commission through the UNDP. Our assistance seeks to improve accountability and access to justice for groups whose rights may have been violated. We also fund work in the east of the country on a human security project to improve flows of information and develop early warning mechanisms to mitigate and prevent conflict. This work is particularly relevant given the rapid escalation in levels of violence in the north and east of the country.

Our Access to Justice project, run with the Asia Foundation, empowers communities to tackle injustice through awareness programmes and para-legal training.

In conjunction with the Netherlands, Sweden, the World Bank and the Asia Foundation, we have funded and participated in a second strategic conflict assessment (SCA) for Sri Lanka. The SCA's rigorous analysis of the conflict has been welcomed by the new Norwegian Special Envoy for the Peace Process, Jon Hassen-Bauer. The joint approach to the assessment will continue to inform and refine the ways in which the international community can best promote sustainable peace in Sri Lanka.

On 15 August 2005, the **Indonesian** government and the Free Aceh Movement (GAM) signed a peace agreement in Helsinki. Implementation began on 15 September 2005, supported by an Aceh monitoring mission comprised of EU member states, Norway, Switzerland and five countries from the Association of South-East Asian Nations (ASEAN). During our presidency of the EU, the UK played an integral role in establishing the mission.

By the end of the year, both parties had fulfilled their security obligations under the peace agreement. GAM handed in 840 weapons for decommissioning, and the government withdrew all non-local military and police forces from Aceh. The majority of GAM prisoners has been given an amnesty. GAM has also stated that its military wing has been disbanded and that it no longer possesses any weapons. On

24 May 2006, GAM formally announced that it had become a political party.

The success of the peace process so far is a major achievement, and brings to an end almost 30 years of conflict. This has only been possible because of the flexibility shown by both sides. There are still challenges ahead, particularly in ensuring the effective reintegration of former combatants. But the commitment shown by both sides so far gives cause for optimism.

We continue to have concerns about the human rights situation in Papua, including allegations of human rights violations by the Indonesian armed forces, restrictions on access to Papua for journalists and NGOs and a number of cases of prisoners being convicted of treason for displaying the Papuan flag. We raise reports of human rights abuses in Papua with the Indonesian government, and encourage them to allow journalists access to the province. Embassy staff visit Papua (most recently in December 2005) to meet local officials and NGOs.

Nevertheless, the overall human rights situation in Indonesia has improved dramatically in the last few years. The country now has a flourishing free media and an increasingly liberal and plural political environment. We believe that President Yudhoyono is serious about addressing the Papuan question as part of his overall reform programme.

Full implementation of the special autonomy legislation (passed in 2001) would be an important step towards a sustainable resolution of the province's internal differences and its long-term stability. However, implementation has been slow to date, and there has been some confusion over



the implications of the creation of the new province of West Irian Jaya. We continue to urge both sides to enter into dialogue to find a meaningful resolution to the issues that are currently blocking full implementation of the legislation. The Commission for Reception, Truth and Reconciliation (CAVR) has concluded its investigation into human rights violations committed in **Timor-Leste (East Timor)** between 1974 and 1999 and produced a 2,500-page report containing detailed information about a wide range of human rights abuses, including disappearances, forcible displacement, torture, rape and deliberate starvation. The report was presented to the UN Secretary-General in January 2006. The document has been made public, but it is not yet clear whether the Security Council will be asked to consider the findings. The CAVR process has played an important and valuable role in promoting national reconciliation in Timor-Leste, including through its community reconciliation process, which supported grass-roots reconciliation.

The UN-appointed commission of experts has completed its review of the Timor-Leste and Indonesian governments' responses to these human rights violations. The Security Council has asked the Secretary-General for his views before discussing the recommendations further. We have noted the decision of the Timor-Leste government to pursue these issues with Indonesia through their bilateral Commission for Truth and Friendship (CTF), which has a mandate until May 2007. We encourage both governments to make the CTF an entity that inspires confidence in both victims and the international community.

Between April and June 2006, there was a series of violent incidents in Timor-Leste, which escalated into civil unrest. On 28-29 April, five demonstrators were killed and a number seriously injured and on 25 May Timorese defence forces killed nine unarmed police. At the request of the government of Timor-Leste, the UN High Commissioner for Human Rights (UNHCHR) has established an independent special inquiry commission, which will include an impartial investigation into the deaths. After several weeks of unrest the prime minister resigned on 26 June, admitting his share of responsibility for the crisis, and President Gusmao commenced the task of forming a new government.

The UN has a continuing role to play in assisting the Timor-Leste government in the run-up to the national elections in 2007, particularly in light of the unrest described above. The UN mission's mandate was extended until 20 August 2006, while the UN Secretary-General prepared further recommendations on the mandate and structure of a new mission, which will include support for institutional capacity-building and good governance.

## 6.5 Conflict prevention in other areas of the world

On 12 July, Hizbollah militants operating from southern **Lebanon** abducted two soldiers from **Israel** and killed eight others. Israel responded with air strikes and, later, a ground incursion into Lebanon. It is deeply tragic that so many lives - Lebanese and Israeli - have been lost. We must now take the necessary steps to secure a lasting settlement. We will do all we can to help Lebanon move forward, to live in peace and prosperity with all its neighbours.

Throughout the conflict we worked towards a cessation of hostilities. The Prime Minister, Foreign Secretary and the Minister of State for the Middle East were in close contact with key international partners in the region and across the world.

We warmly welcome the adoption of UN Security Council Resolution 1701. The resolution's objectives are clear: to bring about a full cessation of hostilities; to create the space for an urgent humanitarian relief effort; and to begin a process leading to a permanent ceasefire and a durable peace.

With hostilities hopefully at an end, our immediate priorities are to address the humanitarian crisis in Lebanon and to stabilise the peace. We will play our full part in the humanitarian and reconstruction effort. The Prime Minister has been in direct touch with Lebanese Prime Minister Siniora about ways in which the UK can support the recovery effort, including through providing emergency bridging to help the flow of assistance. During his visit to Beirut on 15 August, the Secretary of State for International Development, Hilary Benn, announced an additional £6 million of humanitarian assistance, bringing our total contribution to £12.5 million. UK funding has so far helped to provide and deliver food, water, health, hygiene, other essential supplies and mine-clearing activities. We stand ready to do more as further assistance is needed.

At the time of writing, urgent work was underway to strengthen the UN Force in Lebanon (UNFIL) as quickly as possible, in order to carry out the range of important new tasks set out in the resolution. The force needs to be built up from around 2,000 (at the time of going to press) to a maximum of 15,000. We are in close touch with relevant officials at the UN, and with those countries that might offer forces. Because of our existing military commitments it would be very difficult for the UK to offer ground forces of its own, but we are looking at ways in which the UK can contribute.

The three conflicts in the South Caucasus remain unresolved a decade and more after their respective ceasefires were declared.

The conflict between **Armenia** and **Azerbaijan** over Nagorno Karabakh had shown the most progress over the last year through negotiations led by the co-chairs of the Organisation for Security and Co-operation in Europe's (OSCE) Minsk Group. But the breakthrough hoped for in the summer of 2006 failed to materialise and the chances of an agreement in the near future lessen with parliamentary and presidential elections scheduled in Armenia and Azerbaijan in 2007 and 2008.

The conflicts in Abkhazia and South Ossetia in **Georgia** appear to be a long way from resolution and have been

hampered over the last year by the increasingly strained bilateral relationship between Georgia and Russia. However, some noteworthy progress has been made in establishing an informal, direct dialogue between Georgian and Abkhaz representatives. Through the GCPP the UK has funded an on-going project facilitated by Conciliation Resources, which takes actors from the Georgian and Abkhaz sides out of the region to discuss aspects of the conflict in an unattributable way. Sir Brian Fall, the UK's special representative on Georgia, is playing an active role in the formal, UN-chaired Georgian/Abkhaz talks, suggesting and supporting ideas for breaking down obstacles and building confidence between the parties.

In South Ossetia, the GCPP has funded a project run by the International Institute for Strategic Studies to promote a

Demonstrators gather in the Armenian capital, Yerevan, on the 18th anniversary of the riots that sparked the conflict with Azerbaijan over Nagorno Karabakh. The past year has seen significant progress towards the resolution of that conflict. The OSCE is leading the negotiations.



Georgian-South Ossetian dialogue on a law on restitution. The law is meant to benefit those, particularly South Ossetians, who lost their property as a result of the civil war. By bringing together stakeholders such as the Georgian Ministries of Conflict Resolution and Justice, South Ossetian NGOs, local officials and refugees now living in North Ossetia, the dialogue is meant to address the long-term structural difficulties resulting from the conflict and build confidence.

See Chapter 2 for information on the conflicts in **Chechnya** and **Colombia**.

## 6.6 Small arms and light weapons

The accumulation and unrestrained transfer of SALW poses serious challenges to international security, human safety and socio-economic development. Although there are no confirmed figures, experts estimate that there are more than 600 million SALW in circulation worldwide. The impact of these cheap, readily available weapons is greatest where there is already conflict and war. While small arms do not cause conflict, they can prolong it and increase the number of casualties. Hundreds of thousands of people are killed every year and millions more are injured. SALW are used in the majority - between 60 and 90 per cent - of direct conflict deaths. It is also estimated that more than 300,000 children under the age of 18 are fighting in armed conflicts in more than 30 countries around the world. Many are coerced into service and combat, and the widespread availability of SALW has enabled child soldiers to become ruthless killers.

But the impact of SALW goes beyond conflict situations. SALW are the weapons of choice for criminals, terrorists and rebel fighters. Cities around the world are made more dangerous by the presence of guns on their streets. SALW create a climate of fear and insecurity, which holds back development, discourages foreign investors, hampers international security and stifles people's hopes of building themselves a better future.

Research shows that there is a relationship between trafficking in SALW and contemporary forms of violent conflict. The issues are complex and inter-related and require concerted, co-operative action from states, intergovernmental organisations and civil society at all levels from local to global. The UK remains committed to reducing and, eventually, eliminating the uncontrolled spread of SALW. This is demonstrated by our commitment to, and participation in, all relevant international, multilateral and

regional fora currently addressing these issues, as well as the work we have carried out bilaterally.

The UK actively participates in the UN Programme of Action (UNPoA) to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, agreed in 2001. The UNPoA provides a framework through which the UN can concentrate its efforts to tackle SALW issues on a national, regional and global basis. The UNPoA's first Review Conference (RevCon) took place in New York between 26 June and 7 July 2006. This was the first formal opportunity for the international community to review progress and strengthen the effectiveness of the UNPoA by identifying obstacles to implementation and finding ways to overcome them. Unfortunately, despite determined efforts by the UK to build consensus, the RevCon closed without agreement on a final outcome document to strengthen the

<< SALW create a climate of fear and insecurity which holds back development, discourages foreign investors, hampers international security and stifles people's hopes of building themselves a better future. >>

UNPoA and specify follow up action. However, the UNPoA remains a useful enabling framework.

The UK and our EU partners also supported and participated in the UN open-ended working group, which was set up to negotiate an instrument for identifying and tracing illicit SALW in a timely and reliable manner. In a major step forward, an international instrument was successfully negotiated in 2005 (the first such instrument since the establishment of the UNPoA in 2001) and unanimously adopted at the 60th session of the UN General Assembly (UNGA) in October 2005. The UK hopes to build on this success and will actively participate in a UN group of governmental experts to consider further ways in which countries can work together to eradicate illicit brokering in SALW.

The UK is also one of the strongest supporters of transparency in the field of conventional arms and we actively promote the continuing development and operation of the UN register of conventional arms - the only global transparency mechanism in the field. This year, as part of the



**Islamic Courts Union militia carrying weapons at Mogadishu airport, 19 July 2006. Arms continue to flow into conflict zones such as**

**Somalia. The UK is at the forefront of calls for better international regulation of the trade in conventional arms.**

register's regular review process, we have pushed for SALW to be included within the register's reporting requirements - a move which has been welcomed by the UN Secretary-General in his report to the Security Council on combating terrorism.

Nationally, the joint efforts of the FCO, DfID and the MoD under the GCPP/SALW strategy contribute towards a more coherent response to the reduction of armed conflict and violence. The strategy takes a holistic approach to the problem of small arms proliferation, seeking to tackle the supply, demand and availability of SALW. This is achieved through: support for the implementation of existing regional and national agreements on SALW; the collection and destruction of weapons; the promotion of an initiative building on regional approaches to agree common guidelines for controls on transfers of small arms; awareness-raising and education programmes; and better integration of small arms into development programming.

SALW pose a particular challenge for development because they are widely available in developing countries. The UK's Armed Violence and Poverty Initiative (which analyses how and when poverty and vulnerability is exacerbated by armed violence) has made considerable progress in the past year in highlighting the links between armed violence and poverty

and promoting the integration of small arms control into development programming. The Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) has now classified small arms control as official development assistance, which means that donor nations can count small arms work towards their 0.7 per cent aid target. The DAC has also agreed to develop shared donor guidance on small arms control and armed violence reduction from a development perspective.

The UNPoA contains important guidance on controlling transfers of SALW, but we need to build on this by clearly establishing states' current responsibilities under international law. We believe the most effective way of achieving this is to develop a set of common criteria, which states must consider before issuing an international transfer licence. Over the past year, the UK-led Transfer Controls Initiative (TCI) has been building on work already taking place at regional level with the aim of developing these criteria.

Since the TCI was launched in 2003, the UK has sponsored a number of regional workshops and seminars (most recently in Sri Lanka, Peru and Nicaragua) on transfer controls. Over 100 states have expressed varying degrees of support for the process. This work culminated in April 2006 at a meeting in Nairobi chaired by Kenya and the UK, where representatives from 11 governments and civil society organisations from around the world drew up a set of draft guidelines for SALW transfers. The UK will continue to work with other supporters of the TCI to increase international support for common guidelines on SALW transfers.

In addition to the SALW work currently underway in the UN, the UK is actively working to improve stockpile management, security and destruction. Most illicit SALW begin their life as responsible transfers but, as a result of poor stockpile management, "leak" out into the illicit trade. Working either bilaterally or with international partners, the UK has funded or participated in several important projects. In Bosnia Herzegovina we are helping to fund a UNDP project which aims to destroy at least 250,000 SALW and 10,000 tonnes of ammunition, while in Ukraine we are working with our partners to support a NATO partnership for peace project, which aims to destroy 1.5 million SALW, 133,000 tons of munitions and 1,000 man portable air defence systems (MANPADS). Over the last few years we have funded projects designed to destroy over 2.5 million SALW, 1,000 MANPADS and 400,000 tons of ammunition. We continue to look for further opportunities in this field.

Good progress on countering the proliferation of SALW has

been made since the UNPoA was agreed in 2001. However, SALW-related deaths, injuries and suffering continue on a large scale. The disappointment of the RevCon will only serve to reinforce our commitment to working with our international partners towards full implementation of the UNPoA and to saving and improving the lives of the many people who are affected by these weapons.

### The case for an arms trade treaty

The UK is at the forefront of calls for better international regulation of the trade in conventional arms. The irresponsible trade in such arms fuels conflict and associated human rights abuses. The global arms trade is only truly regulated to the standard of the weakest link: as long as some countries have no real export controls or fail to enforce those they have, unscrupulous arms traffickers will continue to feed arms into conflict zones.

We therefore believe there is a strong case for introducing a treaty which will set out clearly when exports should be prevented. This would include situations where the export is likely to be used to abuse human rights. The treaty would need effective enforcement and monitoring mechanisms, and must be inclusive. Speaking on 10 May 2006, the Prime Minister said the UK “very much hope[s] that we will secure a treaty that is sufficiently effective to include all the major arms-exporting states”.

International support for such a treaty is growing. Under the presidency of the UK, the EU agreed on 3 October 2005 a set of council conclusions that:

“...acknowledged the growing support, in all parts of the world, for an international treaty to establish common standards for the global trade in conventional arms and...called for the start of a formal process at the United Nations at the earliest opportunity...”

On 27 November 2005, the Commonwealth heads of government meeting in Valletta noted:

“...the proposal for the development of common international standards for the trade in all conventional weapons and added their support to calls for work on such a treaty to commence at the UN.”

Speaking in Geneva on 23 March 2006, Dr Kim Howells MP set out the case for a treaty and urged countries to support the initiative at the UNGA First Committee meeting in autumn 2006. Dr Howells said:

“We see a strong humanitarian, developmental and moral

case for a treaty. This is what prompted us to support the initiative. But there are also other aspects of the irresponsible arms trade that a treaty would seek to address, which are equally worrying, such as the need to ensure arms are not allowed to fall into the hands of terrorist groups or to be used in the furtherance of human rights abuses.”

Establishing an arms trade treaty is now a global priority for the UK. Foreign Secretary Margaret Beckett emphasised this to parliament on 23 May 2006:

“We are building support for a UN-based process towards an international arms trade treaty...We are in contact with a wide range of partners to secure agreement for the start of a formal process at the UN General Assembly later this year.”

On 24 July 2006, the UK, Argentina, Australia, Costa Rica, Finland, Japan and Kenya jointly circulated to all countries an initial draft UN First Committee resolution calling for the establishment of a group of governmental experts to “examine the feasibility, scope and draft parameters for a comprehensive, legally binding, instrument establishing common international standards for the import, export and transfer of conventional arms”. The resolution will be introduced at the First Committee in October 2006. The UK aims to secure agreement to start a formal UN process to take this initiative forward. For more details, go to: [www.fco.gov.uk/att](http://www.fco.gov.uk/att)

## 6.7 International tribunals and post-conflict justice mechanisms

There have been several key developments in the field of international criminal justice over the past year. In March 2006, the first person arrested under a warrant from the ICC, Thomas Lubanga Dyilo, was transferred for trial in The Hague. Two weeks later, one of the highest-profile individuals indicted for crimes against humanity and war crimes, former Liberian President Charles Taylor, was handed over for trial at the Special Court for Sierra Leone. In May 2006, a list of Cambodian and international judges was approved, marking the latest stage in the development of the Extraordinary Chambers in the Courts of Cambodia (better known as the “Khmer Rouge Tribunal”).

These three developments show how the international community is working to strengthen international justice and fight impunity for war crimes, crimes against humanity and genocide. However, much remains to be done, as events in Darfur (see Chapter 2) and elsewhere show.

## << The UK is a strong supporter of the international criminal tribunals and wider efforts to bring the perpetrators of serious crimes of international concern to account. >>

The UK remains at the forefront of those efforts, and is a strong supporter – both in principle and in practice – of the international criminal tribunals and wider efforts to bring the perpetrators of serious crimes of international concern to account.

### The International Criminal Court

The ICC, which became operational in 2003, is consolidating its position as a major international justice institution. The UK is a firm supporter of the ICC, providing significant funding and non-financial assistance.

In June 2005, ICC prosecutor Luis Moreno-Ocampo announced his intention to open a formal investigation into the situation in Darfur, now the third situation under full investigation by the court. The Darfur situation was referred to the ICC by a UK-sponsored Security Council resolution in March 2005 – the first of its kind. Under the Rome Statute, only the Security Council can refer a state that is not party to the Court's statute. The prosecutor delivered his third report on the progress of the investigation in June 2006.

In October 2005, the first-ever ICC arrest warrants were unsealed for the arrest of five senior Lord's Resistance Army commanders. The warrants arose from the prosecutor's

investigation into the situation in northern Uganda, which was referred to the court by the Ugandan government in early 2004.

In March 2006, a further arrest warrant, arising from the ICC's investigation into the situation in the Democratic Republic of the Congo, led to the arrest and transfer to The Hague of the first person to face trial before

the court, Thomas Lubanga Dyilo. He is charged with war crimes, including conscripting children under 15 and forcing them to play an active part in hostilities. The trial is due to start later this year.

The prosecutor is also considering a third referral from the Central African Republic. The prosecutor plans to publish periodic updates on other communications received by his office, stating whether or not he intends to initiate investigations. In February 2006, for example, he announced that he would not be initiating investigations into situations in Iraq and Venezuela.

Over the last year, the ICC has made further progress towards becoming fully operational. In December 2005, the Assembly of States Parties (ASP) agreed the ICC's budget for 2006 at £59.6 million (of which the UK pays 11.2 per cent). It also adopted regulations for the Victims' Trust Fund, which will provide compensation to victims. In January 2006, elections were held for replacements for six of the court's 18 judges, who had come to the end of their initial three-year term of office.

In October 2005, Mexico became the 100th state to ratify the Rome Statute of the ICC. It is a UK and EU objective to increase the number of states parties so that the ICC can operate within the widest possible jurisdiction. Under the UK's presidency of the EU, staff carried out 36 separate lobbying exercises urging states to ratify the Rome Statute. We still need a better geographical spread of states parties; in particular, we need more representation from Arab and Asian states. So far, Jordan is the only Arab state to ratify the statute. South Korea is a state party, but India, China and Japan have yet to accede.

Over the past year, the UK has supported the ICC in a number of ways. We sponsored regional seminars in Surinam and Amman in June 2005 and January 2006. In late 2005, we co-funded a course for legal professionals and legislators from the Asia-Pacific region. We also co-sponsor training for counsel at the ICC, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).



**Former Croatian general Ante Gotovina enters the ICTY courtroom at The Hague, 12 December 2005. He faces seven charges of crimes against humanity. Gotovina was third on the tribunal's most wanted list, preceded only by Bosnian Serb leader Radovan Karadzic and his top commander Ratko Mladic.**

A further UK and EU goal is to help existing states parties enact legislation to implement their obligations under the Rome Statute. Building on model legislation produced by the Commonwealth Secretariat with UK support, we are helping to provide legal and technical assistance to states who wish to introduce such legislation but who lack the capacity. Increasingly, the ICC needs practical support from its states parties. In August 2005, the UK signed an agreement with the ICC on information-sharing, and we are negotiating a further bilateral agreement on sentence enforcement. We encourage EU partners to make similar commitments. Significant progress was made under the UK's presidency of the EU towards concluding the EU-ICC Agreement on Co-operation and Assistance, which was signed in March 2006.

Not all states support the ICC. Some, most notably the US, are concerned that their citizens could be subjected to politically-motivated "nuisance" cases. We understand these concerns, but do not share them. We are satisfied that safeguards in the ICC statute will prevent the court from pursuing such cases. We welcomed the flexibility shown by the US in allowing the Security Council to refer the situation in Darfur to the ICC. The compromise reached in the Council, which included an exemption from ICC investigation for non-ICC states parties taking part in the Sudan mission, opens the way for future Security Council referrals to the ICC. We are confident that the ICC will establish itself as a credible, responsible and indispensable player in international justice. Once states see the court in action and it is clear that the safeguards against politically motivated nuisance cases are working, we hope that those states currently uncomfortable about the ICC will consider becoming parties to the statute. This is a long-term goal.

In the meantime, with our EU partners we will continue to lobby for ratification of the ICC statute, while working in co-operation with all states to pursue the common goal of an end to impunity for the perpetrators of genocide, crimes against humanity and war crimes. For more information on the ICC, go to: [www.icc-cpi.int](http://www.icc-cpi.int)

### **The International Criminal Tribunal for the former Yugoslavia**

Established by UN Security Council Resolution 827 in May 2003, the ICTY aims to prosecute those responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991. To fulfil its mandate, the tribunal relies on assistance and co-operation from all countries, especially those in the region.

In completing all investigations by the end of 2004, the ICTY met the first deadline of the completion strategy it agreed

with the Security Council in October 2003. The second phase is the completion of trials of first instance by the end of 2008; the third is the completion of appeals by 2010 and the winding up of the tribunal. Meeting the completion strategy continues to present a tough challenge as the schedule depends on countries apprehending and surrendering fugitive indictees to the tribunal.

The apprehension in Spain of Ante Gotovina and his subsequent transfer to the ICTY in December 2005 was a significant achievement. However, the wartime leader of the Bosnian Serbs, Radovan Karadzic, and his general Ratko Mladic, are among six indictees still at large. The Security Council has consistently demanded the surrender of fugitive indictees and has made it clear that they must be tried at The Hague, irrespective of the ICTY completion strategy. They will not be able to wait out the tribunal.

Three further indictees have been surrendered since June 2005. Ante Gotovina, a former Croatian general, was arrested by the Spanish authorities in Tenerife on 7 December 2005 and transferred to The Hague on 10 December 2005; Milan Lukic, a leader of Bosnian Serb paramilitaries, was arrested 8 August 2005 in Argentina and transferred to The Hague on 21 February 2006; Dragan Zelenovic, former Bosnian Serb policeman, originally arrested in Russia in August 2005, was expelled to Bosnia on 8 June 2006 and from there transferred to The Hague on 10 June 2006. With our EU partners we continue to support the tribunal's calls for greater co-operation throughout the region and to apply conditionality - including in relation to countries' further integration within the EU (see chapter 3) - to ensure states fulfil their obligations to hand over persons indicted for war crimes.

The tribunal is making steady progress. By June 2006, it had concluded proceedings against 94 individuals. Thirty-four cases were at the pre-trial stage and 12 were at trial. To date, 47 indictees have been found guilty and sentenced. A further 15 are currently at appeal, and eight have been acquitted. The UK continues to urge the tribunal to take measures to maximise the speed and efficiency of trials.

On 26 April 2006, the ICTY started the first of three multi-accused trials. The remaining two trials commenced on the 10 and 14 of July. By hearing the cases of a number of accused together (where indictments permit), the ICTY hopes to make further efficiency savings.

The ICTY's most high-profile and longest-running case came to an end in March 2006 with the death in custody, from natural causes, of the former Yugoslav president Slobodan

Milosevic. The trial was already in its fourth year, partly due to Milosevic's poor health. In response to Milosevic's death, the then Foreign Secretary Jack Straw said: "What is important is that the region, the people of Serbia, now draw a line across Milosevic's past and his life, which was a malign influence on the people of Serbia and the whole region." With no verdict possible in the Milosevic case, it has become more important than ever that the trials of Mladic and Karadzic should take place to establish the truth relating to the events during the war in the former Yugoslavia. Inquiries took place following the death of Milosevic and suicide of convicted war criminal Milan Babic, who had come to the tribunal to give evidence in another trial. The inquiries revealed no indications of criminality or of negligence on behalf of prison authorities, but the ICTY continues to keep conditions at the UN detention facility under close review.

The UK continues to support the ICTY by providing documentary and eyewitness material and through financial contributions. In addition to our annual payment, we fund initiatives that complement the tribunal's work. These include the ICTY witness protection programme and appellate training for 35 counsels from the ICTY, the ICTR and the ICC. The UK also has a sentence enforcement agreement with the ICTY, under which a small number of convicted individuals can serve their prison sentences in the UK.

To complete its mandate, the ICTY needs to transfer middle- to lower-level cases to regional courts. With international funding, a special war crimes chamber in the Bosnia state court was inaugurated in March 2005. The chamber started hearing cases in mid-2005. The UK is providing almost 10 per cent of the funding. The ICTY has so far approved the transfer of eight cases.

British judge Lord Iain Bonomy was among 12 of the sitting judges starting fresh four-year terms of office following elections in November 2005. The ICTY brought forward the elections for 14 of the 16 seats by a year to allow more efficient planning of the chambers' time and help the ICTY adhere to its completion strategy. For more information about the ICTY, go to: [www.un.org/icty](http://www.un.org/icty)

### **The International Criminal Tribunal for Rwanda**

The ICTR was established in October 1994 to prosecute those people most responsible for the genocide and other serious violations of international humanitarian law committed in Rwanda in 1994, when up to a million people were murdered. Twelve years on, the tribunal is on course to fulfil its mandate.

As of June 2006, the tribunal had completed 24 cases. There

are currently 11 trials in progress involving a total of 27 accused. Eighteen indictees remain at large, and the UK continues to call on states to apprehend and surrender fugitive indictees to the tribunal.

Like the ICTY, the ICTR's completion strategy is divided into three phases. The first called for the completion of all indictments by the end of 2004. The second and current phase covers the completion of all trials of first instance by the end of 2008. The third and final phase involves the completion of all appeals by 2010 and the winding up of the tribunal.

The UK fully supports the tribunal. As well as providing funding, we are negotiating witness protection and sentence enforcement agreements with the tribunal. The Friends of the ICTR group, set up by the UK via our high commission in Dar es Salaam, helps to raise the profile of the tribunal among key donor states and regularly meets tribunal staff to discuss and provide advice on the challenges facing the ICTR. For more information on the ICTR, go to: [www.ictor.org](http://www.ictor.org)

### **The Khmer Rouge Tribunal**

On 4 October 2004, the Cambodian parliament ratified legislation to establish the Extraordinary Chambers in the Courts of Cambodia, better known as the Khmer Rouge Tribunal (KRT). The tribunal was established with the support of the UN and aims to bring to justice those individuals most responsible for the deaths of around 1.7 million people during the Khmer Rouge era (1975-79). Some of the senior commanders have died during the intervening period.

The tribunal is due to run over three years and will cost an estimated £29.7 million. The UN is providing £22.6 million and the Cambodian government £7 million. The UK is contributing funding of £1.5 million over three years from 2005-07.

On 14 March 2006, the Cambodian government and the UN signed the final legal agreements needed to establish the tribunal and on 7 May 2006, King Norodom Sihamoni of Cambodia approved the lists of Cambodian and international judges. It is envisaged that trials will start in 2007.

The UK recently contributed funds towards an NGO co-ordination workshop for the tribunal, which focused on incorporating the lessons learned from other post-conflict justice mechanisms into concrete proposals for the work of the tribunal.

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

The Special Court for Sierra Leone (SCSL) was set up under



On 20 June 2006, former Liberian president Charles Taylor was flown to The Hague to be tried by a chamber of the Special Court for Sierra Leone (SCSL) on 11 counts of war crimes and crimes against humanity allegedly committed during the 1990s civil war in Sierra Leone. Taylor's capture and trial – the first of its kind involving a former African leader – is historically significant. Against the odds, the international community has achieved a major advance in combating impunity against those accused of war crimes, crimes against humanity and genocide.

Taylor was indicted by the Special Court in 2002 for his alleged role in funding and arming Revolutionary United Front (RUF) rebels. Among its crimes, the RUF notoriously recruited, kidnapped and drugged children, who were then forced to kill, mutilate and rape civilians during the conflict. Amputation was routinely used as a means of instilling fear and obedience in the civilian population.

Taylor evaded justice until 29 March 2006 when, following major international pressure in which the UK played a central role, President Obasanjo of Nigeria agreed to end Taylor's asylum there, and he was transferred to the SCSL's detention facilities in Freetown, Sierra Leone. His arrival in detention was greeted with rousing cheers by the Sierra Leonean people.

The elation was short-lived, however, as it became clear that Taylor's detention in Freetown posed a significant security risk to the wider region. He continued to command strong loyalty from individuals hostile to the developing (but fragile) regional peace settlement, and there was a risk that they might attempt to free him and restore him to power. For this reason, President Kabbah of Sierra Leone, President Johnson-Sirleaf of Liberia and other regional leaders, with the support of the UN Secretary-General and the international community, requested an alternative to trial in Freetown.

The Netherlands government agreed that it would allow the trial to take place in The Hague. The ICC agreed to make facilities available to the special court. The Dutch offer was conditional on a third country allowing Taylor to serve his

sentence there pending a conviction by the court. The UK offered to meet this request, subject to parliament passing the necessary legislation. In announcing the decision, Foreign Secretary Margaret Beckett said:

“If we want to live in a just world, we must take responsibility for creating and fostering it. In taking this decision we are demonstrating clearly two of our foreign policy priorities: to ensure that those accused of serious crimes of international concern face justice; and to prevent and resolve conflict through a strong international system.

“The UK was instrumental in bringing peace to Sierra Leone, and has supported Sierra Leone as it has built on that peace and worked to put the years of war decisively in the past. Our action today will help to close the chapter of conflict, by allowing the trial of Charles Taylor to go ahead, which will determine the truth regarding his alleged involvement in the horrors of Sierra Leone's civil war.”

The trial is expected to commence in 2007.



Former Liberian president Charles Taylor arrives at the Special Court for Sierra Leone in The Hague, 21 July 2006.

an agreement between the government of Sierra Leone and the UN in January 2002. Its mandate is to prosecute those with the greatest responsibility for serious violations of international humanitarian law committed during Sierra Leone's civil war.

The court represents a new model in international justice. It is a hybrid tribunal made up of domestic and international judges and other staff, and uses both international and

domestic case law. It is notable that the court's jurisdiction specifically covers the crime of recruitment of child soldiers, reflecting the extent of their involvement in and suffering during the conflict.

Building on some of the lessons learned by the ICTY and ICTR, the SCSL is the first international criminal tribunal to be based in the country where the crimes took place. This ensures that it is visible to the people of Sierra Leone, makes

its processes transparent and relevant, and sensitises foreign court staff to the local social and political context.

It also means that Sierra Leoneans - who make up almost a quarter of the court's professional staff and over half of the overall staff numbers - benefit economically and professionally. When its work is finished, the special court will leave an important legacy to the people of Sierra Leone: a new courthouse (which can be used for a number of different purposes) and a cadre of trained, experienced legal professionals, who can continue to support the national legal infrastructure.

The court has focused its efforts on a small number of indictments. Thirteen people are held to be the most responsible for the crimes committed during the conflict, compared with 120 and 60 indictments at the ICTY and ICTR, respectively. Ten indictees are now in custody. Of the remaining three, two have died and one, Johnny Paul Koroma, may still be at large, although reports suggest that he may be dead.

The court was originally expected to complete its work by summer 2005, but it soon became clear that this was unrealistic. The arrival of Charles Taylor will delay completion further. The current strategy envisages completion of appeals by the end of 2007. The international community, including NGOs and academics, continues to monitor the court's progress.

Our assessment to date is that the court continues to perform well. It has successfully completed the prosecution phases of the Civil Defence Force (CDF) and RUF trials. The third trial - involving members of the Armed Forces Revolutionary Council - is also well underway. British judge Teresa Doherty is presiding over the second trial chamber.

The UK sits on the court's management committee, based in New York. The committee provides direction on non-judicial aspects of the court's operations, such as efficiency, budget approval and gaining co-operation with third states.

Unlike with the Rwanda and Yugoslavia tribunals, the international community decided that the SCSL should be funded entirely through voluntary, rather than assessed UN contributions. However, although the court has been financially disciplined, voluntary funding has been insufficient. The UN has therefore provided additional funding. The UK is a leading donor. We continue to urge states to contribute - both financially and in kind - to the court's valuable work. For more information on the SCSL, go to: [www.sc-sl.org](http://www.sc-sl.org)

## Genocide prevention

Continuing concern over events in the Darfur region of Sudan emphasise the need for co-ordinated action to address genocide, crimes against humanity and war crimes. The UK is at the forefront of the international community's efforts to ensure that the commitment to preventing genocide is truly effective.

The UK's approach to genocide prevention has two main aims:

- to encourage greater international preventative action; and
- to support strong judicial action at domestic and international level (including through the ICC and the other existing international tribunals) to bring perpetrators of genocide - no matter how senior - to justice, providing an effective deterrent and combating the culture of impunity which still exists in many states.

The UK's aim, working hand in hand with other international partners, is to strengthen international networks of those involved in genocide prevention, bringing together NGOs, academics, parliamentarians and governmental representatives to ensure close co-operation and a co-ordinated response to international situations of concern. We also support related educational programmes.

We strongly support the efforts of the UN Secretary-General's Special Adviser on Genocide Prevention, Juan Mendez, to provide early warning indications of genocide and recommendations for action to the UN Security Council. In May 2006, a new UN Advisory Committee on Genocide Prevention, comprising leading academics and NGOs, was established to support Mendez's mandate.

Agreement on the concept of responsibility to protect was one of the major outcomes of the UN World Summit held in September 2005. For the first time, world leaders signalled their unwillingness to tolerate genocide, war crimes, ethnic cleansing and crimes against humanity within states, and acknowledged their collective responsibility to protect vulnerable populations from such crimes.

The UK will continue to work to ensure that this agreement is translated into a willingness to act in specific cases. We pressed hard for UN Security Council Resolution 1674 on the protection of civilians in armed conflict to include a reference to the responsibility to protect. This was the first time the agreement had been included in a Security Council document - an important step forward. See page 163 for more detail on the responsibility to protect.

<< **The trials of senior politicians such as Slobodan Milosevic and the determination to bring to justice such high-profile figures as Charles Taylor will make a substantial contribution to combating the culture of impunity.** >>

Our work with the international criminal tribunals, including the ICC, also contributes significantly to genocide prevention. Supporting their activities, politically and in practice, and encouraging greater international membership, acts as a serious deterrent to potential future genocidaires. The trials of senior politicians, such as Slobodan Milosevic, and the determination to bring to justice such high-profile figures as Charles Taylor will make a substantial contribution to combating the culture of impunity.

The UK is also helping to strengthen international investigative capacities by participating in the European Genocide Network, set up by the EU to share information on investigations, and supporting forensics-related education projects that aim to improve the collection, preservation and presentation of evidence in support of criminal investigations. In 2005, we sponsored the training of a number of Iraqi personnel through a programme run by the British NGO INFORCE.

## 6.8 Refugees

A refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country".

Global refugee figures have been falling since the 1990s. The UNHCR estimates that the global refugee population for 2005 was 8.6 million, the lowest figure since 1980. This is partly the result of breakthroughs in a number of long-running conflicts, which have allowed refugees to return home. However, the overall picture is still bleak. In its 2005 global report, the UNHCR estimated that in 2005 there were 20.9 million asylum-seekers, refugees and "others of concern". Despite a fall in the number of refugees and asylum-seekers, the number of internally displaced and stateless people receiving assistance from the UNHCR is

rising. The majority of those who remain refugees live without any prospect of a durable solution to their plight.

The UNHCR statistics do not include the 4.3 million Palestinian refugees, who fall under the responsibility of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

### The UN High Commissioner for Refugees

The UNHCR was initially set up in 1950 with a limited three-year mandate to help resettle people in Europe who were unable to return to their homes after the Second World War. Today, the UNHCR holds the UN mandate for protecting the world's refugees.

The UNHCR protects refugees in several ways and its work is closely connected to broader progress in human rights. Using the 1951 Refugee Convention as its major tool, the agency is mandated to lead and co-ordinate international action to protect refugees and resolve their problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or to resettle in a third country. The UNHCR also seeks to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus.

In 2005, the UK was the sixth largest donor to the UNHCR. Around two-thirds of what we give is flexible funding which the agency can use based on their own priorities and assessments of the needs of refugees and IDPs. In 2005, the UK also provided funding and technical expertise in response to specific UNHCR country appeals in Chad, DRC, Guinea, Indonesia, Liberia, Pakistan, Somalia, Sri Lanka, Sudan and Togo. We also provided financial support for the UNHCR's work on durable solutions and, in particular, to improve resettlement capacity in Africa and south-east Asia. Since 2003, the UK has been operating a refugee resettlement programme which offers particularly vulnerable refugees, who have limited prospects of finding durable solutions in their region of origin, protection and a life in the UK. Since the scheme is relatively new, we currently have a quota of 500 refugees a year. The government has given an undertaking in its five-year strategy on immigration to increase the quota.

To date, the UK has resettled Liberian refugees from Guinea and Sierra Leone, Congolese refugees from Uganda and

Ghana, Sudanese refugees from Uganda and Burmese refugees from Thailand. During the next 18 months, we plan to resettle Ethiopians from Kenya, Zambians from the DRC, Mauritians from Mali and Senegal and Burmese from Thailand.

In September 2005, the Inter-Agency Standing Committee (IASC), which comprises key UN and non-UN humanitarian partners, agreed to adopt a "cluster" leadership approach when dealing with any new internal displacement of populations, whether as a result of conflict or natural disaster. The UNHCR has been designated lead agency for protection, emergency shelter and camp co-ordination and management. The new approach is being piloted in four African countries: the DRC; Liberia; Uganda; and Somalia. It was also used in the UNHCR's response to the 2005 Pakistan earthquake. DfID has pledged funding to help build agencies' capacity to implement the cluster approach at a global level. At country level, DfID country teams will consider requests for funding for credible plans that involve using the cluster approach.

### Refugees around the world

Sudan remained the most challenging displacement crisis during the reporting period. In southern Sudan, 21 years of civil war between the Sudanese government and the Sudan People's Liberation Movement (SPLM) have led to the displacement of nearly half a million refugees and the internal displacement of approximately 4 million.

In western Sudan, crisis erupted in **Darfur** in February 2003 following the emergence of two rebel groups - the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) - who claimed that the government in Khartoum consistently marginalised Darfur. Government forces supported by allied militia ("Janjaweed") fighters suppressed the discontent. The conflict has led to the internal displacement of 1.8 million people within Darfur's three states and to the displacement of a further 200,000 across the border in Chad.

In **southern Sudan**, 2005 brought some hope, with the Sudanese government and the SPLM signing a comprehensive peace agreement in January 2005. Many Sudanese refugees in neighbouring countries chose to return home and, after delays caused by security and logistical concerns, the UNHCR's repatriation operation began in December 2005. The agency has since assisted thousands to return home from the Central African Republic, the DRC, Ethiopia and Kenya. However, the devastation wrought by the war means that many will return to extremely limited infrastructure and basic services. Additionally, the security situation within the Ugandan border region remains volatile, with the activities of the LRA continuing to cause displacements.

Despite the signing of the Darfur peace agreement on 5 May 2006, the security situation in Darfur also remains precarious. Inside Darfur, insecurity and roadside banditry



Sudanese refugees living in makeshift huts at the Riyad camp west of the Darfur town of Al-Geneina, 19 June 2006. There are around 1.8 million internally displaced people within Darfur's three states, and a further 200,000 have fled across the border to Chad.

and the resulting lack of access have placed major constraints on the UNHCR's plans to expand its protection for the almost 2 million displaced people. The UNHCR's objective in the 12 camps in eastern Chad has been to provide international protection and basic assistance, and the UK has supported this work since 2003. Continued military activity along the Darfur-Chad border endangers both the Darfuri refugees in the camps and the local population. Attacks by Janjaweed militia from Sudan have led to internal displacement in Chad and refugee outfluxes into Sudan. The UK is the second largest bilateral donor of humanitarian aid to Darfur. Our contribution to the UN's Sudan workplan has been used to fund the work of the UNHCR and other return-related activities.

It is estimated that the military conflict between the Israeli defence forces and the **Lebanese** Shia Islamic group Hizbollah, which began on 12 July 2006, resulted in the temporary displacement of nearly one million people. Many headed for those parts of Beirut regarded as safe, or for the mountain areas. Over 200,000 are believed to have crossed into Syria. The UNHCR provided initial humanitarian assistance and protection to the most vulnerable in both Lebanon and Syria. However, ongoing hostilities and damage to infrastructure have made it difficult to reach many of those in need of medical care, food and water supplies. In addition to the refugee problems caused by the current crisis, there are estimated to be over 200,000 Palestinian refugees living in absolute poverty in camps in Lebanon, in conditions that the UN says are worse than those in Gaza.

The UK provided over £12.5 million to Lebanon in immediate humanitarian assistance following the conflict in July/August 2006. UK funding helped to provide and deliver emergency food and water supplies, sanitation and expertise, to support mine-clearing activities and provide emergency bridging to help humanitarian supplies reach the south of the country. UK humanitarian and post-conflict experts were deployed to Lebanon to help co-ordinate delivery of urgent assistance and assist the government of Lebanon in planning and co-ordinating longer-term recovery efforts.

The UK government has responded to international appeals for humanitarian aid. In addition, the UN Central Emergency Response Fund is providing an initial contribution of \$5 million (of which the UK is contributing a significant part).

**Afghanistan** continues to be by far the largest country of origin of refugees under the UNHCR's mandate, constituting 23 per cent of the global refugee population. Nevertheless, due to continued repatriation, the number of Afghan refugees fell by 21 per cent during 2005. Over 4.5 million

Afghan refugees have now returned to their homes. Many factors have contributed to this record rate of return, including the fall of the Taliban, steady economic growth, presidential and parliamentary/provincial elections and the commitment of the Afghan government and the international community. Afghanistan's first parliament was inaugurated in December 2005. The challenge remains to ensure that returnees have access to land, housing and adequate infrastructure. To this end, the Ministry of Refugees and Repatriation (MoRR) launched a major initiative in 2005 to distribute government land to landless returnees, as well as to vulnerable families in the local communities. In order to address human rights issues more efficiently, the UNHCR has entered into a partnership agreement with the Afghanistan Independent Human Rights Commission (AIHRC) to monitor returnees. In August 2005, Afghanistan also acceded to the 1951 UN Refugee Convention and its 1967 Protocol.

The majority of refugees have returned to Afghanistan from **Pakistan**, and the governments of Pakistan and Afghanistan agreed in June 2006 to the closure of three more camps. However, an estimated 2.6 million refugees still remain in Pakistan. Many have lived there for over 20 years. With the help of the UNHCR and the Afghan government, Pakistan's National Database and Registration Authority will conduct a registration exercise of Afghans in Pakistan during 2006. The data collected will help develop policies for voluntary repatriation, for reintegration and for the future management of the population.

The European Commission Humanitarian Office (ECHO) and EuropeAid are funding a UNHCR-led initiative - the Afghanistan Comprehensive Solutions plan - which involves Afghanistan, Iran and Pakistan in creating conditions for durable solutions and addressing the longer-term challenges of migration in the region.

Democratic elections in **Burundi** during the summer of 2005 and the election of a new president in August 2005 meant that voluntary repatriations, facilitated by the UNHCR since 2002, continued last year. Many of the refugees had fled to Tanzania during over a decade of civil war. In 2005, over 65,000 returned home. However, continued fighting between the government and the last remaining rebel group, the FNL, led to insecurity and uncertainty about land and food security which hampered returns. February 2006 also saw an outflux of Burundians to neighbouring Tanzania as a result of food insecurity. The refugees endured difficult living conditions in Tanzania's overcrowded way stations, which are only designed to hold people for a few days. The UK's current programme for Burundi includes commitments to areas such as humanitarian needs, education, peacebuilding and

HIV/AIDS (including support to orphans and vulnerable children).

At the end of 2005, there were still over 430,000 Congolese refugees outside the **DRC** and more than 3 million IDPs. However, the prospect of the first democratic elections in 45 years have led to the voluntary return of significant numbers of refugees - 39,000 in 2005. Despite this, the security situation remains unstable. Some armed groups have refused to disarm and are still active in eastern DRC. The returns have been countered by further outflows from the country. For example, in January 2006, 20,000 people fled to western Uganda to escape actual or feared fighting in the Kivu region. However, many returned within weeks. The UK is the largest European bilateral donor to the DRC. We also support the work of the UNHCR to help them encourage refugee returns and take on the role of lead co-ordinator for IDPs within the UN. We also support humanitarian work supporting the return of refugees and addressing the needs of IDPs.

Large numbers of refugees, primarily from the DRC and Tanzania, have returned voluntarily to **Rwanda**. The country has been rebuilding itself since 1994 and has been peaceful since undergoing major political changes in 2003. However, the voluntary repatriation process was hampered in 2005 by refugees' reluctance to return. There were a variety of reasons for this, including fear of the *gacaca* process, lack of reintegration facilities and lack of access to land. The introduction of the *gacaca* justice system, which involves using traditional courts to deal with the backlog of cases related to the 1994 genocide, triggered an outflow of about 10,000 Rwandans to Burundi and Uganda in March and April 2005. Food insecurity resulting from drought caused yet more Rwandans to cross into Burundi, although many have now returned. The Burundian government and the UNHCR are carrying out status determination of the remaining Rwandan asylum-seekers in Burundi in accordance with international humanitarian law. The UNHCR has upgraded its monitoring of returnees, to help with reintegration and provide useful information on returning to remaining refugees. The UK is Rwanda's major bilateral development partner. This support is underpinned by our first ever 10-year memorandum of understanding, which sets out reciprocal obligations between the UK and Rwanda.

In west Africa, the last few years have seen a significant decrease in the number of refugees from Sierra Leone and Liberia, with huge numbers returning to their place of origin. However, the number of **Togolese** refugees quadrupled in 2005 from 11,200 at the start of the year to 51,000 at the end as a result of mass outflows, mainly to Benin and Ghana.

The outflows started in late April 2005 following the installation of the late Gnassingbe Eyadema's son, Faure, as president, which led to widespread violence and fears that tensions would escalate further. The refugees in Ghana and Benin have been absorbed into host communities, and are receiving assistance from the UNHCR and its partners. The UK is helping to fund this assistance, which includes the provision of basic relief items (both food and non-food) and healthcare and the establishment of "quick impact projects", designed to provide shelter, water and sanitation and encourage self-reliance.

Refugees in the world's oldest refugee situation suffered further crises in February 2006, when the Tindouf camps in Algeria were flooded by heavy rains. Sahrawi refugees started arriving in Algeria in 1976, and have been totally dependent on outside assistance for the past 30 years. **Western Sahara** has been a disputed territory since Spain, the former colonial power, left in 1975. Initially, both Morocco and Mauritania moved in: since 1979, when Mauritania renounced its territorial claims, Morocco has occupied the whole territory with the exception of a strip in the east, which is controlled by the Tindouf-based pro-independence Polisario Front. Following the floods, the European Commission's Humanitarian Office (ECHO) provided tents, blankets and sheets to the affected population. ECHO is a major source of assistance to the Sahrawi refugees.

In anticipation of **Colombia's** 2006 elections, some of the country's irregular armed groups declared a ceasefire during the electoral campaigns while others have stepped up their activities. The authorities registered 136,000 new displaced people in 2005. The government estimates that there are between 2.5 and 3 million IDPs in the country, the result of decades of internal conflict. The conflict has also affected regional stability: in 2005, tensions mounted between Colombia and Venezuela following the capture of a guerilla leader.

Many ethnic Nepalese left **Bhutan** in the early 1990s following a tightening of the country's citizenship law and widespread allegations of human rights abuses by the security forces. Approximately 100,000 people are now living in UNHCR-run refugee camps in eastern Nepal. Nepal and Bhutan have been engaged in ministerial and official level talks for the past 15 years, but the process remains stalled. The EU makes a significant contribution to the camps' \$14 million annual running costs.

**Thailand** continues to host over 150,000 Burmese refugees, most of whom fled as a result of conflict and human rights abuses committed by the army of the State Peace and

Development Council (the military government). Previously, Burmese seeking refuge in Thailand, primarily ethnic minority peoples from eastern Burma, had limited or no access to a status determination process, and thus no legal access to refugee status or protection. As Thailand is not a signatory to the UN Convention on Refugees, all Burmese entering Thailand to claim asylum are classified as “illegal migrants”. The Royal Thai government has, however, established a national asylum procedure through its provincial admission boards. In late 2005, the status of 14,000 Burmese refugees living in camps was regularised. The government is also allowing Burmese refugees to be resettled in third countries, including the UK.

Early 2006 saw a new influx of refugees from Burma to Thailand following renewed conflict and human rights abuses in Karen state. The UK is providing financial support over three years to the Thai-Burma border consortium, an alliance of NGOs who provide food and shelter to refugees in camps on the Thai-Burma border.

Large numbers, perhaps hundreds of thousands, of refugees from the Democratic People’s Republic of Korea (DPRK) still remain in **China**. Many first left their home country during the widespread famine there in the late 1990s, while others have fled political repression. China does not permit North Koreans to apply for asylum or recognise them as refugees, and allows the UNHCR virtually no direct access to North Koreans living in the north-east of the country. The UNHCR’s involvement is therefore mainly limited to the growing, but still very small, number of individuals who force their way into embassy premises and international schools in an attempt to move out of China. The UNHCR continues to engage the Chinese government over allegations of deportations.

A significant number of Chechens continue to seek asylum abroad. Despite this and the ongoing volatile security situation in the **Northern Caucasus**, the UNHCR is making progress in its efforts to address the needs of IDPs in Chechnya and refugees in the wider region. The UN is currently considering reducing its security classification from 5 to 4, which would allow greater access and enhance the effectiveness of its operations. The UK continues to provide humanitarian support for those IDPs affected, including support for legal services and help to trace missing family members. Azerbaijan now has a smooth-running refugee status determination procedure, while the asylum systems in Belarus, Moldova and Ukraine are still developing. The situation of refugees in Georgia continued to be a source of

concern to the UNHCR during 2005. Opportunities for income generation and local integration in Georgia are limited, and national asylum legislation does not meet international standards.

### **Internally displaced people**

The high number of IDPs - the latest estimates put the figure at 23.7 million - is one of the world’s most acute problems. The nature of conflict has changed: interstate conflict is not as prevalent today as “internal” strife and civil war; and the majority of forcibly uprooted populations remain within their country of origin. With no international agency formally

<< **The nature of conflict has changed: interstate conflict is not as prevalent today as “internal strife and civil war”; and the majority of forcibly uprooted populations remain within their country of origin.** >>

mandated to help them, IDPs often have to rely on their own governments to uphold their civil and human rights. Often, it is these very governments who are contributing to the problems that caused their displacement.

The inadequacy of the international community’s response to situations of internal displacement was highlighted in Darfur. Following his visit to Darfur in September 2004, the UK’s Secretary of State for Development, Hilary Benn, became one of the strongest advocates for reform. He initiated an agenda for reform of a number of aspects of the international humanitarian system, including the way IDPs are protected and assisted. The last year has seen a number of changes to the way the international humanitarian system operates, which aims to improve the international community’s ability to protect this vulnerable group.

### **The European asylum system**

The UK has participated actively in work towards a common European asylum system. As a first step, the Treaty of Amsterdam (1997) committed member states to a broad range of measures designed to establish minimum standards for asylum procedures and policies by 1 May 2004. These commitments were reaffirmed at the Tampere European Council in October 1999, and this first step is now complete. The UK, on a case-by-case basis, has opted in to all the asylum measures so far agreed.

The Asylum Qualification Directive ensures that common criteria for the identification of persons genuinely in need of international protection are applied across member states and that a minimum level of benefits is available for those granted asylum status.

The Asylum Procedures Directive sets out basic procedural obligations relating to, for example, interviews and legal assistance, which member states must observe when assessing asylum applications.

As part of the drive to improve refugees' access to lasting solutions, the meeting of the European Council in December 2005 agreed that pilot regional protection programmes (RPPs) should be set up in Tanzania and the western newly independent states (NIS) Ukraine, Moldova and Belarus). The programmes have been tailored to the countries' individual needs. The projects which form the basis of the RPPs look to enhance people's protection in or near their regions of origin - for example, by introducing registration schemes or helping improve local infrastructure. Each RPP is being drawn up in close co-operation with the countries concerned and in collaboration with the UNHCR and other stakeholders. The UK is co-funding projects in both regions.

### **UK asylum policy**

The UK is committed to upholding its obligations under the 1951 UN Geneva Convention relating to the Status of Refugees and providing a safe haven to those genuinely in need. An effective asylum determination process is central to our efforts to meet these obligations.

In the UK, all asylum cases are assessed on their individual merits by asylum case workers in the Home Office's Immigration and Nationality Directorate (IND). Those who meet the definition of a refugee under the 1951 Geneva Convention are granted asylum; others whose removal would be a breach of their rights under the ECHR are also permitted to remain in the UK. The applicant has a right of appeal against refusal to the independent Asylum and Immigration Tribunal. Once all avenues of appeal have been exhausted, the applicant must leave the UK.

The government's five-year strategy for asylum and immigration (February 2005) sets out plans for a new, more tightly managed asylum process - the new asylum model. The model focuses on bringing all cases to a rapid conclusion, meaning that genuine refugees will have their claims settled as quickly as possible and be able to move on to integration into the UK while those with unfounded claims will be expected to leave.

At the start of the asylum process, claimants are assigned to a particular route according to the characteristics of their case, including: whether the case is suitable for a detained or non-detained route; whether the claimant is a third-country case, or a minor; whether the claim is late and opportunistic; and whether the claimant requires and is eligible for accommodation or other support. The claimant is allocated a case owner, who manages all aspects of their claim from beginning to end. Where the claimant's case is suitable for a non-detained route, the case owner will have regular face-to-face contact with them - for example, through reporting events and outreach visits. They may also use electronic monitoring, such as tagging or voice recognition. Any support provided will be conditional on the claimant complying with the contact requirements. For claimants who are detained, there are new fast-track procedures at Harmondsworth and Yarls Wood.

The UK is also committed to ensuring that initial decisions are subject to a greater degree of independent quality control. The IND has been working closely with the UNHCR for nearly two years to further improve the quality of initial decisions. The Quality Initiative Project includes provision for UNHCR to sample up to 30 decisions (grants and refusals) each month. Oral and written feedback on the cases assessed is provided to caseworkers by members of the UNHCR team. Treasury solicitors sample a further 20 cases a month.

UNHCR and Treasury Solicitors have also played an important part in refresher training for asylum caseworkers. The UNHCR is leading on the development of a workshop that will focus on ways of improving the assessment of credibility. Further guidance and support is being developed to help caseworkers who interview asylum applicants.

Once an individual is granted refugee status in the UK, they will be given five years leave to remain in the country before their case is reviewed. At this point, if it is deemed that they still need protection, they will receive indefinite leave to remain. They may be joined by their immediate family, and we will encourage them to find work and participate in local communities.

The UK government believes that persons granted refugee status should be able to lead a full and productive life in the UK. In March 2005, we launched "Integration Matters: a National Strategy for Refugee Integration", which provides support for refugees in three key areas: achieving their full potential; contributing to communities; and accessing services.



In order for the asylum system to achieve the purpose for which it was intended – to protect those fleeing persecution – it must also identify and remove those who are not in need of international protection. Only those found not to be in need of protection and without any other form of leave to remain are returned. We have succeeded in: increasing removals by maintaining regular contact with asylum-seekers while their claims are being processed; dealing swiftly with claims that are clearly unfounded; prosecuting those who arrive without documents; working with countries to ensure that they accept back failed asylum-seekers; and expanding voluntary returns schemes. In February 2006, for the first time, the number of monthly removals of unfounded claimants exceeded the number of new unfounded applications.

We believe that it is preferable for people to return to their countries of origin voluntarily, rather than through compulsion. Voluntary return is more dignified and improves returnees' chances of successfully reintegrating with their community. Since February 1999, we have offered reintegration assistance to those who have been in the asylum system and wish to return to their home country.

The IND confirms which applicants are eligible for assistance under the Voluntary Assisted Return and Reintegration Programme (VARRP), which is implemented by the International Organisation for Migration (IOM). The reintegration assistance package is intended to assist with business set-ups, vocational training and education. For a limited period of time, the normal reintegration assistance package has been increased from £1,000 to £3,000 per family member.

We currently run two additional programmes for Afghans. The Return to Afghanistan programme offers cash grants of £600 per eligible applicant (with a ceiling of £2,500 per family) to assist in their reintegration. The Explore and

Prepare programme was launched in October 2003; this is not a voluntary return programme as such, but enables eligible Afghan nationals with status in the UK to return to Afghanistan for up to a year to assess the situation and prepare for the return of their family or community.

### The broader migration agenda

In October 2005, the Global Commission on International Migration (GCIM) published a report covering a wide range of global migration issues, including: labour migration; migration and development; irregular migration; migrants in society; the legal and the normative framework for migration; and governance and the need for policy coherence at international, regional and national levels. The GCIM was established in December 2003 by UN Secretary-General Kofi Annan to: provide a framework for the formulation of a coherent, comprehensive and global response to migration issues; put international migration on the global agenda; analyse gaps in current policy approaches; and examine links between migration and other issues.

A ministerial conference focusing on migration from west Africa to Europe took place in Rabat in July 2006. It examined ways in which countries of origin, transit and destination on the west Africa migration route can enter into practical partnerships to manage migration flows better and will be followed by similar work focused on east Africa.

There will be a UN High Level Dialogue on International Migration and Development in September 2006, which will explore ways of maximising the development benefits of migration and minimising the risks. These will include: actions to make remittance transfers cheaper, faster and easier; supporting developing countries to establish well-managed migration regimes; increasing the developmental impact of diasporas; and addressing the root causes of migration.

The last year has also seen a large number of tragic events occurring as the result of migrants' efforts to reach Europe. In October 2005, African migrants died as they tried to scale fences surrounding the Spanish enclaves of Ceuta and Melilla. In the first half of 2006, the number of migrants from Africa intercepted arriving at the Canary Islands by boat exceeded the number intercepted during the whole of 2005. During the UK's presidency of the EU, we pushed for the initiation of a broad and balanced dialogue with Africa on migration. A pan-African ministerial conference on migration, at which the AU will act as primary interlocutor, is scheduled for 2007. This will be supplemented by dialogue with regional African organisations, such as ECOWAS.



One of many would-be immigrants from Africa receive first aid after arriving in the Canary Islands, 19 August 2006. A pan-African ministerial conference on migration is scheduled for 2007.



A villager participates in a "People's Summit Against Poverty" in New Delhi, September 2005. This event was organised by voluntary NGOs in India.

<< We used to think that tackling the problems of food insecurity, water insecurity, climate insecurity and energy security, whether through aid or through the disparate opportunities of trade, was in 'their' interest - the people most directly at risk. Increasingly today we realise that it is in our interest. 'We the people' are all the people of the world. >>

FOREIGN SECRETARY MARGARET BECKETT  
SPEAKING IN WASHINGTON IN JULY 2006

## Economic, social and cultural rights

### 7.1 Introduction

The realisation of all human rights, especially social, economic and cultural rights, depends on our planet being able to sustain human life at the levels we have come to expect. Demand for natural resources is growing all the time, partly due to the pace of development, partly due to population increases and partly due to rising expectations. Today, we in the UK - and elsewhere in the developed world - enjoy a quality of life that previous generations would have considered way beyond the means of most people. The globalisation of communication means that this "western" lifestyle is now aspired to in countries around the world.

The consequences of this are far-reaching. If people cannot find adequate food, education, work and healthcare for themselves and their families in their own countries, they will go (either legally or otherwise) to countries where they can. If they have access to natural resources which they can exploit in order to have a better life, then they will exploit them to the full, however unsustainable this may be in the longer term. There is also growing evidence to suggest that climate change poses a very real threat to much of the progress made to date. None of us can escape these consequences; we have only one inhabitable planet. If we are not to ruin it for future generations, we must act now.

The UK supports the view that all human rights are universal, indivisible, interdependent and interrelated. Economic, social and cultural rights therefore have equal status with civil and political rights. But whereas respect for civil and political rights does not depend on significant resources, respect for economic, social and cultural rights can only be realised progressively, within the limitations imposed by the availability of public resources.

The government devotes considerable resources to development assistance (bilateral and multilateral) to enable people to realise their economic, social and cultural rights. But development is only sustainable where civil and political rights are also respected. With that in mind, in July 2006, the government produced a major white paper, *Eliminating world poverty: making governance work for the poor* (see page 236). If governments are to deliver on their commitments regarding the rights to education, work, housing and health, the development process must be properly managed.

This chapter looks at how the Foreign and Commonwealth Office (FCO) and other government departments have worked over the past year to promote key economic, social and cultural rights, such as the right to food, water, health and housing. It looks at how we are tackling some of the major threats to the realisation of these rights by promoting

## UK action at the UN

Delegates at the UN General Assembly (UNGA) in December 2005 adopted a number of resolutions on economic, social and cultural rights by consensus. These covered topics including human rights and cultural diversity, co-operatives in social development and implementing the outcomes of the World Summit for Social Development. Two resolutions – on the right to food and the right to development – were adopted after a vote. The UK voted in favour of both.

sustainable development, protecting the environment, tackling climate change and promoting fair trade. With the 200<sup>th</sup> anniversary of the abolition of slavery in the British Empire approaching, it examines how we are tackling the barriers that deprive people of the right to work in just and favourable conditions by combating modern forms of slavery, such as bonded and forced labour and people trafficking.

The realisation of human rights can never be the sole responsibility of government. Governments need the support of business, trades unions, non-governmental organisations (NGOs) and multilateral institutions, as well as the support of ordinary people. This chapter therefore also examines how the components of global society are working together to provide people with the means to live a full and fulfilling life without compromising the lives of future generations.

We continue to believe that the best foundations for achieving sustainable development are respect for all human rights and the progressive realisation of democratic

principles and values. Credible evidence shows that countries with democratic governments that respect human rights tend to outperform those that do not on all development indicators over the longer term. They are more capable, accountable and responsive, and far more likely to care about the future of our world. Throughout its long history, the UK has never been isolated from the world. Today, more than ever, distance no longer insulates; engagement is not just a moral duty, it is a vital interest.

## 7.2 Human rights, the environment and sustainable development

Sustainable development is about enabling people worldwide to satisfy their basic needs and enjoy a good quality of life

<< Countries with democratic governments that respect human rights tend to outperform those that do not on all development indicators over the longer term. >>

without compromising the quality of life of future generations. The UK government's sustainable development strategy (published in March 2005 and available online at: [www.sustainable-development.gov.uk](http://www.sustainable-development.gov.uk)) puts sustainable development at the heart of the UK's domestic and international policies. It recognises that countries which are democratic and whose governments respect the rule of law, respond to the needs of their people and promote good governance, are more likely to achieve sustainable development.

## The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

In January 2006, a UN working group met for the third time to discuss the form and scope of a possible Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The protocol would enable individuals from states parties to petition the UN Committee on Economic, Social and Cultural Rights if they believed that their rights as set out in the covenant had been violated. Given the broad nature of the covenant and the fact that states parties are required to "progressively realise" the obligations set out in it, the UK continues to question whether the individual petition procedure is appropriate. However, we recognise that many countries are in favour of the protocol. We support moves towards drafting it, on the condition that all options regarding the form and scope of the optional protocol remain under discussion.

Over the past year, officials from across Whitehall have been examining the covenant and assessing the extent to which the rights set out in it are susceptible to judicial or administrative remedy in the UK. This research is now informing our thinking on options for a mechanism that would allow for individual complaints to a UN committee. In July 2005, a member of the UN committee that oversees the ICESCR came to the FCO to talk to Whitehall officials about the covenant and explore what an optional protocol might mean for UK government departments. In February 2006, Amnesty International held an experts' meeting on the optional protocol, attended by a number of government officials. Both events were useful in furthering the debate. In June 2006, the new UN Human Rights Council (HRC) mandated the working group to draft the optional protocol.

## Ecuador: involving citizens in environmental decision-making

In Ecuador, the GOF Sustainable Development programme is working with the Ministry of the Environment to ensure public involvement in the government's environmental decision-making process.

Article 28 of the 1999 Ecuadorian Environmental Management Law established the need for a regulation on public involvement. The GOF project is funding work towards the drafting of this regulation. In 2004, with the support of the International Development Bank, the US Agency for International Development (USAID) and the Dutch Co-operation Programme, the Ecuadorian environmental NGO ECOLEX and the ministry launched a series of regional workshops and roundtables, giving stakeholders from national and local government institutions, chambers of commerce and civil society groups the opportunity to contribute to the drafting of the regulation.

A final version has now been agreed by the environment minister and passed to the president for approval. The regulation will make it compulsory to consult Ecuadorian citizens as part of the process of decision-making on environmental issues.

The FCO's own strategy for sustainable development - which flows from the UK strategy - was also published in March 2005 (available at: [www.fco.gov.uk/sustainabledevelopment](http://www.fco.gov.uk/sustainabledevelopment)). The strategy's aims include promoting democracy and good governance, and providing better protection for human rights. It also commits the FCO to promoting good environmental governance - that is, the fair, equitable and sustainable management of natural resources.

We therefore support the Partnership for Principle 10 (PP10),



Oil lakes form next to an oil drilling site in the rain forest in eastern Ecuador. The UK is working with the Ecuadorean Ministry of the Environment to ensure public involvement in their decision-making process.

## UK adopts new strategic priority

In June 2006, the UK adopted a new international strategic priority (SP6): to achieve "climate change security by promoting a faster transition to a sustainable, low-carbon global economy". The new priority reflects the fact that an unstable climate threatens the UK's ability to secure its political, security and economic objectives and acts as a barrier to development and a destabilising factor in the global economy. The impact on individual countries will vary, with the poorest countries likely to be the worst affected. We need a step change in the scale and urgency of the international response, and a rapid acceleration in the deployment of clean and energy efficient technologies.

a partnership of states, international groups and civil society organisations working for the implementation of Principle 10 of the 1992 Rio Declaration on Environment and Development. The principle provides for access to information, public participation in environmental decision-making and access to justice on environmental matters. During the financial year 2005-06, we supported over 30 projects promoting the implementation of PP10 and supporting its work in 14 countries. We are also actively supporting a number of other environmental democracy projects through the Global Opportunities Fund (GOF) Sustainable Development programme (see Annex 2 for project details).

### Climate change

Climate change is not just an environmental challenge. It has the potential to set international development back many years, and to seriously undermine global security, good governance and human rights. The socio-economic impacts are complex and varied and will be most keenly felt in developing countries, which are less able to anticipate climate change - or to cope with its effects. The FCO plays a key role in furthering UK work on international efforts to tackle climate change through international treaties and processes, such as the UN Framework Convention on Climate Change, and through its diplomatic posts around the world.

The FCO is working through the UK's International Energy Strategy (available online at [www.fco.gov.uk](http://www.fco.gov.uk)) to help countries respond to these challenges. Through the GOF Climate Change and Energy programme, we are supporting capacity-building in developing countries, including the least developed countries and small island states, to enable them to participate in negotiating a new UN Framework Convention on Climate Change to replace the existing one, which will end in 2012, and to strengthen their ability to

In July 2006, the new Foreign Secretary Margaret Beckett made her first bilateral visit to Brazil, reflecting Brazil's valuable role as a strategic partner in tackling global issues, such as climate change, and promoting sustainable development. Public awareness in Brazil of the challenge of climate change is growing, and President Lula's government is energetically promoting the use of biofuels at home and abroad.

The foreign secretary discussed ways of taking forward the bilateral High Level Sustainable Development Dialogue and the operation of the UK-Brazil Working Group on Climate Change, agreed during President Lula's state visit to the UK in March 2006. This includes the further development of a bio-ethanol partnership, which involves both countries exploring ways in which Brazilian expertise can be used to

promote sustainable biofuel use elsewhere in the world.

Both governments looked forward to progress in the ongoing negotiations under the UN Framework Convention on Climate Change (UNFCCC) to agree future action on climate change. The FCO is currently funding projects, worth £2.5m in Brazil, aimed at tackling climate change and promoting sustainable development and good economic governance (see Annex 2). These include an ongoing collaboration between the Brazilian Meteorological office (CPTEC) and the UK's Hadley Centre to assess climate change impacts and design adaptation measures for key urban areas in the region and a project to help combat deforestation by developing a scheme to promote "forest-friendly" soya.

adapt. A project in Brazil is using regional climate change scenarios as a basis for studies on vulnerability and adaptation in Brazil and South America. Go to [www.fco.gov.uk/gof](http://www.fco.gov.uk/gof) for more information.

**The white paper on eliminating world poverty**

The Department for International Development (DfID) published the white paper, *Eliminating world poverty: making governance work for the poor* (available online at: [www.dfid.gov.uk/wp2006/](http://www.dfid.gov.uk/wp2006/)) in July 2006. The paper sets out the government's future approach to development.

The link between good governance and poverty reduction is at the heart of the white paper. It recognises that people want to be governed well, be treated fairly by their government and public officials and have a say in what happens in their country. They want the chance to earn a decent living for themselves and their families, and they want to be safe. These aspirations are enshrined in the Universal Declaration of Human Rights and the Millennium Declaration of 2000. But the reality for many people in developing countries is very different. Unless governance improves, poor people will continue to suffer from a lack of security, public services and economic opportunities.

Good governance is not just about government. It is also about political parties, parliament, the judiciary, the media and civil society. It is about how citizens, leaders and public institutions work together to make change happen. The white paper sets out three basic requirements for good governance:

- state capability - the extent to which leaders and governments are able to get things done;

- responsiveness - whether public policies and institutions respond to needs of citizens and uphold their rights; and
- accountability - the ability of citizens, civil society and the private sector to scrutinise public institutions and government and hold them to account. This includes, ultimately, the opportunity to change leaders by democratic means.

States that respect civil liberties and are accountable to their citizens are more stable and therefore more likely to attract investment and generate long-term economic growth. Poor governance breeds disillusionment, grievances and conflict. The paper recognises that weak, corrupt governments are more likely to commit human rights abuses. Effective, accountable institutions help to maintain security and justice. Tackling poverty and social exclusion will also help to increase security locally and internationally.

The white paper reaffirms the partnership principles set out in the UK's policy on conditionality. In deciding how to provide assistance to developing country partners, we will in future, consider three principles:

- Is there a commitment to poverty reduction?
- Is there a commitment to uphold human rights and international obligations?
- Is there a commitment to improve financial management, promote good governance and transparency, and fight corruption?

The paper also commits us to developing a "quality of governance" assessment. Together with the three principles, we will use this to decide where and how we will give aid, develop programmes that build capacity and increase

accountability and assess the causes of insecurity and conflict.

The white paper highlights the important role the media and civil society have to play in holding governments to account. For example, civil society can help focus government spending by identifying whether the poor – including women and disabled people – will benefit and lobbying to ensure that

<< **The UK will support more responsive government by encouraging governments to involve the poor in decision-making, produce better statistics on poverty and monitor their own progress.** >>

they do. The UK is committed to providing continued support for civil society. A new governance and transparency fund will be set up to help strengthen media and civil society and help citizens hold their governments to account. The UK will also support more responsive government by encouraging governments to involve the poor in decision-making, produce better statistics on poverty and monitor their own progress in overcoming it.

All human beings have a right to food, clothing, shelter, education, health and social security. The white paper focuses on the four essential public services countries need if they are to make progress towards their Millennium Development Goals (MDGs): education, health, water and sanitation and social protection. Developing countries need to increase investment and capacity and address the barriers that prevent the poor – in particular – women, girls and disabled people – accessing these services. The paper commits the UK to helping tackle these barriers – for example, by combating discrimination and supporting access to sexual and reproductive health services.

#### **The Millennium Development Goals**

In September 2005, world leaders met to review progress against the MDGs. The eight goals, which were announced in 2000, include halving the number of people living in extreme poverty; halting the spread of HIV/AIDS; and providing primary education for all by 2015. The UN Secretary-General's implementation report showed that, while progress had been made in many countries, there is still much to be done. In sub-Saharan Africa and southern Asia, the poor are still getting poorer, with millions suffering from malnourishment and an estimated 30,000 children a day dying from preventable diseases.

The UN Secretary-General has emphasised many times that respect for all human rights is essential for security and

### **The Youth Employment Network**

**T**he UK recognises that youth employment plays a crucial role in the eradication of poverty. Work helps young people realise their economic and social rights and helps to maintain social and political stability.

The Youth Employment Network (YEN) is a partnership between the UN, the World Bank and the International Labour Organisation (ILO), which brings together governments, industry, youth organisations and civil society representatives to tackle the issue of youth employment at local, national and global levels. In June 2005, the UK became the first industrialised country to join the YEN. Since then, we have taken a leading role in a number of UN-related events on youth. We held a side event at the 10th Anniversary of the World Programme of Action on Youth, and hosted a meeting for international business leaders at the UN.

We have also provided funding for the establishment of a youth employment unit in Dakar. The unit is born out of the recommendations set out in the UN Office for West

Africa's (UNOWA) report, *Youth unemployment and regional insecurity in West Africa*, and is linked to the Commission for Africa's call for a stronger YEN presence in Africa. It will help ensure that the UNOWA recommendations are implemented in a co-ordinated way, provide a centralised knowledge management resource and promote the sharing of good practice. The YEN is helping governments in the region develop national action plans to tackle youth unemployment, which has become an important political-security issue, as well as a socio-economic one. Job creation is central to conflict prevention.

The UK is also working with a range of businesses through the Business Action for Africa initiative. The aim is to bring diverse interests under one banner with businesses working in partnership to promote development – for example by supporting skills training and encouraging youth enterprise. A number of businesses are currently supporting the development of a skills centre in Tema, Ghana, which will focus on providing high quality technical and vocational training developed in partnership with industry.

development, and that all three are vital to the achievement of the MDGs. The UK fully agrees with Kofi Annan on this point. We also believe that success depends on close co-operation between government departments and between the UK and other governments.

### The right to health

#### *HIV and AIDS*

In its most recent report (available online at: [www.unaids.org](http://www.unaids.org)), the Joint UN Programme on HIV/AIDS (UNAIDS) estimated that in 2005:

- 38.6 million people worldwide were living with HIV;
- 4.1 million people became infected with HIV; and
- 2.8 million people lost their lives to AIDS.

Globally, the epidemic seems to have peaked in the late 1990s. Even in sub-Saharan Africa, the worst-affected region, levels have stabilised in most countries, although they continue to rise in some. Women and young people are disproportionately affected by the epidemic, especially in sub-Saharan Africa, where 77 per cent of the world's HIV positive women live. In the 15-24 age group, three young women become HIV positive for every two men.

Public health strategies and strategies for human rights protection reinforce each other. Discrimination against people living with HIV and vulnerable groups, such as sex workers, injecting drug users and men who have sex with men, is still pervasive. This violates their human rights, and undermines public health efforts to combat HIV and AIDS. Research suggests that fear of stigmatisation and discrimination is the main obstacle to the uptake and use of AIDS services. The most effective way to combat this is to empower people living with HIV and AIDS and those in vulnerable groups to demand their right to information and services and to hold the state accountable.

The UK prioritises the rights and needs of women, young people and children affected by AIDS. We continue to focus on HIV prevention and protecting the rights of vulnerable groups. We also recognise the crucial role people living with HIV and AIDS have to play in formulating effective and appropriate responses, addressing stigma and discrimination and tackling human rights violations. The UK is committed to supporting their active involvement through implementing "Taking action", the UK response to the 2001 UNGA Declaration on HIV and AIDS and the GIPA (Greater Involvement of People living with HIV and AIDS) principle.

The UK is the second largest bilateral donor to combating AIDS (after the US). We have committed £1.5 billion over the

period 2005-2008, of which around 10 per cent will be spent on programmes for children affected by AIDS.

The UK made AIDS a centrepiece of its 2005 presidencies of the G8 and the EU. During our presidency of the EU, we worked to agree a common EU position on HIV prevention - the EU Statement on HIV Prevention for an AIDS-Free Generation. The statement, which was released on World Aids Day in December 2005, stressed the importance of a rights-based approach to HIV and AIDS prevention and called for:

- universal access to sexual and reproductive health information and services for all, including young people;
- provision of clean needles and methadone to drug users;
- reliable access to essential sexual and reproductive health supplies, including male and female condoms; and
- action to confront and address gender-based violence.

Under the UK presidency of the G8, the commitment made at the Gleneagles summit in July 2005 to achieving universal access to treatment by 2010 was endorsed by all member states. The global steering committee, co-chaired by the UK and UNAIDS, set up a working group to look at how the international community - and individual countries - could tackle barriers to universal access by reducing HIV/AIDS-related stigma and discrimination. The group's recommendations fed into the UNAIDS UNGA report.

The UK also co-hosted the Global Partners Forum for children affected by AIDS with UNICEF. The forum, which was held in London in February 2006, focused on legal protection, social welfare systems and access to education, prevention and treatment services for children. Recommendations included promoting comprehensive birth registration, ensuring direct, long-term financial support at community level and eliminating school fees.

The UK has supported a number of specific programmes. These include:

- Harm reduction programmes (including needle exchange) in Russia.
- The work of NAZ Foundation International, which provides technical and financial support for groups and networks of men who have sex with men, and advocates for their human rights at national, state and community level.
- A Bangladesh-based outreach programme that empowers marginalised sex workers and their children to demand access to basic services. This programme is also seeking to increase the capacity of sex workers'



**Katya, age 3, attends a drawing lesson at a Russian school for infectious diseases. Orphans born to HIV-positive mothers often face discrimination from education and health officials in Russia.**



organisations and to change the attitudes of government, civil society, service providers and society at large.

- An HIV and AIDS programme in Ghana, which is working to establish legal and policy frameworks that protect human rights, particularly the rights of people living with HIV and AIDS and vulnerable groups.
- Follow-up activities flowing from the “Champions of Change” event, which aimed to reduce HIV/AIDS-related stigma and discrimination in the Caribbean. Activities have included a conference where faith-based communities and religious leaders met to discuss their role in protecting and promoting the human rights of people living with HIV and AIDS and vulnerable groups.

#### *Maternal mortality and sexual and reproductive health and rights*

In February 2005, the government published a guidance note, *Reducing maternal deaths: rights and responsibilities*.

The guidance aims to help co-ordinate action and ensure that reproductive and maternal health and rights are reflected in EU development policy. The UK’s new maternal health programmes in the Yemen, Cambodia and Pakistan are informed by the “rights-based approach” set out in the guidance, which focuses on enabling people to exercise their rights.

In **Bangladesh**, the UK is contributing to a new US\$4.3 billion maternal health programme, which is strongly committed to a rights-based approach. In **Tanzania**, the UK is working with ministers and other parliamentarians to focus attention on the issue of maternal health and supporting a campaign that encourages people to demand the healthcare they are entitled to. In **Malawi**, we are supporting research into equity of access to maternal health services and demand-side barriers to care. We are also supporting innovative demand-side initiatives, such as the healthcare voucher schemes for pregnant women currently running in Bangladesh and Nepal.

The UK also supports similar initiatives in **India**, where child and maternal health indicators are now to be disaggregated by social status, caste and tribal group, allowing us to track progress among marginalised and excluded groups for the first time. We are supporting international NGOs to address social exclusion issues, which are directly relevant to the reduction of maternal mortality, including the rights of tribal groups to healthcare.

In **South Africa**, the UK has been providing legal and technical advice - and supporting NGOs to do the same - for a number of years, leading to a 91 per cent reduction in maternal deaths arising from unsafe abortion. In **Nepal**, we have supported moves towards a recent change in the law on abortion and the implementation of safe abortion services.

#### **The right to housing**

Article 25 of the Universal Declaration on Human Rights states that “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing ... and necessary social services”. The UK’s work in this area is guided by MDG target 11, which aims “by 2020, to have achieved a significant improvement in the lives of at least 100 million slum-dwellers”. The government is working with the World Bank, Cities Alliance and UN-HABITAT, (the UN Human Settlements Programme), to develop stronger data-gathering mechanisms so we can measure progress against this target.

Through DfID, the UK has provided core funding to UN-HABITAT over the past two years. In 2005-06, we also provided significant core funding to the Cities Alliance, a

## Forced evictions in Nigeria

In early 2006, a number of forced evictions took place in Abuja ahead of the demolition of illegal housing. The British High Commission, which was monitoring the situation, raised it with the Nigerian government, highlighting our humanitarian concerns about those left homeless. The UK government offered support to the Nigerian authorities on land allocation and making alternative arrangements for the affected communities.

global coalition of cities and their development partners, which is working to reduce urban poverty. Part of the alliance's mandate is to support slum upgrade programmes (go to: [www.citiesalliance.org](http://www.citiesalliance.org) for more information).

Over the past 12 months, we have also continued to support the Community-Led Infrastructure Financing Facility (CLIFF), which provides loans for community-led upgrade projects. CLIFF is managed by Homeless International ([www.homeless-international.org](http://www.homeless-international.org)), a specialist UK-based NGO. In India, CLIFF has helped over 5,330 families obtain housing and over 250,000 families access better sanitation. In Kenya, CLIFF is helping 875 families acquire land for housing development, 31 families to build housing and around 1,000 market traders get access to sanitation.

### The right to food

The UK government has worked with the UN's Food and Agricultural Organisation to develop a set of voluntary guidelines to help governments frame their national food security strategies within wider strategies for poverty reduction, and to help NGOs and civil society hold governments to account

We are committed to working with EU member states and African governments on a number of long-term programmes with the aim of taking 16 million people out of chronic food insecurity and humanitarian assistance by 2009. For example, in Ethiopia, a five-year programme is providing 8.29 million people who were formerly dependent on emergency relief with cash and food, and we are now planning a similar project in Kenya, which will run for up to 10 years. We are also aiming to expand our programmes in Malawi, Zambia, Lesotho and Burundi.

## 7.3 Globalisation and fair trade

"Globalisation is a phenomenon of our times. When we talk about globalisation, it is usually the perils or the opportunities globalisation brings with it that we address.

"But because this family of insecurities can only be addressed by a world community understanding our responsibilities one to another, understanding that self interest and common interest go hand in hand, we need nothing less than a globalisation of responsibility. United we stand, divided we fall: one of the oldest political slogans, one of the simplest. But in these times 'we' are not a small group or a small community. We are the whole human family."

Foreign Secretary Margaret Beckett speaking in Washington in July 2006

### World Trade Organisation negotiations

As set out in the government's 2006 white paper on eliminating world poverty, international trade is vital for growth, encouraging competition and increasing productivity. For developing countries, it offers the key to earning their way out of poverty. The UK firmly believes that the best way of improving market access for developing countries is through a strong, multilateral, rules-based trading system.

The UK continues to work hard to secure an ambitious, pro-development outcome to the current round of World Trade Organisation (WTO) talks - the Doha Development Agenda (DDA). The negotiations have moved much more slowly than we would have liked. Nevertheless, some progress has been made over the last 12 months.

Building on the success of the G8 summit at Gleneagles - where G8 leaders reaffirmed their support for the DDA - the sixth WTO ministerial conference took place in Hong Kong during the last month of the UK's presidency of the EU. Although it did not achieve as much as we had hoped, WTO members agreed that a final deal would include:

- an end to all agricultural export subsidies by 2013, with substantial progress by 2010;
- a move, in principle, towards duty- and quota-free market access for all products from the poorest countries by 2008; and
- an end to cotton export subsidies by 2006.

We will continue to engage with our EU partners, the European Commission and other WTO members to work towards a successful outcome to the DDA.

WTO members also agreed before and during the conference to increase substantially trade-related assistance ("aid for trade"). The UK pledged to increase its support to £100 million per year by 2010. We believe that donors should deliver on pledges regardless of the outcome of the negotiations.

## Debt relief

Significant progress has been made on debt cancellation over the past year. The new Multilateral Debt Relief Initiative (MDRI), agreed at the G8's Gleneagles summit, will provide over \$50 billion of debt relief for heavily indebted poor countries (HIPCs). Since then, the boards of directors of the World Bank, the International Monetary Fund (IMF) and the African Development Fund (AfDF) have also signed up to the MDRI.

The IMF has now written off 100 per cent of the debt stock of 20 poor countries and we are confident that the debts of the remaining HIPCs will be written off in 2006. The compensatory increase in donor resources going into the International Development Association (IDA) – the lending arm of the World Bank – and the African Development Bank (AfDB) will be shared among all poor countries, not just the HIPCs.

<< **The new Multilateral Debt Relief Initiative agreed at the G8's Gleneagles summit will provide over \$50 billion of debt relief for heavily indebted poor countries.** >>

The UK government recognises the validity of NGO concerns about the attachment of conditions to debt relief and aid, including by the World Bank and the IMF. The situation has improved over recent years, but there is still more to be done. We continue to press both the World Bank and IMF to ensure that any conditions they attach reflect nationally agreed plans for poverty reduction.

There are no new policy conditions attached to the MDRI. The countries involved in the initiative will have the debts they owe to the IMF, the World Bank and the AfDB cancelled irrevocably and completely. The 18 countries who have participated in the scheme to date have had to demonstrate that they can maintain their commitment to poverty reduction and good financial management. Only one – Mauritania – has failed to do so, and been asked to implement remedial measures.

As well as contributing to the MDRI, the UK will continue to pay 10 per cent of qualifying non-HIPC countries' debt service to the IDA and AfDF until at least 2015. Seven countries currently receive this assistance. We use a proxy measure – the presence of a World Bank Poverty Reduction Support Credit – as evidence of these countries' commitment

to poverty reduction and good financial management. This is not ideal, but we believe it is the best internationally agreed measure currently available. We welcome the work currently being undertaken by the World Bank, NGOs and others to develop a new measure for public expenditure and financial accountability.

## Implementing key recommendations on Africa

The UK made Africa a priority during our 2005 presidencies of the G8 and the EU. Working with international partners, we took forward to many of the themes identified, and recommendations made, by the Commission for Africa.

At the July 2005 Gleneagles summit, G8 leaders agreed to support African countries in promoting good and responsive governance, addressing peace and security challenges, investing in education and improved health systems, supporting international initiatives on HIV/AIDS, TB, malaria and polio and promoting growth. G8 countries also agreed to increase development assistance to Africa.

In December 2005, EU leaders agreed an Africa strategy setting out a framework for the EU's relationship with Africa over the next 10 years. The strategy covers development assistance, sustainable economic growth, regional integration, trade, health and

education. It also promises support for African efforts to tackle conflict and improve human rights and governance. The UK is working hard to make sure that we and our G8 and EU partners deliver on these commitments. The prime minister recently announced the establishment of an independent Africa Progress Panel, to be chaired by UN Secretary-General Kofi Annan, which will hold both G8 and African countries to account.

## 7.4 Corporate social responsibility

In the UK, corporate social responsibility (CSR) is headline news and companies compete with each other to prove their CSR credentials. The FCO works closely with other government departments, such as the Department of Trade and Industry (DTI), as well as businesses, NGOs and international organisations to promote CSR and provide a framework to help businesses act more responsibly. The framework is made up of various initiatives, but there are four in particular that are relevant to the protection of human rights: the Extractive Industries Transparency Initiative (EITI) (see below); the Voluntary Principles on Security and Human Rights (see page 242); the UN Global Compact; and the Organisation for Economic Co-operation

and Development's (OECD) Guidelines for Multinational Enterprises.

The UN Global Compact was set up by UN Secretary-General Kofi Annan in 2000 and consists of 10 principles covering labour rights, environmental protection and anti-corruption. The UK helps fund the running of the Global Compact, and has also sent an NGO liaison officer to work in its New York office. We are, however, funding the development of a website for the UK Network of member companies of the UN Global Compact. The aim of this project is to promote the Global Compact to other UK companies to help expand UK membership and commit more UK companies to applying the Global Compact principles to their business.

The 30 OECD member governments have signed up to the Guidelines for Multinational Enterprises, along with nine other countries. The signatories agree to ensure that companies registered in their country respect the human rights of those affected by their activities. If there is a complaint against a company for breaching the guidelines, a national contact point will assess its validity. The UK's contact point is currently in the DTI. Changes planned for later in 2006 will enable the FCO and DfID to play a more active part and provide clearer guidance on how complaints will be handled.

In 2005, the UN Secretary-General appointed John Ruggie as Special Representative on Human Rights and Transnational Corporations. His role is to review current standards of business behaviour and accountability with regard to human rights. In 2007, the special representative will produce a report containing recommendations on the future development of these standards. The UK continues to be one of the most active countries in this area.

### **The Extractive Industries Transparency Initiative (EITI)**

The EITI was launched by the Prime Minister at the World Summit on Sustainable Development in Johannesburg in September 2002. Its aim is to bring together governments, businesses and civil society groups to improve governance in resource-rich countries by ensuring the full publication and verification of company payments and government revenues from oil, gas and mining. Where governance is good, the revenues from resources can be used to foster economic growth, reduce poverty and stimulate development. Where governance is weak, natural resources can lead to poverty, corruption and conflict - the so-called "resource curse". The EITI aims to defy this "curse" by improving transparency and accountability.

## **Increasing accountability in Cameroon**

Cameroon was one of the first countries to commit itself to the EITI. The government has set up an internal advisory committee to work with the World Bank and the wider international community (in particular the UK, France and Germany). An independent auditor is currently reviewing Cameroon's report on the period 2001-04. The audited version is due to be published in October 2006.

The UK is promoting democracy and accountability in Cameroon by supporting the Access Initiative, a coalition of civil society groups that monitors government implementation of Principle 10 (see page 235). The initiative, which will also feed into future government policy and practice, is being funded by the GOF.

The EITI's primary beneficiaries are the governments and citizens of resource-rich countries. Signing up to the EITI sends a clear positive signal to potential investors and lenders that a country is committed to strengthening transparency and accountability. It also indicates that a country is taking action to tackle corruption and reduce political instability. Transparency is also a crucial first step towards holding decision-makers accountable.

To date, 20 countries have either endorsed or are actively implementing the EITI. They include Peru, Trinidad and Tobago, Azerbaijan, Nigeria and East Timor. The prime minister has set a target that five countries should have completed and published their first full EITI audit by the next ministerial conference in October 2006. Nigeria has already achieved this. For more information, go to: [www.eitransparency.org](http://www.eitransparency.org)

### **The Kimberley Process Certification Scheme**

The Kimberley Process Certification Scheme (KPCS) was introduced in January 2003 with the aim of severing the link between illicit sales of rough diamonds and conflict. To date, 45 countries have signed up (the EU is counted as a single member), including producers of rough diamonds and those trading in them. Between them, member countries are responsible for 98 per cent of the world's rough diamond trade. By joining the scheme, countries agree not to trade in rough diamonds with non-member countries.

The UK remains strongly committed to implementing the KPCS, and is home to one of the EU's four KP "community authorities". These authorities are responsible for issuing certificates for the export of rough diamonds from the EU to other KP countries. The Government Diamond Office (GDO) administers the KPCS from within the FCO. The GDO works

closely with HM Revenue and Customs, the diamond industry and civil society to ensure compliance.

Peer review visits form an essential part of the scheme's compliance mechanisms. By January 2006, 25 visits had taken place and a further 12 are scheduled for later in 2006. Participants, observers and other interested local organisations have been reviewing performance with the aim of further strengthening the scheme. The GDO has carried out a stakeholder survey to assess levels of satisfaction with its service. The results of both reviews will be available later in 2006.

Over the past year, the KPCS has been working closely with the UN and the governments of Liberia and Cote d'Ivoire (which do not belong to the scheme) to address issues relating to the additional UN diamond sanctions that apply to these countries.

## 7.5 Labour rights, slavery and trafficking

### Labour rights and trades unions

The right to work in just and favourable conditions is enshrined in articles 6 and 7 of the ICESCR. Trades unions are the key actors in the struggle for the implementation of these rights; so whether workers enjoy them or not will usually depend on whether they are free to join a trade union. The ILO enshrines these rights through a series of conventions and recommendations. Its eight core conventions cover issues such as freedom of association and of collective bargaining, the abolition of forced and child

labour and non-discrimination. The UK has ratified all eight conventions.

The UK strongly supports the right of workers to form trades unions and is keen to encourage businesses to act responsibly. The UK regards trades unionists persecuted for their work as human rights defenders and, together with EU partners, lobbies governments when necessary to respect their rights.

We are pleased to note that, since last year's annual report, Armenia, Cambodia, Israel, Laos, São Tomé and Príncipe,

<< Since last year's annual report, Armenia, Cambodia, Israel, Laos, São Tomé and Príncipe, Suriname, Tajikistan and Venezuela have ratified Convention 182 on the Worst Forms of Child Labour. >>

Suriname, Tajikistan and Venezuela have ratified Convention 182 on the Worst Forms of Child Labour, bringing the number of ratifications to 160. This represents almost 90 per cent of the 178 ILO member states.

### Slavery

"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."  
Article 4, Universal Declaration of Human Rights

Although illegal in international law, contemporary slavery still exists in a number of forms, including trafficking, bonded labour, forced labour and child labour. Its impact is greatest on the poorest and most vulnerable groups in society. It is difficult to identify and resolve, since fear often stops victims coming forward. Governments, international organisations, civil society and the private sector must work together to break the cycle of poverty and social exclusion that underpins most forms of slavery.

There has been significant parliamentary, media and civil society interest in slavery issues over the past year. There have been three parliamentary debates on the subject: one in the Lords on progress towards eradicating contemporary forms of slavery; and two adjournment debates - one on caste discrimination and one on the government's plans for the bicentenary of the abolition of slavery in the UK in 2007 (see box on page 245).

A young man walks across oil pipelines near his home in Port Harcourt, Nigeria. Militant groups accuse the government of denying them a share of the regional oil wealth and often resort to kidnappings and sabotage to press their demands.



*Slavery by descent*

Discrimination based on descent, to give it the title used by the UN Committee on the Elimination of All Forms of Racial Discrimination, covers discrimination based on forms of social stratification, such as caste. Discrimination of this kind stops people from enjoying their human rights, perpetuates social exclusion and deprives people of opportunities to escape from poverty. For more information, see Chapter 8.

Slavery by descent is common in **Niger**, which has a rigid caste system. Parents often hand over young children to those in a higher caste, richer relatives or “marabouts” (religious leaders). Members of the lower castes are born into slavery and forced to work without pay, usually as cattle herders, agricultural workers or domestic servants. Following strong international pressure, the government of Niger amended the penal code in 2003 to define, prohibit and punish slavery with sentences of up to 30 years’ imprisonment.

However, human rights organisations report that slavery continues, despite government denials. This is partly due to disagreements over the distinction between slavery and long-standing cultural practice. The government now faces

the challenge of ensuring that the new law is properly applied and that measures are put in place to help former slaves rebuild their lives. In June 2005, shortly after the cancellation of a ceremony at which 7,000 slaves were to be freed, two campaigners from a local anti-slavery NGO, Timidria, were arrested. The UK has no permanent representation in Niger, but we raised the cases with the ambassador of Niger to the UK and supported an EU démarche protesting against their detention. The men were released on 17 June 2005, and the case against them dismissed for lack of evidence.

**Bonded labour**

One striking feature of caste discrimination is the extent to which it overlaps with the practice of bonded labour, where people are forced to work as security for a loan which they cannot repay in any other way. Bonded labourers are extremely vulnerable to exploitation. Entire families can be bonded and debts passed down through the generations. Most bonded labourers live in South Asia, and up to 80 per cent are Dalits, or “untouchables”.

Although bonded labour is outlawed in **India** under the constitution and the Bonded Labour System (Abolition) Act



A freed bonded labourer sits with her child, born in bondage, in New Delhi, 30 August 2005. A total of 114 people, who were kept in bondage for nearly 10 years at a stone quarry in the state of Haryana, were freed by an Indian NGO.

1976, it is still widespread. Efforts are being made to tackle the problem: according to the Ministry of Labour's latest annual report, 304 bonded labourers were released and rehabilitated in the year ending 30 November 2005 in Bihar, Madhya Pradesh, Maharashtra, Uttar Pradesh and West Bengal. The report also states that vigilance committees have been set up at district and sub-divisional levels in all states and union territories. A centrally sponsored scheme is carrying out surveys of bonded labourers, raising awareness and administering rehabilitation grants of 20,000 rupees per released bonded labourer. State governments and union territories are being encouraged to incorporate these schemes into their poverty alleviation programmes.

The 2005 ILO report, *A global alliance against forced labour*, recognises that the Indian government has put considerable effort into prioritising the rehabilitation of bonded labourers after their release and notes that workers' organisations, with the support of other civil society groups and NGOs, have also achieved some success. However, the report observes that there are "potentially serious problems of sustainability, when the resources allocated to rehabilitation are insufficient, and when the approaches do not provide for an alternative livelihood in the long term. There have been a disturbing number of cases where, under such conditions, released persons have relapsed into bondage."

The government is funding a number of programmes tackling the issue of bonded labour in India. We are helping civil society organisations in the 100 poorest districts of India address discrimination against Dalits and help marginalised groups realise their entitlements, and supporting "An alternative for India development", a civil society project which aims to reduce chronic child poverty by ensuring sustainable livelihoods for child and bonded labour families in the silk sector. The Andhra Pradesh Rural Livelihoods Project (APRLP) offers credit to poor families in drought-prone areas and sets up village-level sub-committees to address issues of bonded labour, child labour and child marriages. In Prakasm district, an estimated 10 to 12 families have been saved from going into bonded labour as a result of the project and similar results are expected from the other four districts involved.

### Forced labour

Forced labour is a contemporary form of slavery which involves coercing people to work by threatening penalties, such as physical harm, constraint, indebtedness to an employer or the confiscation of identity documents. According to the ILO, an estimated 12.3 million people are currently victims of forced labour around the world. This is a cautious estimate. An estimated 2.4 million are also victims

The year 2007 will mark the bicentenary of the Abolition of the Slave Trade Act, which outlawed the slave trade throughout the British Empire and banned British ships from involvement in the trade. The bicentenary is an opportunity to remember the millions who suffered as a consequence of the trade, to pay tribute to those who campaigned for its abolition and to consider the lessons that have been learned. It is also a chance to reflect on the fact that an estimated 27 million people are still living in conditions of slavery today.

The Deputy Prime Minister has convened an advisory group to develop the UK's plans to commemorate the bicentenary. The FCO, along with other government departments, is planning a number of events and activities.

Community, faith, educational, cultural and other organisations also have an important role to play in the bicentenary. For example, in the museums sector National Museums Liverpool plans to open an International Slavery Museum, and the William Wilberforce Museum in Hull, the National Maritime Museum in London, the Empire and Commonwealth Museum and the City Museum and Art Gallery in Bristol are all planning major exhibitions and educational projects.

of human trafficking. Developments in technology and transport, and the impact of organised crime, are exacerbating the problem of forced labour and creating new forms of coercion and compulsion.

The ILO's Special Action Programme to Combat Forced Labour is actively addressing a range of forced labour issues worldwide. In 2005-06, the Department for Work and Pensions (DWP) supported an ILO project on "Combating the forced labour outcomes of human trafficking", which aimed to raise awareness and strengthen the capacity of policy implementers to identify and combat the forced labour dimensions of human trafficking in selected "source" and "destination" countries. Other countries involved in the project are Germany, Moldova, Poland, Portugal, Romania and Ukraine.

In **China**, the GOF is funding a project to reform the re-education through labour (RTL) system. Human Rights Watch describes RTL as "a system of detention and punishment administratively imposed on those deemed to have committed minor offences, but not legally considered criminals". The project, implemented by the British Council, shares good practice on how minor offences are handled in the UK. In 2004, the National People's Congress announced

plans to reform the RTL system and replace it with an alternative by 2006. However, these plans have met strong resistance and the reform process remains in stalemate.

### People trafficking

Worldwide, men, women and children are trafficked for a variety of purposes, including sexual exploitation and forced labour - for example in agriculture, hospitality services, construction and domestic work. Many trafficked victims are migrants. The clandestine nature of trafficking makes it difficult to gauge the scale of the problem: estimates of the total number of people trafficked into the UK each year vary between 2,000 and 6,000. Globally, the US government

<< **The clandestine nature of trafficking makes it difficult to gauge the scale of the problem: estimates of the total number of people trafficked into the UK each year vary between 2,000 and 6,000.** >>

estimates that between 600,000 and 800,000 people are trafficked across borders each year.

The UK has criminalised trafficking for sexual exploitation and forced labour. Traffickers involved in sexual exploitation have been successfully prosecuted and given heavy prison sentences. To date, there have been no prosecutions for trafficking relating to forced labour.

The House of Lords and Commons Joint Committee on Human Rights conducted an inquiry into human trafficking in February/March 2006. The Home Office submitted evidence to the committee, which is expected to report later in 2006. The Home Office is also developing an action plan on human trafficking, which takes a multi-agency, victim-centred approach in line with OSCE guidelines. The plan will cover investigation, law enforcement and prosecution, and protection and assistance for victims. Between January and March 2006, the Home Office held a public consultation on the plan, inviting responses from stakeholders including NGOs and law enforcement agencies. On 21 June 2006, it published a summary of responses (available online at: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)).

REFLEX is a multi-agency taskforce set up to target organised crime. In March 2006, REFLEX ran "Pentameter",

an operation which involved all 55 UK police forces in a series of raids on off-street prostitution premises. As well as enabling the police to free victims of trafficking, Pentameter also provided an opportunity to reassess the scale of the problem. At the operation's closing conference on 21 June 2006, it was announced that 515 raids had taken place, leading to 232 arrests and the rescue of 188 women, of whom an estimated 84 were trafficked. The police believe that this represents only about 10 per cent of the total number of trafficked women involved in the sex trade. The conference also marked the launch of the Sheffield-based UK Human Trafficking Centre, a "one-stop shop" offering advice and guidance for police, NGOs, immigration and other officials dealing with human trafficking.

The UK plays an active role in all international trafficking fora. We have signed, but not yet ratified, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons ("the Palermo Protocol"). We have not yet decided whether to sign the Council of Europe Convention on Action against Human Trafficking as it may contain measures that could be misused by individuals seeking to extend their stay in the UK without a genuine claim. We are currently carrying out a risk assessment of the relevant provisions. Currently, 23 of the 46 members of the

Council of Europe have signed the convention, including 12 EU member states. We support the broad aims of the convention, and aim to reach a decision within the next few months.

Tackling human trafficking was a priority during the UK's presidency of the EU. We successfully negotiated an EU action plan, which was adopted at the Justice and Home Affairs Ministerial Council on 1-2 December 2005. The plan is designed to ensure a common response to human trafficking and to combat trafficking into, and within, the EU. It focuses on the following areas:

- co-ordination of EU action;
- scoping the problem;
- preventing trafficking;
- reducing demand;
- investigating and prosecuting;
- protecting and supporting victims;
- returns and reintegration; and
- external relations.

The FCO, REFLEX and the Home Office are working with governments and law enforcement agencies in a number of source and transit countries used by traffickers, with the aim of preventing people from becoming victims before they



## Tackling human trafficking

### Pakistan

On 12 December 2005, the Pakistani Ministry of the Interior launched a national action plan to combat human trafficking. The plan, which was developed in conjunction with the International Organisation for Migration (IOM), includes setting up anti-trafficking units (ATUs) with responsibility for pursuing cases against human traffickers.

The UK is building the ATUs' capacity to fulfil their mandate by providing training and donating equipment. Our High Commission in Islamabad has also worked with the Federal Investigation Agency to pursue a landmark case against two high-level traffickers. The traffickers were given 14-year prison sentences (the first time the maximum possible sentence had been passed on traffickers) and fined R220,000 (about £22,000).

### Nigeria

In November 2004, the UK signed a Memorandum of Understanding with Nigeria on Co-operation to Prevent, Suppress and Punish Trafficking in Persons. The Nigerian Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) is running a project with the support of the GOF aimed at raising awareness and increasing knowledge about trafficking and child labour in 13 states in Nigeria, and introducing a community development service campaign. The project is due to run until September 2006.

leave their home country and, where this proves impossible, intercepting them en route to the UK or as soon as possible after arrival. The countries involved are Albania, Lithuania, Montenegro, Romania, Russia, Serbia and Slovenia. The work, which is financed in part by the FCO/Home Office Migration Fund, includes awareness-raising campaigns run by local and international NGOs to help potential victims recognise traffickers' "recruitment" methods. We are also working to increase understanding of the severity of the problem among law enforcement and government agencies.

## 7.6 The right to education

In April 2006, the Chancellor of the Exchequer and the Secretary of State for International Development announced that the UK government would spend at least £8.5 billion in support of education over the next 10 years, most of it in sub-Saharan Africa and south Asia. This long-term commitment will provide governments with predictable funding against which they can prepare ambitious 10-year investment plans to achieve their education goals.

### Globalising education

The Department for Education and Skills' (DfES) international strategy aims to help UK citizens develop the knowledge, skills and understanding they need to lead to live in, and contribute effectively to, a global society and to work in a competitive global economy. It is therefore working to promote the inclusion of eight key concepts in the learning experiences of all children and young people: citizenship; social justice; sustainable development; diversity; values and perceptions; interdependence; conflict resolution; and human rights.

The Global Gateway ([www.globalgateway.org](http://www.globalgateway.org)) has been set up to support and encourage this international dimension in all aspects of education. The site enables schools in different countries to contact each other and work together, and provides access to resources covering all aspects of educational improvement in the UK. In spring 2006, the site was expanded to serve the further and higher education sectors and to include two new zones, on policy and sport. Work on customising the gateway to meet the needs of individual countries is ongoing. By the end of May 2006, 58 countries\* had agreed to endorse and encourage use of the Global Gateway.

### Improving access to education in Nigeria

In its 2006 budget, Nigeria increased expenditure on education by over 30 per cent. However, 7 million children of primary school age still do not go to school. Savings from debt relief will free at least another \$1 billion a year for Nigeria to spend on poverty reduction, helping to employ an extra 120,000 teachers and put 3.5 million more children into school. Nigeria is at the heart of the long-term education initiative recently announced by the Chancellor of the Exchequer (see above). Through DfID, the UK will help Nigeria create a 10-year plan to provide free education for all Nigerian children.

\* Anguilla, Armenia, Austria, Bahrain, Bangladesh, Belgium, Brazil, Brunei, Bulgaria, Canada, Chile, Colombia, Cyprus, Czech Republic, Estonia, Fiji, France, Georgia, Germany, Ghana, Greece, Guyana, Hong Kong, India, Indonesia, Ireland, Italy, Japan, Kuwait, Latvia, Lithuania, Malawi, Malaysia, Malta, Mexico, the Netherlands, Oman, Panama, the Philippines, Poland, Qatar, Russia, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Taiwan, Turkey, Tuvalu, Ukraine, United Arab Emirates, the US and Vietnam.



A Roma boy stands at the door of his home in a poor gypsy settlement in Belgrade, 31 January 2006. Roma form the largest minority group in the EU, but usually remain on the margins of society, living in isolated ghetto-like settlements.

<< If the 21st century wishes to free itself from the cycle of violence, acts of terror and war, and avoid repetition of the experience of the 20th century, there is no other way except by understanding and putting into practice every human right for all mankind, irrespective of race, gender, faith, nationality or social status. >>

SHIRIN EBADI ON RECEIVING THE 2003 NOBEL PEACE PRIZE  
FOR HER WORK ON HUMAN RIGHTS IN IRAN

## Equality and discrimination

### 8.1 Introduction

Under international human rights treaties, the governments of the world have an obligation to prevent discrimination and protect the human rights of all. However, millions of people are denied their fundamental human rights every day because of their gender, their race, their religion, their age, their caste, their physical disability, their sexual orientation or other status. This chapter highlights key areas of concern on issues of discrimination and equality, and shows how the UK government is seeking to address these issues.

In many countries women are prevented from enjoying full human rights and playing an active role in society. Our work has highlighted not only issues of women's participation in public life, but also violations of women's rights in the private sphere, in particular, violence against women. Children, often the most vulnerable members of society, suffer serious abuses and violations of their human rights. As well as the short-term effects, this kind of abuse can also have a significant long-term impact: depriving a child of his right to education, for instance, will affect not only his own future but the future economic stability of his country.

Discrimination, especially against minorities, is one of the main drivers of conflict. Fighting racism and xenophobia and

promoting the rights of minorities, including indigenous people, is one of the four priority areas in the European Initiative for Democracy and Human Rights (EIDHR). The initiative supports education and advocacy, with the aim of encouraging the adoption of national anti-discrimination legislation and policies and ensuring fair access to employment and education. It also promotes fair

<< Millions of people are denied their fundamental human rights every day because of their gender, their race, their age, their caste, their physical disability, their sexual orientation or other status. >>

representation and participation for all ethnic groups at all levels of decision-making. The UK is a major contributor to the EIDHR.

All forms of discrimination and inequality are key underlying causes of poverty. Many of the groups addressed in this chapter face discrimination on multiple grounds, increasing their vulnerability to poverty and social exclusion and preventing them from fully enjoying their human rights. The UK recognises that the social exclusion faced by these groups causes poverty and hampers poverty reduction. The Department for International Development (DfID) is working

with partner governments and international agencies to better understand these issues. In its 2005 policy paper, *Reducing poverty by tackling social exclusion* (available online at: [www.dfid.gov.uk/pubs](http://www.dfid.gov.uk/pubs), then search for the full title), DfID sets out in detail the challenges posed by social exclusion and how it intends to tackle them. This includes analysing the impact of exclusion on poverty reduction in all country programmes, strengthening the collection and analysis of statistics on excluded groups and working with other donors to maximise the effectiveness of development work.

## 8.2 Minorities

All states are made up of different ethnic, national, religious and linguistic groups. The term "minority" is usually used to refer to those groups with less representation or political power than others – so women, who are often in the numerical majority, are nevertheless considered a minority. In March 2006, the UN Independent Expert on Minority Issues called for new and urgent attention to be given to the rights of women facing multiple forms of discrimination, exclusion and violence. Women from minority communities are already among the most disadvantaged and vulnerable; and the expert believes that poverty and conflict create conditions in which they are further disempowered.

In recent years, understanding has grown of the importance of minority rights to conflict issues. The DfID publication *Fighting poverty to build a safer world* (available online at: [www.dfid.gov.uk/pubs](http://www.dfid.gov.uk/pubs), then search for the full title) notes that "where minorities are subject to political discrimination, conflict is ten times more likely to occur". In recognition of this link, the Organisation for Security and Co-operation in Europe (OSCE) has set up an institution dedicated to minority issues: the OSCE High Commissioner for National Minorities has a mandate to act as "an instrument of conflict prevention" by providing "early warning" and, where appropriate, taking "early action" to diffuse tensions involving minority issues that could lead to conflict in the OSCE area. See chapter 3 for more information.

The Foreign and Commonwealth Office's (FCO) Conflict Issues Group is investigating various methods of identifying countries at risk of conflict and has conducted a series of country strategy reviews in states at risk of instability. These show that the abuse of minority rights is a key factor in triggering conflict. DfID is funding a project run by Minority Rights Group International, which aims to reduce the incidence of violent conflict involving minorities by increasing understanding among key decision-makers in governments and international organisations of the links between violent

conflict, poor governance and violations of the rights of minorities and indigenous people. The project is focusing on **Sudan, Kosovo, Nicaragua, Iraq and China**.

The FCO is also funding a number of minority rights projects through the Global Opportunities Fund (GOF). In **Serbia and Montenegro** we are supporting a three-year project implemented by the Institute for War and Peace Reporting, which is developing the capacity of the media in both countries to report more accurately and more widely, thereby raising awareness of minority issues. The project will train 48 journalists a year, publish 24 reports and carry out three in-depth investigations on minority news issues.

We are also working with the Project on Ethnic Relations and the Ministry for the Protection of Minority Rights on a wider-ranging project to promote minority rights in Montenegro. The project has a number of key goals: to introduce a minority law; to establish a more professional Ministry for the Protection of Minority Rights and a clear and comprehensive policy on minorities; to set up permanent consultation mechanisms between government officials and minority leaders; to create an inter-ministerial body to advise on minority issues; to ensure regular co-operation between the ministry and related parliamentary committees; and to develop a stronger relationship between the ministry and the media.

In **Turkey**, European Dialogue, Bosphorus University and the EIDHR are implementing a two-year GOF project focusing on access to criminal justice for minorities. The project also provides models of good policy and practice in the implementation of international human rights standards and national legislation, which will help Turkey satisfy the Copenhagen Criteria on the rule of law and treatment of minorities – a crucial step in the country's journey towards EU membership. The project provides training for trainers drawn from the judiciary, the police, lawyers, prosecutors and NGOs.

A DfID project is working with marginalised groups in **Bolivia**, including rural and indigenous communities, to help them understand their rights and play a more active role in the political process. In many cases, lack of legal documentation is a major obstacle; this can also lead to a cycle of poverty and exclusion. To certify a birth, both parents must have a birth certificate, but many people do not. Without a birth certificate, a child cannot register for school or obtain an ID card. Without an ID card, they cannot vote, access social services or infant health insurance, claim a state pension, marry under civic law, file a lawsuit (or defend against one), or be buried in a cemetery. A key part of the project

therefore involves working with the National Electoral Court and a network of 18 local NGOs to facilitate registration and documentation.

### Dalits

Dalits, or “untouchables”, are at the bottom of the Hindu caste system prevalent in **India** and other south Asian countries. Historically, Dalits have been associated with “polluting” occupations and segregated from mainstream society. Anti-Dalit discrimination remains endemic.

In India, DfID has been working with the Ministry of Health to set targets for including Dalit and Adivasi (officially recognised as a scheduled tribe under the Indian constitution) women and children in its child health programme and to develop a monitoring system and incentives to ensure the targets are met. DfID is supporting similar initiatives in education and other areas.

Our High Commission in New Delhi has raised our concerns about discrimination against Dalits with the Indian government and will continue to do so. During the period covered by this report, commission staff called on the National Human Rights Commission, the National Minorities Commission, the National Commission for Women, the Commission for Scheduled Castes and Scheduled Tribes and various state level authorities. The UK, during its presidency of the EU, held a human rights dialogue with the Indian government in New Delhi on 1 December 2005. Discussions covered a range of issues relating to minorities and minority rights. (See Chapter 3, page 130, for more details).

### Indigenous people

The UK is concerned that many indigenous people do not

enjoy their full human rights, and is committed to helping improve this situation.

#### *The draft declaration on the rights of indigenous peoples*

At its inaugural session in June 2006, the UN Human Rights Council (HRC) voted to adopt the UN Declaration on the Rights of Indigenous Peoples. The full texts of the resolution and declaration are available online at: [www.ohchr.org](http://www.ohchr.org) (search for “UN Declaration on the Rights of Indigenous People”). In the UK’s interpretative statement on the adoption, we welcomed the declaration as a “powerful tool for indigenous peoples around the world to advance their rights and ensure their continued development and growing prosperity as peoples”. However, we expressed our concern at the lack of a wide consensus on the declaration and, specifically, at the failure to take account of the concerns of some states with large indigenous populations. We also emphasised our belief that individual human rights should always take precedence over the collective human rights granted to some indigenous peoples by their governments, and that indigenous people’s right to self-determination should only be exercised within existing state boundaries. The full UK interpretative statement can be read in Annex 1.

### Roma

Roma are the largest minority group in the EU, making up as much as 10 per cent of the population. They are consistently discriminated against by government authorities and mainstream populations. Studies by the UN Development Programme (UNDP) and the World Bank indicate that the highest absolute number of Roma are located in **Romania**, with significant populations in **Hungary, Bulgaria, Slovakia, Serbia** and **Montenegro**. In order to meet the criteria for EU accession, central and eastern European candidate countries have built institutions and passed legislation to address Roma issues. However, poverty levels among Roma are still extremely high, as evidenced in a lack of adequate housing, educational opportunities, limited access to healthcare and institutional bias by judicial and democratic institutions. Their prospects will remain limited unless there is a concerted effort to change long-established patterns of exclusion and discrimination.

We are now a year into the Decade of Roma Inclusion, an initiative adopted by eight countries in central and south-eastern Europe and supported by the international community. The initiative represents the first co-operative effort to change the lives of Roma in Europe and provides an action framework for governments to accelerate social inclusion and improve the economic and social status of Roma across the region. The initiative grew out of a high-level conference hosted by the government of Hungary in

## Social exclusion and indigenous peoples

In February 2006, the Inter-American Development Bank (IADB) approved its first indigenous peoples strategy and an operational policy on indigenous peoples. The UK has actively supported the project and funded two elements: a review of the IADB’s experience with indigenous people in its country strategies and operations; and a series of consultation workshops culminating in a final forum where indigenous leaders met to discuss an advance draft of the strategy. The consultation process included an online discussion to ensure the widest possible participation. The UK worked at board level to ensure that the strategy would cover poverty, inequality and social exclusion issues. We were also keen to ensure the involvement of indigenous peoples. We are now helping the IADB develop a set of implementation guidelines.



Romanian Roma school girls attend a class in Braila, Romania. The British Embassy in Bucharest and British

Council actively encourage applications for Chevening scholarships from the Roma community.

June 2003, where prime ministers and senior government officials from eight countries - Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Romania, Serbia and Montenegro (Montenegro has subsequently declared its independence) and Slovakia - made a political commitment to closing the gap in welfare and living conditions between Roma and non-Roma and breaking the cycle of poverty and exclusion. Their backing signalled a dramatic change in Roma policy and an upsurge in the political will necessary for reform.

In October 2005, the OSCE held a conference in Warsaw on Roma, Sinti (nomadic peoples closely related to the Roma) and travellers. The event focused on the implementation of the action plan for the improvement of the situation of the Roma and Sinti within the OSCE area, the Council of Europe's recommendations on Roma and travellers and the relevant EU standards. In May 2006, a conference was held in Vienna with the aim of developing a set of criteria for measuring the progress made in implementing these policies and the action plan at national and international levels. It also provided an opportunity to share experiences and lessons learned, particularly with regard to ensuring the effective participation of Roma, Sinti and travellers in assessing the impact on local communities.

In February 2006, DfID held a formal launch event for

reports produced by Minority Rights Group International and the European Dialogue on the outcomes of UK-funded project work designed to bring minority groups in central, eastern and south-eastern Europe into the political process. The Minority Rights Group International project aimed to protect and promote the rights of minorities in the region by contributing to the implementation of international standards and domestic legislation and enhancing inter-community understanding. The European Dialogue project aimed to promote the social inclusion of Roma minorities in four countries - the Czech Republic, Bulgaria, Slovakia and Romania - by getting ethnic groups involved in the development of local level policies that address racism and the situation of

minorities. The event brought together government officials, NGOs, international financial institutions and Roma representatives to discuss social exclusion issues across Europe.

#### *Romania*

Romania acted as initial co-ordinator for the Decade of Roma Inclusion between 1 July 2005 and 30 June 2006. Reference terms have been drawn up, a trust fund established and Romany confirmed as the initiative's official language. International organisations, including the European Commission, the World Bank and the Open Society Institute, have agreed to provide financial and technical support.

The British Embassy in Bucharest is in close contact with the Romanian National Agency for Roma and various NGOs. In 2005, the embassy worked with the NGO Progress Foundation who brought a group of young people from the Prince of Wales' Trust to Romania to work on a school and a new community centre in Barbulesti, the largest Roma settlement in Romania. The Barbulesti area was one of many affected by severe flooding in 2005 and, in July 2006, the British Ambassador presented a cash donation and materials collected by the Foyer for Ipswich Lifeskills Training Group for children in Barbulesti. The embassy is currently looking at ways of working more closely with the Roma Resource Centre in Cluj-Napoca, Transylvania, which recently published a comprehensive media monitoring report on discrimination in the Romanian press and media to coincide with International Roma Day. One aim is to increase the professionalism of the regional press in Transylvania and encourage them to report more on Roma issues. Members of the embassy's press and public affairs team plan to take part in a seminar organised by the Roma Resource Centre with

journalism undergraduates at Babes Bolyai University in Cluj. The Embassy and the British Council actively encourage applications for Chevening scholarships from the Roma community and those wishing to study subjects that could benefit Roma. The embassy has also made a donation to a centre in Slatina, which is educating Roma children.

#### *Slovakia*

In 2005-06, Slovak Roma continued to face widespread discrimination in both the private and public sectors. In April 2005, the government plenipotentiary for Roma - Klara Orgovanova - announced the adoption of a national action plan as part of the Decade of Roma Inclusion. The plan promised to target discrimination in four major areas: education; employment; health; and housing. Segregated education continues in many towns, with Roma parents being offered stipends to keep their children in "special schools". Access to healthcare is poor in some communities, while others have 100 per cent unemployment. One NGO commented that Roma "are the last to get jobs and the first to be laid off". Many Roma communities lack access to clean water, electricity, gas and rubbish collection, and there have been cases of Roma being evicted from housing estates and villages. NGOs have queried the strategies for implementation of Slovakia's national action plan. The situation has been exacerbated by a decision passed by the constitutional court in October 2005, which states that any affirmative action for ethnic minorities is unconstitutional.

The British Embassy in Bratislava is in regular contact with the plenipotentiary and the Ministry of Labour and Social Affairs, and has raised the issue of Roma rights with the head of the Human Rights Department at the Ministry of Foreign Affairs. We also take every opportunity to raise the issue with regional officials, governors and mayors and to maintain good relationships with Slovak NGOs working with Roma. Over the past year, the embassy has funded a number of targeted projects:

- a playground for children in a particularly deprived Roma settlement;
- a handbook for mayors on communicating minority issues to their local communities;
- two seminars for lawyers on EU anti-discrimination legislation; and
- three seminars for Roma community volunteers on women's rights.

#### *Poland*

The Polish Ministry of Internal Affairs runs a wide-ranging programme aimed at improving the situation of Roma communities. The majority of the funding is spent on

education, housing repair, tackling unemployment and health. There is also an internship system for Roma students and for Roma children with artistic skills. The ministry is also involved in a project run by the International Organisation for Migration, which aims to establish a network of trainers in Poland, Slovakia, Hungary and Romania, who can then providing training for Roma communities on health, social care and education. The UK has been providing technical assistance through the GOF, including setting up an advisory office to help Roma NGOs apply for various EU funding streams.

#### *Bulgaria*

The British Embassy in Sofia has been financing a radio talk-show produced by Roma for Roma living in the Pleven region. The show, which reaches about 50,000 people, discusses issues such as employment opportunities, Roma culture, decisions of the Roma court and legal cases on human rights violations and discrimination. It also provides listeners with an opportunity to engage in public discussion. A regular bulletin based on the contents of the show is distributed all over the country.

The European Centre for Minority Issues has implemented a two-year GOF-funded project, "Enhancing minority governance in Bulgaria", which ended in September 2005. The project focused on three themes: education and cultural identity; access to public services (health care, social services, housing); and participation in political and economic life. National working groups have now been set up to report to the National Council on Ethnic Issues on each theme, and to feed into relevant legislation and policy.

#### *Serbia and Montenegro*

Roma are the most disadvantaged minority in both Serbia and Montenegro. Many of the countries' estimated 500,000 Roma are internally displaced. The problems they face include widespread poverty, inadequate housing, extremely high unemployment and lack of educational opportunities. The Ministry for Human and Minority Rights houses a Roma Secretariat and has engaged in a number of small-scale projects. In 2002, it worked with the UN and the OSCE to produce a widely praised Roma strategy, which has now been agreed by the Roma National Council in Serbia. However, the strategy has not been implemented and the situation of Roma on the ground has yet to improve. Over the past year, the UK has funded several Roma-related projects, including training for lawyers with the aim of challenging discrimination. The FCO is currently co-funding a Save the Children project (which is also running in Montenegro and Bosnia Herzegovina), aimed at improving access to mainstream education for Roma and other minorities.

### 8.3 Racism and race discrimination

The UK condemns racial discrimination and is committed to combating racism and intolerance at home and abroad as an integral part of promoting and protecting human rights. However, racism, racial discrimination, xenophobia and related intolerance remain global problems, and present challenges that the international community must face together.

The International Covenant for the Elimination of All Forms of Racial Discrimination (ICERD) is the core international instrument in this area. As with all conventions, effective implementation is a challenge. States parties must submit regular reports to the Committee on the Elimination of Racial Discrimination on the legislative, judicial, administrative and other measures they have taken in order to give effect to the

<< Racism, racial discrimination, xenophobia and related intolerance remain global problems, and present challenges that the international community must face together. >>

rights contained in the convention. The UK is party to ICERD and is due to report to the committee later in 2006.

The European Commission against Racism and Intolerance (ECRI) is an independent human rights monitoring body specialising in racism and intolerance, which was set up by the Council of Europe. The commission's independent, impartial members are appointed on the basis of their authority and recognised expertise in dealing with racism, xenophobia, anti-Semitism and intolerance. ECRI analyses racism and intolerance in each of the Council of Europe's member states, then draws up proposals for tackling problem issues. The commission published its third report on the UK in June 2005 (available online at: [www.coe.int/T/E/human\\_rights/Ecri/](http://www.coe.int/T/E/human_rights/Ecri/) - click on "Publications" for a list of recent reports).

Tackling intolerance and discrimination is a priority for the OSCE. In June 2006, the organisation held a conference in Kazakhstan to promote inter-cultural, inter-religion and inter-ethnic understanding. The conference will be followed up later this year at the OSCE's Human Dimension Implementation Meeting, which will include a forward-looking session on the role of young people in building inter-cultural and inter-faith partnerships as a means of conflict prevention.

The OSCE's intolerance and non-discrimination programme continues to raise awareness and develop practical measures to counter prejudice, anti-Semitism, intolerance and discrimination. The Office for Democratic Institutions and Human Rights (ODIHR) has developed technical assistance programmes and practical guidelines for educators on commemorating Holocaust memorial days and worked closely with the Anne Frank House in Amsterdam and education experts from seven countries to develop country-specific teaching materials on anti-Semitism. The materials are now being tested in schools.

A DfID programme based in **Brazil** is working to combat institutional racism through three areas of activity: establishing rules and norms to prevent institutional racism; increasing civil society participation in policy dialogue; and developing more racially equitable public policies. The UK

government would like this programme to provide a model for the whole of Latin America. It has already played an important part in putting racism on the agenda: in Pernambuco, the municipal administration in the capital Recife has set up a Department for the Promotion of Racial Equality; and in Salvador, the government has established a secretariat for reparation. The programme has also led to significant changes in public

policies. Brazil's Millennium Development Goals now include disaggregated race indicators, and the Ministry of Health has launched an internal campaign to combat racism.

The international community continues to be concerned about the misuse of the media, including the internet, to fuel racism and disseminate racist messages. We must take measures to combat this phenomenon at the same time as protecting rights to freedom of opinion and expression. To date, efforts to reach a political agreement in international fora on how best to tackle racist content on the internet have not been particularly successful. Some countries would like to see such content covered by a new optional protocol to ICERD, and this is currently under discussion by the intergovernmental working group set up in the wake of the 2001 UN World Conference against Racism in Durban.

However, the lack of a global consensus on the limits of freedom of expression calls into question whether it will ever be possible to develop an effective international legal framework to regulate hateful content. Discussions are ongoing. The UK supports new standards where they are needed, but will continue to promote the implementation of existing international standards as key elements in the fight against racism. The European Monitoring Centre on Racism



and Xenophobia hosted a conference in Vienna in June 2006 on current trends and developments in racism and xenophobia in the EU member states. Discussion focused on data collection, types of offences, freedom of expression with regard to hate speech and criminal repression, and racism and xenophobia in the media and on the internet. The FCO is supporting a project through the GOF on hate speech and the media, looking at tackling prejudice without censorship. The project spans a number of countries, including Belarus, Russia and the Ukraine.

## 8.4 Freedom of religion and conscience

According to the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) recognised and further defined those rights. We were encouraged by the UN's adoption of an EU-sponsored resolution on the elimination of all forms of religious intolerance in December; but the reality on the ground still often falls far short of the standards set down in international law and declarations.

### The Danish cartoons

The publication of 12 cartoon depictions of the Prophet Mohammed by the Danish newspaper *Jyllands-Posten* in September 2005 was the catalyst for a renewed debate on the relationship between the fundamental rights of freedom of expression and freedom of religion. Muslims were outraged not only at the graphic depiction of the Prophet, prohibited under Islam, but also at the cartoons' association of him with terrorism. This manifested itself in unacceptable acts of violence within the Muslim world aimed at Denmark and other European countries whose press decided to reprint the images.

In a statement made in February 2006, the Prime Minister's spokesman described the attacks as "completely unacceptable" but regretted the offence caused by the publication of the cartoons. He added that "freedom of expression should be exercised with respect for religious belief". Speaking in the same month, the then Foreign Secretary Jack Straw also highlighted the need to respect religious belief: "there is freedom of speech and we respect that, but there is no obligation to insult or to be gratuitously inflammatory".

The EU also condemned the violent reaction to the publications. In a statement also issued in February 2006, the EU highlighted that freedom of expression is considered a fundamental human right, a basic component of democracy and an essential element of political discourse in a

In his speech during the House of Lords debate on co-operation between Christianity and Islam in March 2006, FCO Minister Lord Triesman said:

"The charter and subsequent treaties, including the various international and regional human rights conventions, give us guidance on how to act with others. That is not always comfortable. It means subjecting ourselves to scrutiny and criticising our friends when necessary. It gives us a basis on which to argue for, for example, the elimination of the death penalty or cruel punishment wherever they are applied. It gives us a basis for an opposition to the death penalty that is universal and not discriminatory between countries - we oppose the use of the death penalty in the United States as much as we do in the developing or Islamic countries. It also means that we condemn instances in which individuals are persecuted. That covers condemnation of all cruel, inhuman and degrading punishments, including some that are imposed under Sharia law. Punishments, such as stoning and amputations are wholly inconsistent with international human rights standards, and I do not think that it is wrong of us, as a country with our values, to say so. The United Kingdom condemns all instances of individuals being

democratic society. Independent and pluralist media are essential to a free and open society and to accountable systems of government. Mechanisms to seek redress for those who consider themselves to be offended by published material usually exist. However, freedom of expression should be exercised with due respect for religious beliefs and convictions.

These sentiments were mirrored in a number of statements issued by a range of international bodies, including the OSCE, UNESCO and, most notably, in a joint statement by the Secretary-Generals of the UN and the Organisation of the Islamic Conference and the High Representative for Common Foreign and Security Policy of the EU.

The need for increased dialogue between faiths to promote mutual understanding, tolerance and respect has been high on the agenda since the events. It has been the theme of a number of conferences, including a Wilton Park conference on combating Islamophobia and religious discrimination in May 2006 and an OSCE conference on promoting inter-cultural, inter-religious and inter-ethnic understanding held in Almaty in June 2006. At the time of going to press, religious intolerance was also scheduled for discussion in the second session of the Human Rights Council in September.

The UK will continue to contribute to these initiatives both individually and with our EU partners.

persecuted because of their faith, wherever it happens and whatever the religion of the individual or group concerned.”

These concerns were mirrored by Asma Jahangir, the Special Rapporteur on Freedom of Religion or Belief, in her 2005 report. She also noted that 2006 marked the 25th anniversary of the adoption of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and hoped that this would provide an opportunity for reiterating the importance of promoting freedom of religion or belief. She encouraged governments and NGOs to take stock of their achievements

since 1981, but also to focus on identifying those provisions of the declaration that raise concern and to challenge the rise in religious intolerance.

Many states continue to deny their citizens the right to freedom of conscience, religion and belief and to severely restrict the practice of non-state religious worship. In **Saudi Arabia**, for example, which practises a strict conservative version of Sunni Islam, the public practice of any religion other than that of the state is prohibited and apostasy is punishable by death.

A Pakistani police officer inspects a mosque in Jandu Sahi belonging to the Ahmadi faith, allegedly destroyed by fellow villagers, 6 July 2006. Members of the

Ahmadi faith regard themselves as Muslims, despite a 1974 Pakistan's constitutional amendment declaring them non-Muslim.



Abdul Rahman, a 41-year-old Afghan citizen, was arrested in February 2006 in Kabul following a domestic dispute. During the court proceedings, it emerged that he had converted to Christianity 16 years earlier.

On 22 March, FCO Minister Dr Kim Howells made a public statement expressing the government's deep concern over the charges facing him, and on 23 March the then Minister of State Ian Pearson summoned the Afghan chargé to the FCO to relay our concerns and urge Afghanistan to respect its obligations under article 18 of the ICCPR. The British Ambassador in Kabul raised our concerns with the Afghan Ministry of Foreign Affairs.

Despite widespread speculation that Rahman would be charged with apostasy, the case was adjourned, apparently on a technicality. Abdul Rahman left Afghanistan and was granted asylum in Italy.

Article 2 of the Afghanistan constitution enshrines religious freedom. The UK and other members of the international community continue to encourage the Afghan government to adhere to it.

Freedom of religion remains an issue in **Eritrea**, where all religious groups are required to register their activities. Acts of worship by faith-based groups that are denied official registration, including the Jehovah's Witnesses and the Kale Hiwot church, are harshly punished. NGOs and religious organisations claim that 1,700 members of these groups have been arrested and detained without charge in overcrowded prisons, freight containers and military prisons, although the UK cannot confirm this figure. Eritrea's four main religious groups (Orthodox Christians, Muslims, Catholics and the Protestant Evangelical Church of Eritrea) are allowed to practice. They are free to preach the gospel as long as they do not criticise the government or its policies.

FCO Minister for Africa Lord Triesman wrote to President Isaias on 6 October 2005 during the UK's presidency of the EU, urging him to improve the human rights situation in Eritrea. He has also called in the Eritrean ambassador on several occasions to express our concerns about human rights abuses - a message which is frequently reiterated at meetings between senior FCO officials and the Eritrean ambassador. Our own ambassador in Asmara also regularly raises these issues with the Eritrean government both bilaterally and in collaboration with our EU partners. Human rights issues will form a key part of the discussions at the next EU/Eritrea political dialogue meeting.

The right to freedom of religion is enshrined in **India's**

constitution. India has also signed and ratified five of the six core UN human rights treaties, including the ICCPR, which provides for the right to freedom of religion. However, according to the media and civil society organisations, there have been repeated attacks on religious minorities, outbreaks of sectarian violence between religious groups and incidences of discrimination within religious communities. We continue to receive reports alleging religiously motivated attacks against Christians, Muslims and Tribals. Most of these are attacks by Hindu extremist groups on Christians in Orissa, Maharashtra, Andhra Pradesh, Madhya Pradesh, Rajasthan and Uttar Pradesh. There have also been allegations that Hindu and Christian groups are involved in forced conversions.

Amendments to the Freedom of Religion Bill in 2002 made it a crime to force someone to change their religion or to offer them incentives to do so. While Christians, Muslims and other minority religions agree that forcible conversion is ethically wrong, some contend that the amendments could result in false accusations. Some religious groups argue that such legislation could be used to jeopardise a wide range of legitimate religious activities, such as charitable work. This has already led to lengthy and expensive delays in some cases as those wishing to convert have had to sign legally binding documents to prove that they are doing so willingly.

Anti-conversion laws are currently in force in Arunachal Pradesh, Chhattisgarh, Gujarat, Madhya Pradesh and Orissa. In February 2005, the state government of Rajasthan announced that it intended to enact its own anti-conversion law. The Rajasthani legislative assembly approved the bill in April 2006, but the state governor has so far refused to give her assent to the legislation. In the same month, Tamil Nadu introduced a bill to formalise the repeal of its anti-conversion law.

We continue to raise concerns about incidents of religious intolerance in India, including attacks against Hindus, Muslims, Sikhs and Christians. We urge the Indian authorities to uphold the right to freedom of religion and to bring to justice those responsible for attacks against people of all religions.

In **Pakistan**, discriminatory legislation, including the Hudood Ordinances, blasphemy law and the anti-Ahmadi laws, continue to foster an atmosphere of religious intolerance and to erode the social and legal status of religious minorities. The Ahmadi consider themselves Muslims but have been declared non-Muslims under section 298C of the Pakistan penal code. Certain groups, including Khattam-e-Nabuwat, use the blasphemy laws to target religious minorities.

Though President Musharraf has made public statements calling for the reform or repeal of these laws, the government has so far been unable to achieve this as there is insufficient political support for the president's reform agenda.

Procedural reforms of the blasphemy laws have now begun: anyone wishing to register a blasphemy case must now approach a deputy superintendent of police and provide witnesses. This should reduce the scope for abuse, but implementation at ground level is proving more difficult. Police protection remains ineffective and the perpetrators of attacks on minorities are rarely brought to justice.

Sectarian violence continues. On 12 November 2005, a crowd of around 1,500 people attacked and burned down two churches, a church-run school, a students' hostel and a priest's house in the Sangla Hills. This followed accusations that a Christian had set light to a room in an Islamic school housing old copies of religious texts. During Ramadan in late 2005, sectarian extremists opened fire on an Ahmadi place of worship in Mong, during prayers, killing several people. In February 2006, several people were killed by an explosion in Hangu in North-West Frontier Province during the Shi'ite Ashura festival, and an explosion at a religious festival in Karachi in April 2006 killed at least 55 people.

In last year's report, we raised concerns regarding the requirement that passports state the holder's religion. We have continued to raise this with the government of Pakistan.

Ahmadis are still unable to obtain the key identity documents they need - for example, in order to register to vote - without denying that they are Muslims.

We regularly express our concerns about the treatment of religious minorities to the Pakistani government. In December 2005 - during our presidency of the EU - we delivered a *démarche* to the government on behalf of all member states. A follow-up *démarche* was delivered in June 2006. We also act bilaterally. Kim Howells, the FCO minister responsible for South Asia, raised the treatment of religious minorities with Pakistani Prime Minister Shaukat Aziz in March 2006, calling on him to take action to protect these groups. The Archbishop of Canterbury visited Pakistan from 22 to 29 November 2005 with the aim of promoting inter-faith dialogue. He used his visit to draw the attention of both the president and the prime minister to the problems faced by Christians and other minorities, in particular with respect to the blasphemy law.

There is a reasonable level of religious freedom in **Tajikistan**, although the government is tightening control over individual proponents of Islam as part of its policy to keep a check on radical Islam, which differs from the version sponsored by the state. In the past year, the government has banned the wearing of the hijab in state schools and discouraged attendance at madrassahs. There has also been a number of arrests of members of the banned organisations, the Islamic Movement of Uzbekistan and Hizb-ut-Tahrir. A new draft law

## The Freedom of Religion Panel

The FCO's Freedom of Religion Panel, a forum for sharing information and discussing strategies for promoting and protecting religious freedom, reconvened for the first time in three years in March 2006 and again in July 2006.

In light of the recent controversy over the publication of cartoons depicting the Prophet Mohammed in a Danish newspaper (see box on page 255), the March meeting focused on how to reconcile respect for freedom of religion with freedom of expression. While there was no clear agreement on many of the issues, there was a general consensus that individuals should take responsibility for their actions in exercising their right to freedom of expression. ICCPR article 19 and article 10 of the European Convention on Human Rights (ECHR) specifically refer to the responsibilities that accompany the exercise of these rights.

The meeting also looked at the future role of the panel. Delegates agreed that it should:

- focus on operational issues and areas where it can

- inform and add value to the work of the FCO;
- address systemic issues which affect all religions, rather than problems specific to any one religion or country;
- ensure that only those actively working to promote religious freedom in the international context can be members; and
- consider forming smaller groups within the wider panel to discuss specific issues.

Participants agreed to prepare short discussion papers on topics for future meetings, including recommendations for action. Subjects include:

- ideas to commemorate the 25th anniversary of the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief in November 2006;
- the registration of religions/religious groups; and
- apostasy.

At the July meeting, the panel discussed ways to commemorate the 25th anniversary of the declaration.

on religion that would significantly restrict the practice of religious belief has gone back to the government for review. The government has told the OSCE it will look at the law again after the presidential elections.

Last year's report on **Sri Lanka** focused on anti-conversion laws and moves to consolidate the position of Buddhism by constitutional amendment and legislation that would control "unethical conversion", in part through criminal sanctions. The bill, which appears to undermine the guarantees of religious freedom enshrined in the Sri Lankan constitution and to be inconsistent with Sri Lanka's international human rights obligations, is still being debated.

While followers of the country's four main faiths are mainly able to worship freely, there have been consistent and credible reports of harassment, intimidation, destruction of property and occasional violence against Christians over the last three years. While the incidents appear to be localised rather than nationally orchestrated, they highlight the Sri Lankan authorities' lack of capacity to protect Christians and members of other faiths, and their failure to prosecute those responsible for inciting and committing violent acts. Occasionally, the wider conflict, which is mainly fought along ethnic lines, finds expression through religious symbols as the main ethnic groups follow differing faiths. In 2005, the erection of a Buddhist statue in the north-eastern port of Trincomalee led to tension in the town.

The British High Commission actively seeks opportunities to work with religious groups to help them resolve issues through dialogue, rather than legislation or violence. We will continue to make clear to the Sri Lankan government that we expect them to meet their international and constitutional obligations.

## 8.5 Disability rights

Negotiations for a UN Convention on disability rights ended in August 2006 with an agreed text that aims to secure the full enjoyment of human rights and fundamental freedoms for disabled people everywhere. The Ad Hoc Committee in New York, where negotiations took place, met for its final session and a text was agreed on Friday 27 August. This will be sent to the UN General Assembly for formal adoption in December.

The Department for Work and Pensions led for the UK at the negotiations. Dr Richard Light represented British disabled people on our delegation. The delegation exchanged ideas with NGOs on the text of the draft Convention before each set of discussions. The UK played an active part throughout the negotiations in ensuring that the Convention will support our

In November 2005, during its presidency of the EU, the UK held a conference on disability, which was organised by the DWP and co-funded by the European Commission. The overarching theme of the conference was to champion the adoption of a mainstream approach to disability issues across all government policy areas. It also built on the work done during the 2003 European Year of Disabled People, complemented the mainstreaming aspects of the European Commission Disability Action Plan 2005 and promoted the themes set out in the European Commission's action plan for 2006–07.

The programme showcased UK and EU member states' achievements on disability issues. Workshops explored ways of removing further barriers to full inclusion.

The conference highlighted the need to give disabled people more independence and empowerment, as they are often seen as recipients of care and charity.

The involvement of disabled people and their organisations was considered important when introducing change that affects disabled people. Consulting disabled people would help with the better acceptance of new policy and legislation.

Anne McGuire, UK Minister for Disabled People, called for the establishment of an annual conference of European Ministers with policy responsibility for disability with the aim of sharing good practice.

commitment to ensuring that all disabled people enjoy the full range of human rights.

Full information on the Convention can be found at the UN website - [www.un.org/esa/socdev/enable/rights/adhoccom.htm](http://www.un.org/esa/socdev/enable/rights/adhoccom.htm). Dr Light also maintains a website about the draft Convention - [www.un-convention.info/](http://www.un-convention.info/) - which is designed to provide information about the negotiations for disabled people and NGOs.

## 8.6 Sexual orientation

Non-discrimination is one of the basic tenets of international human rights law; yet all over the world, lesbian, gay, bisexual and transgender (LGBT) people suffer human rights violations. These violations are not limited to restrictions on same-sex relations (although these remain illegal in many countries and punishable by death in some); often, sweeping laws - for example, against indecency - are used to criminalise the LGBT community. This discrimination means that they are also often seen as legitimate targets for abuse by their

governments and the wider population.

At the OSCE Human Dimension Implementation Meeting in Warsaw on 19-30 September 2005, the UK, on behalf of the EU, made a closing plenary statement expressing concern that consenting same sex acts are illegal in two OSCE member states (Turkmenistan and Uzbekistan), and asking the OSCE to give proper consideration to the issue of tolerance and non-discrimination in relation to sexual orientation. We also called for sexual orientation to be mainstreamed into other tolerance and non-discrimination events. The OSCE subsequently invited the chief executive of the International Lesbian and Gay Association to give the keynote speech at its first Supplementary Human Dimension Meeting of 2006 on human rights defenders.

In January 2006, the European Parliament adopted a resolution on homophobia in Europe, strongly condemning all discrimination on the basis of sexual orientation. The resolution also calls on member states to protect LGBT people from homophobic hate speech and violence and to ensure that same sex partners enjoy the same respect, dignity and protection as the rest of society. This resolution will help further combat discrimination on the grounds of sexual orientation throughout the EU.

In the same month, the UN's NGO committee voted to deny accreditation to two LGBT NGOs - the International Lesbian and Gay Association and the Danish National Association for Gays and Lesbians. In May, a further two LGBT organisations were denied. The UK and the EU are concerned that they are being unfairly discriminated against. The EU has been lobbying to try and improve the situation.

Also in January, **Nigeria** put forward a bill outlawing public advocacy and associations supporting the rights of lesbian and gay people, as well as same sex relationships and marriage ceremonies. We are concerned that the proposed legislation will stop Nigeria meeting several of its international human rights obligations, including the right to privacy, the right to association and the principle of non-discrimination, and criminalise the country's LGBT community. It will also criminalise NGOs and human rights defenders who work on behalf of the community, whether directly or indirectly (for example, in the field of HIV/AIDS), and lawyers called on to defend clients accused under the new law. Along with our EU partners, we have discussed the issue with Nigerian NGOs campaigning against the proposed bill and plan to raise our concerns with the Nigerian authorities.

Over the past year, gay pride marches in **Poland, Russia, Latvia, Lithuania, Moldova and Romania** have faced



Pakistani women stage a rally to appeal their rights in Lahore, 8 March 2006. Thousands of women demonstrated in rallies on International Women's Day, demanding freedom, equal rights and an end to discriminatory laws.

obstructions and, in some cases, outright bans. All these countries have made an international commitment to protect their citizens from discrimination; yet they permit and in some cases lead the stigmatisation of the LGBT community by opposing marches designed to increase the visibility of LGBT communities and promote equality, tolerance and human rights. We are pleased to note that, ultimately, several of the marches were allowed to go ahead. In February 2006, former FCO Minister Ian Pearson gave a speech during the TUC's LGBT history month event on promoting LGBT rights overseas. His key message was that human rights violations against people from the LGBT community are still shrouded in silence and stigma, and that we should all be willing to speak out on the issue. See Annex 1 for the full text of his speech.

Many governments do not share our views on the rights of the LGBT community, making it difficult to discuss the issue either bilaterally or in international fora. However, states have a duty to respect, protect and fulfil the human rights of all people without discrimination - it is a question of justice and rights, not opinion and morals. To this end, the FCO will continue in its efforts to defend the right of people not to be discriminated against on the grounds of their sexuality or gender identity.

## 8.7 Women's rights

The promotion of women's rights is mainstreamed throughout UK government policy. The FCO promotes women's rights both by supporting measures in international fora and addressing gender issues in our project programmes. The FCO works closely with other government departments, particularly the Department of Trade and Industry's (DTI) Women and Equality Unit (WEU), which leads on gender issues, and DfID. We also co-operate with the independent Women's National Commission (WNC), the government's official advisory body on the views of women.

### Women's rights in UN fora

#### *The Beijing Declaration and Platform for Action*

The Beijing Platform for Action and the outcome of UNGA's 23rd special session, the Beijing+10 regional conference, constitute the most comprehensive set of international commitments to gender equality and women's rights drafted to date. They remain as relevant today, as when they were adopted in 1995 at the Fourth World Conference on Women ("the Beijing conference"). The platform calls on governments to take action to protect and promote the human rights of women and female children; to eradicate the burden of poverty on women; to remove obstacles to women's participation in public life and decision-making; to

ensure equal access to education and healthcare; to promote economic autonomy for women; and to encourage equitable sharing of family responsibilities.

#### *The Commission on the Status of Women*

The Commission on the Status of Women (CSW) was set up in 1946 to prepare recommendations on promoting women's political, economic, civil, social and educational rights. The UK has been an active member of the CSW since 1957. Following the 1995 Fourth World Conference on Women, the UNGA mandated the CSW to oversee the follow-up to the Beijing Platform for Action.

The UK is currently one of the four vice-chairs of the CSW bureau. Our CSW priorities are to promote the advancement of women and gender equality within the international community and to ensure that UK experience and interests are taken into account in shaping the international gender equality agenda. The commission's annual two-week session was held between 27 February and 10 March 2006. The UK delegation included officials from the FCO, DfID, DTI, the UK mission to the UN and the WNC. In 2006, the two main themes were "the enhanced participation of women in development" and "the equal participation of men and women in decision-making at all levels". After difficult negotiations, conclusions were agreed on both themes.

On the theme of enhanced participation of women in development, the UK and our EU partners sought a reaffirmation of previous international commitments to gender equality and women's empowerment. We also argued for stronger language on issues, such as access to education and employment, and sexual and reproductive health and rights. Negotiations were made more difficult by the sensitivities surrounding the latter issue.

We were keen to ensure a balance between stressing the responsibility of developing countries' governments to take charge of their own reforms and the role of the international community in providing the necessary financial support. Although the text finally agreed did not contain significant new commitments, it did provide a useful reaffirmation of member states' commitment to the Beijing Platform for Action and underlined the links between full and effective implementation of the platform and achievement of the Millennium Development Goals.

Consensus was reached on the theme of equal participation of women and men at all levels of decision-making. The main stumbling block had been language on foreign occupation. Negotiations continued until the last minute, but the document was adopted at the end of the session.

The meeting also agreed changes to the commission's working methods, following negotiations chaired by the UK. The CSW will now consider one priority theme per session, creating more time for discussion and dialogue both between member states and with experts in the field and giving members more time to focus on implementing the commitments set out in the Beijing Platform for Action. The priority theme for 2007 will be "the elimination of all forms of discrimination and violence against the girl child".

In previous years, the UK has run a resolution on gender mainstreaming. This year, we decided instead to seek to include strong language on gender mainstreaming in the conclusions adopted under each priority theme. This complemented efforts to streamline the work of the commission.

*The Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women*

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is one of the six core UN human rights instruments. The UK ratified CEDAW in April 1986, and the optional protocol opened for signature in December 1999. We deposited our instrument of accession to the protocol on 17 December 2004, and it entered into force in the UK on 17 March 2005.

The optional protocol does not provide for any more rights than those set out in CEDAW, but it does contain two new mechanisms. The first is an enquiry procedure, which allows the CEDAW committee to conduct investigations into grave and systemic violations of human rights by states party. The second is an individual right to petition, which allows a woman to complain direct to the CEDAW committee if she thinks her rights under the convention have been violated.

In 2006, two applications were made to the Committee for the Elimination of Discrimination against Women against the UK. The UK has submitted its views on both applications and

<< **The UK is committed to ensuring the participation of women in conflict prevention and resolution, including peace negotiations, as well as to raising awareness of the positive role women can play in peacebuilding and reconciliation.** >>

## The UK national action plan: Resolution 1325

The FCO, Ministry of Defence (MoD) and DfID, along with other government departments, are equal stakeholders in developing an action plan for the implementation of the resolution. The plan, which links development, humanitarian, defence and diplomacy work, covers a wide range of areas:

- deploying female military and police personnel in peace support operations where appropriate;
- incorporating gender components into planning for field operations;
- including gender perspectives in all Security Council mandates for peacekeeping and peacebuilding operations;
- auditing UK armed forces peace support operation training to ensure it deals adequately with the areas covered by the resolution;
- making women's issues a core part of the programmes run by the Africa and Global Conflict Prevention Pools;
- maintaining cross-government focus; and
- engaging with civil society.

we are currently waiting for a response.

### Women, peace and security

UN Security Council Resolution 1325 calls on the UN and member states to:

- increase the participation of women in conflict resolution and peace processes;
- incorporate gender perspectives in peacekeeping operations and in the training of peacekeepers;
- take special measures to protect women and girls from gender-based violence; and
- take the different needs of male and female ex-combatants into consideration when planning for disarmament, demobilisation and reintegration (DDR) programmes.

The UK's support for the resolution is now focused on implementing its provisions and ensuring that the necessary mechanisms are in place to monitor that implementation. The UK is committed to ensuring the participation of women in conflict prevention and resolution, including peace negotiations, as well as to raising awareness of the positive role women can play in peacebuilding and reconciliation. We have therefore developed an action plan to implement the resolution's key points and are



systematically looking for opportunities to ensure that gender concerns are properly addressed in resolutions, mission mandates and progress reports at the UN and other international organisations.

In June 2006, the FCO's Global Conflict Prevention Pool (GCPP), in co-operation with the Commonwealth Secretariat and the Canadian International Development Agency and in partnership with Gender Action for Peace and Security, funded a Wilton Park conference on peace and security, entitled "Implementing UN Security Council Resolution 1325". The conference provided a forum for discussion on implementation of the resolution, drawing together policy-makers and practitioners in order to find constructive ways forward.

### Violence against women

The UK has collaborated with the World Health Organisation (WHO) to produce *The WHO multi-country study on women's health and domestic violence against women*, which was presented at the 2005 UN International Day for the Elimination of Violence against Women. The report represents the first major, systematic effort to document the extent, consequences and impact of domestic violence on women's health, maternal deaths and injuries. It is a landmark study, in terms of both its scope and the way it was carried out. The report shows that violence against women is widespread and that it has far-reaching health consequences. It calls on governments to take concerted action and makes recommendations for the health, education and criminal justice sectors. Data was gathered from more than 24,000

women in 15 sites across 10 countries: Bangladesh, Brazil, Ethiopia, Japan, Peru, Namibia, Samoa, Serbia and Montenegro, Tanzania and Thailand.

### Female genital mutilation

Female genital mutilation (FGM) – the partial or total removal of, or injury to, the genitalia – is one of the most horrific forms of violence against women and girls. FGM is illegal in the UK. The FGM Act 2003 also makes it an offence for UK nationals or permanent residents to carry out FGM abroad, or to aid, abet, counsel or procure FGM abroad, even in countries where the practice is legal.

The Home Office and the Department of Health have been involved in activities to educate the police, midwives and other health professionals about how to deal with FGM cases, and the Department for Education and Skills (DfES) has issued guidance for social services. The FCO has developed guidelines to help consular staff take appropriate action if they are informed that a child has been taken overseas for FGM. This could include arranging emergency medical treatment or repatriation, or working with the local and UK police and social services to try to stop FGM being carried out.

The UK is committed to supporting efforts to eradicate FGM and advocates for its elimination as part of its policy on sexual and reproductive health and rights. DfID supported the December 2005 Regional Conference for African Parliamentarians entitled "Violence against women, abandoning female genital mutilation (FGM): the role of

## Kenya's Sexual Offences Bill 2006

Levels of sexual violence are rising in Kenya. Estimates suggest that a woman is raped every 30 minutes and the media features almost daily reports of women, children and men being subjected to barbaric acts of sexual violence.

The current legislative framework on sexual offences dates from 1930 and does not take into account emerging forms of sexual violence, such as internet-based crimes, sodomy, the intentional transmission of HIV/AIDS and paedophilia. The Sexual Offences Bill 2006 will address this by reforming the law and enforcing harsher punishments for sex offenders.

The bill was brought to parliament as a private members' bill by Njoki Ndung'u, one of only 16 female MPs. It received a hostile reception from many male MPs, causing several of their female counterparts to storm out of parliament in protest. The British High Commissioner in Kenya spoke out publicly about the bill, emphasising the

importance of ensuring that the original draft was not emasculated to such an extent that it could no longer provide adequate protection for vulnerable Kenyans.

Discussions at the committee stage focused on those aspects of the bill that MPs felt were aimed at undermining the role of men in Kenyan society and that touched on purely cultural matters. Subsequently, clauses relating to forced female circumcision, marital rape and exposure were deleted while others, including the clause on sexual harassment, were amended. The bill was finally passed on 31 May 2006.

The passing of the Sexual Offences Bill, albeit in heavily amended form, is to be commended. The bill has heightened the profile of the issue of sexual violence and raised awareness. We hope it will give those affected the courage to report their abuse. However, the bill is still awaiting presidential assent; and, of course, the Kenyan government will then need to find a way to implement it.

national parliaments". The conference, which was hosted by the National Assembly of Senegal and organised by the African Parliamentary Union, formed part of an ongoing programme of work by UNICEF and the Inter-Parliamentary Union to spearhead a global movement for the abandonment of FGM by 2015 in sub-Saharan Africa and Egypt.

The UK has also contributed to wider advocacy efforts on FGM by supporting the NGO Foundation for Women's Health, Research and Development (FORWARD) and the WHO's Africa Regional Office. These organisations worked together on an African regional workshop, which produced a best practice resource on legal frameworks and child protection mechanisms that addressed FGM with the involvement of civil society groups. DfID has distributed copies of the award-winning film *Moolaade*, which highlights the complexity of cultural, gender and power issues relating to FGM in Senegal, and provides country-specific FGM data to its offices in the region. DfID also liaises on a regular basis with advocacy organisations and continues to promote FGM as a key aspect of women's and girls' reproductive and human rights.

### Engaging with the Islamic world

Women's rights form an important strand of our work on

<< The programme's work reflects our key policy objectives: to increase understanding and engagement with Muslim countries and communities; to help promote peaceful political, economic and social reform; and to counter radicalisation and extremism in the UK and overseas. >>

engaging with the Islamic world. We are particularly concerned about women's rights in the Middle East. While there has been some progress, there is still a long way to go before women in the region enjoy the same rights as men. The FCO's Engaging with the Islamic World programme supports a number of projects designed to promote women's political and economic participation in Muslim countries. Projects include promoting access to justice, improving conditions in prisons and broadening the participation of all citizens - but particularly women - in decisions that affect their lives. For example, in **Pakistan** we are supporting a project to promote women's effectiveness in local councils, while a project in **Jordan** is focusing on equipping young women for political leadership. See Annex 1 for a full list.

## "Honour" crimes

So-called "honour" crimes are one of the most heinous manifestations of violence against women. The GOF Engaging with the Islamic World programme has been funding an awareness campaign in the Sindh and southern Punjab regions of Pakistan.

The project, which provides support to local activists, targeted people in rural areas at the same time as promoting the role of women in government by helping them oppose "honour" killings. While educated people in urban areas publicly condemn such killings, mindsets must be changed in rural areas if the number of "honour" killings is actually to be reduced. The project has included:

- Street theatre performances that highlight the issues and initiate discussions between the cast and the audience.
- Training workshops for police and judges that involve lawyers, NGOs and politicians. Officers from the Northamptonshire police force have taken part in these workshops.
- A TV drama series looking at the stories behind

"honour" killings and the impact on victims' families, and an accompanying music video.

- A video documentary focusing on the struggle for legal reform.
- Training for journalists in feature writing, and setting targets for stories in the rural, Sindhi and Urdu press.

To date, the project has reached more than 100,000 people in the designated areas of Pakistan. State ministers, senior police, judges, politicians, intellectuals, religious scholars and academics have all publicly stated their disapproval of "honour" killings and played an active part in the project. As a result, important legislative changes are taking place. On 7 February 2006, the National Assembly supported the introduction of a bill to repeal the Hudood Ordinances, which criminalise extra-marital sex (among other offences). The bill has been presented twice before; on both occasions, it was strongly opposed by the government. The government's decision to back the bill therefore marks a major shift in attitude. The second phase of the project is scheduled to start soon.

## Promoting human rights in Pakistan

In 2005, the High Commission in Islamabad created a radio drama, *Piyar ka passport* (“Passport to love”). The programmes provide an innovative way of delivering human rights messages to a mass audience.

The 12 episodes of *Piyar ka passport* were developed by the High Commission’s Press and Public Affairs and Consular sections in partnership with the BBC World Service Trust. Written and recorded in Pakistan by Pakistani writers and actors, it was broadcast each evening on FM radio stations, as well as the BBC’s Urdu Service, and during the day on many popular FM stations throughout the country. The programme also went out to the UK’s 800,000-strong Pakistani community, via the BBC’s Asian network. During one of the phone-ins, lead writer Rucksana Ahmad commented, “we have a large number of families in which issues like forced marriage are very much present...every month about a dozen girls contact the British High Commission in Islamabad to complain they are forced into marriage.”

The programme aimed to raise awareness of, and stimulate dialogue about, the human rights and gender issues that affect the lives of people in Pakistan and in the diaspora. Although originally intended to focus on forced marriages, the show also tackled a range of other sensitive and controversial issues, such as family honour, drugs, cultural differences and the generation gap. The series featured phone-in segments and listeners could also discuss the issues online through the accompanying website.

The programme’s work reflects our key policy objectives: to increase understanding and engagement with Muslim countries and communities; to help promote peaceful political, economic and social reform; and to counter radicalisation and extremism in the UK and overseas. The programme has taken on a particular responsibility for work on engaging with Muslim communities work since the bomb attacks in London on 7 July 2005.

The group focuses on a number of priority countries. In the Middle East, these include Saudi Arabia and Jordan; elsewhere, we are targeting our efforts at countries such as Pakistan, Indonesia and Nigeria. A full list is available on the FCO website at: [www.fco.gov.uk](http://www.fco.gov.uk)

A three-year GOF project is focusing on empowering marginalised women in **Morocco** and helping them deal with the country’s new family code - a set of key family and social laws passed in early 2004, which herald a fresh interpretation of the role of women in society. The project

was set up specifically to help women put the code into practice, and to develop teaching materials that cover a range of rights-based issues.

The project has produced a booklet explaining how the new code affects women’s social rights. The booklet accompanies two earlier publications on political rights. These materials were supported by a specially devised teaching pack and formed the basis of a large-scale training programme that reached some 40,000 women in the first two years. During this phase, NGO and Moroccan government partners worked to ensure that the project would continue after FCO funding stopped. NGO observers from neighbouring countries also participated at key stages with a view to running similar initiatives in their own countries.

## 8.8 Children’s rights

Child rights remain a high priority in our work to promote equality and tackle discrimination. The FCO promotes child rights in multilateral fora, in our bilateral work with other governments and at grassroots level through our programmes - the GOF has a dedicated funding strand for children’s rights projects. The FCO has developed a strategy to guide its work in the area of child rights, which sets out our key goals over the next three years and explains how we can best use the tools available to achieve these goals. We will focus on those areas where we can have greatest long-term impact, such as strengthening the international protection framework and encouraging states to comply with it.

### Child rights at the UN

*The Committee on the Convention on the Rights of the Child*  
The Convention on the Rights of the Child (CRC) requires all states parties to report to the committee every five years, detailing the progress they have made in implementing the convention. The committee examines these reports alongside reports submitted by NGOs, UN agencies, academic institutions and the press.

The UK submitted its first report to the committee in 1994 and its second in 1999. Our next report is not due until July 2007, due to a growing backlog of cases. The committee is now working to reduce this backlog with the aim of reverting to the original five-year schedule. The DfES takes the lead on producing the report. In March 2006, the department launched the report process with a conference involving children and young people, government representatives and NGOs. Opening the event, Beverley Hughes MP, Minister for Children, Young People and Families, said, “the reporting process provides an opportunity to showcase some of the excellent opportunities that children and young people enjoy

On 1 August 2006, the FCO's Child Rights Panel reconvened for the first time since May 2004. The panel is a forum for discussing policy initiatives with civil society and independent experts.

The FCO has identified child rights as one of the thematic human rights priorities. However, it is impossible to tackle all elements of child rights and the FCO has developed a strategy as an overarching guide to our work in this area over the next three years. The strategy identifies the following themes on which we will focus our efforts:

- Promoting signature/ratification of the main international instruments related to child rights;
- Promoting compliance/application of the international obligations;
- Violence against children – including children affected by armed conflict and street children;
- Worst forms of child labour.

The first meeting focused on discussing the strategy paper. FCO Minister Ian McCartney MP addressed the panel members during the meeting. After outlining the rationale behind the strategy, he stressed the need for a joint ownership approach and for FCO/NGO co-operation, recognising the expertise and skills of the panel as a key factor in successful implementation. He recognised that our core work would be in ensuring sustainability, initiating systemic change, capacity-building and demonstrating best practice to governments.

The minister set out the areas where he felt FCO can use diplomatic means to make a difference. They included:

- Bilateral and multilateral discussions;
- Tailoring our approach, finding alternative ways to engage and seek out the key people with influence;
- Advertising our strengths and ensuring our resources are used in the most productive way to deliver results.

growing up in the UK. But [we] recognise that there are some issues with existing children's policy." The full speech is available online at: [www.dfes.gov.uk/speeches](http://www.dfes.gov.uk/speeches).

*The UN General Assembly 2005-06*

During the UK's 2005 presidency of the EU, we were responsible for drafting the traditional resolution on the rights of the child at the UNGA. The resolution was tabled jointly by the EU and Latin American countries. This year, we worked hard to negotiate a shorter text (removing repetition) and to focus the resolution primarily on the issue of children affected by HIV and AIDS. The resolution was adopted.

As in the previous year, co-operation was badly affected by a split within the Latin American bloc over the issue of corporal punishment in schools. Although a text was subsequently adopted, it was weaker in places than we had hoped for and nine paragraphs of the text were subject to a vote.

**Children and armed conflict**

The plight of children affected by armed conflict, as both victims and participants, is one of the most disturbing aspects of modern-day conflict. As well as the estimated 300,000 child soldiers currently taking part in armed conflict around the world, many more thousands are orphaned, maimed or deprived of education and healthcare.

The optional protocol to the CRC on the involvement of children in armed conflict requires governments to set the

minimum age of recruitment into the armed forces at 15 and to take all feasible measures to ensure that under-18s do not play an active part in hostilities. The optional protocol also forbids non-state armed groups from recruiting anyone under 18. The UK signed the optional protocol on 7 September 2002 and ratified it on 24 June 2003.

The main issues in the protocol are the recruitment of children into state armed forces and into non-state armed groups. For the UK government, the first issue is the most

<< As well as the estimated 300,000 child soldiers currently taking part in armed conflict around the world, many more thousands are orphaned, maimed or deprived of education and healthcare. >>

contentious. The UK complies with the protocol's minimum age requirement, but we may not always be able to comply with the second part. We have therefore lodged an interpretative declaration explaining our procedures for avoiding the involvement of under-18s in direct hostilities and setting out the narrow circumstances in which this might not be possible. As far as the UK government is concerned, we are fully compliant; but some NGOs do not agree. Our 2007

report will be our first opportunity to gauge the opinion of the committee.

#### *Children and armed conflict in multilateral fora*

Following a debate in February 2005 on children and armed conflict, the Security Council passed its sixth resolution on the subject. Resolution 1612 of July 2005 calls on the Secretary-General to implement a mechanism for monitoring and reporting on the situation of children affected by armed conflict and encourages concerned parties to develop and implement action plans to stop the practice of recruiting and using child soldiers.

The UK strongly supports this agenda and is actively seeking to ensure that the French-chaired Security Council working group, established as a result of Resolution 1612, is effective. The UK supports the work of NGOs, such as Watchlist, in this field through the GCPP. DfID also finances projects for children affected by armed conflict, with a particular focus on programmes concerned with demobilising and reintegrating child soldiers back into their communities. Examples of this work are detailed below.

We continue to support the World Bank's Multi-Country Demobilisation and Reintegration Programme (MDRP), which

### The EU Guidelines on Children and Armed Conflict

The EU Guidelines on Children and Armed Conflict form part of a set of five thematic guidelines adopted by the Council Working Group on Human Rights (COHOM) to steer the EU's human rights work. The guidelines require COHOM to submit a progress review after two years, with suggestions for updates or improvements as necessary.

During our presidency of the EU, the UK drafted a review of the guidelines. We worked with other member states, the European Commission, EU heads of mission and the Brussels-based coalition of NGOs working in the field to make sure the review reflected the realities of the situation on the ground. The review was adopted by the General Affairs and External Relations Council on 12 December 2005.

The review makes clear that the EU should continue to address the issue of children's involvement in armed conflict in both political and programme work. There is a strong emphasis on mainstreaming to ensure that the issue is taken into account across EU institutions. Member states agreed an implementation strategy for the revised guidelines, and drafted a checklist to help other EU groups incorporate the issue into their mission planning.

addresses the challenge of demobilising and reintegrating members of national armies and armed groups in central Africa. The programme also focuses on the widespread use of child soldiers - including girls - and their specific demobilisation and reintegration needs. The MDRP's work in the area includes a Save the Children project in the **Democratic Republic of Congo (DRC)** and another run by UNICEF in **Burundi**. Both projects facilitate the sustainable reintegration of child soldiers into their communities by helping children prepare to be reunited and reintegrated into communities in stages, reunifying families and providing appropriate educational and employment opportunities. Putting children straight back into the community after they are demobilised can cause problems, as communities are sometimes reluctant to accept them. In Burundi, UNICEF is providing community-based psychological support to help demobilised child soldiers and their families come to terms with their experiences.

By the end of 2005, 8,606 children had been demobilised in Angola; 3,015 in Burundi; 3,873 in Uganda; and 2,527 in the DRC. A few hundred child soldiers remain with armed groups in Burundi and Uganda. In the DRC, the demobilisation programme is only halfway through and a few thousand child soldiers still have to be demobilised: in Rwanda, the programme is completed, but child soldiers are still involved in guerilla movements based outside the country.

We have also contributed to the following MDRP projects:

- a Save the Children study on improving conditions for demobilised girl soldiers in **Rwanda**;
- supporting former child soldiers and children and young people affected by war in **northern Uganda**. The project involves a number of organisations, including Save the Children and local NGO GUSCO;
- the launch of UNICEF's demobilisation and reintegration programmes for child soldiers in the **DRC**; and
- disarmament programmes for child soldiers in **Sudan**.

#### Street children

Children living on the street are particularly vulnerable. They often come into conflict with the law and risk being forced into child prostitution, trafficking and the worst forms of child labour. The FCO has made strategic use of GOF funding to support a project in **Guatemala** that aims to tackle the underlying causes of the problems facing street children.

Thousands of children living on Guatemala's streets face routine beatings, theft, sexual assaults, torture and even murder at the hands of the national police. The CRC committee expressed grave concern at the situation in its

concluding observations on Guatemala in 2001, and a UN report has also highlighted the problem, describing the police as “the principle source of human rights violations in the country today”.

In 2005-06, the British Embassy in Guatemala allocated GOF funding to support the launch of a police training manual in child rights and child protection, which was developed by the London-based Consortium for Street Children using earlier FCO funding. The project aimed to set in train the transformation of the Guatemalan National Civil Police from an agency that abuses street children to an agency that promotes and protects their rights, as part of a strengthened network of governmental and non-governmental organisations.

So far, the project has achieved measurable improvements in:

- the attitude of the police taking part in the training

towards street children;

- the willingness of participants to acknowledge police abuse of street children;
- levels of knowledge about the CRC, Guatemala’s Peace Accords and the Integral Law; and
- the willingness of NGOs and governmental agencies to collaborate (although there is currently a lack of the leadership needed to ensure this collaboration takes place).

The police have worked with government agencies, NGOs and street children themselves to develop an action plan.

### Child labour

The UK has ratified International Labour Organisation (ILO) Convention 182 which calls for the abolition of the worst forms of child labour (such as child sexual exploitation, trafficking, bonded labour and domestic work) by 2016.

## Child rights in the Philippines

### Juvenile justice

According to UNICEF, at the start of 2006 there were over 4,000 children in jails in the Philippines. Many are being held with adults; and more than half are charged with minor crimes, such as petty theft or sniffing solvents.

On 28 April 2006, the juvenile justice bill became law. The law prohibits the detention of children in jails, raises the age of criminal responsibility from nine to at least 15 and introduces restorative justice programmes for young offenders. Once the law is enacted, 70 per cent of criminal cases against children will be dismissed outright. The UK, along with our EU partners, welcomed the new legislation.

### Sexual exploitation

While it is difficult to obtain accurate data, the problem of foreign paedophiles in the Philippines continues to be reported by children’s and women rights groups and in the press. The Department of Social Welfare says it deals with over 10,000 child abuse cases a year. However, according to children’s rights NGOs, these official figures only include reported and/or validated cases of abuse. ECPAT Philippines (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) estimates that the number of prostituted children in the country has reached over 60,000. Many working in the field believe the actual figure is higher still. According to previous studies by UNICEF and the ILO, there may be as many as 2.2 million children in the Philippines engaged in hazardous work, including prostitution and sexual exploitation.

Strengthening the Philippines’ response to women and child abuse and trafficking has been a human rights priority for

the UK since the mid-1990s. We have provided training for the police, judiciary and NGOs in interviewing victims, investigating abuse and prosecuting offenders, and our Embassy in Manila has helped set up victim shelters and response centres. Ongoing projects include:

- Encouraging information-sharing among government agencies on sex offences against children, training investigative teams in high-risk areas and raising awareness among local communities on aspects of child sexual abuse and paedophilia.
- Increasing awareness of legal cases involving child sexual abuse/exploitation cases in the Philippine juvenile justice system and improving the handling of child victims during and after judicial proceedings.
- Supporting the development of new training models for police officers investigating child abuse. These modules have also been used in training for prosecutors from the Department of Justice, the police medical-legal team and key local elected officials and communities.

We are also involved in a series of community-based projects for the prevention, protection and recovery of children in prostitution. These include working with Childhope Asia to reduce child prostitution and trafficking in 60 low-income barangays in Manila, running advocacy sessions on child protection issues, the UN CRC and ILO conventions and promoting greater co-operation between agencies working to combat child sexual exploitation and prostitution.

Research by UNESCO has shown that the single greatest risk factor for hill tribe girls in Thailand to be trafficked or exploited is lack of citizenship. Without legal status, they are often vulnerable to economic and social exploitation, including trafficking for sex work. We are working on a project with UNESCO and the Thai Department of Social Development and Welfare to promote birth and citizenship registration in the highlands. This will help ethnic minorities gain access to basic rights, including education, health services and land ownership. The project involves the most extensive study ever undertaken in Thailand of the relationship between birth registration, legal status and access to social services. The study includes approximately 11,000 (out of 18,000) highland households in the northern region of the country. The results of the survey will enable the government and UNESCO to understand better the problems of registering births in these often remote communities and to more effectively develop and target their interventions. Follow-up activities will include promoting the importance of birth and citizenship registration through the production and broadcast of 80 short radio programmes in eight ethnic minority languages.

The worst forms of child labour: include children working on the land as labourers; in houses as domestics; in factories making products such as carpets; on the streets as beggars; in industries such as mining; and as child soldiers. It also includes children being trafficked for sexual exploitation. Children are particularly vulnerable to abuses of their human rights because they are cheap to employ and easy to control. Child labour also stops victims from going to school, which in turn prevents them from accessing better paid jobs and opportunities, condemning them and their families to a cycle of poverty.

The FCO's child rights strategy highlights our intention to work on issues connected to the worst forms of child labour over the next three years. We will first identify areas and countries of concern (that is, those where the worst forms of child labour are most prevalent) and target these countries in a lobbying exercise. Our network of diplomatic posts will liaise with their host government to identify specific areas where we can offer assistance.

In 2001, DfID established a partnership agreement with the ILO to develop a longer-term strategic partnership, which will help to strengthen the poverty elimination focus of the organisation's work. Under this agreement, DfID has provided substantial funding for work to eliminate child labour and forced labour, include labour standards in poverty reduction strategies and extend labour rights to workers in the informal economy. DfID has also committed funds to the work of the ILO's International Programme for the Elimination of Child Labour (IPEC) in the Greater Mekong region (covering parts of Cambodia, China, Laos, Thailand and Vietnam). This programme consists of a number of linked interventions to raise awareness, prevent trafficking and reintegrate survivors of trafficking into society.

We also endorse and support UNICEF's Strategic Framework for the Protection, Care and Support of Orphans and Vulnerable Children living in a World with HIV/AIDS. The framework sets out comprehensive guidance which countries can use to develop national policies and programmes to tackle the needs of vulnerable children, including orphans, street children and those at risk from drugs, prostitution, trafficking, HIV and AIDS.



Marcio Rocha, aged 11, washes a car windscreen at a traffic light to receive tips from drivers in Rio de Janeiro, Brazil. The FCO's child rights

strategy highlights our intention to work on issues connected to the worst forms of child labour over the next three years.



Election workers take a break next to election boxes and tallies at a central election processing station in Kinshasa, 2 August 2006. The polls in DRC on 30 July were the first democratic elections in the country in over 40 years.



<< We reaffirm that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. >>

EXTRACT FROM THE OUTCOME DOCUMENT ADOPTED AT THE UN MILLENNIUM SUMMIT,  
NEW YORK, SEPTEMBER 2005

## Democracy and freedom

### 9.1 Introduction

Democracy is a human right, guaranteed by article 21 of the Universal Declaration of Human Rights. Democracy is the only form of government that allows people to fully enjoy their human rights; and respect for human rights is the foundation for meaningful, lasting democracy. The UN Summit outcome document stresses that “democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing”. Democracy requires free, fair and regular elections, and strong institutions and norms. It requires government to be transparent and fair and to adhere to international treaties and institutions; and it requires functioning courts and police and armed forces that are under civilian control.

Democracy also needs open societies with free media, fair treatment of minorities, equal access to education and opportunity, open markets and free trades unions.

This chapter looks at what the UK has done in the past year to promote democracy and those human rights, such as freedom of expression and association, that underpin it. We promote these rights and values both because we believe it is the right thing to do and because we have a direct interest in creating the conditions needed to ensure sustainable global security and prosperity and to foster reliable and responsible international partners.

We have supported a range of new UN initiatives, reaffirmed our support for the work of the Westminster Foundation for Democracy (WFD) and strengthened our wider democracy

promotion strategy by designing a toolkit to help FCO posts identify opportunities for promoting democratic values. We have also worked to promote freedom of expression and association, including by hosting a recent EU-non-governmental organisation (NGO) forum on the topic. The examples in this chapter demonstrate our commitment to taking democratic action and show how we support specific projects aimed at defending and promoting democracy.

### 9.2 Democracy

We accept that there is no one perfect model of democracy. Democracy takes many forms, depending on local circumstances, society and history. However, genuine

<< Democracy takes many forms, depending on local circumstances, society and history. >>

democracies tend to have certain features in common:

- control over government policy decisions is constitutionally vested in elected representatives;
- elected representatives are chosen in regular and fair elections and are free to exercise their constitutional powers without overriding opposition from unelected officials;
- all adult citizens have the right to vote in elections and to run for public office;
- citizens have the right to express themselves on political matters without the risk of state punishment;
- citizens have the right to seek out alternative sources of

The democracy toolkit is designed to help UK embassies and high commissions promote democratic principles and values by setting out the common components of successful democracies and examining cross-cutting issues – such as gender, minorities, the media and the role of civil society – that affect all democratic societies. It then suggests practical ways that posts can provide support in these areas, and outlines the FCO’s priorities for 2006–08. It provides a list of basic questions that posts might be asked, particularly where there is resistance to democratisation, and suggests answers. Finally, it provides a mapping tool to enable posts to assess the state of democracy in their country so that they can identify their own priority areas.

The toolkit is the second in a planned series designed to enhance the capacity of UK posts to support human rights, democracy and governance. It follows last year’s rule of law toolkit (see *Human rights annual report 2005*).

information, such as the news media, and such sources are protected by law;

- citizens have the right to form independent associations and organisations, including independent political parties and interest groups; and
- government is autonomous and able to act independently of excessive outside constraints (such as those imposed by alliances and blocs).

The UK provides non-partisan support for countries to adopt and develop democratic institutions and processes, such as electoral processes, parliaments, civil society, media and political parties. We work bilaterally, often through projects funded by the Global Opportunities Fund (GOF), and through international organisations, such as the UN, the Commonwealth, the EU and the Organisation for Security and Co-operation in Europe (OSCE). At the UN Millennium Summit in September 2005, the UK welcomed the creation of the UN Fund for Democracy and made an initial financial contribution to the fund. We continue to provide substantial funding (as grant-in-aid) to the WFD, and we have created a democracy toolkit for use by FCO overseas posts (see box).

**The Westminster Foundation for Democracy**

The WFD, which was set up by the FCO in 1992, supports the growth of democracy around the world, working with local partners to strengthen democratic institutions – political parties, parliaments, the rule of law, civil society and free media – and to support peaceful elections and voter participation in political processes. WFD is currently

concentrating on seven country programmes – Belarus, Egypt, Kenya, Serbia, Sierra Leone, Uganda and Ukraine – and on building up its regional Middle East programme.

As a non-departmental public body, the WFD agrees its strategy and priorities with the FCO and is answerable to the FCO for the money it spends. It has a board of 14 governors, appointed by the Secretary of State for Foreign and Commonwealth Affairs. The board includes six independent governors and eight from the Westminster political parties – three Labour; three Conservative; one Liberal Democrat; and one representing the smaller parties. The foundation has 12 staff, based in London. Hugh Bayley MP has chaired the board since August 2005 and David French has been chief executive since January 2003.

*Africa*

In 2005–06, the WFD is promoting the right to representation, protecting the rights of marginalised groups, and helping civil society organisations consolidate their programme work in Sierra Leone, Kenya and Uganda. Post-conflict **Sierra Leone** faces many challenges, including addressing the human rights needs of marginalised groups such as women through improved political representation. The WFD supports both the 50/50 Group in its work to help women develop their advocacy and campaigning skills and Akina mama W’Afrika (AmWA), which is helping women play an active part in the democratisation process and encouraging them to hold the government to account.

In **Uganda**, the WFD has worked with local stakeholders to foster peaceful political transition by facilitating free and fair elections, and helped civil society groups address human rights issues, such as political representation and the death penalty. For example, the foundation has helped the Federation of Human Rights Initiatives organise para-legal training and campaign against the death penalty, and supported the Uganda Women’s Network (UWONET) to highlight the human rights challenges facing Ugandan women and emphasise their central role in ensuring good governance both during and after transition. UWONET has provided a platform for negotiation between women and the various political candidates, and documented women’s perceptions and experiences of the transition process. It has also provided policy and legislative support to women legislators and politicians, civil society organisations and the Ministry of Gender, Labour and Social Development.

In **Kenya**, the WFD helped the Kenyan section of the International Commission of Jurists (ICJ) establish a parliamentary human rights caucus with the aim of raising awareness of human rights issues among parliamentarians

and encouraging them to promote and protect human rights in the country. MPs have been given training in human rights issues and in using parliamentary procedures to protect human rights. The foundation has also supported the Institute for Education in Democracy and the Kenya Parliamentary Journalists Association to provide skills training to journalists and media workers covering parliamentary issues, while promoting the right of journalists to report in a free environment.

The Foundation also supports work in non-programme countries, such as **Cameroon**, where it has worked with Village Aid to promote human rights and access to justice by providing civic education for the Mbororo-Fulani community. The training aimed to increase the confidence and ability of the community - which had low levels of participation - to play an active role in political decision-making, stand up to oppression and corruption and engage in peaceful social change.

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

In the Middle East and North Africa, the WFD has concentrated on parliamentary reform. In **Egypt**, it has led a series of initiatives, including setting up a new information

and research centre, which will help civil society organisations gather information and hold elected representatives to account, and convening seminars where delegates can exchange information and best practice on parliamentary procedures.

Elsewhere, the WFD is supporting efforts to promote human rights generally and to empower people to participate in public life. In **Morocco**, the WFD supports the Alliance for Development and Formation in its work to raise women's awareness of their legal rights; in **Jordan**, the foundation has helped to bolster the role and independence of the judiciary. Other work includes building the capacity of a regional network of parliamentarians to tackle corruption.

#### *Europe*

In **Belarus**, the WFD is encouraging political pluralism, fostering dialogue and helping politicians engage with the electorate by supporting institutions, such as the East European Democratic Centre and the Assembly of Deputies to Local Councils. Although the foundation's work has been hampered by the highly restrictive conditions imposed by the incumbent regime, some progress has been made towards establishing democratic norms, particularly at local level.

In **Serbia**, the WFD is building people's confidence in the political process and encouraging them to get involved. It has promoted a code of conduct for officials and urged electors to use it to hold their representatives to account, and raised standards in the Serb judiciary, training a quarter of the country's judges in European norms of judicial independence. The WFD has also worked closely with local NGOs, such as the Committee for Human Rights, to promote various transparency initiatives including projects aimed at helping journalists gather useful information about local political representatives.

Finally, the WFD has continued its highly successful work in **Ukraine**. Since 2004's "Orange Revolution", the foundation has been pressing ahead with initiatives aimed at embedding progress on human rights and raising standards of government. Work includes supporting Ukraine's Centre for Political Education in training local politicians on various aspects of democratic politics, including civic engagement and policy-making, and working with the European Strategy Group to increase awareness of European integration issues and encourage public dialogue on the subject. The WFD has developed a skilled cadre of experts who work to improve standards in local government in five of Ukraine's municipal authorities.

### The future of the Westminster Foundation

As part of the FCO's regular review of its non-departmental public bodies, River Path Associates were appointed in 2004-05 to carry out a review of the WFD's work and look at its future direction. The review was followed by a public consultation exercise in which UK parliamentarians and democracy experts were asked to express their views on the foundation. These were overwhelmingly positive.

On 29 March 2006, the then Foreign Secretary, Jack Straw, issued a written statement welcoming the conclusion of the review and looking forward to working in partnership with the WFD to promote democracy around the world. The statement also confirmed that the government would continue to maintain the current level of financial support for the WFD in recognition of its uniquely valuable role in promoting democracy and supporting institutional and parliamentary capacity-building.

Following his appointment as FCO Minister of State with responsibility for human rights and democracy, Ian McCartney MP met the WFD's governors and staff at their annual away-day on 12 June. He congratulated the foundation on its contribution to democracy-building over the past year, and reaffirmed the government's commitment to supporting WFD's essential work.

The World Movement for Democracy held its fourth assembly in Istanbul in April 2006. Over 600 activists, practitioners, academics, policy-makers and funders came together to discuss a range of issues including: restrictive laws and other government pressure on NGOs; empowering women to fulfil their roles in a democratic society; and developing viable democratic arenas in Muslim societies. A series of workshops included a WFD-led session on the importance of nurturing political parties in emerging democracies.

The movement's founding statement describes it as a "proactive network of democrats". Since its first meeting in

New Delhi in 1999, the network has met in Sao Paulo (2000) and Durban (2004) to exchange ideas and experiences. Its activities are co-ordinated by a steering committee. In 2006, British academic and former WFD governor Michael Pinto-Duschinsky stepped down from the committee and David French, the current chief executive of the WFD, was appointed in his place.

The UK government, which was represented at the Istanbul meeting by officials from the FCO, strongly supports the World Movement for Democracy. We believe its aims and activities complement and support those of the Community of Democracies.

### The UN Democracy Fund

In summer 2005, UN Secretary-General Kofi Annan announced the establishment of a new UN Democracy Fund (UNDEF). The announcement came in response to calls by the UN General Assembly (UNGA) to support efforts to promote and consolidate new or restored democracies and followed consultation with the Community of Democracies, the international coalition of democratic nations. The fund was endorsed by world leaders in the UN Millennium Summit outcome document in September 2005.

The fund's main purpose will be to promote democracy throughout the world by providing assistance for projects that build and strengthen democratic institutions and facilitate good governance in new, emerging and consolidated democracies. UNDEF will work with governments and civil society groups at national, regional and international level. It will also act as the co-ordinating body for other UN institutions whose role includes promoting democracy and good governance.

The UK and EU partners supported the establishment of the fund, which relies on voluntary contributions from UN member states. So far, a total of \$41 million has been pledged.

## 9.3 Elections

Elections are the most public manifestation of democracy, and a clear indicator of the state of a country's democratic "health". During the past 12 months, the UK has been involved in observing and reporting on elections around the world. The following paragraphs provide an overview of recent electoral developments in two key regions: the Middle East and North Africa; and Central Asia. For developments in Europe, see Chapter 3, and for information on elections in

countries of particular concern see Chapter 2.

### The Middle East and North Africa

The **Palestinian** elections took place in January 2006. Hamas won 76 parliamentary seats out of a total of 132. The elections, held under international stewardship, were monitored and deemed largely free and fair.

In **Egypt**, President Mubarak won the country's first multi-

<< Elections are the most public manifestation of democracy, and a clear indicator of the state of a country's democratic "health". >>

candidate presidential elections, held in September 2005. In the December 2005 parliamentary elections, the Muslim Brotherhood - which seeks to implement Islamic law in Egypt - won 88 seats, despite being officially banned. Egypt resisted international monitoring of both elections. The EU issued a statement expressing its concern at a number of violent incidents leading to injuries and even deaths in certain governorates during the elections, and at the numerous irregularities reported by observers.

In **Iran**, the June 2005 presidential elections took place amid allegations of election fraud and interference. There was also international concern about restrictions on freedom of expression and freedom of the press.

In 2006, **Kuwait** held its first parliamentary elections in which women have been able to vote. Elections are also expected in **Bahrain** and in **Yemen**, where President Ali Abdullah Saleh has signed a deal with opposition parties guaranteeing free and fair presidential elections.

Although a significant number of elections have been held, we nevertheless remain concerned about electoral delays in the region. In **Egypt**, municipal elections have been delayed by two years until 2008. Parliamentary elections in **Qatar** have been postponed until 2007. **Saudi Arabia's** consultative council remains an unelected body. In **Syria**, promises of reform have been followed by a harsh crackdown on the opposition.

We also remain concerned about the lack of progress in ensuring basic democratic and human rights in many countries. This applies in particular to freedom of expression, freedom of association, the rule of law and an uncorrupted, independent bureaucracy. We have therefore supported a range of bilateral programmes, including the GOF Engaging the Islamic World programme. This year, the GOF's work in the region has included capacity-building for journalists during the elections in Palestine and Yemen, supporting parliamentary democracy in Bahrain, and promoting political reform and democracy in civil society in Jordan. The FCO has been working with the UN Development Programme (UNDP) on electoral reform in Lebanon.

### Central Asia

The flawed parliamentary elections in **Kyrgyzstan** in February 2005 precipitated the fall of President Akaev. On 10 July 2005, Kurmanbek Bakiev was elected as the new president of Kyrgyzstan. In the build-up to the presidential

election, the European Commission and other member states assisted the interim Kyrgyz government in areas including voter education, election advocacy and observing domestic elections.

The OSCE/Office for Democratic Institutions and Human Rights (ODIHR) international election observation mission in Kyrgyzstan identified serious irregularities on the election day itself, including some instances of implausible increases in turnout figures. Overall, though, the observers felt that "tangible progress" had been made towards meeting OSCE and other international standards for democratic elections. On 12 July 2005, during the UK's presidency of the EU, we issued a statement welcoming these findings and commending the respect shown for freedom of assembly and expression during the campaign.

Kyrgyzstan's progress has set a positive example to other countries in the region. However, a referendum on reforming the constitution has been delayed until later in 2006 and few necessary political and economic reforms have been introduced. Political and economic life remains unstable and criminal groups have a worrying degree of influence on the political system.

In December 2005, the incumbent president Nursultan Nazarbayev won the presidential elections in **Kazakhstan** with 91 per cent of the vote. The OSCE/ODIHR mission



Egyptian voters use ladders to get into a polling station in Bosat, north of Cairo, 1 December 2005. Anti-riot police blocked the entrance to the station during the final round of Egypt's parliamentary vote. Egypt resisted international monitoring of both the presidential and parliamentary elections.

concluded that, despite some administrative improvements, the elections failed to meet a number of international standards and OSCE commitments. It expressed specific concerns relating to the count and to restrictions on free campaigning by opposition candidates. The observers also noted that the legislative framework had not been amended in line with the recommendations made in the OSCE/ODIHR final report on the 2004 parliamentary elections. More positive was the increased transparency of the central election committee's operations during the pre-election period, and the generally calm and peaceful atmosphere that prevailed on voting day itself. The ODIHR team's findings were endorsed by the UK as holder of the presidency of the EU on 5 December, and by all partners in a statement issued on 15 December in Vienna.

The Kazakh authorities have now provided the ODIHR team with a comprehensive response to the concerns expressed in their final report. A state commission on democratisation was set up in March, chaired by the president. However, its success will depend on the full participation of the political opposition and civil society. The death in suspicious circumstances of opposition politician Zamanbek Nurkadirov in November 2005, closely followed in February 2006 by the murder of opposition politician Altynbek Sarsenbayev, has increased tensions between the opposition and the government.

Presidential elections are due in **Tajikistan** in November 2006. It is widely believed that President Rahmonov will win. The ongoing instability borne out of the 1992-97 civil war is expected once again to produce an election campaign notable for the apathy of politicians and voters, with few credible opposition candidates.

Tajikistan has eight registered political parties, of which three represent the opposition. These include the region's only registered Islamic party. Since the February 2005 parliamentary elections, one opposition party leader has been imprisoned on charges of corruption and other parties have been prevented from registering.

The government continues to impose controls on the press. Although Tajikistan does have an independent media, the country's four independent newspapers have still not been registered. Coverage of previous election campaigns by the local media has been muted.

In his annual address to parliament on 23 April 2006, President Rahmonov publicly stated his commitment to "democratic elections...taking place in a free and transparent

manner". However, the Tajik authorities did not commit themselves to addressing the issues raised in the ODIHR report on the 2005 parliamentary elections until May 2006, leaving little time to implement the recommended legislative changes.

Positive rhetoric on democratic reform is - arguably - growing among central Asia's leaders. But this rhetoric must be accompanied by substantive change. Along with our partners in the EU and the OSCE, we will continue to encourage the region's governments to introduce the reforms needed to bring them into line with international principles and commitments.

### Election observation

The UK plays an active part in international observation efforts organised by the EU, the OSCE, the Commonwealth and other groups. The OSCE only sends missions to its participating states, but can also provide support to its partners for co-operation. The EU will consider invitations from anywhere in the world.

<< **The UK frequently lends technical and administrative expertise to missions, as well as sending observers.** >>

The UK frequently lends technical and administrative expertise to missions, as well as sending observers. We aim to provide 10 per cent of all staff members for election observation missions organised by the ODIHR in the OSCE region. British election observers are usually volunteers from a range of backgrounds, or diplomatic staff posted overseas. For information about becoming an observer, go to: [www.fco.gov.uk](http://www.fco.gov.uk) (click on "About the FCO", "Directory", "International organisations", then "OSCE").

Between June 2005 and July 2006, the UK sent 369 observers to 21 missions, as set out in the table opposite.

As well as directly supporting observation missions, the UK has contributed to several ODIHR election projects aimed at improving governance and the democratic process in the OSCE area. These vary from providing extra ballot boxes to helping countries follow up the recommendations made by the ODIHR. We continue to develop strong working relationships with the UK NGOs contracted by us to provide observers for ODIHR election missions.

We also continue to provide significant funding to enable

Date	Country	Election type	Core team*	LTOs†	STOs††	Total	Mission
June 2005	Guinea Bissau	Presidential		1	2	3	EU
June/August 2005	Albania	Parliamentary	1	3	40	44	OSCE
July 2005	Burundi	Parliamentary			4	4	EU
July 2005	Kyrgyzstan	Presidential	2	3	30	35	OSCE
September 2005	Afghanistan	Parliamentary		3	2	5	EU
September 2005	Afghanistan	Parliamentary	4			4	OSCE
Oct/Nov 2005	Liberia	Presidential & Parliamentary		2	1	3	EU
November 2005	Azerbaijan	Parliamentary	2	3	50	55	OSCE
November 2005	Sri Lanka	Presidential		1	2	3	EU
December 2005	Kazakhstan	Presidential	1 (HoM)	4	40	45	OSCE
December 2005	Haiti	Presidential & Parliamentary		2	2	4	EU
December 2005	Venezuela	Parliamentary		2	7	9	EU
January 2006	Palestinian Territories	Parliamentary		3	8	11	EU
February 2006	Uganda	Presidential & Parliamentary		2	6	8	EU
March 2006	Ukraine	Parliamentary	1	4	60	65	OSCE
March 2006	Belarus	Presidential	1	4	40	45	OSCE
May 2006	Fiji	Parliamentary		1	1	2	EU
May 2006	Montenegro	Referendum	2	2	20	24	OSCE
July 2006	Macedonia	Parliamentary	1 (HoM) <sup>1</sup>	2	25	29	OSCE
July 2006	Mexico	Presidential		1	0	1	EU
July 2006	Democratic Republic of Congo	Presidential & Parliamentary		3	8	11	EU

\* The core team is made up of experts seconded from the ODIHR. The team spends 8-10 weeks in the country looking at election-related issues such as legislation and media coverage.

† Long-term observers organise the monitoring mission and will be in the country for up to four weeks before the election.

†† Short-term observers form the bulk of the observation mission and are seconded for the week of the election.

### Observing the 2005 UK general election

In line with its OSCE commitments, the UK invited the OSCE to observe the general election held in the UK on 5 May 2005. A team of 11 experts from 10 countries, led by Norway's Kåre Vollan, arrived a week before polling day. Their programme included visits to the Department for Constitutional Affairs (DCA) and the Electoral Commission, and meetings with representatives from the major political parties and the media. Teams of experts travelled to cities including Belfast, Birmingham, Cardiff and Edinburgh.

In August 2005, the team published its report on the election. This concluded that voters had been offered genuine choices, that procedures were straightforward and that candidates were able to campaign freely. Areas for concern were the lack of provision for the presence of election observers at polling stations and the potential for

fraud relating to postal votes. The DCA and the Electoral Commission have issued formal responses and outlined their plans to change the legislation that prevents observers from visiting polling stations. The UK hosted a side event at September's Human Dimension Implementation Meeting (see page 156) to give OSCE countries, NGOs and other international organisations the chance to question a panel of experts drawn from the DCA, the Electoral Commission and local government on the report and, more widely, on UK electoral practices. This initiative was warmly received by the ODIHR. We agree with them that this should become standard practice for all countries hosting ODIHR election observation missions.

The ODIHR report, along with the DCA and Electoral Commission responses, is available online at: [www.fco.gov.uk](http://www.fco.gov.uk) and [www.dca.gov.uk](http://www.dca.gov.uk)

observers from central and eastern Europe and the former Soviet Union to attend ODIHR election observation missions. As well as ensuring that election observers are drawn from a range of backgrounds, the training provides delegates with learning and experience that they can take back to their own country. It also helps the ODIHR maintain a high standard of reporting.

### 9.4 Freedom of expression

<< A nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people. >>

JOHN F. KENNEDY

This section highlights the work done by the FCO in conjunction with members of its advisory panel on freedom of expression. It also looks at barriers to freedom of expression, including those restricting use of the internet.

#### The freedom of expression advisory panel

Our work with the FCO's freedom of expression advisory panel has focused on preparing for and then following up the EU-NGO Forum on Human Rights. The forum is an annual

event, which provides an opportunity for EU governments to exchange views with civil society/NGOs on human rights, to inform EU policy-makers and to provide an opportunity for practitioners to make a real contribution to the development of policies and initiatives.

The seventh forum was held at Lancaster House in London on 8-9 December 2005, and focused on freedom of expression. The event was extremely successful, and resulted in a number of conclusions and recommendations.

The UK is working with the panel to take these forward.

Speakers at the opening plenary session emphasised the importance of freedom of expression in underpinning other basic human rights. Delegates also heard some interesting perspectives on regional situations and challenges, including the personal testimony of Oswaldo Payá, a prominent member of the peaceful opposition in Cuba, who gave a moving account of how freedom of expression is suppressed in his country. The speech was delivered by video, as the Cuban government had refused to grant Senor Payá an exit visa.

The National Union of Journalists, Article 19, Index on Censorship and Amnesty International ran four workshops exploring different aspects of freedom of expression.

#### Risk awareness and impunity workshop

The workshop highlighted the risks faced by journalists working in war zones and covering human rights issues, with speakers from Colombia, Bangladesh and Israel. According to the workshop organisers, three times as many journalists as aid workers are killed in conflict. Reporters are currently being killed at a rate of around two a week, and 90 per cent of the murders go unpunished. The Philippines is the most dangerous media hotspot in the world after Iraq, with 15 killings since January 2004.

The National Union of Journalists is running a campaign to tackle the widespread problem of impunity, in which lack of political will, weak judicial systems, police incompetence and corruption are often factors. The workshop discussed the merits of running a UN Security Council resolution to tackle impunity. Delegates also looked at other ways of highlighting the problem, including: through UNESCO and UN human rights machinery and by running awareness-raising campaigns; and at practical measures to support journalists, such as providing safety training and setting up a legal fund to take cases to court.

#### Legal framework workshop

This workshop looked at how governments abuse their

**A journalist stands near an ambulance containing the body of freelance cameraman Martin Adler, who was killed in the Somali capital, Mogadishu, 24 June 2006. More than 90 media workers were killed during the period covered by this report.**





criminal defamation laws to suppress freedom of expression, leading to over 20,000 prosecutions around the world in the past two years. Panellists suggested that efforts to persuade governments to abolish criminal defamation laws were frequently undermined by the continued existence of such laws in the EU (even though they are rarely used). Discussion was lively, with some EU representatives arguing that criminal law was preferable to civil law on the grounds that criminal penalties were less financially damaging to media enterprises: in some jurisdictions, levels of civil damages are equivalent to 1,800 times the daily wage, which could bankrupt smaller media. The workshop recommended abolishing penal sanctions for criminal defamation and replacing them with a moratorium on the use of criminal defamation while other proportionate civil remedies are developed.

#### *Censorship workshop*

This workshop examined the pros and cons of using legislation to confront hate speech without compromising the right to freedom of expression. Speakers from Ghana, Russia, Israel and Albania gave examples of how government efforts to regulate the media in their regions had exacerbated the problems of hate speech, led to further distortions in reporting or imposed disproportionate, across-the-board, restrictions. Other speakers from the BBC, the OSCE and the European Centre on Racism and Xenophobia agreed with them that the best approach was to avoid state regulation and to rely instead on self-regulation, training and voluntary codes. Most participants recognised the problems inherent in government regulation, but felt uneasy at the thought of leaving vulnerable groups unprotected. The European approach, which combines a rigorous public broadcasting sector with a robust independent media, was held up as a model.

#### *EU Guidelines on Human Rights Defenders workshop*

This workshop looked at how the EU had implemented its guidelines on human rights defenders and at how it could do better. The discussion was based on a document produced by Amnesty International, which included a study of EU action in five countries: Angola; the Democratic Republic of Congo (DRC); Guatemala; Russia; and Zimbabwe. Amnesty acknowledged that the guidelines had raised awareness of the need to protect human rights defenders and that the EU had a long tradition of affirmative action for human rights defenders, but felt there was still scope for the EU to be more proactive and visible. There was significant common ground among participants in a number of areas, including over the need to embed awareness of the guidelines in the EU and to encourage their proactive and systematic use by the EU and its member states. Delegates also agreed that the EU's campaign in support of human rights defenders was a model of its type.

### **Freedom of expression around the world**

On 3 May 2006, World Press Freedom Day, the EU issued a statement welcoming the amnesty issued by President Bouteflika on behalf of convicted journalists in **Algeria**. The EU hopes that the president will follow up the amnesty by changing the way the law on defamation is applied, in line with Algeria's obligations under the International Covenant on Civil and Political Rights (ICCPR). In 2004, the Algerian government announced plans to revamp its media legislation and put together a committee to advise on the content of a new draft bill. However, most independent journalists, editors and publishers boycotted the committee in protest at the cases of Mohamed Benchicou, director of the newspaper *Le Matin*, who is currently serving two years in prison for denouncing corruption under President Bouteflika, and Hafanaoui Ghouli, a journalist with the paper *El-Youm*, who was imprisoned after writing an article alleging mismanagement and corruption on the part of local authorities. The Communications Minister, Boudjemaa Haichour, has been transferred, and the post remains vacant. Moves to reform the legislation on defamation and to end the public monopoly of the audiovisual media has halted.

In our 2005 annual report, we highlighted the case of Elmar Huseynov, a journalist in **Azerbaijan** who was shot and killed outside his home on 2 March 2005. A group made up of employees of the Ministry of Internal Affairs, the Ministry of National Security and the General Prosecutor's Office was immediately set up to investigate the murder. On 8 April 2005, the prosecutor-general handed the case over to the national security ministry, having re-categorised it as a terrorist act. On 4 May 2005, representatives of the state security services named a Georgian citizen, Tair Khubanov, as their main suspect. On 19 May, the authorities identified a second suspect, Teimuraz Aliyev, who is also from Georgia. Neither suspect has been found, and the Georgian authorities have rejected Azerbaijan's requests to detain and extradite them.

In summer 2005, the Azerbaijan authorities sentenced Turgai Bayramov, an Azeri who bought a mobile phone for the two Georgians, to two years' imprisonment for complicity in the murder. Since then, the authorities have provided no further information about the murder investigation. A number of organisations, both local and international, have called on the government to re-open the investigation. The UK condemns the murder of Elmar Huseynov and has made representations to the Azerbaijani authorities encouraging them to bring the perpetrators to justice. We continue to seek opportunities to assist in creating a free media environment in Azerbaijan.



Zimbabwean journalists hold posters advocating press freedom while marching in commemoration of World Press Freedom Day in Harare, 3 May 2006.

In **Angola**, around six privately owned weekly newspapers are freely available in the capital, Luanda. These papers frequently carry stories voicing strong criticism of the government and government ministers. Although some copies are distributed to the other main urban centres, they are not widely available in the provinces. On 4 April 2006, police in the enclave province of Cabinda confiscated copies of the privately owned *Seminario Angolense* newspaper. Cabindan human rights activists suggested that this was because the paper included a report alleging military abuses in the area. Access to information via radio remains a concern in Angola, particularly in the outlying provinces. Radio Ecclesia, an independent Catholic broadcaster, is still not able to broadcast nationwide, although it is widely listened to in Luanda.

There has been an increase in the number of attacks against freedom of expression in **Burundi**. In April 2006, MP Mathias Basabose and 30 journalists were held hostage in Basabose's home for over seven hours after he made allegations of high-level corruption in the country's largest rebel movement, the CNDD-FDD. On 9 May 2006, peace activist Terence Nahimana was arrested by the intelligence services after criticising the government for failing to make progress towards peace with the extremist Hutu group, the FNL. The government supports a free and independent media. It was quick to condemn the actions of the police, and is now drawing up a press law. The international community will

continue to monitor events and raise concerns with the government. We will also follow the drafting of the law closely to ensure that it complies with international norms.

**Chile, Guatemala, Honduras and Panama** have abolished some of their laws on defamation. However, self-censorship has increased across the region and attacks on journalists in **Colombia** (see Chapter 2) and **Mexico** continue. Three journalists have been killed in **Haiti**, making it the region's most dangerous country. In **Venezuela**, there has been a reduction in violent attacks on journalists, but there are increasing concerns about restrictions on press freedom. The government has threatened to revoke the licences of independent

broadcasters who have criticised its policies.

A significant number of regional newspapers have been shut down for spurious reasons. In the last 12 months, there has been an increase in the number of criminal cases the government has brought against journalists. The British Embassy in Caracas has lobbied the relevant authorities on a bilateral basis and with EU partners on key human rights issues of concern.

There is no press freedom in **Eritrea** and the situation has not improved since last year's annual report. The country's sole source of information is the Ministry of Information. The private press was shut down in September 2001 and some 15 journalists continue to be held in detention, mostly incommunicado and without access to their family or legal representation. Other independent journalists have fled the country. The Eritrean government has not responded positively to our efforts to raise the problem with them.

**Ethiopia** has been described by the Committee to Protect Journalists as "the world's biggest prison for journalists". At least 17 journalists are in prison there, the majority of whom were arrested in the aftermath of Ethiopia's 2005 elections. Most have been charged with treason and could face the death penalty if found guilty.

The EU has identified freedom of expression as an area of real concern in **Equatorial Guinea**. There is no opposition press and freedom of expression is severely restricted. In September 2005, as part of a wider campaign during the UK's presidency, the EU took up the case of the lawyer Fabian Nsue Nguema, an outspoken critic of the government and former prisoner of conscience. Nguema was suspended from the Bar in June 2005 for alleged misconduct based on complaints received. But the authenticity of the complaints

was in doubt and it is widely believed that he has been suspended because of his political position and his role in defending those accused of plotting to overthrow the government.

The situation in **The Gambia** has deteriorated significantly in the last 12 months. Since an attempt to overthrow the government in March 2006, several media representatives have been arrested without charge and held in detention. *The Independent* newspaper has not been allowed to publish for several months and the radio stations Sud FM and Citizens Radio have not been allowed to resume broadcasting. Journalist Lamin Fatty has been held in detention since writing an article for *The Independent* in April 2006 about suspects arrested in connection with the attempted coup. His trial began on 27 July. The murderers of Deyda Hydera, Reporters Without Borders' and AFP Gambia correspondent, who was killed on 16 December 2004, remain at large and harassment and arbitrary arrests of journalists continue. The latest journalist to be arrested in The Gambia is Lamin Cham, a BBC stringer and former reporter for *The Daily Observer*, who was detained by the National Intelligence Agency (NIA) on 27 May 2006. Cham was released on 6 June without being charged. Malick Mboob, a former *Observer* reporter, was arrested on 26 May 2006 and is being held at NIA headquarters in Banjul.

We are very concerned at this crackdown on freedom of expression in The Gambia, particularly as harassment of the media appeared to increase during the period immediately prior to the African Union summit in Banjul in July 2006. The Gambian authorities stopped an NGO forum on freedom of expression from meeting in Banjul immediately before the summit. FCO Minister for Africa Lord Triesman wrote to President Jammeh on 6 July expressing our concerns and calling for those responsible for the murder of Deyda Hydera to be brought to justice.

In the **Maldives**, Jennifer Latheef, a reporter and photographer for the Minivan news organisation, was sentenced in October 2005 to 10 years in prison for a "terrorist act". She was placed under house arrest at the end of December 2005 so she could receive treatment for injuries sustained during police detention. At the time of writing, Ms Latheef remains under house arrest and, contrary to medical advice, the authorities have refused to allow her to travel abroad for treatment.

In **Tajikistan**, established media groups such as Asia Plus, which has been registered for 10 years and comprises a newspaper, news agency, website and radio station, know the limits within which they can operate. But new independent

## The EU statement on the situation in the Maldives

In response to an increase in the number of incidents restricting full freedom of expression in the Maldives, the EU issued the following statement on 26 May 2006:

"Over the last months, the Maldivian security forces have repeatedly cracked down on peaceful gatherings in Malé. The EU is very concerned over recent numerous arrests of peaceful demonstrators by security forces. These arrests create an atmosphere of fear and intimidation among the civilian population and go against the spirit of the government's Road Map for the Reform Agenda published in March 2006. The EU considers freedom of expression and freedom of association fundamental democratic rights, which only serve a purpose if the people can exert these rights free from fear and intimidation. The activities of the Maldivian government's security forces cast serious doubts on a full commitment to the reform process.

"The EU calls upon the Maldivian Government to act in the spirit of its Road Map for the Reform Agenda and to create a favourable atmosphere for the political reforms it has committed itself to.

"The EU considers it important for the government at this stage clearly to show the people of the Maldives a more accommodating approach to political opposition, as it does for the opposition to engage constructively in return."

media (including Tajikistan's four independent newspapers) are not being registered. Outlets that step out of line can face tax inspections, which often lead to closure.

BBC World Service FM broadcasts to Tajikistan were taken off the air on 11 January 2006, because the BBC had not complied with the requirement to re-register under the new media law and obtain a new licence. The BBC believes that it has now fulfilled all the requirements to comply with the new law. We hope broadcasts will resume in time for the run-up to the presidential elections.

In **Thailand**, a series of attacks on critical media outlets in the days leading up to the 2 April 2006 elections prompted calls of concern from the Thai Journalists Association (TJA), the Southeast Asia Press Alliance (SEAPA), the International Federation of Journalists (IFJ) and the Committee to Protect Journalists (CPJ). In response to the attacks, the TJA has called on the country's media associations and outlets to join forces to counteract attacks on the press.

There have been reports of harassment and violence against journalists in **Yemen**. The donor community is pressing the Yemeni government to make a commitment to protecting journalists' rights. FCO Minister Kim Howells raised the issue with several ministers, including the prime minister, during his visit to Yemen in January 2006.

For information on recent events and UK actions in other countries of concern, see Chapter 2.

### Internet censorship

Overall, modern technology and the growth of the internet have led to greater freedom of expression. However, some governments see this new freedom in a negative light and have introduced strict censorship laws, often pointing to the threat from terrorism to justify their actions. While governments do have a legitimate need to counter terrorism and protect their citizens, this is not a reason to repress freedom of expression. Freedom of information is essential to the development of a modern, stable and sustainable society. Censorship and extensive monitoring of internet usage is prevalent in countries, such as **China, Iran, Tunisia, the Maldives** and **Vietnam**.

### Protecting writers

Concern over the safety of journalists around the world has grown during the period covered by this report. According to the International Federation of Journalists, the death toll within the media profession reached 150 in 2005, the highest

figure ever. We continue to support a number of NGOs and civil society organisations that are providing personal safety training for journalists.

### The BBC World Service

The BBC's World Service is a world-class international broadcaster which makes a unique contribution to the UK's public diplomacy efforts. Its aim is to be the world's best known and most respected voice in international broadcasting. The World Service is funded via grant-in-aid administered by the FCO, but it retains full editorial and

<< While governments do have a legitimate need to counter terrorism and protect their citizens, this is not a reason to repress freedom of expression. >>

managerial independence. This independence is essential to the success of the World Service and to its reputation for delivering unbiased, trustworthy news.

### *The BBC World Service Trust*

The World Service Trust is the BBC's international charity. Working in over 50 developing and transitional countries, the trust aims to improve the quality of people's lives through innovative use of the media. Its work includes: strengthening the free and independent media so it can hold governments to account and give people a voice; supporting the delivery

## The World Summit on the Information Society

**T**he World Summit on the Information Society (WSIS) took place in **Tunisia** in November 2005. Although Tunisia has implemented successful economic and social development policies, individual rights and liberties, notably freedom of expression and freedom of association, are severely restricted. One party – the RCD – dominates political life and any opposition activity is circumscribed. The press and broadcast media are controlled, internet use is closely monitored and websites, including those of international human rights organisations, are blocked. Tunisia's hosting of the WSIS provided an opportunity to press for the authorities to permit wider freedom of expression. The UK acted on behalf of the EU both before and during the WSIS, lobbying the Tunisian authorities to relax restrictions and allow NGOs to work freely on the margins of the summit. These efforts had limited success.

NGOs had planned a parallel "Citizens' summit", but this was blocked by the Tunisian authorities, who controlled

access to all potential venues. Several human rights NGOs cancelled their events at the summit in protest. On 17 November, Iranian democracy activist and Nobel Peace Prize winner Shirin Ebadi, along with around 150 representatives from national and international NGOs, visited a group of Tunisian hunger strikers without any interference from the security forces. On the final day of the summit, the hunger strikers ended their fast on the basis that they had successfully drawn international attention to their cause.

Outside the summit, a French journalist was beaten and stabbed in suspicious circumstances two days before the preparatory committee meeting and a Belgian TV crew, who visited the hunger strikers, had their recording equipment confiscated. The head of Reporters Without Borders was prevented from getting off his plane at Tunis airport and forced to return to Paris.

In June 2005, India's Right to Information (RTI) Act came into force. The prime minister, Dr Manmohan Singh, described the passage of the bill as "the dawn of a new era in [India's] processes of governance".

A three-year GOF-funded project, "Promoting effective implementation and use of India's right to information legislation", is being run by the Commonwealth Human Rights Initiative (CHRI). As well as providing training and technical assistance, the project is working with civil society organisations throughout India to encourage the general public to use the powers contained in the act.

In particular, the project is targeting government and public sector officers who are responsible for implementing the RTI Act at state and central level. CHRI has developed guidance notes to help them interpret the Act's key provisions. It is also advising the new information commissions on how to interpret the Act, providing training materials for government administrative training institutions and monitoring the implementation record of public authorities. To date, CHRI trainers have trained more than 3,000 government officers, public sector senior executives

and information commission staff. In October 2005, India's chief information commissioner, Mr Wajahat Habibullah, came to the UK to share insights and best practice with key individuals and organisations responsible for implementing the UK's freedom of information legislation.

Successful implementation of the RTI legislation will significantly increase transparency and accountability, thereby improving governance and reducing corruption. It also complements the mandate of the UN Convention against Corruption, to which India became a signatory in December 2005. India's RTI Act could provide an excellent model for other countries in South Asia looking to introduce or strengthen similar legislation. CHRI is feeding the outcomes of its work in India into its wider regional efforts, notably in Bangladesh, Sri Lanka and Pakistan.

We are concerned, however, that the transformative effect of the recently passed legislation could be considerably restricted by amendments proposed in July 2006 – for example, to restrict wider access to file notings under RTI, thereby limiting the potential of what was one of the most progressive legislation of its kind in the world.

of health goals such as reducing child mortality, improving maternal health and raising awareness on HIV/AIDS, malaria and other diseases; delivering educational programming; and stimulating debate on development issues.

In **Afghanistan**, the FCO is supporting several strands of the trust's work. The *New home, new life* drama series, broadcast on the BBC's Persian and Pashto services, is currently focusing on conflict resolution and reconciliation. The Afghan Woman's Hour project, which aims to build capacity among female journalists, is now offering a further phase of training and providing flexible IT solutions so women journalists can combine work with childcare. The Afghan Publishing House is publishing practical educational materials for children. The trust is also leading a consortium comprised of Deutsche Welle, DW-Akademie and Canal France International, which is putting together an inception action plan for Radio and Television Afghanistan (RTA) to help it develop into a public service broadcaster.

With support from the GOF, the trust continues to develop its media dialogue programme, which is improving journalistic standards and supporting reporters in the **Middle East** and **North Africa**. The trust is working to secure training deals with leading Arab newspapers and to develop a blueprint for print media training needs in partnership with the Guardian Foundation. The print media course includes face-to-face training and online modules and is currently being rolled out

with the *Assafir* newspaper in Lebanon. It will also be used in Jordan, Syria and Oman. A training and mentoring programme in Oman aims to improve Oman Radio's flagship current affairs programme, and there are plans to extend it to Jordan, Lebanon, Syria and Egypt. The trust is now developing a handbook for TV journalists covering fundamentals like ethics and best practice, as well as specific TV journalism skills.

FCO funding through the British High Commission in **Pakistan** enabled the trust to create a 12-part Urdu-language radio drama serial, *Piyar ka passport* ("Passport to Love"), which has tackled the issue of forced marriage, as well as gender issues, the generation gap, honour crimes and drugs. (See Chapter 8, page 265, for more details).

### 9.5 Freedom of association

In mature democracies, civil society acts as a dynamic advocate on behalf of professional groups or on general issues of public good, such as protecting the environment or promoting civil liberties. In less developed countries, where most people struggle to make a living, civil society is more likely to consist of small groups with a specific shared interest. This may be cultural, economic, social or political.

A healthy civil society is one of the hallmarks of a healthy democracy. Civil society reinforces the legitimacy of democracy by enabling people to access public authorities,

## << Civil society reinforces the legitimacy of democracy by enabling people to access public authorities, and by giving those authorities a channel through which they can explain their policies and practices. >>

and by giving those authorities a channel through which they can explain their policies and practices. Authoritarian governments are often wary of civil society organisations, and will try to find ways to limit their activities and keep them under control.

The UK notes with concern the increase in restrictions on civil society groups and human rights defenders imposed by some countries. This was a major theme at this year's World Movement for Democracy conference (see page 282). There are signs that many governments are employing a number of tactics to stop human rights defenders operating. These include:

- restrictive legislation (often adopted as part of a range of "improved security measures");
- secondary administrative or executive measures;
- defamation campaigns;
- travel bans on NGOs wishing to participate in international meetings;
- restrictions on funding (particularly from foreign sources); and
- using registration processes to harass new NGOs and "re-registration" to attack existing ones.

Governments also employ "traditional" forms of harassment, such as surveillance, and attacks by the police and security forces. The worsening situation in some states is often a sign of internal conflict and reflects governments' willingness to use counter-terrorism as a cover for introducing repressive measures.

In **Belarus**, NGOs have been forced to close as a result of new and draconian registration procedures. In **Uzbekistan**, foreign-funded NGOs must register with the justice ministry. In **Tajikistan**, NGOs must seek official permission for activities that could be construed as having a political purpose, such as seminars. NGOs in **Egypt**, **Syria** and **Tunisia** are subject to selectively applied regulatory laws, which tend to be employed when activists cross specific "red lines" – for

example, by criticising the country's leaders. The UK and our EU partners have raised concerns over restrictions on NGOs with these and a number of other governments.

On 16 January 2006, the EU publicly expressed its concern over the **Cambodian** government's continued use of defamation law to arrest members of the opposition, media, trades unions and NGOs. The EU statement noted that "This disturbing trend, culminating in the arrest of the director of the Cambodian Centre for Human Rights on 31 December

2005 and other human rights defenders has the cumulative effect of a targeted intimidation campaign against NGOs and human rights defenders in Cambodia."

### Human rights defenders

Human rights defenders are individuals, groups and organisations that promote respect for human rights and fundamental freedoms. It is vital that they are protected; an active civil society is one of the key components of a democratic society.

At its 56th session, the UN Commission on Human Rights (UNCHR) asked the Secretary-General to appoint a Special Representative on Human Rights Defenders. Resolution 2000/61 of 26 April 2000, which provides for the appointment, emphasises the important role that individuals, NGOs and groups play in the promotion and protection of all human rights and fundamental freedoms. It also notes that human rights defenders are often subject to threats, harassment, insecurity, arbitrary detention and extrajudicial executions. Hina Jilani was appointed as the special representative in August 2000. UK officials met her at the start of our presidency of the EU to discuss our work in support of human rights defenders. See Chapter 3 (page 128) for more information about the UK's presidency of the EU and page 278 for more information on our work to promote freedom of expression.

The FCO has increased its active support for human rights defenders over the last year. Overseas staff are now given training to help them provide appropriate support and encouraged to follow the EU *Guidelines on human rights defenders* (available online at: [www.consilium.europa.eu](http://www.consilium.europa.eu)). We have also briefed desks and posts on the recommendations resulting from an evaluation of these guidelines undertaken during Austria's presidency of the EU and to which we actively contributed. These recommendations focus on increasing awareness and use of the guidelines by:

- devising common local strategies for the promotion and

During the UK's presidency of the EU in 2005, we worked with our EU colleagues to run a campaign promoting human rights defenders' right to freedom of expression. In consultation with NGOs such as Amnesty International and Front Line, the EU drew up a list of human rights defenders who were suffering because they had used their right to freedom of expression. Heads of missions overseas then lobbied governments on their behalf through démarches and direct representation. The campaign provided support for over 180 individuals in 25 countries, including Azerbaijan, Burma, Colombia, the DRC, Nepal, Syria and Sudan. There were also 26 ad hoc démarches and 49 statements made on individual cases. This represents a dramatic increase in activity compared with previous presidencies. In some countries, the EU also undertook wider awareness-raising activities, holding a seminar in Bangladesh and raising the campaign at project launch events in Colombia.

It is difficult to measure the impact of the campaign on named individuals. So far, outcomes have been mixed: three

individuals on the list in Syria were released and charges against a fourth dropped; however, two named prisoners in Burma have been given lengthy jail sentences. However, the campaign has succeeded in raising the profile of a large number of cases and in raising awareness of the EU human rights guidelines among local authorities, NGO groups and EU posts. It has also highlighted EU concerns over freedom of expression, and provided useful material for follow-up engagement with local authorities.

In 2006, the Austrian and Finnish EU presidencies have continued to raise awareness of human rights defenders by running a similar campaign for women human rights defenders. EU representatives have been raising individual cases with local governments, meeting relevant NGOs and organising local events. For example, in Sierra Leone in June 2006, the EU held a roundtable for European heads of mission and the 50/50 Group, an all-female network that promotes human rights, opportunities, welfare and visibility for women in Sierra Leone.

- implementation of the guidelines;
- maximising use of collective resources through increased co-ordination and co-operation with local EU partners;
- supporting and protecting human rights defenders;
- encouraging local government to respect human rights defenders; and
- strengthening co-operation with the UN and other international partners.

The guidelines have already delivered practical benefits. For example, EU embassies in **Azerbaijan** maintain close contact with human rights defenders in the country by inviting them to embassy meetings, visiting their offices and involving them when EU representatives visit the country. During the UK presidency of the EU, the British ambassador raised the case of journalist Malahat Nasibova (who had been subjected to regular harassment) with the Azerbaijani foreign minister. Since then, her situation has improved considerably.

Ministers and officials regularly meet human rights defenders. For example, on 29 June, FCO Minister Ian McCartney met Russian journalists Stanislav Dmitrievskiy and Oksana Chelysheva, who were in London to receive the 2006 Amnesty International Special Award for Human Rights Journalism under Threat. Chelysheva thanked the minister for the support of the UK and EU, noting that "...[without this] we would not have been able to continue...".

We also seek to raise awareness of the situation of human rights defenders at the multilateral level. This was one of the

key themes of the EU's intervention at the UNGA Third Committee plenary meeting, held during the UK's presidency of the EU. We also supported an EU intervention on the issue at the first session of the new UN Human Rights Council (HRC). This intervention highlighted our concerns about the growing restrictions being placed on NGOs around the world (see page 12).

Human rights defenders from around the world attended the EU-NGO forum on freedom of expression held during the UK's presidency of the EU. One of the workshops at the forum drew on research carried out by Amnesty International on the EU's contribution to supporting human rights defenders. The forum's conclusions were fed into a subsequent evaluation of the *Guidelines on human rights defenders*. See page 278 for further details of the forum.

### Human rights defenders in Thailand

In March 2004, a prominent Muslim human rights lawyer, Somchai Neelapaijit, disappeared after publicly accusing the Royal Thai Police of torturing five of his clients, who had been detained in relation to the insurgency in the south of the country. Five policemen were charged in connection with the disappearance and one was found guilty of theft and coercion. The verdict disappointed Somchai's family and many Thai and international human rights groups. The investigation into Somchai's disappearance, led by the Department for Special Investigations, is ongoing. EU heads of mission have called for the case to be resolved satisfactorily.

# Key articles and speeches

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## 1. "Promoting LGBT rights overseas"

**Location:** Trades Unions Congress Conference

**Speech Date:** 06/02/06

**Speaker:** Ian Pearson

I am delighted to be here today and grateful for the opportunity to make an address at this year's TUC Lesbian, Gay, Bisexual and Transgender conference.

As joint Minister for the DTI and the FCO, with responsibilities for both trades unions and for human rights, this issue sits at the very heart of my portfolio.

Around the world, lesbian, gay, bisexual and transgender people are at particular risk of human rights violations because of their sexual or gender identity.

Same-sex relations are still illegal in over 70 countries, and in several nations they are punishable by death. In other states, vague and sweeping laws against indecency or similar terms are used to criminalise the identity of people belonging to the LGBT community.

For example, in Saudi Arabia, courts impose sentences of imprisonment and flogging for alleged homosexual conduct. In Nepal, human rights groups continue to raise cases of attacks by police, with apparent impunity, on transgender people. And in Iran, as occurred last November, gay men continue to face execution for consensual sexual activity.

And yet, despite spanning all cultures and countries of the globe, the human rights violations endured by LGBT people are shrouded in silence. The social stigma and prejudice, which still surround issues of sexual orientation in many parts of the world, mean that many abuses simply go unreported, undocumented and without condemnation.

Perhaps worse still, where victims muster the courage to come forward and make an official complaint, prejudice and discrimination mean that they are met, in some countries, at best with official indifference and at worst with further persecution.

This type of institutionalised discrimination dehumanises its victim. Perceived difference and non-conformity with the majority have been used throughout the ages to portray sectors of the population as somehow less than human, as legitimate



targets for abuse by both government agents and society at large. This reinforces impunity for the perpetrators and further incites violence against the individuals and groups in question. It also impedes victims' access to redress and equal protection under the law.

Amnesty International have observed that "while some governments take an active role in fuelling homophobic violence in society through inflammatory statements and institutionalised discrimination, many more share responsibility for it through lack of action". I agree. I think this is an issue on which we could - and should - all speak out in a louder voice.

This government believes that all human beings are equal in dignity and in rights, and we are all entitled to the rights and freedoms set forth in the Universal Declaration of Human Rights without distinction of any kind. It does not matter what our gender, our age, our ethnicity, our religion, our sexual orientation or any other way in which we may differ from one another, we are all entitled to our human rights, without discrimination, by virtue of our being human. International human rights law is grounded on this premise.

The UK government takes its international obligations seriously and we have seen some very positive steps forward at the national level in recent years. I do not say this in order to be complacent; there is still more to be done, but the trends are positive. In 2003, the government outlawed discrimination in the workplace on the grounds of sexual orientation. We now have legislation that recognises transsexual people in their acquired gender as a result of the Gender Recognition Act 2004. We have seen the equalising of the age of consent, the scrapping of Section 28, the Adoption and Children Act allowing same sex couples to adopt jointly for the first time and the removal of discriminatory offences in the Sex Offences Act 2003. As from April 2005, the statutory duties of the Criminal Justice Bill were extended so that any hostility or offence committed because of the victim's sexual orientation will be treated as an aggravating factor when passing sentence. December of last year saw the first Civil Partnerships in the UK. And, we now look ahead to the Commission for Equality and Human Rights, which will provide institutional support for the sexual orientation regulations for the first time.

Before we start to think about how we can promote the rights of LGBT people overseas, it is crucial to have a good story to tell at home. We have no influence with foreign governments on these issues if our own standards are no better. There is, of course, more to be done, but the clear message, from the very top of this government, is that discrimination on the grounds of sexual orientation and gender identity will not be tolerated in the UK.

So, how can we promote the rights of lesbian, gay, bisexual and transgender people overseas?

The UN is the single most important body for promoting human rights worldwide. I am sad to say, however, that the international community has struggled to give the rights of LGBT people the attention they deserve. The very consideration of this issue is seen by many states as threatening and inappropriate, and continues to be the source of much difficulty and dispute.

This was shown at the 59th Commission on Human Rights in 2003. For the first time, a resolution on Human Rights and Sexual Orientation was tabled. This landmark draft resolution, proposed by Brazil and co-sponsored by at least 20 countries including the UK, called on states to promote and protect the human rights of all people; it stressed that the enjoyment of universal rights and freedoms should not be hindered in any way on the grounds of sexual orientation. This draft text proved to be one of the most contentious of the session, meeting with significant hostility, and its consideration was ultimately postponed. The UK, along with others, has twice issued a statement on the subsequent postponements of this resolution, regretting that the Commission on Human Rights is still not ready to consider discrimination on grounds of sexual orientation. But to date, the international community has still not been able to return to this text.

Breaking the silence on these issues is an essential prerequisite to actually promoting and defending the rights of LGBT people overseas. Despite the very real difficulties we have faced in the Commission on Human Rights, the UN human rights machinery has begun to highlight violations committed solely because of gender identity or sexuality.

Several of the UN special rapporteurs and working groups have drawn attention to human rights violations against sexual minorities within their respective mandates. The Special Rapporteurs on Violence against Women, Health, Torture, Human Rights Defenders, Extrajudicial, Summary and Arbitrary Executions, and the Working Group on Arbitrary Detention, have all spoken out about the human rights abuses suffered by the LGBT community. The UK will continue to support the Special Procedures addressing the rights of LGBT people in the course of their mandates.

The UK has also worked and continues to work with EU partners and others to include language on LGBT issues in thematic resolutions at the UN. In 2004, for example, the UK supported a Swedish resolution on Extrajudicial, Summary and Arbitrary Executions, which called on governments to halt executions carried out on the grounds of a person's sexual orientation. In this way, we slowly begin to bring these issues into the mainstream.

Outside of the UN, we have also seen progress in promoting the rights of LGBT people in other international fora.

At the OSCE Human Dimension Implementation Meeting in Warsaw on 19-30 September 2005, the UK, on behalf of the EU, made a closing plenary statement expressing concern that consenting same-sex acts are criminal in two of the OSCE participating states and requesting that the issue of tolerance and non-discrimination in relation to sexual orientation be given consideration by the OSCE. I am pleased to say that the Chief Executive of the International Lesbian and Gay Association has since been invited as a keynote speaker to the first Supplementary Human Dimension Meeting of 2006 on Human Rights Defenders. We have also called for sexual orientation to be mainstreamed into other tolerance and non-discrimination events.

Last month (Jan 2006), the European Parliament adopted a resolution on homophobia in Europe, which strongly condemns any discrimination on the basis of sexual orientation. Among other things, it also calls on member states to ensure that LGBT people are protected from homophobic hate speech and violence and to ensure that same-sex partners enjoy the same respect, dignity and protection as the rest of society. This resolution will help further combat discrimination on the grounds of sexual orientation throughout the European Union.

The UK has raised cases of discrimination on grounds of sexual orientation bilaterally or in partnership with the EU with third countries. However, I do not wish to underplay the difficulty that we sometimes have in raising such cases with certain states. In these instances, keeping a line of communication about human rights issues open, and stressing their universality, is a primary concern.

Building the role of civil society is vital if we are going to give LGBT rights a voice and combat the violations committed every day based on sexual orientation or gender identity.

I would like to pay particular tribute to the work and courage of human rights defenders around the world, who strive to protect the rights of lesbian, gay, bisexual and transgender people at great personal risk. People like Fanny Ann Eddy - an outstanding activist who founded the Sierra Leone Lesbian and Gay Association - and who was brutally murdered in September 2004. It is important to recognise that the task of LGBT human rights defenders is made all the more difficult by the fact that in many countries they struggle to be accepted and supported, even by the wider human rights community. This makes the monitoring and reporting of the discrimination they face all the more difficult.

I want to finish today by being quite clear that this is a question of justice and rights. States have a duty to respect, protect and fulfil the human rights of all people without discrimination. It is not a question of opinion or morals.

Many governments do not share our views on the issue of LGBT rights, but I want to assure you that we are in this for the long haul. The FCO will continue in its efforts to defend the right of people not to be discriminated against on the grounds of their sexuality.

In the words of Fanny Ann Eddy, "silence creates vulnerability". It is the responsibility of us all to break that silence.

Thank you.

## 2. "Torture: bending the rules?"

**Location: House of Commons**

**Speech Date: 07/03/06**

**Speaker: Dr Kim Howells**

I certainly welcome the opportunity to discuss this very important issue with you today - not least because it gives me the chance to set the record straight on the United Kingdom's own position - in the face of some wild and unsubstantiated allegations, and of course in an atmosphere where it's believed that first of all, you should never let the facts get in the way of a good story and if you repeat a good story enough times then of course it becomes the truth. I want to say it isn't. And second, because I want to set out the wider context in which we are operating and how are policies and actions flow from that. And third, to talk about some of the real problems on torture which we face, and what our policies are to address those problems.

So what is the UK's own position? Are we bending the rules on torture? The answer unequivocally is no.

Do we believe there are ever circumstances in which torture is justified? An equally unequivocal no.

Do we believe it is ever acceptable to torture terrorist suspects? No, we do not.

And in case anyone still has not got the message, I will repeat it. Our answer to those three questions are no, no and NO.

The British government's position on torture is clear and it has not changed. We condemn unreservedly its use as a matter of fundamental principle. We condemn it not just in principle but also in practice. And not only do we condemn it, we continue to implement a global campaign to eradicate it.

So why do these assertions persist that somehow the constraints on torture are being relaxed. It is my contention that these assertions are based on a fundamental misunderstanding of what the government is actually doing, and a wilful disregard for the context in which we are actually operating.

Let me remind everyone that eight months ago to this day, four suicide bombers blew up 52 completely innocent people in a series of attacks on buses and trains in central London. Two years ago to this month, bombers blew up commuter trains in Madrid - killing 192 innocent people. Five years ago, 19 terrorists hijacked American planes and flew them into the Twin Towers in New York and the Pentagon in Washington - killing over 3,000 people. And only the the courage of the passengers on the fourth plane prevented that from hitting another civilian target in the capital of America.

And these are of course not the only terrorist attacks of this kind. The last five years have also seen a series of murders of innocent people around the world - in Bali, Sharm El Sheikh, Amman, Istanbul, Riyadh, Moscow and Nairobi.

There are too many other such examples to list them all in detail. Nor do I need to remind you of them all - the horrific images are all engrained into our memories.

But sometimes I wonder if some of our critics actually are - incredibly - forgetting these images. As if somehow we are not facing a major global challenge on terrorism. As if somehow we should continue to muddle along without any change in our approach. As if somehow the deaths of thousands of innocent civilians do not justify any additional measures on counter-terrorism.

Now the British government begs to take a different view. And I am fairly confident that the vast majority of the British public would also take a different view that we are right to be taking this threat seriously; that the threat is of a sufficient magnitude that we do need to take additional measures to combat it; and that failure to do everything in our power to protect British lives would be a fundamental abdication of our responsibility as a government.

Now our policies and our actions therefore flow from that premise, and need to be seen in that light.

It's alleged that our efforts to deport people from this country who we believe pose a terrorist threat are wrong, because they may be sent back to countries where they may be tortured. Well, these allegations are wrong. And let me remind you first of all none of these individuals are of course British citizens - they do not have an automatic right to live in the United Kingdom.

These are people who, in our judgement, pose a threat to the United Kingdom. But we will not send them back if there is a real risk that they will be subjected to torture, inhuman or degrading treatment in the country.

It is because we take our laws and international obligations very seriously that we are negotiating Memoranda of Understanding with the countries concerned, to ensure that these individuals will not be mistreated on return. If we were so determined to flout our international obligations, why would we bother? Indeed, deportations will not and cannot take place unless we satisfy the United Kingdom courts and the European Court of Human Rights in Strasbourg that the removal would be consistent with our international obligations.

It is alleged that these agreements might undermine the protection offered to other individuals in the countries of return. Frankly, I have never understood this argument. Why should agreements designed to increase the protection of a few individuals against mistreatment have any negative impact on other citizens in those countries? The arguments simply don't stack up. In fact, we believe that the efforts made on behalf of the individuals we are seeking to return will have some benefit on the wider circumstances in those countries - because they inevitably will increase scrutiny on the wider situation.

We are also criticised by some human rights organisations for dealing with those countries at all; some NGOs have actually attempted to undermine our efforts to protect the individuals being returned. The fact is that in some places the human rights situation is bad, but it's improving. We have been able to encourage these states to continue working on this. I don't believe that ignoring their efforts and refusing to deal with them is the best way of achieving this.

Secondly, we are accused of using intelligence derived from torture - with the implication that somehow we are encouraging this practice. The debate here is also distorted. The United Kingdom government never uses torture for any purpose, including to gain information. We never instigate others to do so. Indeed, we condemn torture whenever and wherever it occurs; and we work hard with international partners to eradicate it completely. We always assess the reliability of intelligence, not least because we agree that information gained through torture is usually very unreliable. We would not use such material in court.

But I ask you this - what would you do if a piece of information fell into your hands, unsolicited, that appeared to be credible, that may have been extracted through unacceptable practices - but one never knows that for sure - and that information could avert an immediate threat to people's lives? Lets take a specific

example: imagine I receive a piece of paper from an unknown and perhaps slightly dubious source that said a hotel full of British tourists was to be blown up the following day. Let's say I decided to do nothing because I thought that the intelligence might have resulted from someone being mistreated. Sure enough, next day the hotel is blown up and hundreds of British tourists die. What would you say if you were the father or mother of one of those killed. Would you think I had acted properly as a minister? No, you wouldn't. You would think that this had been a complete dereliction of duty. The government's first job is to protect its citizens and that is what we will do.

So I repeat the question - what would you do? In the real world, governments are faced with real moral and ethical dilemmas. But we are not prepared to stand aside and let innocent people be murdered.

Third, it is alleged that the United Kingdom is not doing enough to address concerns about US behaviour. And again, I would assert that this is wrong. It is not the case that we have remained silent, or failed to engage with the US on the concerns which have been raised. We work closely with the US. They are a key ally on many of our global priorities - from security to the promotion of democracy to the promotion of debt relief. Loud and public criticism might win us short-term popularity from some in the United Kingdom - but megaphone diplomacy doesn't always work. Quiet diplomacy is sometimes the more effective tool - particularly with a close ally.

But where there has been cause for concern we've raised our concerns with the US, including at the highest levels. We have done so privately and we have done so publicly.

In November, the Foreign Secretary wrote to US Secretary of State, Condoleezza Rice, as EU Presidency seeking clarification of the media reports about "extraordinary rendition". The debate on rendition continues. The Foreign Secretary has made clear that he will continue to keep parliament and the general public informed of any developments. But we are satisfied that the US would not render a detainee through UK territory or airspace (including our Overseas Territories) without our permission. The Foreign Secretary also spoke out publicly, making clear his revulsion at the events at Abu Ghraib. The Prime Minister has stated repeatedly that Guantanamo is an anomaly which needs to end, sooner rather than later. We discuss regularly the threat from international terrorism with the United States. That includes discussion on detainee matters, including Guantanamo.

And this leads me to my final point, which is that I do think that there's an understandable but over-zealous focus on the United Kingdom. I do not suggest we are perfect, not for one minute. The images of abuse in Iraq have demonstrated that all too

clearly. But what we have done is taken steps to address these problems, prosecuting those who were responsible and sending a clear message out that such behaviour will not be tolerated.

The UK has stated repeatedly its determination to abide by its commitments under international law, including under the UN Convention Against Torture and the European Convention on Human Rights. We are a functioning democracy, where the actions of the government are subject to the independent scrutiny of our Parliament, of our courts and of our free press. This stands in stark contrast to some parts of the world, where torture and human rights abuses are systematic, systemic and widespread; where people in detention are not visited by the Red Cross or by their lawyers; and where there is no opposition or free press to hold the government to account. In countries, frankly, where a debate like this would never take place. These are the sorts of places where the UK is working very hard with other international partners to improve human rights and eradicate torture.

And we will continue to uphold our own international commitments. And we will continue to work hard with our international partners to eradicate this abhorrent practice. We shall continue to lobby for universal ratification of the UN Convention Against Torture and its Optional Protocol. We will continue to support projects aimed at combating torture. And we will continue to support the anti-torture work of the United Nations, the Organisation for Security and Cooperation in Europe and the Council of Europe. We will continue to raise credible cases of abuse wherever they occur - in China, in Chechnya, in Burma, and yes - in the United States, and with our closest allies, if necessary.

Torture is never acceptable. Its prohibition is absolute. Let's not talk about bending the rules - let's continue our work towards preventing states from breaking these rules.

### 3. "Building international consensus"

**Location: Mansion House, London**

**Speech Date: 26/04/06**

**Speaker: Jack Straw**

My Lord Mayor, Your Excellencies, Aldermen, Mr Recorder, Sheriffs, Ladies and Gentlemen.

It is a great honour for me to address this, my fifth Easter Banquet. Across town in the Foreign Office, we are rightly very proud of our imposing buildings and our long history. But it is no bad thing for us to come a few miles east once a year and remind ourselves that there are parts of London with even

longer and more illustrious traditions.

My Lord Mayor

We in the Foreign Office and you here in the City of London share a lot more than imposing heritage and architecture. We share too an understanding that what goes on across the world has an immediate impact in this city and in this country.

In my speech here a year ago, I argued that idealism and realism came together in a powerful imperative for Britain's international engagement.

A month ago, I launched the Foreign Office's updated strategy - An Active Diplomacy for a Changing World - which sets out the form which that engagement should take over the next 10 years.

The strategy goes on to stress how the United Kingdom will help build and strengthen the multilateral system so that it can address global threats ranging from proliferation and terrorism to climate change and financial instability. And at the same time, the strategy makes the case for our promoting a common set of values - democratic accountability, rule of law, clean government, respect for human rights.

But the paradox is - of course - that the more strongly we believe in the worth of a functioning multilateral system and in an international system based on common values, the more necessary it becomes that we do not try to impose this view unilaterally on others. Here in Britain, it has often been said that in foreign policy we "punch above our weight". I believe that we still do. But the boxing metaphor can be slightly misleading. Today, diplomacy is more than ever about "soft power" - persuading others that they have an interest in your agenda; that you and they want the same things.

Nowhere is the strength of the international consensus and of our subscription to common values more regularly tested than in the Middle East and the surrounding region.

Here is not the place to rehearse the arguments over the rights and wrongs of the military action in Iraq. I know that it remains the subject of fierce debate. But the simple fact is that - today - the interests of all of us in this room are best served by working together to help the Iraqi people to embed democratic institutions, to deal with instability and violence and to become thriving members of the international community. The nomination over the weekend of Jawad Al Maliki as Prime Minister represented significant progress towards uniting the country under a government of national unity. Nobody is under any illusion about how tough the next four years will be for a

new administration. But success in that difficult task will be reliant upon the active support of the entire international community.

In the same way, all parties in the Middle East Peace Process must find a way of moving forward together. Let me say this: we entirely accept the democratic mandate of Hamas. They won the election fair and square. But Hamas has to accept that with democratic power comes democratic responsibility - a responsibility to work with neighbouring governments and, above all, a responsibility not to get involved in or to use violence.

One of the greatest tests to the resolve of the international community comes from Iran's intransigence over its nuclear programme. I can understand the caution felt in many parts of the world over how we should proceed - particularly given the experience over Iraq. But let's be clear - this is not Iraq. Nobody is talking about military action. The issue at hand is how the international community can most effectively ensure that international obligations - in this case under the Nuclear Non-Proliferation Treaty - are enforced. If we lack the will and the commitment to do this, then the multilateral system itself breaks down. Iran, the Middle East Peace Process and Iraq all enjoy a pretty high profile. This is in part due to their intrinsic importance to international peace and security. But it is also because of the passions which they arouse within and between countries. Yet the international community face other tasks which are just as important, in which unity of purpose is just as vital, but which do not always get the attention they deserve.

Darfur is a case in point. The original ceasefire there was signed in April 2004 - two years ago. But there is now no real ceasefire in Darfur. The government of Sudan and the rebel movements break it every day. Attacks continue, including on humanitarian workers and peacekeepers. Around two million people are now in camps. Innocent people are still being killed. Women and girls are being raped. Children are dying.

The situation has got worse in recent months. Last week, UN Under-Secretary-General for Humanitarian Affairs, Jan Egeland, briefed the Security Council. He spoke of how more than 200,000 additional people had been displaced in the last four months alone. In one area - around Gereida - 60 villages have been emptied. The African Union Mission and NGOs are being stopped from doing their work. Other governments in the region are meddling unhelpfully. If the Responsibility to Protect - which all the governments represented in this room signed up to at last year's United Nations Summit - is to mean anything, then it must mean something in Darfur.

The next couple of months are crucial. We can get a breakthrough in the peace talks in Abuja. But it will only happen

if the international community redoubles its efforts - and that includes all the members of the Security Council. We should make full use of sanctions and the arms embargo. We should be clear that those who have committed war crimes will face justice in the International Criminal Court. And at the same time we should hold out a positive future for Sudan if a settlement can be reached: international respectability; an end to isolation; debt relief; WTO membership; a reconstruction package.

Meanwhile, we have to back up those working on the ground. That means supporting the African Union in its mission and helping it to manage the handover to a United Nations force. Indeed, as a matter of urgency, we need to get a UN planning mission into Sudan.

One of the things which has made the conflict in Darfur so terrible and so lethal is the unchecked availability of arms to the belligerents. And since I have very senior representatives of virtually every foreign service in the world here tonight, let me use the opportunity to renew the call for us to agree an International Arms Trade Treaty.

And I will be candid. Some governments are reluctant to get behind this idea because they think it will harm their defence industry. For other governments the worry is that it will stop them buying the equipment they need to defend themselves. These are understandable concerns. But neither needs to be true. The United Kingdom is a major defence exporter with defence-related exports averaging £five billion per annum. We have no interest in undermining the legitimate arms trade. And we know that legitimate defence exports play a vital role in helping countries to meet their security needs, as well as their international commitments, including peacekeeping.

The Arms Trade Treaty we are pushing for is not about ending the arms trade. It is about setting clear, universal standards, which spell out why and when arms sales should not be approved.

The reason why we must do so is very straightforward. Each year, 45 million people are affected by the devastating consequences of war. And every country affected by conflict takes years - an average of two decades - to recover. The immediate human cost is immense. Here is one stark fact. Take the combined total of all the British, French and German soldiers killed in the First World War and you still will not match the number of people who died in the six-year conflict in the Democratic Republic of Congo. The longer-term costs of these conflicts are enormous, too - destroyed infrastructure, refugees and a generation without education or hope.

So there is a strong humanitarian, developmental and moral

case for dealing with irresponsible arms trading. And at the same time, a treaty would seek to ensure that arms did not fall into the hands of terrorists or be used to abuse human rights.

With sufficient political will we can achieve all these objectives. We have already shown what can be done with regard to a particular category of conventional weapons. Last week we saw the culmination of three years' work, led by the United Kingdom, to develop politically binding global guidelines for national controls on the export, import and transshipment of Small Arms and Light Weapons. In Nairobi, governments from every region of the world along with representatives from NGOs were able to agree a draft text with clear, universal standards. We are now working hard with many other countries to gain global support.

We can build on this in the Arms Trade Treaty. For such a treaty to work it will need the widest possible support, not just among governments but also among the world's major arms manufacturers. It will need to cover more than just small arms and light weapons but also heavy equipment, such as jets and artillery. And it will have to include an effective mechanism for enforcement and monitoring.

Support for the treaty is growing. We need to keep up the momentum but at a pace with which a wider range of countries are also comfortable. That points to putting these discussions on a more formal footing and within the United Nations. The next step, then, should be to consider this initiative at the First Committee of the United Nations General Assembly, later this year - and to agree there a clear route to getting a final treaty. I hope that this will be a move which the governments represented here tonight will support.

My Lord Mayor

I have spoken a lot about building international consensus with other countries. Before I came here tonight, I had a chance to look at the itinerary for your year in office. I saw that you will be visiting 20 different countries over 12 months. It is a testament to the work that you and the whole of the City of London do to build partnerships across the globe.

I noticed something else in particular. You are due to visit one country twice - China. That reflects your own deep knowledge and experience of the country. Indeed, I understand that you have visited on 103 separate occasions. But at the same time it reflects something else too: that is the increasing importance which Asian countries - and China and India in particular - are playing in the international community. One sign of this, of course, is the decision by the City of London to open two offices in China this year and to open a third office there shortly, as well as one in Mumbai.

The truth is that this great global re-ordering of the world economy will mean that we all need to adjust. For a long time, the developed Western economies have set the international agenda and hoped or expected others to follow. That is being replaced by a more co-operative model that requires us to look again at the post-war structures of global governance. The institutional frameworks of the United Nations Security Council, the Organisation for Economic Co-operation and Development and the International Monetary Fund need better to reflect the growing importance of Asian countries.

This, of course, cuts two ways. As Asia's economic and political impact round the globe is increasing, so too are the responsibilities of international stewardship which Asian countries must shoulder. As their stake in a rules-based global system increases, so too must their willingness to support it.

My Lord Mayor

I began with a brief acknowledgement of the history and heritage of the City of London. Let me end by recognising the immense contribution it makes, today, to Britain and to the world. The City is not only a financial powerhouse at the heart of the British economy; it is also a vibrant symbol of how people from around the globe can come together for common cause. Your untiring work supports that effort in each and every respect. For that we all owe you a very great debt of gratitude.

#### 4. "Carrying forward the vision"

**Location: UN Human Rights Council, Geneva**

**Speech Date: 20/06/06**

**Speaker: Ian McCartney**

Your Excellencies, ladies and gentlemen.

Let me first congratulate you on your election, Mr President. I wish you well as you guide our work in the weeks and months ahead. Few Chairs can have occupied the post at such a historically significant time. You have the UK's full support. You, and we, are charged with carrying forward a vision first articulated nearly 60 years ago.

In its preamble, the Universal Declaration of Human Rights states that:

"The advent of a world, in which human beings shall enjoy freedom of speech and belief, and freedom from fear and want, has been proclaimed as the highest aspiration of the common people."

That declaration was written in the aftermath of a devastating war. The world had witnessed human suffering on a previously

unimagined scale. Its people hoped that the institutions created from their misery would guard against such events ever occurring again.

Former British Prime Minister Clement Attlee, speaking at the first General Assembly in London, proclaimed that:

"In the Charter we see the freedom of the individual in the state as a complement to the freedom of the state in the world community of nations"

But 60 years later, hundreds of thousands - perhaps even millions - are still denied their human rights.

While we listened to the Secretary-General's inspirational words yesterday, countless numbers remained imprisoned for expressing their own views. Countless others were still denied a fair chance to earn a decent minimum wage, and live a decent life.

The reasons for the creation of the Commission on Human Rights therefore remain equally valid today. In the next few days we will hear plenty more words about this council. We owe it to all of those countless numbers to ensure that we do more here than just talk. The rights of these people are the same as ours. Like each of us, they deserve a dignity and freedom that has nothing to do with where they live, but with the very humanity that they share with us. The inability freely to exercise their human rights, however, has a great deal to do with where people live. In the words of Eleanor Roosevelt:

"Where...do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere."

We are here today to represent our governments and our states. It is our policies and laws that are felt in the neighbourhoods, factories, farms and offices of our citizens, cited by Eleanor Roosevelt. It is our laws, and our determination to see them implemented, which largely decide whether human rights violations occur, and whether they go unpunished. Human rights are essentially political in their nature. They are the intrinsic business of every government, without exception. We all know that every government faces challenges in implementing their human rights obligations - complex challenges, that vary widely across the world. Related to facts

both within, and sometimes beyond, a government's own control: the national context; a state's history; the stability of its peace or the severity of its conflict; the level of its development - and so on. So let us be honest in our work here. Let us not pretend that human rights are not about real human beings, nor about the states in which they live: that human rights do not flourish or suffer depending on governments' policies; that they are not political; and that they are not difficult and, at times, very difficult. To pretend this would be to build our council on the foundations of a fiction. It is a fiction that we cannot afford, either as politicians or as human beings. Moreover, this fiction will not resolve the problems that arose in the Commission on Human Rights. These were often overstated.

The commission was powerfully instrumental in supporting democratic change throughout the world. It repeatedly brought to international attention pressing issues and situations of the day, and it developed the framework of standards that has guided our work for more than half a century. These standards continue to direct our efforts today. The Optional Protocol to the Convention Against Torture will enter into force later this week. It is a fitting reminder of what we can achieve when we work together to enhance the international protection framework. The commission's problems lay elsewhere: in distrust grown out of all proportion; in the use, too often, of the same unimaginative tools to address all issues; in megaphone diplomacy between regions; and in an in-built fear of tackling, head-on and together, the common challenges that human rights raise.

What should we do differently in this new council? Most importantly, we need to step out of the trenches of commission thinking. We should no longer assume that one region's concern must be another's taboo, or that repetition is progress, or that the best way to resolve a problem is to simply broadcast it from the rooftops. We need to be more innovative than that.

Firstly, we should recognise that it is legitimate to discuss challenges and concerns in a particular state. This need not be something to resist at all costs - rather, an opportunity to address those concerns together.

Secondly, we need to work together to develop more sophisticated and varied tools. To support each other better in tackling real issues and finding solutions that work.

Thirdly, we need to foster trust and understanding. In particular, we must communicate better among countries, and above all across regional divides. This should be a matter of course, not exception.

Of course, successful dialogue requires a willing partner. This

council is charged with promoting and protecting the human rights and fundamental freedoms of all people, everywhere. It has a unique and global responsibility. If a state wilfully rejects cooperation, if it chooses instead to persist in grossly violating the human rights of its citizens, then this Council cannot sit silent. In such cases, it must act. But if we can build trust as I've suggested, surely such instances can become the exception not the rule.

In that regard it was very encouraging to hear the words of His Excellency Mr Oli, Deputy Prime Minister for Nepal, yesterday. He reported on the welcome progress his country had made, his government's continuing commitment to address outstanding human rights issues and the vital role played by the international community in support. Nepal is an admirable example of how a country's own people can work together with the international community towards shared human rights goals.

The Universal Periodic Review Mechanism will be another important tool in achieving this. It should be a balanced and transparent mechanism. Crucially, it will ensure that all states are subject to the same scrutiny. This does not mean that all must reach the same standards overnight. Periodic Review should not seek to compare states' performance in absolute terms, defining who is better than whom. This would not provide the basis for trust, which should be the norm in our work. Moreover, it would not be fair. The key for the Universal Periodic Review is to establish how a state is working to meet the obligations it has undertaken. Key questions to ask are: In which direction is the state travelling?

What efforts is it making?

Is it demonstrating the political will and commitment to do better?

How is it using the resources that it has to meet its obligations?

Is it willing to draw on the assistance offered by others to solve its problems?

We stand at a crucial juncture in the history of the UN's human rights work. As we consider the direction this council's will take, it is worth recalling the words of Charles Malik. As the Lebanese representative and rapporteur to the first CHR, and one of the pioneers of the Universal Declaration on Human Rights, he wrote:

"If your institutions and traditions are not adapted for the production of a ringing message, which will appeal to the mind and hearts of others, and on which you can stake your life, then ... you cannot lead."

So let us talk about human trafficking. Let us discuss the protection of human rights while combating terrorism;



discrimination in all its forms; racism - wherever it occurs. We should talk about: the right to development for all; the abolition of the death penalty, torture, violence against women; the right to education, the rights of the child; and those many others so demanding of our attention. But we should talk about them in real terms. Our debate should not be abstract. We must focus on how best to improve the lives of real people. Let us view human rights issues, not as the preserve of one region or state, but as what they are: a concern for human kind. In short, let us show the leadership, and send the ringing message, which Charles Malik called for 60 years ago. Maybe this sounds idealistic, but my country and I are up for the challenge. Together, all of us here have a realistic chance of success. And I suggest that there is no better moment for idealism than now.

Let this century be the century when at last every single human being can be the best they can be - where each individual lives in a country and a wider world where they can live without fear, and as a matter of fact be governed by a democratic, accountable and just government, a government which does not fear its citizens but respects them individually and collectively, a government in return which is not feared but respected by its fellow citizens.

Thank you.

## 5. "Democracy and security in Africa"

**Location: Chatham House, London**

**Speech Date: 21/06/06**

**Speaker: Lord Triesman**

Thank you for inviting me to take part in the Chatham House Africa Programme. It is always a pleasure to be here and to talk about Africa with so many experts.

I do not imagine that this is the first time democracy and security in Africa have been on your agenda, nor will it be the last. These are themes to which we will return time and time again, I have no doubt. For they are issues which lie at the heart of Africa's development, and until there is democracy and security in Africa there will be little if any progress.

The challenges facing Africa remain huge. Progress on one front is so often accompanied by regression on another. As a faint glimmer of hope begins to emerge in the appalling conflict in Sudan, with the signing of the Comprehensive Peace Agreement and the Darfur Peace Agreement, the situation in Somalia deteriorates, threatening to draw in Ethiopia - and the Ethiopia/Eritrea border once again a tinder box.

Wherever the conflict, whatever the cause, it is innocent people - not necessarily aligned with any side - who suffer in their millions. A community, a whole nation decimated by war, hunger, disease or rapidly diminishing natural resources is a lost generation. In 2000, over half the countries in Africa and 20 per cent of the population were affected by conflict. During the previous decade over six million people died and over 20 million were displaced as a direct result of conflict. The vast majority do not die on the battlefields but because of the disruption of essential services: security, food, health or at the hands of armed marauders. Small wars can create enormous humanitarian disasters.

The human cost of the Darfur conflict so far is two million people internally displaced or seeking refuge in neighbouring Chad.

It is not only war-torn countries who suffer but increasingly their neighbours, often barely able to deal with their own internal issues, let alone host hundreds of thousands of impoverished refugees as we are seeing in Chad. And, in turn, Chad-based forces maraud in Darfur.

Internal conflicts are increasingly seeping across borders as rebel, state and stateless armed forces move their operations over national boundaries. And in many places, these borders are difficult to identify at best. We have seen clear evidence of this in the DRC, where Rwandan, Ugandan and Burundian rebel groups have based themselves in DRC to regroup and continue their rebellions. And support for home-grown Congolese rebel groups has come from across its borders.

Indeed, the many years of conflict in the DRC drew in so many tribal and national factions from within and outside the DRC that few understood who supported whom. A South African cartoonist described the situation thus: a peacekeeper at a road block in Congo sees the tip of a rocket-propelled grenade launcher poking out of a bush. "Halt", he cries: "Who goes there?" "Congolese Rally for Democracy", comes the reply. "Hang on a minute", says the peacekeeper, and he turns to consult a chart of parties to the war, of which seven are listed as "friend", eight are listed as "foe" and 10 are listed as "not sure".

The human toll of failed states continues to rise, and it is not just neighbouring countries who are affected. The collapse of states causes waves of migrants northwards towards a safer, richer Europe. In 2004, almost half of all the asylum claims made in the UK were from Africans. Four of the top 10 asylum-claimant source countries are in Africa: Somalia, Eritrea, Nigeria and DRC.

Six of the top 10 countries on the 2006 Failed States Index published by Foreign Policy magazine are African: Sudan, DRC, Cote d'Ivoire, Zimbabwe, Chad and Somalia.

As we look at failed or failing states, it is hard not to be struck by two quirks of history. First, as African states assumed their independence from colonial powers to make rapid progress, they adopted colonial borders. These borders were, and often remain, arbitrary lines drawn in London, Paris, Berlin and Rome, reflecting colonial interests or convenient stand-offs between powers. The borders divided tribes, clans, religious blocs, ancient alliances. And the borders often still do, not only dividing those who would choose to live together but putting together those who had no wish to share a nation. State-building has had a sharp contrast with traditional governance.

The second quirk, in my view, was that because independent states formed during the Cold War and anti-colonial struggles bore the kite marks of the Cold War, they rapidly became client states on either side of the ideological divide. The Cold War great powers may have done little for those states in many respects, but they did add infrastructure and technicians of variable quality. But the African states could rely, as clients, on imported capacity to some extent. When the Cold War ended, almost all that assistance was either impossible for the Soviet bloc or no longer very relevant for the West. As did the Berlin Wall come down, so did interest. Hollowing out took hold in countries without institutions to withstand it - and certainly without institutions able to deal with the inbuilt fault lines of the earlier period.

What followed was conflict, internal to arbitrary boundaries and across those borders, conflict that usually demonstrated that few states had the sole use of legitimate force.

We all know only too well that unless conflict can be resolved, political and economic collapse reversed and stable, honest government established, the human misery will grow. The result will be further destabilisation across Africa with equally damaging consequences for the whole international community.

What I believe is becoming increasingly clear is that the only way to make progress is to look at these issues from a broader, regional perspective and for international policy to be focused on regional strategies. The history shows the frailty of a focus that is less than regional. In 2001, the UK launched the Africa Conflict Prevention Pool combining the expertise and resources of the three government departments most heavily involved in conflict resolution and peace-building in Africa: the FCO, DfID and MOD. Our aim - to provide a consolidated and co-ordinated input to G8 and EU peace support operations; to support the African Union and regional organisations' conflict prevention strategies; and to build up their capacity to manage the whole conflict cycle from prevention through resolution to permanent peace.

Central to the effectiveness of our operation and our ability to work directly with local, national and international organisations on the ground are our four regional conflict advisers covering the four regions of sub-Saharan Africa from their respective bases in Abuja, Addis Ababa, Nairobi and Pretoria. This network allows us to harmonise conflict prevention across an entire region and provides us with critical entry points for the government's work with sub-regional organisations.

I want to look at conflict, post-conflict and potential conflict zones in those regions and consider to what extent a regional approach is or isn't working.

The first is West Africa where the UK has a major military and political investment in Sierra Leone following the intervention by British troops in 2000, which enabled the UN Mission to re-establish control. We remain heavily engaged in the rebuilding, reform and training of Sierra Leone's security forces, and remain the biggest bilateral partner in improving governance and helping tackle corruption.

But equally important to Sierra Leone's future stability is that of its neighbours: Guinea, Liberia and Cote d'Ivoire. We are working closely with ECOWAS, the US, EU and local NGOs in Guinea on political and economic reform and with France and UN Security Council members to successfully implement the fragile peace agreement in Cote d'Ivoire. In 2003, we provided a £3.5 million support package to facilitate the deployment of Ghanaian troops as part of ECOWAS's mission in Cote d'Ivoire and a further financial package to cover the running costs of Nigerian troops in the ECOWAS Mission in Liberia. We have helped fund the UN office, which will prepare for crucial elections in Cote d'Ivoire, and we take part in the international working group overseeing the AU peace plan. Three senior British officers are now working in the UN Mission in Liberia and another British officer will join the US team leading reform of the Liberian security sector, providing our experience from tackling the same thing in Sierra Leone.

Breaking the cycle of violence which has gripped Liberia for almost two decades is critical to peace in the region. The election of Ellen Johnson-Sirleaf has raised hopes that stability can be achieved, at least in the medium term. We will give her every support we can. One way we have done this is by saying to the Special Court for Sierra Leone that, should Charles Taylor be convicted, he could serve his sentence in the UK. That has cleared the way for the UN to authorise Taylor's transfer to The Hague and thus remove his destabilising presence from the region. The decision also demonstrates in a very practical way the UK's commitment to international justice, even when that commitment comes at a price.

And I note a further tangible success. We worked with Nigeria and Cameroon to resolve their border dispute in Bakassi Peninsula. The formula repays study for its flexibility, its inventiveness, for going beyond old methods with African leaders capable of doing so.

The second area I want to look at is the Great Lakes region. There cannot be many places in the world where man has inflicted so much cruelty and suffering on fellow beings than in the DRC and its neighbouring countries. They are, at last, on the path to peace and democracy, with elections scheduled in DRC for the end of July. We were able to support the AU's Peace Support Mission to Burundi in 2003, the first AU peace support operation, by helping finance the deployment of Mozambiquan troops as part of the mission. And we are contributing experts to the EU mission working with other countries, including African partners, to help assure security and fair elections in the DRC. The EU mission is helping reform the security sector as well as providing £5m in funding for basic support to the newly formed DRC army. Only with our practical support will the DRC army be able to work alongside the UN peacekeeping mission to provide the security so badly needed across the country.

Progress in one country will be undermined if there is continued instability in a neighbouring country, so regional-wide initiatives are critical to peace. A key part of our strategy will be to support the Multi-Country Demobilisation and Reintegration Programme for ex-combatants and the Amani Great Lakes Inter-Parliamentary Forum on Peace, and by working alongside our partners, both in Africa and the EU, in multilateral initiatives. That, I believe, is the best way of ensuring the international community's long-term commitment to the region's peace.

Civilian populations in Uganda, DRC and Sudan are suffering from the dreadful abuses committed by the Ugandan Lord's Resistance Army. In DRC, foreign and Congolese rebel groups are continuing to fight. Civilians bear the brunt of the pain. The US-facilitated Tripartite Plus process, including Uganda, DRC, Rwanda and Burundi, has a critical role to play alongside the UN Missions in the region in trying to get agreement on how to tackle these armed groups and ensure that the regional peace is not undermined by these groups.

Some argue that unless far greater numbers of troops - whether African or international - are deployed to keep the peace across Africa, it will be impossible to keep rival factions at bay. They may be right. But that is almost certainly a political and economic impossibility. And the presence of any foreign troops in any country is always sensitive, however effective and indeed essential their presence might be to keeping the peace. That is why our focus must be on building up the capacity of Africa's own security forces and mediating skills through the AU and the

regional organisations. Only then can we really help Africa tackle conflict and governance issues.

The major powder keg in Africa, which is testing the power and resources of the African Union to its limits, is Sudan and the Horn. The Comprehensive Peace Agreement and the Darfur Peace Agreement are important steps in the right direction, as I mentioned earlier, but they are volatile and very fragile. A huge international effort will be required to bring about peace, and we will certainly remain at the centre of that effort through the UN, through further support for the AU and by maintaining constant pressure on the government of Sudan to implement the peace agreement.

With our UN partners, we are also working closely with the government of Chad in relation to the situation in Darfur. Chad's own internal security is being threatened by rebel action spilling over from Darfur and the continuing flow of refugees, and instability in Chad will make it harder to bring about peace in Darfur. Both issues need to be addressed simultaneously, as was the case when the whole of the Security Council recently visited Sudan and Chad. They looked at every aspect of the conflict from a regional perspective.

As Ethiopia takes its first faltering steps along the road to democracy, the ongoing turmoil within Somalia risks further destabilising the whole region. So while we focus on Somalia's internal issues we need to be equally aware of their external impact. I hope that the international community will be able to do this within the context of the Somalia Contact Group, proposed by Norway and the US, which will include the European Commission and the UK, with the UN and AU as observers. Through the group we will continue to encourage the Transitional Federal Government and the Islamic Courts to work together to restore peace and security to Somalia.

The last region I want to talk about today, South Africa and its neighbours, has, I believe, the greatest prospect of long-term peace and prosperity. But that is being threatened by the political and economic collapse of Zimbabwe which ranks number five on the Failed States Index. The UK is already using every possible bilateral and multilateral avenue to put pressure on Mugabe to change his policies, which are ruining his country and causing untold suffering and misery for the Zimbabwean people. And we continue to urge the South Africans to do likewise. At the recent UK South Africa Bilateral Forum in London we told the South Africans that if the Zimbabwean government reversed its damaging policies, we and our EU and international partners would support the rebuilding of Zimbabwe. That is as much in South Africa's and other southern African countries' interests as well as Zimbabwe's.

Those who try to cast the issues as historic tensions between Robert Mugabe and the UK government obscure, I believe deliberately, what this is about. For a start, we are not a government drawn from the historic colonial and land interests of the former Rhodesia. In my generation, members of the government learned much of our politics alongside the liberation movements and younger members have only known the period of independent states. So I won't buy any attempt to cast us as retread colonialists. And second, our formation taught us that human rights are the benchmark of a progressive democracy. The Zimbabwe issue is between the rulers of Zimbabwe and their subjugated peoples and we take the side of the many. Their needs provide the script to resolve the conflict, not an attempt at half-baked symbolism where leaders act out new-found pleasantries, while the mass of the people starve without medicines in the ruins of their bull-dozed homes.

South Africa, a country I know well, has a critical role to play in Zimbabwe but also, I believe, as a leader in Africa and for Africa. The UK and South Africa co-operate closely on a wide spectrum of bilateral activities. And we are also working together on pan-African initiatives including the AU's African Standby Force, the Africa Partnership Forum to take forward the international commitments made in 2005 and the UK's recently launched regional plan for Southern Africa, under which we have committed £20 million a year for cross-border initiatives to tackle poverty.

So is a regional approach to building peace, security and democracy working? I think the answer has to be that we must make it work because it is the only viable course. Where conflict and instability affect a group of neighbouring countries, the solution must embrace all those affected. And democracy, stability and economic growth embedded in one county will act as an incentive in another. At the next level further regional co-operation and integration can only strengthen burgeoning democracy and growth. African countries' trade with OECD countries is five times greater than with other African countries and 10 times greater than the value of trade with neighbouring countries. So there is still a long way to go, but it is probably the only path available to Africa in an increasingly competitive global market place.

I began with the exodus of Africa's people from their homes and countries as a result of conflict and deprivation. What Africa needs most is peace and stability so that its people can go home both within their own countries and from outside. Many are doing so, including to lead their countries as we are seeing in Liberia. Let us hope that many more will follow in their path. That will be the clearest sign of Africa on the path to success, not failure.

## 6. The UK's interpretative statement on the adoption of the Declaration on the Rights of Indigenous Peoples

"The United Kingdom welcomes this Declaration as an important tool in helping to enhance the promotion and protection of the rights of indigenous peoples. We recognise that indigenous peoples have suffered many historic injustices and continue to be amongst the poorest and most marginalised peoples of the world. For too long, their voices were not sufficiently heard within the international system and their concerns received insufficient attention. The creation of the Permanent Forum on Indigenous Issues in 2002 was an important step forward in this regard. The adoption of this Declaration on the Rights of Indigenous Peoples, which Indigenous Peoples' representatives have played a key role in drafting, marks another significant advance for indigenous peoples.

"The United Kingdom would like to record its regret that it has not been possible to reach wider consensus on this important text, and that some states with large indigenous populations have felt they have no recourse but to call a vote on it. It is of course not desirable either from the perspective of states or, indeed, for the interests of indigenous peoples, that this should be the case. Nevertheless, the United Kingdom recognises and welcomes the efforts that were made to advance the Declaration to its current, final form, reflecting many concerns that we and others had raised in negotiations. We are therefore pleased to be able to support its adoption by this body.

"The UK fully supports the provisions in this Declaration, which recognise that indigenous individuals are entitled to the full protection of their human rights and fundamental freedoms in international law, on an equal basis to all other individuals. Human rights are universal and equal to all.

"We would like to recall here that, since equality and universality are the fundamental principles underpinning human rights, we do not accept that some groups in society should benefit from human rights that are not available to others. With the exception of the right to self-determination (Common Article 1 of the two International Human Rights Covenants), we therefore do not accept the concept of collective human rights in international law. Of course, certain individual human rights can often be exercised collectively, in community with others. Examples are freedom of association, freedom of religion or a collective title to property.

"This remains a long-standing and well-established position of the UK. It is one we consider to be important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing rights of the group to supersede the human rights of

the individual. This is without prejudice to the UK's recognition of the fact that the governments of many states with indigenous populations have granted them various collective rights in their constitutions, national laws and agreements. Indeed, we warmly welcome this fact, which has served to strengthen the political and economic position of and protections for indigenous peoples in those states.

"In this regard the UK strongly endorses preambular paragraph 18 bis in the Declaration, which we understand to distinguish between individual human rights in international law and other, collective rights bestowed at the national level by governments to indigenous peoples. The UK wishes to reaffirm that it reads all the provisions in this Declaration in the light of this preambular clause and according to this understanding of human rights and collective rights.

"Furthermore, the UK understands article 45 of the Declaration to underpin the provisions of the Declaration as a whole in emphasising that the exercise of the rights in this Declaration shall respect human rights.

"[Like others,] the UK understands article 3 of the Declaration as promoting the development of a new and distinct right of self-determination, specific to indigenous peoples. We therefore understand the 'right' set out in article 3 of this Declaration to be separate and different from the existing right of all peoples to self-determination in international law, as recognised in common article 1 of the two International Covenants. Article 3 bis and subsequent articles of the Declaration seek to set out the content of this new 'right', which is to be exercised within the territory of a state and is not intended to impact in any way on the political unity or territorial integrity of existing states. The UK therefore understands that the 'right' put forward in this Declaration relates to the specific circumstances of indigenous peoples and their claims to self-determination within the territory of existing states.

"Moreover, the UK welcomes pp15 of this Declaration, which reaffirms the right of all peoples to self-determination in international law, as recognised in common article 1 of the International Covenants. The UK notes that this affirmation of the general right in international law does not imply that the right of self-determination in international law is automatically applicable to indigenous peoples per se and does not indicate that indigenous peoples automatically qualify as 'peoples' for the purposes of common article 1 of the International Covenants. That existing common article 1 right of all peoples is not qualified, limited or expanded by this Declaration.

"The UK fully supports article 16 of the Declaration. UK museums are keen to promote understanding of the cultural achievements of indigenous peoples in their collections and to encourage

tolerance and respect for different cultures.

"The UK interprets the references to cultural, intellectual, religious and spiritual property in article 12 and to ceremonial objects and human remains in article 13 respectively as meaning only that property and those objects or remains where a sufficient connection with the relevant indigenous people is capable of being established.

"The UK also understands the commitments in article 12 to providing redress through effective mechanisms and the commitment in article 13 to seeking to enable access and/or repatriation through effective mechanisms, as applying only in respect of such property or of such ceremonial objects and human remains that are in the ownership or possession of the state. The UK notes that its national museums and galleries are separate legal bodies that operate independently within the framework of their founding legislation. In appropriate situations, the UK will therefore facilitate discussion between indigenous peoples and the relevant independent body. In this regard, the UK recognises the relevance of article 45 to both articles 12 and 13 and notes that the interests of third party and other public interests may in individual cases limit the form of redress available and the ability to seek to enable access and/or repatriation, respectively.

"Additionally, the UK notes that the commitment to provide redress in article 12 and the commitment to seek to enable access and/or repatriation in article 13 are to be fulfilled through effective mechanisms developed in conjunction with the indigenous peoples concerned. The UK understands this to refer only to the particular indigenous peoples with whom the relevant property, ceremonial objects or remains is or are connected.

"The UK emphasises that this Declaration is non-legally binding. Nonetheless, it will be an important policy tool for those states that recognise indigenous peoples within their national territories, in implementing policies which help to protect indigenous peoples' rights. The UK confirms that national minority groups and other ethnic groups within the territory of the United Kingdom and its Overseas Territories do not fall within the scope of indigenous peoples to which this Declaration applies.

"The United Kingdom has long provided political and financial support to the economic, social and political development of indigenous peoples around the world. We will continue to do so. Today, we add our voice in support of this important political document that is the Declaration on the Rights of Indigenous Peoples. We hope and trust that it will provide a powerful tool for indigenous peoples around the world to advance their rights and ensure their continued development and growing prosperity as peoples."

## GOF projects

### Human rights, democracy and good governance projects

#### Argentina

##### Constructing a new law of public interest

This project aims to improve the knowledge base of practising and future lawyers of environmental law, leading to more effective settlement of environmental cases of public interest. FARN, the implementing organisation, estimates that 40 students each year will benefit from the project, along with those affected by the 10 cases of environmental public interest selected yearly. The project will also deliver general benefits by helping to resolve cases that threaten the environment or public health.

#### Brazil

##### Improvement in prison management project (phase 2)

This is the second and final phase of a project that aims to improve prison management at state and federal level in Brazil. For more details, see Annex 2 of the *2005 Human rights annual report*.

##### Combating torture in Brazil: implementation of the Optional Protocol to the UN Convention against Torture

The Optional Protocol to the UN Convention against Torture (OPCAT) seeks to prevent torture through regular monitoring of places of detention by international and domestic visiting bodies. Domestic implementation poses special challenges for federal and decentralised states, such as Brazil, which signed the OPCAT on 13 October 2003 and now plans to ratify it.

##### Combating torture

This project aims to build on previous research by raising awareness of torture within the Brazilian criminal justice system and seeking ways to tackle it. The project is developing a

training for trainers programme that seeks to introduce bureaucracy into Brazilian police stations and prisons to combat torture. The Brazilian tradition of torture has its origins in the old European method of using forced confessions as the primary evidence for convictions. For this reason, promoting other methods for gathering evidence also has an important part to play in combating torture and will be incorporated into the programme.

#### Burma

##### Leadership for sustainable development

The aim of this project is to raise awareness and deepen knowledge of a broad range of sustainable development issues among civil society groups and potential future democratic leaders, including in the media, so as to improve their ability to address these issues both now and in a future democratic Burma with a freer media.

#### Cameroon

##### Police training scoping study

The aim of this project was to design a training for trainers programme to improve professional standards in the police in key areas, such as crime scene management, weapons control and maintenance of public order.

##### Security sector reform

This project aims to improve organisational management of the security sector in Cameroon, particularly the police and the prison system, and improve professional operational standards. Centrex is working with the Cameroonian authorities to identify the structural reforms needed, establish clear standard operating procedures and develop a well-defined training management plan.

## Caribbean

### Death penalty project

The project aims to encourage young lawyers and other young people in secondary or tertiary education, who are less likely to have set views on the subject, to get involved in debate about the death penalty. It has succeeded in raising awareness of this highly emotive subject: many older people in the Caribbean vehemently believe that the death penalty is a deterrent to crime. The project aims to encourage younger members of society to support the abolition of the death penalty.

### Legal advocacy for change

The project aims to raise public awareness of problems in the legal system and gather information on deficiencies in the system, obtaining definitive rulings in test cases/international petitions and publishing information.

## China

### Police and human rights

This project will develop and deliver a relevant and practical training course to raise the human rights awareness of basic level police in Wuhan, with respect to international standards for law enforcement, and disseminate the lessons learned.

### Promoting judicial justice by reforming the criminal trial procedure

This project will support the ongoing reform of criminal trial procedure in China by providing access to UK expertise in the UK, particularly on the safeguarding of defendant's rights. Many Chinese legal professionals consider the UK a centre of legal excellence and a valuable point of comparison in developing their own legal system.

### Enhancing human rights in prisons

This project seeks to work with a key Chinese partner to improve the rights protection of inmates by training prison staff in the practice of human rights and supporting the ongoing reform of the prison management system. The project's research findings are also expected to contribute to the advocated future amendment of the 1994 prison law.

### Standardising the application of the death penalty

This project aimed to develop sentencing guidelines, which would standardise and limit the application of the death penalty in Hunan province.

### Public participation in environmental issues

The project promotes public participation in environmental issues. This is an essential element of environmental democracy and will contribute to sustainable development.

## Prison reform

The aim of this project is to produce a series of coherent recommendations to the National People's Congress and the Chinese government for the reform of Chinese prisons, which will promote greater respect for the human rights of prisoners. Recommendations will address, in particular, the role of labour in the prison regime, shortcomings in existing legislation, measures to promote parole and reduce the incarceration rate and the rehabilitation and resettlement of prisoners.

### Hold the front page: pushing human rights up China's news agenda

This project aims to improve human rights reporting in China and develop the role of the media as a human rights watchdog. The project will achieve this by equipping Chinese journalists, editors and media professionals with the skills and knowledge needed to enhance their reporting on human rights issues.

### Reforming the death penalty reviewing system

This project aims to promote the protection of defendants rights by improving the safeguards in the death penalty review and approval procedure.

### Exposing prison supervisors to international prison inspection standards

This project aims to improve prison standards in China by exposing Chinese prosecutors to international standards and obligations regarding prison practices and performance, particularly with respect to prisoners' rights.

### UN Convention against Torture and the Optional Protocol

This project aims to raise awareness of China's international obligations under the convention, provide an introduction to the Optional Protocol and stimulate debate about the prevalence of torture in China.

### Police and criminal procedure reform

This project aims to improve the guidelines and regulations covering interrogation of detainees and confiscation of assets drafted by the Chinese Legal Affairs Department and ensure better adherence to international human rights standards in these areas.

## Colombia

### The global safety project for journalists and media staff

Working with the International News Safety Institute, this project aimed to create a culture of safety in journalism and reduce the risks journalists face at work. Practical safety training and safety information was developed and delivered to journalists and media staff, at national and regional level.

**Trades unions exchange programme**

The project aimed to further links between British and Colombian trades unions and help the Colombian unions develop their understanding of their role in a democratic society.

**Training in child rights news coverage**

The project will contribute to improving press, radio and television coverage of child rights issues, both regionally and nationally. It will help to highlight and denounce abuses, suggest mechanisms to reduce abuse and support campaigns to promote children's rights.

**Course on international law of armed conflict for criminal judges, general prosecutors and general attorney's offices**

This project provided criminal judges and staff from the offices of the general prosecutor and general attorney with the theoretical tools to prosecute perpetrators of grave breaches of international humanitarian law and international human rights law.

**Child sexual abuse and exploitation**

This project will contribute to reducing the risk of child sexual abuse and exploitation for at-risk boys and girls in Bogotá. It will help to strengthen existing mechanisms in local government and civil society to provide improved access to the justice system for boys and girls, who are victims of sexual abuse and exploitation.

**Making the press freedom situation visible to public opinion in Colombia**

This project will help to strengthen the freedom of the press and public knowledge of its importance in a democratic society. The project will make a diagnosis of the access to information laws in Colombia, in order to design a public policy that improves the situation.

**Practical implementation of fair trials standards**

The International Bar Association aims to begin with training that will cover two regions: Choco and Bogotá. If the training is successful, it will be expanded to other areas which are experiencing similar problems with fair trials, such as Antioquia, Caqueta, Bolivar and Putumayo.

**Preventing torture and the violation of female detainees' rights**

The programme aims: to help female inmates regain psychological stability; to improve relationships between staff and inmates; and to equip inmates to defend their human rights. A prison human rights committee will be set up to safeguard human rights within the prison.

**Implementation of good practice accusatorial system case management tool**

The project, based on the UN Office on Drugs and Crime's serious case management project, will transfer best practice in case management to prosecutors and investigators nationally under the new accusatorial legal system.

**CONTRAVIA (TV series on human rights)**

This project will pay for three months of programmes in an established and highly regarded series on human rights issues in Colombia, aiming to strengthen freedom of expression, raise public and government awareness of problems that do not normally receive coverage and generate a greater collective public conscience of the need to defend human rights.

**Guatemala****Police training in child rights and child protection**

This project aimed to improve child rights and child protection training in Guatemala's civil police by producing a training manual.

**Technical training for public defenders and judges on special appeal**

This project aimed to offer better legal protection to those people facing the death penalty through improved technical training for legal professionals and members of the judiciary.

**Strengthening child rights**

This project aims to consolidate the training delivered to the civil police in child rights and child protection, by integrating the organisation within a strengthened network of governmental and NGOs working for the benefit of street and migrant children.

**India****National right to information conference**

The aim of this project was to promote understanding of the challenges of implementing the forthcoming right to information (RTI) law and to highlight successes, with a particular emphasis on establishing and running an independent information commission.

**Promoting effective implementation and use of the right to information law**

The aim of this project is to support government efforts to implement RTI legislation through provision of technical expertise. It will support key civil society stakeholders to promote greater use of RTI legislation by the public.

**Access to justice**

This project aims to demonstrate how the rule of law and access to justice can become a reality within the lives of ordinary people



in Gujarat, to take that state-based learning to a wider audience and to provide a showcase for best practice.

### **Kazakhstan/Kyrgyzstan**

#### **Preventing torture and other cruel, inhuman or degrading treatment or punishment**

This project aims to develop an anti-torture strategy and strengthen preventive mechanisms in Kazakhstan.

#### **Promoting international human rights standards among police officers**

This project aims to combat torture and provide support for the implementation of international human rights instruments through human rights training of police officers in four regions around Kazakhstan.

#### **Assisting Kazakhstan to implement the International Covenant on Civil and Political Rights**

The project is aimed at strengthening the rule of law, promoting the development of democratic institutions and supporting human rights guarantees in Kazakhstan.

The project will assist the state bodies to define priorities and influence the direction of national legislation reform, in accordance with the provisions of the International Covenant on Civil and Political Rights (ICCPR). It will help to ensure that the specific legislative amendments comply with the requirements imposed by this fundamental human rights treaty. Kazakhstan ratified the ICCPR in November 2005.

#### **Enhancing legal policy dialogue in Kazakhstan and Kyrgyzstan**

This project aims to contribute to the development of democracy in Kazakhstan and Kyrgyzstan, by strengthening the rule of law, enhancing respect for human rights and supporting reforms. It further aims to ensure fair and effective criminal justice reform and to strengthen the rule of law and adherence to international human rights standards through targeted support for reforms, aimed at creating a fair and effective criminal justice system.

#### **Abolishing the death penalty in Kyrgyzstan**

This project aims to promote human rights, democracy and good governance through supporting internal debate on the future of the death penalty in Kyrgyzstan. It provides technical assistance to introduce legislation formally abolishing the death penalty in law and introducing humane, effective and proportionate alternative punishments.

### **Malaysia**

#### **Freedom of information campaign**

This project aims to increase public awareness of their right to information and of the role this has to play in sustainable

development. It also aims to build the capacity of civil society to campaign for better access to information, in particular environmental information.

#### **Promoting debate on penal reform**

This project aimed to promote debate on penal reform by sponsoring a speaker and follow-up activities, stimulating debate on sentencing reform and helping the Bar Council present a memorandum on reform of existing legislation to a parliamentary select committee.

### **Mexico**

#### **Promoting restorative justice in Mexico**

This project aims to introduce restorative justice into two key states - Aguascalientes and Chihuahua - through a training the trainers programme. The training will be replicated in two further states - Oaxaca plus one other, still to be confirmed - and a national conference organised in order to encourage the spread of restorative justice across Mexico.

#### **Access to justice: practical implementation of fair trial standards**

This project aimed to strengthen the administration of justice in Chihuahua, Zacatecas and Aguascalientes, as well as developing the capacity of the state and federal judiciary and prosecutors to ensure the implementation of fair trial standards.

### **Nigeria**

#### **Freedom of information monitoring and advocacy project**

The purpose of the project is to provide Nigerian citizens with a legal instrument with which they can seek and obtain records and information held by public bodies, subject to clearly defined exemptions.

### **Russia**

#### **Creating a network of training schools for public inspectors**

The objective of this project is to create a network of training establishments for public inspectors, by training NGO staff involved in monitoring prisons and colonies in the north, Siberia and the far east. At least three new schools will be established in these regions. More than 4,000 people, including NGO representatives, prison officers and prisoners, stand to benefit from the project.

#### **Human rights advisers for the prison service**

The aim of this project is to define and develop the role of some 100 human rights advisers to prison service area managers, enabling them to embed human rights policies within the Russian penal system.

#### **Roma rights: challenges to hate speech**

The project aims to tackle the serious problem of anti-Roma

hate speech in the Russian media. It involves a range of targeted activities, including: a series of workshops on minority issues for journalists and Roma activists; monitoring anti-Roma speech in the media; and producing a newsletter covering legal cases on hate speech against national minorities in the media.

#### **Roma rights challenges to hate speech**

This project aims to increase the independence of the media and journalists by strengthening the journalists' union and improving its capacity to defend journalists' rights.

#### **Capacity-building for provincial freedom of expression advocates and lawyers**

This project aims to improve the capacity of lawyers and human rights activists in Russia's regions to defend freedom of expression.

#### **Strengthening human rights capacity in the Russian Federation**

This project aims to develop the expertise of human rights NGOs and lawyers within the Russian Federation in utilising international human rights mechanisms, thereby helping victims of human rights abuses to obtain redress and leading in the longer term to improvements in domestic law, policy and practice.

#### **Community policing in Russia: developing an NGO/police partnership**

The aim of this project is to establish a system of training for police in prevention of community and domestic violence and a mechanism for the further referral of victims. The project involves collaborating with the relevant municipal institutions, justices of the peace and NGOs.

#### **South Africa**

##### **International justice training and materials development project**

This project aims to increase support for the International Criminal Court (ICC) and the campaign against crimes against humanity, genocide and war crimes. It aims to work with local journalists to ensure knowledge and coverage of ICC activities in Uganda and the Democratic Republic of Congo. It links closely with other Institute for War and Peace Reporting initiatives in southern and east Africa, which aim to raise the profile of human rights issues regionally.

##### **Freedom of expression at local government level**

The purpose of the project is to create a climate for freedom of expression at local government level in South Africa, by creating the right legislative environment. This will be done by ensuring that four key pieces of legislation that impact on free expression at this level are addressed: namely, the Independent

Communications Authority of South Africa Act, the Convergence Bill, the Broadcasting Act and the Regulation of Gatherings Act.

#### **Promoting the rights of children affected by poverty and migration**

The aims of this project are to improve government and civil society understanding of child rights and protection issues and to involve children in integrated development planning at municipal level, in order to improve local response to the needs of the most vulnerable.

#### **Thailand**

##### **Highland birth and citizenship registration promotion project**

The aim of this project is to increase the number of highland minority people in Thailand whose birth and citizenship are registered. Under this project, the UN Educational, Scientific and Cultural Organisation (UNESCO) will work with government, NGO and community partners to expand their knowledge of the importance of registering births, as well as its practical implementation.

##### **Death penalty reform in Thailand**

The aim of this project is to encourage the Thai government to announce a moratorium on the death penalty, reduce the number of offences that carry the death penalty and improve conditions for those awaiting execution.

#### **Vietnam**

##### **The MediaNet forum**

The aim of the project is to support freedom of expression and more open media in Vietnam. The project comprises a programme of activities involving reform-minded journalists, editors and policy-makers designed to increase their journalistic skills/professionalism and provide opportunities for the open discussion of sensitive issues.

##### **Promoting the rights of unregistered child migrants**

The aim of the project is to increase government accountability for the protection and promotion of disadvantaged children's rights in Ho Chi Minh City by increasing poor families' access to, and participation in, basic services.

##### **Media training for government spokespersons**

The aim of project is to promote freedom of expression and government transparency through improved access to government information. Fifty official spokespersons are to be trained in media-handling skills, freedom of information practices and the benefits of government transparency.

##### **Central military court study visit**

This project aims to contribute, through sharing of UK experience, to military-judicial reform in Vietnam with the aim of

creating more just, more accountable and more human rights-sensitive security forces.

#### **Training for Vietnamese officials on refugee law**

This project aimed to support implementation of the UN High Commission for Refugees/Vietnam/Cambodia Tripartite Memorandum of Understanding on resolution of the Central Highlands/asylum-seeker issue, by increasing Vietnamese officials' understanding of international refugee law.

#### **Research on the deterrent effect of the death penalty**

The aim of this project is to contribute to Vietnam's moves towards abolition of the death penalty, by supporting research into whether the death penalty is an effective deterrent against serious crime.

#### **Ensuring police co-operation in the ratification of the Convention Against Torture**

This project seeks to approach ratification and implementation of the convention through co-operation with the police.

#### **Global**

##### **Global campaign for reform of defamation laws**

The aim of this project is to campaign globally against the abuse of defamation laws, by providing a central set of key tools for campaigners and reformers.

##### **Facilitating the entry into force of the new Optional Protocol to the UN Convention against Torture**

This project aims to assist states parties to the UN Convention against Torture (UNCAT) to ratify OPCAT. The ultimate objective is to enable the protocol to enter into force as soon as possible and to maximise its positive impact on torture prevention.

##### **Seventh UN survey of capital punishment and implementation of safeguards protecting the rights of those facing the death penalty**

This project aims to assess which countries have abolished the death penalty and the use of capital punishment among those that retain it. It also assesses the level of implementation of UN safeguards to protect those facing the death penalty. This will be done by carrying out the seventh five-yearly survey by means of a questionnaire and review of published documents.

##### **EU/NGO forum**

Freedom of expression was one of the core human rights themes during the UK presidency of the EU. Alongside work on individual cases, we used the annual EU/NGO human rights forum to assess progress on this subject and identify future priorities and work. This also built on the work carried out by the Dutch presidency on the EU's Guidelines on Human Rights Defenders.

##### **Practitioners' guide to international principles on the independence and accountability of judges, lawyers and prosecutors (dissemination in Latin America)**

This project aims to provide judges, lawyers, prosecutors and justice policy-makers in Latin America with the tools they need to make decisions relating to the independence and accountability of judges and lawyers, in accordance with international standards.

##### **Prison reform: global strategy**

This project aims to make the best use of existing prison reform materials produced by the Foreign and Commonwealth Office (FCO). It will ensure that FCO human rights work is consistent with wider government objectives - particularly those relating to development, migration and counter-terrorism - and will provide our diplomatic missions with the tools to take forward work on reform.

##### **Non-priority countries**

###### **NGO participation in the reporting process of the Committee on the Rights of the Child**

This project aims to increase awareness of the Convention on the Rights of the Child (CRC) among broad sections of civil society, including children and young people, by encouraging them to play an active part in reporting to the committee.

##### **Ongoing commitments**

###### **A second expanded edition of human rights and policing**

The aim of this project is to produce a book that sets out international human rights and humanitarian law standards relevant to policing, and shows how they can be met. The book will be targeted at the police but will also be relevant to any others interested in human rights standards of policing.

###### **Caribbean-wide project**

This project aims to help the implementation of a human rights infrastructure and the growth of civil society in Trinidad and Tobago and the broader Caribbean, with the eventual aim of replacing the death penalty.

###### **Enhancing police accountability in Ghana**

The primary purpose of this project is to assist in the development of a responsive and accountable police service in Ghana. The main activities under the project include an examination of the Ghana police service and the ways in which it is made accountable to the public and to the law in general. The project will also identify the legal frameworks that best ensure the centrality of human rights and the rule of law as guiding principles for the police in their daily assignments. The research work conducted under the project will then inform publications, advocacy materials and campaigns for changes in policies relating to the police. Finally, the project will seek to build a

network of civil society organisations committed to advocating reforms in police accountability in Ghana and conduct a nationwide process of sensitisation and public education through the media.

#### **Ending torture in Nigeria**

This project aims to collect, collate and transmit information about torture in Nigeria. Its main activities are researching and documenting torture in Nigeria. The project also runs workshops and promotes media activities designed to increase understanding of this difficult and sensitive problem.

#### **Community mobilisation for the prevention, protection and recovery of children in prostitution in the Philippines**

The aim of this project is to fund advocacy sessions on child protection issues, the UN CRC and International Labour Organisation (ILO) conventions, as well as distributing materials on trafficking, child labour and prevention of child sexual abuse, physical abuse and prostitution. The project also promotes inter-agency communication on the issue of child prostitution and provides counselling and rescue for children at particular risk from prostitution.

## **Economic governance**

### **Transparency and freedom of expression**

#### **Latin America**

##### **Greater transparency and access to information**

This project, implemented by article 19 ([www.article19.org](http://www.article19.org)), aimed to: raise public and official awareness of the need for transparency and to campaign for access to information laws in Brazil and Argentina; assist the implementation of information law in Mexico in relation to the private sector; and facilitate the regional exchange of guidance among access to information advocates, parliamentary institutions and governments.

#### **Nigeria**

##### **Strengthening the capacity of community groups to participate in local and state government planning and budgetary processes**

This project, implemented by the Nigerian Civil Liberties Organisation ([programme@clo-ng.org](mailto:programme@clo-ng.org)), aimed to secure grass-roots support for sustainable development.

#### **South Africa**

##### **Analysing the impact of the black economic empowerment scorecard**

This project was implemented in 2006 by the Business Map Foundation, in conjunction with government departments, academia, trade union and business representatives. A baseline

study of the employment status of black and coloured science, engineering and technology professionals was implemented by BSTEP (Black Science, Technology and Engineering Professionals - a non-profit organisation in South Africa).

#### **Philippines**

##### **E-governance for transparent accountable government**

This project was implemented by the Asia Foundation in cooperation with the Union of Local Authorities of the Philippines, in order to introduce sustainable improvements in service delivery and accountability through appropriate information technology initiatives and, at the same time, to cut down on bureaucracy and reduce opportunities for corruption.

#### **Mexico**

##### **Strengthening the capacity of civil society to monitor government policies and programmes**

This project was implemented by the Transparency Advisory Union (UVT). There were two strands - the first formed part of the Ministry of Public Administration's citizen monitor programme and covered the environment, transnational communities and women's and child rights in education; while the second involved the Confederation of National Industrial Chambers ([www.concamin.org.mx](http://www.concamin.org.mx)) and covered economic governance and finance.

## **Rule of law**

#### **Mexico**

##### **Oral trials road show**

This project was implemented by the British Council, USAID and PRODERECHO in conjunction with the Mexican President's Office for Government Innovation. It aimed to promote reform by simplifying the criminal justice system and encouraging the adoption use of oral evidence. Activities have included widespread consultation in four states, study visits by judicial and prosecuting authorities to the UK and production of media and training material.

#### **Philippines**

##### **Improving the capacity of the judiciary to handle technical aspects of cases that impact on business and investment**

This project was implemented by Ateneo de Manila University Law School and Economics Department, in conjunction with the Teehankee Centre for the Rule of Law, the Philippine Judicial Academy and the Supreme Court of the Philippines.

## **Corporate social responsibility**

#### **UN Global Compact Office**

##### **Establishment of civil society facilitator**

The project made a voluntary contribution towards the cost of

this new post for the period 2006-09. The FCO also contributes to the annual core funding of the Global Compact Office, which was set up the UN Secretary-General in 2000 to improve the access of NGOs in the least developed countries to the UN system and to enhance civil society engagement on corporate social responsibility issues. The economic governance programme is also proposing to support a regional Global Compact network in South Africa.

## **China**

### **Corporate social responsibility (CSR) capacity-building for government trainers**

This project was implemented by the China Enterprise Leadership Academy of Pudong Province (CELAP) in conjunction with the British Council. It included a study tour by Chinese local government officials to the UK and EU institutions.

### **Surveying local practices and promoting international CSR standards in the Pearl River Delta region**

This project was implemented by the China Development Institute to enhance co-operation between the UK and China on economic reform issues, including progress on the Doha Development Agenda and International Finance Facility.

### **Promoting transparent procurement and corporate responsibility**

Transparency International will implement this project during 2006. It builds on China's ratification of the UN Convention Against Corruption.

### **CSR awareness programme for Chinese students**

This was implemented by AIESEC's ([www.aiesec.net/](http://www.aiesec.net/)) mainland China branch.

### **Building government capacity for policies to encourage CSR**

This project was implemented by the Organisation for Economic Co-operation and Development (with UK and other voluntary contributions).

## **Russia**

### **Improving the CSR knowledge and capacity of 34 regional and local authorities, NGOs and business representatives**

This project was implemented by the Leontiff Centre.

### **Updating the Russian government's code of corporate governance**

This project was implemented by the Russian Institute of Directors.

### **CSR training for small and medium enterprises**

This project was implemented by the Russian NGO, the Centre for Business Ethics and Corporate Governance.

## **India**

### **Stimulating investor engagement with CSR**

This project was implemented by The Energy Resources Institute (TERI), New Delhi.

## **Labour reform**

## **China**

### **Developing and piloting a labour tribunal system**

This project was implemented by the Great Britain China Centre, in conjunction with ACAS, Warwick University, the Chinese Academy of Labour and Social Security and the All China Federation of Trade Unions. It will be followed in 2006 by a new GB China Centre project.

### **Preparatory work for new labour dispute resolution laws**

This project is being run in conjunction with Renmin University Labour Relationship Research Centre.

## **South Africa**

### **Promoting understanding of the Black Economic Empowerment code of best practice**

This project was implemented by the Business Map Foundation and Resource Africa organisations and has focused, although not exclusively, on foreign-owned businesses.

## **Brazil**

### **Strengthening relations between Brazilian and European trade unions, to influence the labour reform agenda and improve labour market conditions**

This project was implemented by the TUC, the International Confederation of Free Trades Unions and the Brazilian trades unions CGT, CUT and Forca Sindical.

### **Trade union and labour market reforms - government track**

This project was implemented by the Brazilian Ministry of Work and Employment, with assistance from the UK Department of Work and Pensions, ACAS, ETUC, the OECD and ILO to provide a framework for labour market reform and alternative forms of labour dispute resolution.

## **Global**

### **Governments and trade unions: linking free and fair trade in Brazil, Germany, India, South Africa and the UK**

This project was implemented in South Africa by the TUC in conjunction with the Confederation of South African Trades Unions and aimed to develop common approaches to governments and business through the WTO, to meet trade union concerns about world trade issues and labour standards.

### **Wilton Park conference on strengthening labour standards in a global economy**

This event was organised in association with the TUC. Its aim was to encourage countries, particularly those in the developing world and major emerging markets, such as India, South Africa and China, to view adherence to internationally recognised labour standards as an element of good economic and business governance, not a threat to competitiveness.

## **Engaging the Islamic World**

### **Afghanistan**

#### **BBC Women's Hour**

To fund Afghan Woman's Hour, a weekly women's radio programme for Afghanistan, designed to increase awareness of gender issues, women's rights, and to encourage the participation of women in civil society. The programme reaches both rural and urban populations, including underprivileged communities and ethnic minority groups across Afghanistan. It has a built-in conflict resolution and nation-building function. Afghan Woman's Hour is also a vehicle for capacity-building of female journalists. It is broadcast in Dari and Pashto on BBC World Service and through re-broadcasting agreements with local independent radio stations in Afghanistan.

#### **Afghanistan and Pakistan women's empowerment programme**

This project aims to promote women's equal participation in governance, policy and practice.

#### **Afghanistan Women's Rights Advocacy in Afghanistan**

Promoting women's rights in Afghanistan in conjunction with Afghan Constitution, CEDAW and other applicable human rights standards: through partnership with a network of Afghan NGOs; produce reports, including Shadow Report on CEDAW; and develop and foster a Women's Parliamentary Caucus.

#### **Action Aid: women effecting change**

To strengthen women's civil society and NGOs in Afghanistan.

#### **Afghan Women's Council (AWC)**

Increase women and children's rights in Kandahar and Jalalabad provinces.

#### **Promoting Afghan women's participation in governance**

A two-year project implemented by Action Aid Afghanistan, with three principle aims: to understand and address the challenges involved in women participating in political processes in Afghanistan; to build the capacity of those concerned to support women's initiatives; and to facilitate increased engagement of women at village level.

### **Access to justice**

A three-year project, contributing to the promotion of the rule of law and judicial reform. The project was implemented by the Bar Human Rights Committee of England and Wales (BHRC), who disseminated legal skills and knowledge. The project aims to increase awareness of international human rights law, as well as domestic legislation, among key individuals in the legal sector, helping to facilitate improved access to justice for all. Women's access was particularly targeted. The project complements the reconstruction of the judicial system proposed by the UNAMA/UNDP in conjunction with the Afghan Judicial Reform Commission.

### **Bangladesh**

#### **Access to justice and good governance**

The main purpose of the project is to increase access to justice by building capacity of women, disadvantaged people and Union Parishad representatives in mediation and dispute resolution. As part of dispute resolution they will be trained in human rights, legal rights and Muslim law regulating marriage, divorce, guardianship, inheritance and maintenance.

### **Egypt**

#### **Women in the political process**

Aim: to increase the active participation of Egyptian women in all stages of the election process through raising women's awareness of their political rights and responsibilities as voters and candidates. This project provides women with the necessary support, advice, training and knowledge that will allow them to make a difference in elections. It works exclusively with women voters and candidates in the two Egyptian governorates of Sharkiya and New Nile Valley.

#### **Supporting women's rights ombudsman**

The FCO is committed to support and fund the National Council for Women's (NCW) ombudsman's office project for just over two years. The Ombudsman's office acts as a conduit between women and government machinery to eliminate gender discrimination and to help women secure their legal rights.

#### **Training of lawyers in Egyptian governorates on human rights issues**

A three-year project, run by the Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP), designed to promote the rule of law and observance of international human rights standards in Egypt. Lawyers across 12 governorates will be trained in human rights litigation and the defence of civil liberties. More than 720 lawyers have been trained.

## Global

### UNIFEM

To seek out and propose new strategies to assist and encourage women to play a full part in the economic development of the Arab world. The 2005 programme "Women as Engines of Economic Growth" included two conferences in Brussels and Cairo. The final conference reports and recommendations were presented at a special event at the FCO in September 2005, during the UK presidency of the EU.

### Film: Women's rights Millennium Development Goal - Beijing follow-up

To raise awareness of the status of women's rights in different countries and communities on the 10th anniversary of the Beijing Fourth World Conference on Women. The project involved the production, translation and broadcast by all participants in the women broadcaster's network of at least 36 short programmes about women's rights, participation and representation, both in Islamic countries and globally.

### Women's empowerment in the B-MENA region

The purpose is to increase and strengthen relations between civil society and governments within the region and facilitate specific initiatives on women's empowerment. To draw specific conclusions and recommendations from women's civil society representatives from the region, especially with regard to a proposed monitoring mechanism.

### Political participation of Muslim women in the UK and abroad

The project provided funding for an event promoting political participation by Muslim women in the UK and abroad.

### UNDP rule of law modernisation: prosecutors offices

This initiative builds on the wealth of unique and timely information available from a survey of public prosecutors conducted during the preparatory stages of the project. It addresses the need for public prosecutors to be able to respond to varying political situations provoked by changing political environment in the region.

### UNDP Public Prosecutors project expansion

Offices of the Public Prosecutor tend to be underdeveloped and undervalued. The net effect is that individuals have less protection of their rights. This project addresses knowledge and good governance deficits and aims to improve public prosecutors offices' capacity to deliver an effective route for citizens to protect their rights.

### APT Torture in South Asia

The overall purpose of the project is to strengthen the capacities of Asian National Human Rights Institutions (NHRI) in addressing torture effectively. Experience shows that NHRI can

become leaders in the fight against torture and ill-treatment, if they make use of their advisory and enforcement powers.

## Indonesia

### Gender mainstreaming in the State Islamic University

To promote awareness and implementation of gender mainstreaming with the Islamic community. To strengthen the role of women within a conflict resolution and prevention framework.

## Iran

### UNODC rule of law project: family law

Capacity-building for the legal profession, justices and lawyers in implementing family law, especially how it fits with international human rights conventions.

## Jordan

### Young women for political leadership

A project to improve the leadership and communication abilities and knowledge of young women, encouraging them to run for public office.

### Enhancing the positive participation of women MPs and senators

To promote good governance and women's participation in Jordan by improving the standard of debate - and the ability of women MPs and senators to participate effectively in that debate - in the Jordanian Parliament.

### Promoting political reform and developing democracy in civil society

The project aims to enhance the ability of civil society organisations to participate in Jordan's reform agenda. It includes targeting women and youth in Madaba, raising awareness of their constitutional rights and training them on democratic practice.

### Investigative journalism

The project provides the local media in Jordan, Syria, Palestine and Lebanon with training on investigative journalism and gives journalists the opportunity to learn from British experience in the field. It aims to promote investigative journalism in the region with the motivation and competitive edge of an award scheme.

## Lebanon

### Furthering the role and position of women through organisational capacity-building

This two-year project aims to increase the participation of women in the economy by promoting their economic independence through training, and by raising awareness of the role women can play in the economy. The Centre for Research

Training Development delivered 11 workshops around the country. The project has developed beyond Lebanon, and regional activities have started in Egypt and Morocco.

## Libya

### Human Rights and Management of Libyan Prisons Project

Assessment and training in running Libyan prisons according to human rights standards.

## Morocco

### Women's empowerment and the new Family Code

A three-year project to support marginalised Moroccan women in the practical implementation of the new Family Code and to develop teaching methods and materials addressing a range of rights-based issues.

### Strengthening Morocco's judicial and administrative reforms

A two-year project working with the European Centre for Common Ground and with Moroccan institutions to support their reform programmes and facilitate public access to justice without recourse to costly and lengthy court action. The project aims to work with the Ministry of Justice on new alternative dispute resolution mechanisms.

### Morocco prison reform

Improved human rights for prisoners and staff through the upgrading of key prison staff and directors' strategic management skills.

## Nigeria

### Empowerment of poor Muslim women

Instructing underprivileged Muslim women in five of the poorest northern Nigerian states in child support. Children in this region are exposed to child labour, trafficking, prostitution, begging, hawking and other social vices.

### Human rights training for alkalies, police and magistrates in Sharia states

A three-year project, implemented by a local NGO, to conduct human rights and gender sensitisation training for alkalies (judges in the Sharia courts), police and magistrates. This training is directed at the 12 Sharia states, training two states per session twice a year.

### Sharia and human rights

Strengthening the capacity of civil society organisations in northern Nigeria to monitor and intervene in Sharia cases, in order to reduce the incidence of human rights abuse under Sharia.

## Pakistan

### Promoting women's effectiveness in local councils

A three-year project, implemented by Pattan Development Organisation, to equip women local councillors to take an effective part in local government. The project supports local female councillors, providing them with training and establishing district "master-trainers" to continue the training programmes. The project also offers a challenge fund to encourage local innovation, assistance to local bureaucracies and media exposure for successful women councillors.

### "Honour killing" awareness campaign

A two-year project working with the British Council and local NGOs to increase opposition to honour killings, reaching people in the rural areas. The approach includes a series of high-profile awareness campaigns in rural areas of Sindh and Punjab provinces, including street theatre, video plays, seminars, posters and handouts in local languages

### Children's legal protection

The overall aim of this project is to strengthen the rule of law and access to justice for children in detention in the Punjab and Sindh regions. Various activities were carried out to: raise awareness of children's legal rights; develop a network of *pro bono* lawyers; encourage and develop a legal aid system where bar councils and NGOs work together; and build the capacity of the bar councils in the regions of Punjab and Sindh and relevant NGOs based in Lahore and Karachi to carry out *pro bono* work.

## Qatar

### Women's leadership skills for elections

To provide leadership skills training to Qatari women, to give them greater confidence to participate actively in parliamentary elections.

## Palestine

### Human rights in the Palestine legal profession

Aims: To strengthen the capacity of Palestinian lawyers, judges and activists to identify and document violations of human rights and to prepare effective cases for domestic and international mechanisms. To identify through a survey of laws and procedures in force, the recognition given to human rights and the possibilities for legal action against any violation of these.

## Saudi Arabia

### Supporting women's role in society

To empower women to play a wider role in Saudi society and to enable them to participate to a greater degree in decisions which affect their lives. The project will:

1. Promote increased diversity in the workplace and support



women's full participation in economic life;

2. Raise awareness among women of political participation;

3. Address social marginalisation of women by engaging with the Ministry of Social Affairs on key issues, e.g. family abuse.

## **Sudan**

### **Legal capacity-building**

This project involved a series of workshops, supported by a programme of capacity-building and exchange visits, focusing on party financing, party structure, campaigning, accountability and transparency. Capacity-building for the registrar of political parties was also included.

### **Human rights training for prison officers**

The main beneficiaries of this project were prison officers and those currently experiencing abuses. Other beneficiaries included professional staff, such as social workers and psychologists, other law enforcement personnel and public officials.

## **Yemen**

### **Enhancing the role of women in the local community: Phase III**

The aim of the third phase of this project is to increase the number of female candidates in the 2006 elections by:

- establishing shadow committees in 30 more districts;
- providing election campaign training;
- establishing and/or assisting national campaigning to attract female candidates; and
- training monitors for female candidates.

### **Enhancing the independence and transparency of Yemeni judiciary: district court training**

To increase the independence and transparency of the Yemeni judicial system by providing a training programme for judges from the district courts, appeal courts and the Judiciary Monitoring Authority. The main outputs are a series of training sessions, together with a code of conduct/terms of reference for each branch of the judiciary, developed in conjunction with the Judiciary Monitoring Authority.

### **Strengthening human rights capacity**

This project will be funded over two years. Its purpose is to contribute to social and political reform in Yemen by developing a human rights culture within which Yemeni citizens (especially women) are empowered to claim and enjoy their human rights, as guaranteed under the constitution and international instruments. This would set an example in a conservative Arab society of how it is possible to introduce a culture of human rights.

## **Reuniting Europe**

### **Albania**

#### **Police training at Bramshill**

This two-year project implemented by the EU Police Assistance Mission (PAMECA) gave selected senior officers from the Albanian State Police (ASP) the opportunity to attend the International Commanders Course at Bramshill. The officers received training in management skills and competencies, perception and vision, with a view to accelerating the pace of reform in the ASP and bring the service up to the same standards as western European police services.

### **Armenia**

#### **Opportunities for democratic gains**

This two-year project implemented by the National Democratic Institute (NDI) and local NGO It's Your Choice aimed to increase the transparency and democratic nature of Armenian electoral processes. Activities included: training 250 election observer trainers and a further 3,900 local observers; raising public awareness of the need for electoral reform by holding 30 public fora in advance of the referendum on constitutional amendments; training 1,000 candidates for local elections; and organising 15 public fora so candidates could communicate with the public.

### **Armenia/Poland**

#### **Good governance and rule of law**

This one-year project implemented by the British Embassy in Warsaw aimed to improve democracy in Armenia, by providing training to help local political leaders, journalists and MPs develop their skills and understanding.

### **Azerbaijan**

#### **Technical assistance for municipalities and communities**

This one-year project implemented by the British Council in Azerbaijan and IFES aimed to create and implement an officially recognised training programme in strategic planning, financial management and community participation. Activities included training of trainers, community outreach and support for community projects.

#### **Corporate governance and transparency: the challenge for Azerbaijan business**

This three-year project implemented by Transparency International Azerbaijan aims to promote corporate governance, business ethics and transparency of corporate information, through a programme of seminars, consultations, media campaign and design of business ethics code. Good progress has been made.

## Belarus

### Training and support for candidates and councillors

This three-year project implemented by the European Institute for Democracy (EID) aims to improve local and national candidates' ability to communicate with their constituents, thereby enhancing the quality of opposition candidates and councillors. Activities included training officials, non-government organisations (NGOs) and youth groups, party promotion, fundraising, campaigning and candidate selection.

### Engaging the state: a framework for closer integration with European legal standards

This two-year project implemented by the British East-West Centre aims to give practical, targeted engagement with Belarusian lawyers to promote European and international legal standards and closer integration with EU norms in the areas of justice and home affairs, the rule of law and good governance. Good progress has been made.

## Belarus/Poland

### Engaging with civil society

This two-year project implemented by the East European Democratic Centre, the Helsinki Foundation for Human Rights and the School for Leaders in Warsaw aims to strengthen Belarusian civil society and build a reform-minded cohort capable of disseminating their values within their communities and promoting pro-reform and pro-active attitudes. Activities included 12 study visits of 20 people each to Poland for human rights training, two-week attachments to Polish NGOs/media organisations and a final workshop to devise further cross-border co-operation projects.

## Bosnia

### Establishing a war crimes tribunal

This three-year project, implemented by the Office of the High Representative, United Nations Development Programme (UNDP) and the Peace Implementation Council supported the establishment of a war crimes chamber in the Bosnia and Herzegovina (BiH) state court, a war crimes department in the state prosecutor's office, a state level detention facility and witness protection and close protection teams.

### The Beacon Scheme

This two-year project implemented by the OSCE mission in BiH aimed to raise standards in local government enabling BiH to move closer to meeting EU standards of public services and local government management. The mission worked with six municipalities, demonstrating best practice in three key areas of municipal responsibility and providing financial and technical support to enable the municipalities to share that best practice. There were regular exchanges between municipalities, and a study visit to the UK.

## Bulgaria

### A socially inclusive Europe

This three-year project implemented by Save the Children UK aims to support the Bulgarian government's efforts to introduce inclusive education for disabled and ethnic minority children in mainstream schools. Working through a joint NGO/government/donor steering group the project will extend participation in the Index for Inclusion scheme. Activities include distributing guidance manuals for schools, promotional materials and a TV/radio documentary, adapting school facilities, setting up Children's Clubs, training workshops, experience-sharing workshops and organising exchange visits and conferences. Good progress has been made.

### Developing an implementation and training strategy for the National Probation Service

This three-year project implemented by the British Council aimed to help the Ministry of Justice develop a national probation service that meets EU standards. Activities included developing a strategic plan based on an audit of an initial pilot, a review of sentencing provisions, modelling of service delivery and policy development. The project also supported the roll out of the plan through training, assessment and monitoring.

### Building capacity to fight corruption in the National Prosecution Office

This three-year project implemented by Transparency International Bulgaria aimed to help the National Prosecution Office adopt internationally recognised anti-corruption practices. Activities included a needs assessment, alliance building with international players, including the media, academia, practitioners and politicians, and capacity-building (primarily through training).

### Improving inter-agency co-ordination in juvenile justice

This two-year project implemented by the IGA Regional Fund aims to address the growing problem of juvenile crime in Bulgaria and to promote inter-agency co-operation between the judiciary and the law enforcement bodies. This is an important area of reform and supports the Bulgarian government's own national strategy and action plan for the prevention of juvenile delinquency. Activities include dissemination of training at regional and local level. Good progress has been made.

### Establishing a specialised healthcare ombudsman to tackle corruption in the healthcare service

This one-year project implemented by the Centre for the Study of Democracy introduced the concept and promoted the advantages of having a healthcare ombudsman to monitor the activities of the competent authorities and protect the rights of individuals. Activities included producing a background paper and a model and brochure showing how the initiative could work

based on the experiences of other countries, including the UK. There was also a round table meeting, “The healthcare ombudsman: a mechanism for improving health services”.

#### **Establishing a National Crime Prevention Council**

This two-year project implemented by the Centre for the Study of Democracy aims to advance security sector reform and crime prevention in Bulgaria. Activities include institutionalising the interface between the Ministry of Interior, civil society and the private sector by setting up a National Crime Prevention Council (NCPC). This constitutes a significant step towards security sector reform.

#### **Establishing an anti-corruption audit**

This two-year project implemented by Micro-Find Foundation worked with the Ministry of Justice and the Ministry of Youth and Sports to reduce corruption and build the organisations’ capacity for carrying out anti-corruption audits. The project involved working closely with the ministries to develop new streamlined and transparent internal rules for all administrative procedures.

#### **Curbing corruption in the judiciary**

This two-year project implemented by the Bulgarian National Judicial Institute and the Crown Prosecution Service (UK) aimed to raise awareness of corruption and encourage branches of the judiciary to work together to tackle it, taking a proactive approach to investigation and prosecution. Activities included preparing and delivering a practical training programme for investigators and prosecutors involved in anti-corruption work, and encouraging the Bulgarian government to adopt a model for co-operation between investigators, prosecutors and judges.

#### **Better policy-making within the judicial system**

The purpose of this two-year project implemented by the Centre for Liberal Strategies was to enhance the policy-making capacity of the Bulgarian judicial system. Activities included establishing a common methodology for monitoring and analysing the performance of the judiciary and improving co-operation between investigators, prosecutors and judges.

### **Croatia**

#### **Legal assistance and human rights promotion in Slavonia**

This three-year project implemented by the United Nations High Commission for Refugees (UNHCR), OSCE and the local NGO Informativno Pravni Centar aimed to support the sustainable return of refugees, community reconciliation and reintegration, at the same time as promoting and protecting human rights. Activities included providing free access to justice for refugees, displaced persons and returnees across the Croatia/Bosnia border.

### **Legal assistance in Dalmatia**

This two-year project implemented by DOS aimed to support the sustainable return of people displaced by conflict through the provision of free legal assistance and advocacy in Dalmatia, advising returnees on changes in legislation and monitoring their implementation in practice. Activities included providing 10,000 individuals with legal assistance, and guiding 2,000 potential returnees through the process of return by providing documents and information. The project also involved dialogue and co-operation with local and national authorities.

#### **Capacity-building in the judicial academy**

This two-year project implemented by Ramesses Group in association with Andrew Gibson Consulting aims to help the Croatian Ministry of Justice implement its judicial reform strategy. Activities include building the capacity of the judicial academy and directly improving the effectiveness of inter-agency co-ordination between the judiciary and prosecution through training and technical assistance.

#### **Supporting the pilot mediation scheme**

This two-year project implemented by the British Association for Central and Eastern Europe (BACEE) aims to provide support to the pilot mediation scheme, which the Ministry of Justice is setting up. Activities include refresher training for mediators, training for judges and staff in the pilot courts, lawyer training, awareness-raising sessions and consultation on the design of the pilot and evaluation procedures. Good progress has been made.

### **Georgia**

#### **The Majoritarian Project: informed citizens and accountable government**

This three-year project implemented by Transparency International aims to facilitate stronger links between MPs and citizens. Activities include identifying barriers, monitoring voting records, holding round table meetings and appointing interns and regional co-ordinators. Good progress has been made.

### **Latvia**

#### **Monitoring political party expenditure**

This two-year project implemented by the Centre for Public Policy aimed to provide an independent account of party spending in the lead-up to the 2005 municipal elections, and to sustain good practice in media reporting to verify how political parties comply with the new legislation on party financing. Activities included monitoring party income and expenditure, events and hidden advertising. The results were disseminated through a series of press conferences and official reports.

### **Macedonia**

#### **Inter-parliamentary lobby group for disabled rights**

Polio Plus - Movement Against Disability is a three-year project

implemented by Handicap International. Its aim is to support the Inter-Party Parliamentary Lobby Group and facilitate the introduction of a systemic law and the setting up of a disability rights commission. Activities include ongoing education, experience exchange, lobbying, drafting and passing of legal instruments, research and awareness-raising, conduct of an opinion poll and production of a documentary. Good progress has been made.

## Malta

### Supporting the judicial system: adapting to change

This three-year project implemented by the Lord Slynn Foundation, the Department for Constitutional Affairs, the Judicial Studies Board and the Scottish Judicial Studies Board aimed to strengthen the capacity of the judiciary and the Attorney-General's Office to meet the requirements of the EU *acquis*. Activities included developing an action plan for creating a judicial studies committee, preparing a coherent training and information-sharing system to cope with the requirements of EU membership and providing EU legislative drafting training for officials from the Attorney-General's office.

## Poland

### Technical assistance on Roma issues

This three-year project implemented by a Roma rights consultant provided the Polish Department of National Minorities, local government and NGOs with technical assistance on Roma minority issues. The aim was to increase institutional capacity and leverage EU funding by encouraging best practice.

## Regional

### Non-discrimination law training in Estonia, Latvia, Lithuania and Poland

This three-year project, implemented by Interights, the Helsinki Foundation for Human Rights and the European Commission, aims to improve capacity in training on non-discrimination law and raise levels of skills and knowledge of EU non-discrimination law among the legal professions and trade unions of the new EU member states of the Baltic Sea region. Activities include providing training for trainers from Bar Associations and trades unions, and producing national training manuals. Good progress has been made.

### Inclusive education in the western Balkans

This three-year project implemented by Save the Children UK aims to promote the integration of ethnic minorities in education, with a special focus on the inclusion of Roma children. Activities include dissemination of a Statement of Good Practice and monitoring framework, and promotion of models of good practice with children, parents, schools, local and national authorities and across borders. Good progress has been made.

## Successful reintegration

This two-year project implemented by International Organisation Mission aimed to facilitate the reintegration of returnees from EU member countries (UK, Belgium, Germany and Italy) by building the capacity of the local NGO sector to provide them with professional, social and economic guidance in their place of origin. Activities included publishing research into irregular migration in western European states and stories about successful reintegration, holding regional workshops and organising TV broadcasts/debates to raise the profile of the issue of voluntary returns.

## Romania

### Human rights training in Romanian prisons

This two-year project implemented by Penal Reform International aimed to contribute to penal reform in Romania by improving prison management and raising standards among staff, in order to create a prison environment that protects human rights and helps prisoners prepare for release and reintegration into society. Activities included carrying out a needs assessment, preparing and delivering training for 50 trainers and producing a training manual.

### Juvenile courts in Vaslui and Botosani

This two-year project implemented by the Social Alternative Association aimed to ensure adherence to national and international standards in cases involving juvenile victims and/or offenders. Activities included a programme of training for police officers, prosecutors, probation officers, judges and social workers in international norms, hearing techniques, child development psychology and inter-agency collaboration; professionals were also trained to carry out psychological and social evaluations. The project also equipped two juvenile hearing rooms and prepared and disseminated best practice guidance.

### Participative approach to dealing with juvenile crime

This one-year project implemented by the Community Safety and Mediation Centre aimed to design a restorative justice model, setting out a participative approach to dealing with juvenile crime and conflict resolution in penal matters. Activities included designing, implementing and evaluating the model.

### Strengthening the Institute of Probation

This two-year project implemented by the Ipswich Probation Department aims to ensure that the Institute of Probation delivers services effectively. Activities include training 100 staff per year to use the Romanian Excellence Model, which covers areas such as self-assessment, planning, quality of service and effective relationships with partner agencies and other stakeholders. The project has also run training sessions, published good practice guidelines and provided information to

other criminal justice agencies and diverse groups within the community. Good progress has been made.

#### **Training in refugee-related issues for judges and lawyers**

This one-year project implemented by the Romanian National Council for Refugees trained judges and lawyers on the new procedures regarding asylum-seekers in Romania and developed a resource library on refugee issues.

#### **Developing the Romanian police authority institution**

This three-year project implemented by the Community Safety and Mediation Centre aims to develop the visibility and understanding of Romania's new Territorial Public Order Authority (TPOA). Activities include setting up a training and development programme for TPOA members and officers, creating a database, establishing a national TPOA network to develop best practices and developing written rules and procedures on agency co-operation. The project has also developed consultation and feedback mechanisms and produced and distributed information about the TPOA to local community groups. Good progress has been made.

#### **Anti-corruption adviser to the president**

This one-year project implemented by a senior expert from Britain offered advice on enforcing anti-corruption legislation and tackling high level corruption. Activities included advising on the 2005-07 national anti-corruption strategy, delivering a prioritised action plan linked to EU commitments, advising on monitoring and implementation of EU commitments based on clear benchmarks and advising on how to strengthen co-ordination across government.

#### **Accountability in local budgets**

This two-year project implemented by Transparency International aimed to foster an environment of shared trust and dialogue between local administration and the representatives of local civil society and the business community. Activities included working to build the capacity of local civil society, business associations and local government to follow best practice in the governance of the local budgetary process.

### **Serbia and Montenegro**

#### **Rule of law training on the ECHR**

This three-year project implemented by the AIRE Centre, the Belgrade Centre for Human Rights and the Centre for Democracy and Human Rights in Montenegro aims to bring national law and practice into line with the ECHR, and help consolidate the establishment of a strong and effective independent judiciary. Activities include training for members of the judiciary and distribution of a monthly bulletin in Serbian, summarising the key judgments of the Strasbourg Court. Good progress has been made.

#### **Community stabilisation of minorities and returns through microcredit and business training**

This one-year project implemented by the Kosovo Enterprise Programme aimed to promote the sustainable reintegration of minorities and people returning to Kosovo by helping them develop the skills they need to participate in the mainstream economy. Activities included the provision of business mentoring, training and microcredit. In order to increase the success rate of minority-owned micro-enterprises, the project also set out to help collaborating NGOs develop their own business assessment and entrepreneurial appraisal skills.

#### **Trades unions development**

This two-year project implemented by UNISON aimed to develop a sustainable strategy of membership recruitment and branch development that would eventually lead to stronger trades unions organisations in Serbia. Activities included developing a membership recruitment strategy, preparing a manual and recruitment materials and providing a database and training.

#### **Minority media training and reporting**

This three-year project implemented by the Institute for War and Peace Reporting aims to develop the capacity of the media in Serbia and Montenegro to report on minority issues, thereby raising awareness among the general public. Activities include training 48 journalists per year, publishing 24 reports per year and carrying out three in-depth investigations.

#### **Reporting on minorities**

This one-year project implemented by RTV B92 broadcasters aimed to raise public awareness of minority issues by introducing news reports from all over the country twice a week into main radio and TV news programmes, and to offer these to partner broadcasters throughout the western Balkans.

#### **Developing a minority policy in Montenegro**

This three-year project implemented by the Project on Ethnic Relations (PER) aims to work with the Ministry for the Protection of Minority Rights to adopt a minority law and develop a more professional Ministry. Activities include developing a clear and comprehensive governmental minority policy, establishing a permanent consultation mechanism between government officials and minority leaders, creating an inter-ministerial body to advise on minority issues, establishing mechanisms to encourage regular co-operation between the Ministry and related parliamentary committees and helping the Ministry build more effective relationships with the media. Good progress has been made.

#### **Developing a governmental strategy for Roma in Montenegro**

This two-year project implemented by the Project on Ethnic Relations (PER) aims to improve co-ordination among

government ministries and develop effective programmes to address the problems experienced by Roma people. Activities include: encouraging greater Romany participation in the formation and implementation of government policy; setting clearer targets, indicators and mechanisms for monitoring and evaluating Roma-related initiatives; and raising awareness both within government and among the public about Roma issues and the government's efforts to improve the situation. Good progress has been made.

## **Slovakia**

### **Standing adviser on the development of mediation**

This one-year project implemented by Conflict Management International aimed to provide ongoing advice to the Ministry of Justice on the development and implementation of mediation within Slovakia. Activities included establishing and evaluating pilot schemes, organising promotional activities to encourage take-up and elaborating training and ethical standards.

### **Training sessions for Roma paralegals**

This three-year project implemented by the Centre for Environmental Public Advocacy and the Ford Foundation aims to help combat racial discrimination. Activities include training 20 paralegals working in Roma communities in eastern Slovakia and involving police officers in the training. Good progress has been made.

## **Turkey**

### **Campaigning to prevent honour crimes**

This three-year project implemented by the British Council aimed to bring together around 20 agencies with an interest in honour crimes in Turkey, by developing strategies for effective campaigning and lobbying based on regional experience. Activities included a regional pilot programme that combined focus groups, workshops, the preparation and roll-out of a campaign and a final evaluation.

### **Access to justice**

This two-year project implemented by European Dialogue, the European Studies Department at Bosphorus University and the European Initiative on Democracy and Human Rights aimed to provide models of good policy and practice in the implementation of international human rights standards and national legislation, in order to assist Turkey satisfy Copenhagen Criteria regarding the rule of law and treatment of minorities. Activities included a programme of training for trainers drawn from the judiciary, police, lawyers, prosecutors and NGOs and UK study visits. Activities also included lobbying, advocacy and preparing training materials.

## **More effective and efficient sub-provincial human rights boards**

This two-year project implemented by the British Council and the Human Rights Presidency of the Prime Minister's Office aimed to strengthen the effectiveness and efficiency of the 81 provincial and 849 sub-provincial human rights boards through the preparation, piloting and distribution of operating guidelines.

## **Bringing law enforcement agencies into line with human rights standards**

This two-year project implemented by the British Embassy in Ankara, in co-operation with the Ministry of the Interior, aims to ensure effective administration of law enforcement agencies by working with deputy governors and district governors. Activities include screening current laws and regulations regarding law enforcement agencies, analysing current problems in the administration and evaluating the results and holding an evaluation seminar for key decision-makers. The next phase of activities will include preparing a training programme, training the trainers and then cascading training to 1,230 deputy governors and district governors with a final evaluation. Good progress has been made.

## **Ukraine**

### **Regional journalistic consolidation campaign**

This two-year project implemented by Charter 4 Ukraine aimed to support media self-organisation initiatives. Activities included tackling issues such as media harassment, censorship, editorial pressure, ethics, public dialogue, employee rights and freedom of the press.

## **Ukraine/Poland**

### **Capacity-building for Ukraine political parties**

This two-year project, implemented by the European Institute for Democracy, Poland aims to facilitate the party political system development through enhancement of major Ukrainian political parties' skills and capacities. Good progress has been made.

### **Implementing migration policies: applying EU experience**

This two-year project, implemented by the Ukrainian International Centre for Policy Studies and the Polish Institute of Public Affairs, aims to help improve mechanisms for implementing migration policy in Ukraine by disseminating EU experience in instituting readmission agreements and providing policy recommendations. There is a particular focus on Poland's record of collaboration with its neighbours. Good progress has been made.

### **Cross-border co-operation on Justice and Home Affairs issues**

This three-year project implemented by the European Institute of Democracy aimed to improve cross-border co-operation on

trafficking of people and goods and cross-border crime and to promote local government reforms in order to achieve effective co-operation. Activities included study visits, internships, border visits, training sessions, the formation of cross-border working groups and the development of joint strategies.

**Sharing experiences in anti-trafficking initiatives: policy and practice**

This two-year project is implemented by the British Council Ukraine, and local NGOs the Women Informational Consulting Centre, Chika and Women of Donbass. It aims to raise awareness of the vulnerability of women and children to trafficking, the roles and responsibilities of various agencies and the services available for victims of trafficking. Activities include developing policy recommendations for the national government. Good progress has been made.

## Guide to key multilateral organisations

This annex covers multilateral institutions that play a key role in international efforts to promote human rights:

- The United Nations
- The Council of Europe
- The Organisation for Security and Cooperation in Europe
- The Commonwealth
- The Organisation of American States
- The African Union

The United Nations (UN) is the single most important body for promoting human rights worldwide. UN treaties establish universal human rights standards. The mechanisms and bodies of the UN promote the implementation of these standards and monitor human rights violations around the world.

Article 55 of the UN Charter sets objectives for the UN in the economic and social fields, including “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion”. Article 56 of the charter commits all UN member states to take “joint and separate action” in cooperation with the UN to achieve the purposes of article 55.

The UN’s website is at: [www.un.org](http://www.un.org)

### UN Human Rights Standards

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly (UNGA) in December 1948, was the first internationally agreed definition of human rights and fundamental freedoms. Although not a legally binding treaty, it establishes an internationally recognised set of standards that have stood the test of time. The UDHR was the starting point for the development of binding international standards, set out in

the six core UN human rights treaties. These are:

- the International Covenant on Civil and Political Rights (ICCPR), came into force 1976;
- the International Covenant on Economic, Social and Cultural Rights (ICESCR), came into force 1976;
- the Convention on the Elimination of All Forms of Racial Discrimination, came into force 1969;
- the Convention on the Elimination of All Forms of Discrimination against Women, came into force 1981;
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, came into force 1987; and
- the Convention on the Rights of the Child, came into force 1990.

The full texts of the Conventions are available at: [www.unhchr.ch](http://www.unhchr.ch) (‘Treaties’ section). Annex 5 gives a list of all the states that had ratified the core conventions by May 2006.

### Limitations

Most of the rights and freedoms set out in the Covenants and UDHR are not absolute but may be subject to certain specified limitations. The ICCPR, in particular, defines admissible limitations or restrictions to various rights. In general, the only acceptable restrictions are those which are provided by law and are necessary to protect national security, public order, public health or morals or the rights and freedoms of others. On ratification of the covenants, many states have entered reservations relating to specific articles. A reservation is a unilateral statement whereby a State seeks to exclude or to modify the legal effect of certain treaty provisions. Reservations which are contrary to the object and purpose of the treaty are not permissible.



## The UN Human Rights Treaties and Treaty Monitoring Bodies

### The International Covenant on Civil and Political Rights

The civil and political rights set out in the UDHR are elaborated in more detail in articles 6 to 27 of the ICCPR. There are also some additional rights, including measures for the protection of members of ethnic, religious or linguistic minorities. Under article 2 all states parties undertake to respect and to ensure to all individuals, subject to their jurisdiction, the rights recognised in the covenant.

The Human Rights Committee monitors ICCPR's implementation by states parties. Its main tasks are:

- to examine in public session reports by states parties on the measures they have taken to give effect to the rights in the Covenant. The Committee also receives information from other sources, such as NGOs;
- to consider claims by one state party that another State Party is not fulfilling its obligations under the covenant. The committee can only deal with cases where both of the states involved have made declarations recognising that it can do so. The UK has made this declaration; and
- to receive and consider, under the First Optional Protocol (providing for individual petition), communications from individuals claiming to be victims of violations of any of the rights in the covenant. Individuals who are subject to the jurisdiction of a state party that has ratified the Optional Protocol are entitled to submit written communications to the committee once they have exhausted all available domestic remedies.

The Human Rights Committee consists of 18 independent and expert members, elected by states parties for four-year terms.

States parties that ratify the Second Optional Protocol to the ICCPR take on an international obligation binding themselves to abolition of the death penalty. The UK ratified this protocol in December 1999.

### International Covenant on Economic, Social and Cultural Rights

The economic, social and cultural rights set out in the UDHR are elaborated in more detail in articles 6 to 15 of the ICESCR. Article 2 provides that each state party undertakes to take steps to the maximum of its available resources "with a view to achieving progressively the full realisation of the rights recognised in the present Covenant". States parties are obliged to submit reports on the measures they have adopted and

progress made in achieving the observance of the rights in the covenant. In 1987, the Economic and Social Council (ECOSOC) (see below) established a Committee on Economic, Social and Cultural Rights to examine the reports in public session. The committee is composed of 18 members elected by ECOSOC for four-year terms by states parties to the covenant.

### Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 1 defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or is suspected of having committed, or intimidating or coercing him or a third person or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions".

Articles 2 to 16 of the convention provide *inter alia* for states Parties to: take measures ensuring the total prohibition of torture and its punishment; prohibit the extradition of people to other states where there are substantial grounds for believing that they would be in danger of being tortured; co-operate with other states in the arrest, detention and extradition of alleged torturers; and compensate victims of torture.

The **Committee Against Torture** monitors implementation by states parties of the provisions of the convention. States parties report to the committee every four years. The committee's competencies are broadly similar to those of the Human Rights Committee (see above). However, it has one important additional power: it can conduct on-the-spot enquiries, in agreement with the state party concerned, when it receives reliable information indicating that torture is being practised systematically in the territory of a state party.

### International Convention On The Elimination of All Forms of Racial Discrimination

The convention defines discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms". It also provides for positive discrimination under certain circumstances.

The convention also provides for states parties *inter alia* to: pursue a policy of eliminating racial discrimination and promoting understanding among all races; to nullify any laws or regulations,

which have the effect of perpetuating racial discrimination; to condemn all propaganda based on theories of racial superiority or which attempts to promote racial hatred or discrimination; to adopt immediate measures designed to eradicate all incitements to such discrimination; and to guarantee the right to everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law.

The **Committee on the Elimination of Racial Discrimination** monitors states parties' implementation of the provisions of the convention. The committee:

- examines in public session reports by states parties on the measures which they have adopted to give effect to the provisions of the convention;
- examines communications by one state party claiming that another state party is not giving effect to the provisions of the convention; and
- considers communications from individuals or groups of individuals within the jurisdiction of the state party claiming to be victims of a violation by that state party of any of the rights in the convention. This is only relevant where the state party has recognised the committee's competence. The UK does not recognise this right of individual petition.

### **Convention on the Elimination of All Forms of Discrimination Against Women**

The convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field". States parties undertake to pursue a policy of eliminating discrimination against women in all fields. There is provision for positive discrimination. States parties undertake to take measures to suppress all forms of traffic in women.

Part II of the convention contains provisions relating to political rights: including, the right to vote and to be eligible for election to all publicly elected bodies; the right to participate in the formulation of government policy and hold public office at all levels; the right to participate in non-governmental organisations concerned with public and political life; and equal rights as regards nationality. Part III addresses social and economic rights in the fields of education, employment, healthcare, and economic and social life and requires states parties to take into account the particular problems faced by rural women. Part IV covers civil and family rights. It provides

for equality before the law and elimination of discrimination in all matters relating to marriage and family relations.

The **Committee on the Elimination of Discrimination against Women** monitors states parties' implementation of the convention. The committee examines in public session reports submitted by states parties on the measures they have adopted to give effect to the provisions of the convention and on progress in this field.

On 22 December 2000, the Optional Protocol to the convention entered into force following the ratification of the 10th state party to the convention. The protocol provides for individual petition, and the committee receives and considers claims of violations of rights protected under the Convention.

Individuals who are subjects of the jurisdiction of a state party that has ratified the protocol are entitled to submit written communications to the committee once they have exhausted all available domestic remedies. The protocol also provides for the committee to initiate inquiries into situations of grave or systematic violations of women's rights by states, which are party to the convention and protocol.

### **Convention on the Rights of the Child**

The convention defines a child as "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier". States parties undertake to pursue a policy of protecting the child from all forms of discrimination and to provide appropriate care. Provision is also made for the right of a child to acquire a nationality, to leave any country and enter his or her own country, to enter or leave the territory of another state party for the purposes of family reunification and for the state to take measures to combat the illicit movement of children abroad.

The convention covers civil, political, economic, social and cultural rights. Particular attention is drawn to children seeking refugee status, and the mentally or physically disabled child.

Two optional protocols to the CRC were agreed in January 2000. The first, on the sale of children, child prostitution and child pornography, strengthens the protection for children, particularly by focusing on preventive measures and the criminalisation of acts. The second optional protocol, on the involvement of children in armed conflict, sets higher standards than the convention, including higher minimum ages for recruitment and participation in hostilities.

The **Committee on the Rights of the Child** monitors states parties' implementation of the Convention.

### Economic and Social Council

Responsibility for discharging the economic and social functions of the UN, including promoting universal respect for human rights, is vested in the UN General Assembly and, under its authority, in the Economic and Social Council (ECOSOC). It is made up of 54 UN member states. It makes or initiates studies and reports, makes recommendations on these to the UN General Assembly, to the members of the UN and to the UN specialised agencies. It also prepares draft conventions for submission to the General Assembly on matters within its competence and calls international conferences on such matters. It enters into agreements with specialised agencies and makes arrangements for consultation with non-governmental organisations.

Further information is available on the UN website at: [www.un.org/esa/coordination/ecosoc](http://www.un.org/esa/coordination/ecosoc)

### UN General Assembly: Third Committee

The UN General Assembly (UNGA) consists of all UN member states. It may discuss any issue within the scope of the UN Charter, including human rights, and may make recommendations to UN members or the Security Council. It receives and considers reports from the other organs of the UN and elects the 54 members of ECOSOC.

In the UN General Assembly, human rights are dealt with in the Third Committee which meets annually in New York, usually in November. All UN member states have the right to take part in the plenary sessions and to table and vote on resolutions.

Further information is available on the UN website: [www.un.org/ga/60](http://www.un.org/ga/60)

### UN Commission on Human Rights

This was the main forum for substantive discussion of human rights in the UN from its creation in 1946 until its final meeting in March 2006. It was replaced in 2006 by the Human Rights Council. More details are available in Chapter 4.

### UN Human Rights Council

The Human Rights Council (HRC) was established on 15 March 2006. It replaced the Commission on Human Rights as the UN's main forum for discussion of human rights issues. The council has a broad mandate, including to:

- promote universal respect for the promotion and protection of human rights for all;
- address situations of violations of human rights, and making recommendations on them; and,
- promote human rights education, technical assistance and capacity-building.

The council will meet at least three times a year for at least 10 weeks in total. In its first year, it will meet in June, September and December 2006. It has 47 members. The UK was elected to the council in June 2006 for a two-year term.

More detail on the council and its work is available in Chapter 4 and at: [www.ohchr.org/english/bodies/hrcouncil](http://www.ohchr.org/english/bodies/hrcouncil).

### UN Commission on the Status of Women

The Commission on the Status of Women (CSW), under ECOSOC, seeks to apply gender perspectives to all areas of the UN's work and is tasked with co-ordinating follow-up to the World Conference on Women held in Beijing in 1995. The UK is one of 45 governments elected to CSW.

CSW meets annually in New York, usually in March. It prepares recommendations and reports to ECOSOC on the promotion of women's rights in the political, economic, social and educational fields, and on allegations of patterns of discrimination.

CSW is empowered to receive communications from individuals and NGOs. A five-member Working Group meets in confidential session to examine these communications (including any replies from governments), to prepare a confidential report based on its analysis of such communications and, if necessary, to make recommendations to ECOSOC for action.

### UN High Commissioner for Human Rights

In 1994, the first UN High Commissioner for Human Rights was appointed, with a mandate to take principal responsibility for the UN's human rights activities and to raise the profile of human rights within the UN system. Dr Sergio Vieira de Mello, the former head of the UN office in East Timor, succeeded Mary Robinson as the High Commissioner for Human Rights in September 2002. In May 2003, Dr Vieira de Mello was appointed the UN Secretary-General's Special Representative in Iraq until he was tragically killed there on 19 August 2003. He was succeeded by Louise Arbour on 1 July 2004.

The Office of the High Commissioner for Human Rights (OHCHR), formerly the Centre for Human Rights, is based in Geneva and supports or implements the mandates of the CHR and the other UN human rights bodies. It monitors and helps to deter human rights violations through a field presence in key countries, and gives technical assistance and advice with human rights institution-building.

The UN has a range of human rights programmes supported by voluntary funds. The UK contributes annually to the fund for victims of torture and to technical assistance programmes designed to help states improve their human rights performance. We are also one of the major voluntary

contributors to the OHCHR's human rights field operations.

More information about OHCHR is available on its website:  
[www.unhchr.ch](http://www.unhchr.ch)

### International Labour Organisation

The International Labour Organisation (ILO) is a UN specialised agency whose work focuses on setting, monitoring and upholding rights and standards at work. This includes economic and social rights (such as the right to work, to favourable conditions of work, to form and join trade unions, to social security and to an adequate standard of living), and civil and political rights (such as freedom of association, the right to organise and the right to peaceful assembly).

The ILO works for the implementation of these rights by adopting conventions and recommendations setting standards, supervising the application of these standards, operating complaints procedures and assisting governments to give practical effect to the rights. Over 180 conventions have been adopted by the ILO, including eight that are considered to be **Core Labour Conventions**. These are:

Convention 29 - forced labour

Convention 87 - freedom of association and the right to organise

Convention 98 - right to organise and collective bargaining

Convention 100 - equal remuneration

Convention 105 - abolition of forced labour

Convention 111 - discrimination in employment and occupation

Convention 138 - minimum age of employment and occupation

Convention 182 - worst forms of child labour

The ILO is unique among UN agencies in its tripartite structure - each member state is represented by government, trades unions and employers' organisations.

Member states of the ILO meet at the International Labour Conference (ILC) in June every year in Geneva. Each is represented by two government delegates - an employer delegate and a worker delegate. The ILC establishes and adopts international labour standards, and acts as a forum where social and labour questions of importance are discussed. More information about the ILC is available at:

<http://www.ilo.org/public/english/standards/relm/ilc/index.htm>

## International Committee of the Red Cross (ICRC)

The ICRC is the founding body of the Red Cross Movement and custodian of the Geneva Conventions, which set internationally recognised standards for the care of the wounded and sick from armed forces, the treatment of prisoners of war and protection of civilians in time of war. The ICRC statute allows it to take any humanitarian initiative. There is no obligation on governments to co-operate with the Red Cross other than on the basis of the Geneva Conventions. However, the ICRC, operating alone or in conjunction with national Red Cross and Red Crescent societies and their federation, the League of Red Cross Societies, has an important and effective humanitarian role as a neutral and independent intermediary. In addition to its traditional wartime role, the ICRC has become increasingly concerned with providing relief to large numbers of persons displaced within their own country. It has also been engaged in negotiations for the release of hostages and, when it perceives a need, has conducted confidential investigations into prison conditions.

## Council of Europe

### European Convention on Human Rights

The European Convention on Human Rights (ECHR) came into force in September 1953. By April 2004, it had been ratified by all 46 member states of the Council of Europe. These states undertake to guarantee that those within their jurisdiction should enjoy the rights and freedoms protected under the convention, and recognise the right of individual petition for individuals to the ECHR machinery when they claim those rights have been violated by the state.

Under the provisions of the Human Rights Act 1998, the ECHR, for the first time in the UK, applies as a matter of domestic, as well as international, law. The Human Rights Act came fully into force in the UK in October 2000.

The European Convention guarantees a wide variety of rights, including: the right to life and the prohibition of torture and inhuman or degrading treatment or punishment; the right to liberty and security to person; the right to a fair trial; the right to respect for private and family life, home and correspondence; freedom of thought, conscience and religion; freedom of expression; freedom of peaceful assembly and association, including the right to join a trade union; and a prohibition of discrimination in the enjoyment of rights and freedoms guaranteed by the convention on grounds such as sex, race, religion, political or other opinion or association with a national minority.

The convention recognises that most of these rights cannot be

unlimited in a democratic society and that restrictions may be necessary on grounds of public safety or national security, to protect the economic well-being of a country, public health and morals, or the rights and freedoms of others, or to prevent disorder and crime. It also permits states, on certain conditions, to suspend their obligations in time of war or other public emergencies. No state can, however, suspend its obligation to respect bans on torture, slavery and the retroactivity of criminal law.

The convention is available at: <http://conventions.coe.int>

### The European Court of Human Rights

The task of enforcing the rights contained in the convention was, until November 1998, shared by three bodies - the European Commission of Human Rights, the European Court of Human Rights and the Committee of Ministers. The latter remains the political decision-making body of the Council of Europe and is composed of the foreign ministers of member states or their Deputies (Ambassadors). Since 1998, the part-time court and Commission have been replaced by a single full-time court based in Strasbourg.

The Court consists of 41 judges, one for each state party to the convention, elected for six years by the Parliamentary Assembly of the Council of Europe. The judges sit in their individual capacity and do not represent the country by which they were nominated. The court is a judicial body, and it produces final and binding decisions. The website of the European Court of Human Rights is at: [www.echr.coe.int](http://www.echr.coe.int)

### Individual and interstate complaints

Article 34 of the ECHR provides for the right of individual petition to the court. Thousands of communications are received from individuals each year. For a communication to be admissible, applicants must show that they have exhausted all domestic remedies and the application must be made within six months of a final decision by the domestic courts or authorities. The applicant must not be anonymous, the complaint must not be the same as one already examined by the court, or previously submitted to another international body, and it must be covered by the scope of the convention. About five per cent of all applications are declared admissible. Article 33 of the ECHR provides for the right for one state party to lodge a complaint against another.

If an application is declared admissible, the court will then request written and, where necessary, oral argument from the parties. The parties have the right to present both written and oral arguments. After the hearing, the judges meet in private and vote on whether they consider there has been a breach of the convention. The view of the majority forms the decision of the Court but separate and dissenting opinions are often annexed to the judgment. The

judgment of the court is final and there is no appeal. It is binding on the state concerned. Article 33 provides for the right of one state party to lodge a complaint against another.

### Compliance with commitments

The 'compliance with commitments' procedure involves a review by the Committee of Ministers of states' implementation of their Council of Europe commitments. Member states are encouraged through dialogue and co-operation to take all appropriate steps to conform with the principles of the Council of Europe Statute in the cases under discussion. Discussion is confidential, although in cases requiring specific action the Committee of Ministers may decide to issue an opinion or recommendation, or forward the matter to the Council of Europe Parliamentary Assembly.

### Member states of the Council of Europe with accession dates (as at May 2006)

Albania (13 July 1995)  
 Andorra (10 November 1994)  
 Armenia (25 January 2001)  
 Austria (16 April 1956)  
 Azerbaijan (25 January 2001)  
 Belgium (5 May 1949)  
 Bosnia and Herzegovina (24 April 2002)  
 Bulgaria (7 May 1992)  
 Croatia (6 November 1996)  
 Cyprus (24 May 1961)  
 Czech Republic (30 June 1993)  
 Denmark (5 May 1949)  
 Estonia (14 May 1993)  
 Finland (5 May 1989)  
 France (5 May 1949)  
 Former Yugoslav Republic of Macedonia (FYROM) (9 November 1995)  
 Georgia (27 April 1999)  
 Germany (13 July 1950)  
 Greece (9 August 1949)  
 Hungary (6 November 1990)  
 Iceland (7 March 1950)  
 Ireland (5 May 1949)  
 Italy (5 May 1949)  
 Latvia (10 February 1995)  
 Liechtenstein (23 November 1978)  
 Lithuania (14 May 1993)  
 Luxembourg (5 May 1949)  
 Malta (29 April 1965)  
 Moldova (13 July 1995)  
 Monaco (5 October 2004)  
 Netherlands (5 May 1949)  
 Norway (5 May 1949)

Poland (26 November 1991)  
 Portugal (22 September 1976)  
 Romania (7 October 1993)  
 Russian Federation (28 February 1996)  
 San Marino (16 November 1988)  
 Serbia and Montenegro (3 April 2003)  
 Slovakia (30 June 1993)  
 Slovenia (14 May 1993)  
 Spain (24 November 1977)  
 Sweden (5 May 1949)  
 Switzerland (6 May 1963)  
 Turkey (9 August 1949)  
 Ukraine (9 November 1995)  
 United Kingdom (5 May 1949)

### The Observers to the Committee of Ministers

Canada (29.05.1996) - Holy See (07.03.1970) - Japan (20.11.1996) - Mexico (01.12.1999) - United States of America (10.01.1996)

### The Observers to the Parliamentary Assembly

Canada (28.05.1997) - Israel (02.12.1957) - Mexico (04.11.1999)

### European Social Charter

The Council of Europe's European Social Charter is the social counterpart to the ECHR. It covers employment, health and social rights. The UK ratified the charter in 1962, the first state to do so. The charter entered into force on 16 February 1965. States ratifying it undertake to accept at least five of the main articles (for example, the right to work, the right to social security, etc).

The Revised European Social Charter expands the scope of the rights protected by the original charter and is designed progressively to take its place. States signing the Revised Charter agree to be bound by not less than 16 articles or 63 numbered paragraphs of Part 11 of the charter. The UK government signed the revised charter in November 1997 and intends to ratify in due course.

### The Organisation for Security and Cooperation in Europe

The OSCE began life in Helsinki in 1972 as the Conference on Security and Cooperation in Europe (CSCE), with the aim of fostering European security and promoting human rights, democracy and the rule of law through the implementation of politically binding commitments by consensus. It brings together 55 states from North America, Europe and Central Asia. The OSCE's commitments are set out in a series of Charters and Final Documents (the products of the OSCE summits), which include:

- the 1975 Helsinki Final Act, which sets out the principles guiding cooperation between the participating states in the

fields of economics, science, technology and the environment and in the humanitarian field;

- the 1990 Charter of Paris and the 1990 Copenhagen Document, in which the participating states made commitments further to extend cooperation on democracy and human rights;
- the 1992 Helsinki Document (Challenges of Change), which aimed to improve the OSCE's operational effectiveness in confidence building, early warning, preventive diplomacy and peacekeeping; and
- the 1994 Budapest Document, which marked the transformation of the conference into an organisation and established the Office for Democratic Institutions and Human Rights (ODIHR).

The 1994 Budapest Summit adopted the Code of Conduct on Politico-Military Aspects of Security. The code includes measures to ensure the democratic control of armed forces and respect for human rights in resolving internal conflicts.

### Office for Democratic Institutions and Human Rights

ODIHR is the main instrument of the OSCE in the human rights field (the OSCE's "Human Dimension"). Based in Warsaw, its tasks include election monitoring, the collection of information on human rights throughout the area, training and other support for the emerging democracies and ensuring the proper integration of the human dimension into the work of the OSCE Permanent Council and the Chairman in Office. These activities are undertaken in close cooperation with the Council of Europe and other international organisations. The current director is Christian Strohal, an Austrian diplomat.

### Human Dimension Mechanisms

The OSCE human dimension mechanisms allow participating states to raise human rights issues in a number of ways, including:

- a request to a participating state by one or more other states for the provision of information about a situation of particular concern;
- a request by a participating state for a mission of OSCE rapporteurs to visit and assist in resolving a particular human rights issue within its territory; and
- a request by one participating state, supported by five or nine others according to circumstances, for a mission of OSCE rapporteurs to visit another state and advise on solutions to a human rights problem there.

Although intended to offer a non-confrontational approach to the resolution of human rights problems, the latter two

processes are now rarely used. Much greater use is made instead of special representatives despatched under the authority of the Chairman in Office.

### **OSCE High Commissioner on National Minorities**

The High Commissioner's mandate focuses on minority issues, which have the potential to develop into conflicts within the OSCE area endangering peace, stability or relations between OSCE participating states. His mandate describes him as "an instrument of conflict prevention at the earliest possible stage". The High Commissioner on National Minorities' (HCNM) mandate precludes him from considering minority issues in situations involving organised acts of terrorism. Nor can he consider alleged violations of OSCE commitments in respect of individuals belonging to national minorities. In July 2001, Swedish diplomat Rolf Ekeus succeeded the former Netherlands Foreign Minister Max van der Stoep, who had served as High Commissioner since the position was created in 1993. The Office of the High Commissioner is located in The Hague. For more detail, see the HCNM website at: [www.osce.org/hcnm](http://www.osce.org/hcnm)

### **OSCE Representative on Freedom of the Media**

The task of the OSCE Representative on Freedom of the Media, established in Vienna in November 1997, is to co-operate with and assist OSCE states in furthering free, independent and pluralistic media - these are crucial to a free and open society and accountable systems of government. The representative has a mandate to observe relevant media developments in all OSCE states and to promote compliance with OSCE principles and commitments, in respect of freedom of expression and free media. He is also responsible for reacting quickly to instances of serious non-compliance by OSCE states. The current representative is Mr Miklos Haraszti. Further information is available at: [www.osce.org/form](http://www.osce.org/form)

### **OSCE long-term missions**

The OSCE makes a real contribution to human rights and democracy throughout Europe by means of its Missions in the field. They provide practical support and advice to encourage reconciliation between communities in post-conflict situations, and to support the development of indigenous institutions underpinning human rights and democracy. The UK provides approximately 10 per cent of the staff and/or funding for these missions, paid for by the FCO. As of July 2003, there were 19 OSCE Missions operating throughout the OSCE region, including in Kosovo, Bosnia and Herzegovina and Croatia. Total UK contribution for current year 2003-04 is £19.6 million.

More information on the OSCE is available at: [www.osce.org](http://www.osce.org)  
Those interested in applying for a UK secondment to the OSCE should see the recruitment section of the FCO website at: [www.fco.gov.uk](http://www.fco.gov.uk)

## **The Commonwealth**

The Commonwealth is a voluntary association of 53 independent states who work together towards common international goals (a list of member states is at the end of this section). It is also a "family" of nations building on their common heritage in language, culture, law and education, which enables them to work together in an atmosphere of greater trust and understanding. The most widely used definition of the Commonwealth can be found in the 1971 Declaration of Common Principles, available at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

The Commonwealth has no formal constitutional structure. It works from understood procedures, conventions and occasional statements of belief or commitment to action. Inter-governmental consultation is its main source of direction enabling member governments to collaborate to influence world events and establish programmes carried out bilaterally or by the Commonwealth Secretariat, the Commonwealth's main executive agency.

### **Commonwealth Ministerial Action Group**

The 1991 Harare Commonwealth Declaration (see website address above) stated that the two fundamental principles of the Commonwealth are democracy and human rights. In 1995, the Commonwealth adopted the Millbrook Action Programme to provide mechanisms for putting those principles into action. The Commonwealth Ministerial Action Group (CMAG), of which the UK is a member, was set up under the Millbrook Programme to assess persistent violations of the Harare principles and to recommend measures for collective Commonwealth action. At their meeting in Edinburgh in October 1997, Commonwealth Heads of Government agreed that applicants to join the Commonwealth should comply with the values, principles and priorities set out in the Harare Declaration. To date, CMAG's work has addressed the situation in Nigeria, Gambia, Sierra Leone and Pakistan.

### **The Commonwealth Secretariat**

The UK is a major contributor to the Commonwealth Secretariat, which runs a range of programmes to help member countries improve their human rights performance. The Secretariat's Human Rights Unit has developed training materials for the police and judiciary; assisted governments in meeting their international and regional human rights reporting obligations; and run programmes to strengthen democratic structures and independent human rights institutions.

Further information is available at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

### **Commonwealth Heads of Government Meetings**

Commonwealth Heads of Government Meetings (CHOGMs) are

held every two years in different Commonwealth countries. They are the Commonwealth's ultimate policy and decision-making forum. The next CHOGM takes place in Kampala in late 2007.

Commonwealth summits have three broad objectives:

- to review international and economic developments to decide, where appropriate, what action the Commonwealth will take and to issue a communiqué stating the Commonwealth's position;
- to examine areas for Commonwealth cooperation for development, considering the work done over the last two years and agreeing priorities and programmes for the future; and
- to strengthen the sense of the Commonwealth itself, in particular, its characteristics of friendship, business partnership and stabilisation.

Further information is available at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

Namibia  
Nauru  
New Zealand  
Nigeria  
Pakistan  
Papua New Guinea  
St Kitts and Nevis  
St Lucia  
St Vincent and the Grenadines  
Samoa  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
Sri Lanka  
Swaziland  
Tanzania  
Tonga  
Trinidad and Tobago  
Tuvalu  
Uganda  
UK  
Vanuatu  
Zambia

### Members of the Commonwealth

Antigua and Barbuda  
Australia  
Bahamas  
Bangladesh  
Barbados  
Belize  
Botswana  
Brunei Darussalam  
Cameroon  
Canada  
Cyprus  
Dominica  
Fiji  
The Gambia  
Ghana  
Grenada  
Guyana  
India  
Jamaica  
Kenya  
Kiribati  
Lesotho  
Malawi  
Malaysia  
Maldives  
Malta  
Mauritius  
Mozambique

## Organisation of American States

### American Convention on Human Rights

The American Convention on Human Rights was adopted by the Organisation of American States (OAS) and came into force in 1978. By August 2006, 24 OAS member states were states parties to the convention.

The convention contains a broad range of rights, very similar to the European Convention but with some differences. For example, under article 4 the right to life is to be protected, in general, from the moment of conception (rather than birth). The prohibition on torture and inhuman or degrading treatment is more extensive and is placed in the context of the right to humane treatment. Articles 18 and 19 protect the right to a name and the specific rights of the child. Article 26 provides for the progressive achievement of the rights implicit in the economic, social, educational, scientific and cultural standards set forth in the OAS Charter (1948), as amended by the Protocol of Buenos Aires (1967).

### The Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights has jurisdiction to receive, analyse and investigate complaints that allege violations of the American Convention on Human Rights by states that have ratified the convention. The Commission may



also receive and examine complaints of alleged violations of the rights set forth in the American Declaration of the Rights and Duties of Man (1948) concerning OAS member states that are not parties to the convention. Consequently, the commission exercises jurisdiction in respect of all 35 OAS member states. Cuba is a member of the OAS but has been suspended from participation in the Inter-American system since 1962. The commission is based in Washington, DC.

The commission performs a number of functions: it may receive and examine a complaint by one state party alleging that another state party has violated the American Convention, but only if both states have made a declaration under article 45 recognising the competence of the commission to entertain such claims. As of June 2006, no such complaint had been examined by the commission and only six states parties had accepted the commission's competence under Article 45; it is empowered to receive and review communications alleging violations of inter-American human rights instruments lodged by "any person or group of persons, or any non-governmental entity legally recognised in one or more member states of the Organisation". All remedies under domestic law must have been pursued and exhausted, or shown to be ineffective or unduly prolonged; and the commission's functions and powers include promoting respect for and defence of human rights in the Americas, by such means as preparing reports and studies, making recommendations to member states for the adoption of measures to promote human rights and providing advisory services in response to enquiries made by member states on human rights related matters.

The commission has received thousands of individual petitions alleging human rights violations. By 2002, this had resulted in more than 12,000 completed or pending cases. In 2005, the commission or commission delegations conducted on-site visits to observe the human rights situation in a number of countries, including, Haiti, Colombia, Guatemala and Mexico. In 2005, it had received and examined 1,330 complaints.

### **The Inter-American Court of Human Rights**

The Inter-American Court of Human Rights is an autonomous judicial institution established under the American Convention on Human Rights. The court's principal purpose is to interpret and apply the convention. It is based in San José, Costa Rica. The court is composed of seven judges and has both adjudicative and advisory jurisdiction. In order for a case against a state party to be brought before the court, the state party concerned must have made a prior declaration recognising the jurisdiction of the court to rule on cases where a friendly settlement has not been achieved. The convention also provides that any OAS member state may consult the court on the interpretation and application of the convention or of other

treaties on the protection of human rights in the American States. Since its inception in 1979, the court has issued numerous judgments and advisory opinions. The court has close institutional links with the Inter-American Commission on Human Rights and maintains institutional relations with the European Court of Human Rights.

## **African Union**

The African Union (AU) was launched in July 2002, as the successor to the Organisation for African Unity (OAU). Comprising all African countries except Morocco, the AU is the primary African regional organisation. The Constitutive Act of the AU sets out an ambitious institutional framework, which is only likely to be fully implemented over the longer term. Indeed, there is much about the new AU, and its capacity to deliver on its wide-ranging objectives, which remains unclear at present. There is, however, a welcome emphasis on promoting good governance, democracy and human rights in the AU's Constitutive Act, which was also reflected in the AU's inaugural summit.

### **African Charter on Human and Peoples' Rights**

The African Charter on Human and Peoples' Rights, adopted in June 1981 and entered into force in 1986, is a legally binding treaty to which, by June 2001, there were 53 state parties. It contains a wide range of rights covering civil and political rights and economic, social and cultural rights. It also includes various peoples' rights (as opposed to individual's rights), which are much less developed in other international or regional legally binding instruments (such as the right to a healthy environment).

The charter also differs from other human rights conventions by listing, in articles 27-29, the duties of the individual towards the state (for example, not to compromise the security of the state), whereas in other conventions the individual has a duty only to other individuals. Its limitations clauses are more restrictive than those in other conventions (for example, the rights to freedom of expression, of association and of movement must be exercised 'within the law', whereas in other instruments they may only be subject to restrictions which are provided by law and are shown to be necessary for the respect of the rights of others or for the protection of national security, public order, public health or morals).

The charter can be found at: [www.africa-union.org](http://www.africa-union.org)

### **The African Commission on Human and Peoples' Rights**

Implementation of the African Charter is supervised by the African Commission on Human and Peoples' Rights, which was established in November 1987. It is composed of 11 members who

are elected by the AU Assembly of Heads of State and Government from a list of candidates nominated by state parties to the charter. The charter makes no provision for a court. However, the members of the then OAU adopted a protocol in 1998 deciding to establish an African Court of Human and Peoples' Rights. The protocol eventually entered into force on 1 January 2004 upon its ratification by 15 member states. The 11 elected judges were sworn in on 2 July 2006.

The Commission's functions are:

- examining communications by one state party alleging that another state party has violated the charter.
- examining communications "other than those of state parties". This includes communications from individuals, groups and non-governmental organisations. One of the admissibility requirements is that remedies at the national level be exhausted unless it is obvious that such procedures are unduly prolonged. If communications reveal a "series of serious or massive violations of human and peoples' rights", the commission must draw this to the attention of the AU Assembly of Heads of State and Government;
- promoting human rights by undertaking studies, disseminating information and encouraging national and local institutions concerned with human rights; and
- providing advice on the implementation of human rights to the AU or any of its member states.

## Status of ratifications

Status of ratifications of the principal international human rights treaties as of 8 May 2006 (Source UN) - <http://www.ohchr.org/english/countries/ratification/index.htm>

The principal international human rights treaties of the United Nations are the following:

- (1) the International Covenant on Economic, Social and Cultural Rights (ICESCR), which is monitored by the Committee on Economic, Social and Cultural Rights;
- (2) the International Covenant on Civil and Political Rights (ICCPR), which is monitored by the Human Rights Committee;
- (3) the International Convention on the Elimination of all forms of Racial Discrimination (ICERD), which is monitored by the Committee on the Elimination of Racial Discrimination;
- (4) the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), which is monitored by

the Committee on the Elimination of Discrimination against Women;

(5) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which is monitored by the Committee against Torture; and

(6) the Convention on the Rights of the Child (CRC), which is monitored by the Committee on the Rights of the Child;

The following chart shows which states are a party (indicated by the date of adherence: ratification, accession or succession) or signatory (indicated by an "s" and the date of signature) to the United Nations human rights treaties listed above. Self-governing territories that have ratified any of the treaties are also included in the chart.

As at 8 May 2006, all member states of the United Nations and two non-member states were a party to one or more of these treaties.

**New ratifications since the Human Rights Annual Report 2005 are in bold.**

Country/ Treaty	(1) ICESCR	(2) ICCPR	(3) ICERD	(4) CEDAW	(5) CAT	(6) CRC
Afghanistan	24 Jan 83a	24 Jan 83a	06 Jul 83a	5 Mar 03	01 Apr 87	28 Mar 94
Albania	04 Oct 91a	04 Oct 91a	11 May 94a	11 May 94a	11 May 94a	27 Feb 92
Algeria	12 Sep 89	12 Sep 89	14 Feb 72*	22 May 96a	12 Sep 89*	16 Apr 93
Andorra	-	s: 5 Aug 02	s: 5 Aug 02	15 Jan 97a	-	02 Jan 96
Angola	10 Jan 92a	10 Jan 92a	-	17 Sep 86a	-	06 Dec 90

Country/ Treaty	(1) ICESCR	(2) ICCPR	(3) ICERD	(4) CEDAW	(5) CAT	(6) CRC
Antigua and Barbuda	-	-	25 Oct 88d	01 Aug 89a	19 Jul 93a	06 Oct 93
Argentina	08 Aug 86	08 Aug 86	02 Oct 68	15 Jul 85	24 Sep 86*	05 Dec 90
Armenia	13 Sep 93a	23 Jun 93a	23 Jun 93a	13 Sep 93a	13 Sep 93	23 Jun 93a
Australia	10 Dec 75	13 Aug 80	30 Sep 75*	28 Jul 83	08 Aug 89*	17 Dec 90
Austria	10 Sep 78	10 Sep 78	09 May 72	31 Mar 82	29 Jul 87*	06 Aug 92
Azerbaijan	13 Aug 92a	13 Aug 92a	16 Aug 96a	10 Jul 95a	16 Aug 96a	13 Aug 92a
Bahamas	-	-	05 Aug 75d	06 Oct 93a	-	20 Feb 91
Bahrain	-	-	27 Mar 90a	18 Jun 02a	06 Mar 98a	13 Feb 92a
Bangladesh	05 Oct 98a	07 Sep 00a	11 Jun 79a	06 Nov 84a	05 Oct 98a	03 Aug 90
Barbados	05 Jan 73a	05 Jan 73a	08 Nov 72a	16 Oct 80	-	09 Oct 90
Belarus	12 Nov 73	12 Nov 73	08 Apr 69	04 Feb 81	13 Mar 87	02 Oct 90
Belgium	21 Apr 83	21 Apr 83	07 Aug 75*	10 Jul 85	25 Jun 99*	16 Dec 91
Belize	s: 06 Sep 00	10 Jun 96a	14 Nov 01	16 May 90	17 Mar 86a	02 May 90
Benin	12 Mar 92a	12 Mar 92a	30 Nov 01	12 Mar 92	12 Mar 92a	03 Aug 90
Bhutan	-	-	s: 26 Mar 73	31 Aug 81	-	01 Aug 90
Bolivia	12 Aug 82a	12 Aug 82a	22 Sep 70	08 Jun 90	12 Apr 99	26 Jun 90
Bosnia and Herzegovina	01 Sep 93d	01 Sep 93d	16 Jul 93d	01 Sep 93d	01 Sep 93d	01 Sep 93d
Botswana	-	08 Sep 00	20 Feb 74a	13 Aug 96a	08 Sep 00	14 Mar 95a
Brazil	24 Jan 92a	24 Jan 92a	27 Mar 68	01 Feb 84	28 Sep 89	25 Sep 90
Brunei Darussalam	-	-	-	-	-	27 Dec 95a
Bulgaria	21 Sep 70	21 Sep 70	08 Aug 66*	08 Feb 82	16 Dec 86*	03 Jun 91
Burkina Faso	04 Jan 99a	04 Jan 99a	18 Jul 74a	14 Oct 87a	04 Jan 99a	31 Aug 90
Burma	-	-	-	21 Jul 97a	-	15 Jul 91a
Burundi	09 May 90a	09 May 90a	27 Oct 77	08 Jan 92	18 Feb 93a	19 Oct 90
Cambodia	26 May 92a	26 May 92a	28 Nov 83	15 Oct 92a	15 Oct 92a	15 Oct 92a
Cameroon	27 Jun 84a	27 Jun 84a	24 Jun 71	23 Aug 94	19 Dec 86a	11 Jan 93
Canada	19 May 76a	19 May 76a	14 Oct 70	10 Dec 81	24 Jun 87*	13 Dec 91
Cape Verde	06 Aug 93a	06 Aug 93a	03 Oct 79a	05 Dec 80a	04 Jun 92a	04 Jun 92a
Central African Republic	08 May 81a	08 May 81a	16 Mar 71	21 Jun 91a	-	23 Apr 92
Chad	09 Jun 95a	09 Jun 95a	17 Aug 77a	09 Jun 95a	09 Jun 95a	02 Oct 90
Chile	10 Feb 72	10 Feb 72	20 Oct 71*	08 Dec 89	30 Sep 88	13 Aug 90
China	27 Mar 01	s: 05 Oct 98	29 Dec 81a	04 Nov 80	04 Oct 88	03 Mar 92
Colombia	29 Oct 69	29 Oct 69	02 Sep 81	19 Jan 82	08 Dec 87	28 Jan 91
Comoros	-	-	27 Sep 04	31 Oct 94a	s:22 Sep 00	23 Jun 93
Congo	05 Oct 83a	05 Oct 83a	11 Jul 88a	26 Jul 82	-	14 Oct 93a
Cook Islands	-	-	-	-	-	06 Jun 97a
Costa Rica	29 Nov 68	29 Nov 68	16 Jan 67*	04 Apr 86	11 Nov 93	21 Aug 90
Côte d'Ivoire	26 Mar 92a	26 Mar 92a	04 Jan 73a	18 Dec 95	18 Dec 95a	04 Feb 91
Croatia	12 Oct 92d	12 Oct 92d	12 Oct 92d	09 Sep 92d	12 Oct 92d	12 Oct 92d
Cuba	-	-	15 Feb 72	17 Jul 80	17 May 95	21 Aug 91
Cyprus	02 Apr 69	02 Apr 69	21 Apr 67*	23 Jul 85a	18 Jul 91*	07 Feb 91
Czech Republic	22 Feb 93d	22 Feb 93d	22 Feb 93d	22 Feb 93d	01 Jan 93d	22 Feb 93d
Democratic People's Republic of Korea	14 Feb 81a	14 Sep 81a	-	27 Feb 01a	-	21 Sep 90
Democratic Republic of the Congo	01 Nov 76a	01 Nov 76a	21 Apr 76a	17 Oct 86	18 Mar 96	28 Sep 90
Denmark	06 Jan 72	06 Jan 72	09 Dec 71*	21 Apr 83	27 May 87*	19 Jul 91
Djibouti	05 Nov 02a	05 Nov 02a	-	02 Dec 98a	05 Nov 02a	06 Dec 90
Dominica	17 Jun 93a	17 Jun 93a	-	15 Sep 80	-	13 Mar 91
Dominican Republic	04 Jan 78a	04 Jan 78a	25 May 83a	02 Sep 82	s: 04 Feb 85	11 Jun 91
East Timor	16 Jul 03	18 Dec 03	16 May 03a	16 May 03a	16 May 03a	16 May 03a

Country/ Treaty	(1) ICESCR	(2) ICCPR	(3) ICERD	(4) CEDAW	(5) CAT	(6) CRC
Ecuador	06 Mar 69	06 Mar 69	22 Sep 66a	09 Nov 81	30 Mar 88*	23 Mar 90
Egypt	14 Jan 82	14 Jan 82	01 May 67	18 Sep 81	25 Jun 86*	06 Jul 90
El Salvador	30 Nov 79	30 Nov 79	30 Nov 79a	19 Aug 81	17 Jun 96a	10 Jul 90
Equatorial Guinea	25 Sep 87a	25 Sep 87a	08 Oct 02	23 Oct 84a	-	15 Jun 92a
Eritrea	17 Apr 01a	22 Jan 02a	01 Aug 01a	05 Sep 95a	-	03 Aug 94
Estonia	21 Oct 91a	21 Oct 91a	21 Oct 91a	21 Oct 91a	21 Oct 91a	21 Oct 91a
Ethiopia	11 Jun 93a	11 Jun 93a	23 Jun 76a	10 Sep 81	13 Mar 94a	14 May 91a
Fiji	-	-	11 Jan 73d	28 Aug 95	-	13 Aug 93
Finland	19 Aug 75	19 Aug 75	14 Jul 70*	04 Sep 86	30 Aug 89*	21 Jun 91
France	04 Nov 80a	04 Nov 80a	28 Jul 71a	14 Dec 83	18 Feb 86*	08 Aug 90
Gabon	21 Jan 83a	21 Jan 83a	29 Feb 80	21 Jan 83	08 Sep 00	09 Feb 94
Gambia	29 Dec 78a	22 Mar 79a	29 Dec 78a	16 Apr 93	s: 23 Oct 85	08 Aug 90
Georgia	03 May 94a	03 May 94a	02 Jun 99a	26 Oct 94a	26 Oct 94a	02 Jun 94a
Germany	17 Dec 73	17 Dec 73	16 May 69*	10 Jul 85	01 Oct 90*	06 Mar 92
Ghana	08 Sep 00	08 Sep 00	08 Sep 66	02 Jan 86	08 Sep 00	05 Feb 90
Greece	16 May 85a	05 May 97a	18 Jun 70	07 Jun 83	06 Oct 88*	11 May 93
Grenada	06 Sep 91a	06 Sep 91a	s: 17 Dec 81	31 Aug 90	-	05 Nov 90
Guatemala	19 May 88a	06 May 92a	18 Jan 83	12 Aug 82	05 Jan 90a	06 Jun 90
Guinea	24 Jan 78	24 Jan 78	14 Mar 77	09 Aug 82	10 Oct 89	13 Jul 90a
Guinea-Bissau	02 Jul 92a	s: 12 Sep 00	s: 12 Sep 00	23 Aug 85	s: 12 Sep 00	21 Aug 90
Guyana	15 Feb 77	15 Feb 77	15 Feb 77	17 Jul 80	19 May 88	14 Jan 91
Haiti	-	06 Feb 91a	19 Dec 72	20 Jul 81	-	09 Jun 95
Holy See	-	-	01 May 69	-	26 Jun 02a	20 Apr 90
Honduras	17 Feb 81	25 Aug 97	09 Nov 02	03 Mar 83	05 Dec 96a	10 Aug 90
Hungary	17 Jan 74	17 Jan 74	01 May 67*	22 Dec 80	15 Apr 87*	08 Oct 91
Iceland	22 Nov 79	22 Aug 79	13 Mar 67*	18 Jun 85	23 Oct 96*	28 Oct 92
India	10 Apr 79a	10 Apr 79a	03 Dec 68	09 Jul 93	s:14 Oct 97	11 Dec 92a
Indonesia	23 Feb 06a	23 Feb 06a	25 Jun 99a	13 Sep 84	28 Oct 98	05 Sep 90
Iran (Islamic Republic of)	24 Jun 75	24 Jun 75	29 Aug 68	-	-	13 Jul 94
Iraq	25 Jan 71	25 Jan 71	14 Jan 70	13 Aug 86a	-	15 Jun 94a
Ireland	08 Dec 89	08 Dec 89	29 Dec 00*	23 Dec 85a	11 Apr 02	28 Sep 92
Israel	03 Oct 91	03 Oct 91	03 Jan 79	03 Oct 91	03 Oct 91	03 Oct 91
Italy	15 Sep 78	15 Sep 78	05 Jan 76*	10 Jun 85	12 Jan 89*	05 Sep 91
Jamaica	03 Oct 75	03 Oct 75	04 Jun 71	19 Oct 84		14 May 91
Japan	21 Jun 79	21 Jun 79	15 Dec 95a	25 Jun 85	29 Jun 99a	22 Apr 94
Jordan	28 May 75	28 May 75	30 May 74a	01 Jul 92	13 Nov 91	24 May 91
Kazakhstan	24 Jan 06	24 Jan 06	26 Aug 98a	26 Aug 98a	26 Aug 98a	12 Aug 94
Kenya	01 May 72a	01 May 72a	13 Sep 01a	09 Mar 84a	21 Feb 97a	31 Jul 90
Kiribati	-	-	-	16 Apr 04a	-	11 Dec 95a
Korea (Republic of)	10 Apr 90a	10 Apr 90a	05 Dec 78*	27 Dec 84	09 Jan 95a	20 Nov 91
Kuwait	21 May 96a	21 May 96a	15 Oct 68a	02 Sep 94a	08 Mar 96a	21 Oct 91
Kyrgyzstan	07 Oct 94a	07 Oct 94a	05 Sep 97a	10 Feb 97a	05 Sep 97a	07 Oct 94a
Lao People's Democratic Republic	s: 07 Dec 00	s: 07 Dec 00	22 Feb 74a	14 Aug 81	-	08 May 91a
Latvia	14 Apr 92a	14 Apr 92a	14 Apr 92a	15 Apr 92a	14 Apr 92a	15 Apr 92a
Lebanon	03 Nov 72a	03 Nov 72a	12 Nov 71a	21 Apr 97a	05 Oct 00a	14 May 91
Lesotho	09 Sep 92a	09 Sep 92a	04 Nov 71a	22 Aug 95	13 Nov 01a	10 Mar 92
Liberia	22 Sep 04a	22 Sep 04a	05 Nov 76a	17 Jul 84	22 Sep 04a	04 Jun 93
Libyan Arab Jamahiriya	15 May 70a	15 May 70a	03 Jul 68a	16 May 89a	16 May 89a	16 Apr 93a
Liechtenstein	10 Dec 98a	10 Dec 98a	01 Mar 00a	22 Dec 95a	02 Nov 90*	22 Dec 95
Lithuania	20 Nov 91a	20 Nov 91a	10 Dec 98	18 Jan 94a	01 Feb 96	31 Jan 92a

Country/ Treaty	(1) ICESCR	(2) ICCPR	(3) ICERD	(4) CEDAW	(5) CAT	(6) CRC
Luxembourg	18 Aug 83	18 Aug 83	01 May 78*	02 Feb 89	29 Sep 87*	07 Mar 94
Macedonia (The Former Yugoslav Republic of)	18 Jan 94d	18 Jan 94d	18 Jan 94d	18 Jan 94d	12 Dec 94d	02 Dec 93d
Madagascar	22 Sep 71	21 Jun 71	07 Feb 69	17 Mar 89	13 Dec 05	19 Mar 91
Malawi	22 Dec 93a	22 Dec 93a	11 Jun 96a	12 Mar 87a	11 Jun 96a	03 Jan 91a
Malaysia	-	-	-	05 Jul 95	-	17 Feb 95a
Maldives	-	-	24 Apr 84a	01 Jul 93a	20 May 04a	11 Feb 91
Mali	16 Jul 74a	16 Jul 74a	16 Jul 74a	10 Sep 85	26 Feb 99a	21 Sep 90
Malta	13 Sep 90	13 Sep 90a	27 May 71*	08 Mar 91a	13 Sep 90a	01 Oct 90
Marshall Islands	-	-	-	02 Mar 06a	-	05 Oct 93
Mauritania	17 Nov 04a	17 Nov 04a	13 Dec 88	10 May 01a	17 Nov 04a	16 May 91
Mauritius	12 Dec 73a	12 Dec 73a	30 May 72a	09 Jul 84a	09 Dec 92a	26 Jul 90a
Mexico	23 Mar 81a	23 Mar 81a	20 Feb 75	23 Mar 81	23 Jan 86	21 Sep 90
Micronesia (Federated States of)	-	-	-	1 Oct 04a	-	05 May 93a
Moldova (Republic of)	26 Jan 93a	26 Jan 93a	26 Jan 93a	01 Jul 94a	28 Nov 95	26 Jan 93a
Monaco	28 Aug 97	28 Aug 97	27 Sep 95a	18 Mar 05a	06 Dec 91a	21 Jun 93a
Mongolia	18 Nov 74	18 Nov 74	06 Aug 69	20 Jul 81	24 Jan 02a	06 Jul 90
Morocco	03 May 79	03 May 79	18 Dec 70	21 Jun 93a	21 Jun 93	22 Jun 93
Mozambique	-	21 Jul 93a	18 Apr 83a	16 Apr 97a	14 Sep 99a	26 Apr 94
Namibia	28 Nov 94a	28 Nov 94a	11 Nov 82a	23 Nov 92a	28 Nov 94a	30 Sep 90
Nauru	-	s: 12 Nov 01	s: 12 Nov 01	-	s: 12 Nov 01	27 Jul 94a
Nepal	14 May 91a	14 May 91a	30 Jan 71a	22 Apr 91	14 May 91a	14 Sep 90
Netherlands	11 Dec 78	11 Dec 78	10 Dec 71*	23 Jul 91	21 Dec 88*	06 Feb 95
New Zealand	28 Dec 78	28 Dec 78	22 Nov 72	10 Jan 85	10 Dec 89*	06 Apr 93
Nicaragua	12 Mar 80a	12 Mar 80a	15 Feb 78a	27 Oct 81	05 July 05	05 Oct 90
Niger	07 Mar 86a	07 Mar 86a	27 Apr 67	08 Oct 99a	05 Oct 98a	30 Sep 90
Nigeria	29 Jul 93a	29 Jul 93a	16 Oct 67a	13 Jun 85	28 Jun 01	19 Apr 91
Niue	-	-	-	-	-	20 Dec 95a
Norway	13 Sep 72	13 Sep 72	06 Aug 70*	21 May 81	09 Jul 86*	08 Jan 91
Oman	-	-	02 Jan 03a	07 Feb 06a	-	09 Dec 96a
Pakistan	s:03 Nov 04	-	21 Sep 66	12 Mar 96a	-	12 Nov 90
Palau	-	-	-	-	-	04 Aug 95a
Panama	08 Mar 77a	08 Mar 77	16 Aug 67	29 Oct 81	24 Aug 87	12 Dec 90
Papua New Guinea	-	-	27 Jan 82a	12 Jan 95a	-	02 Mar 93
Paraguay	10 Jun 92a	10 Jun 92	s: 13 Sep 03	06 Apr 87a	12 Mar 90	25 Sep 90
Peru	28 Apr 78	28 Apr 78	29 Sep 71*	13 Sep 82	07 Jul 88	05 Sep 90
Philippines	07 Jun 74	23 Oct 86	15 Sep 67	05 Aug 81	18 Jun 86a	21 Aug 90
Poland	18 Mar 77	18 Mar 77	05 Dec 68*	30 Jul 80	26 Jul 89*	07 Jun 91
Portugal	31 Jul 78	15 Jun 78	24 Aug 82a	30 Jul 80	09 Feb 89*	21 Sep 90
Qatar	-	-	22 Jul 76a	-	11 Jan 00a	04 Apr 95
Romania	09 Dec 74	09 Dec 74	15 Sep 70a	07 Jan 82	18 Dec 90a	28 Sep 90
Russian Federation	16 Oct 73	16 Oct 73	04 Feb 69*	23 Jan 81	03 Mar 87*	17 Aug 90
Rwanda	16 Apr 75a	16 Apr 75a	16 Apr 75a	02 Mar 81	-	24 Jan 91
Saint Kitts and Nevis	-	-	-	25 Apr 85a	-	24 Jul 90
Saint Lucia	-	-	14 Feb 90d	08 Oct 82a	-	16 Jun 93
Saint Vincent and the Grenadines	09 Nov 81a	09 Nov 81a	09 Nov 81a	05 Aug 81a	01 Aug 01a	26 Oct 93
Samoa	-	-	-	25 Sep 92a	-	29 Nov 94
San Marino	18 Oct 85a	18 Oct 85a	12 Mar 02	09 Jan 04	18 Sep 02	25 Nov 91a
Sao Tome and Principe	s: 31 Oct 95	s: 31 Oct 95	s: 06 Sep 00	03 Jun 03	s: 06 Sep 00	14 May 91a

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Saudi Arabia	-	-	23 Sep 97a	07 Sep 00	23 Sep 97a	26 Jan 96a
Senegal	13 Feb 78	13 Feb 78	19 Apr 72*	05 Feb 85	21 Aug 86*	01 Aug 90
Serbia and Montenegro	12 Mar 01d	12 Mar 01d	12 Mar 01d	12 Mar 01d	12 Mar 01d	03 Jan 91d
Seychelles	05 May 92a	05 May 92a	07 Mar 78a	06 May 92a	05 May 92a	07 Sep 90a
Sierra Leone	23 Aug 96a	23 Aug 96a	02 Aug 67	11 Nov 88	25 Apr 01	18 Jun 90
Singapore	-	-	-	05 Oct 95a	-	05 Oct 95a
Slovakia	28 May 93d	28 May 93d	28 May 93d	28 May 93d	28 May 93d	28 May 93d
Slovenia	06 Jul 92d	06 Jul 92d	06 Jul 92d	06 Jul 92d	16 Jul 93a	06 Jul 92d
Solomon Islands	17 Mar 82d	-	17 Mar 82d	06 May 02a	-	10 Apr 95a
Somalia	24 Jan 90a	24 Jan 90a	26 Aug 75	-	24 Jan 90a	09 May 02
South Africa	s: 03 Oct 94	10 Dec 98	10 Dec 98*	15 Dec 95	10 Dec 98*	16 Jun 95
Spain	27 Apr 77	27 Apr 77	13 Sep 68a	05 Jan 84	21 Oct 87*	06 Dec 90
Sri Lanka	11 Jun 80a	11 Jun 80a	18 Feb 82a	05 Oct 81	03 Jan 94a	12 Jul 91
Sudan	18 Mar 86a	18 Mar 86a	21 Mar 77a	-	s: 04 Jun 86	03 Aug 90
Suriname	28 Dec 76a	28 Dec 76a	15 Mar 84d	02 Mar 93a	-	02 Mar 93
Swaziland	26 Jun 04	26 Jun 04	07 Apr 69a	25 Apr 04a	25 Apr 04a	08 Sep 95
Sweden	06 Dec 71	06 Dec 71	06 Dec 71*	02 Jul 80	08 Jan 86*	29 Jun 90
Switzerland	18 Jun 92a	18 Jun 92a	29 Nov 94a	27 Mar 97	02 Dec 86*	24 Feb 97
Syrian Arab Republic	21 Apr 69a	21 Apr 69a	21 Apr 69a	28 Mar 03	18 Aug 04a	15 Jul 93
Tajikistan	04 Jan 99a	04 Jan 99a	11 Jan 95a	26 Oct 93a	11 Jan 95a	26 Oct 93a
Tanzania (United Republic of)	11 Jun 76a	11 Jun 76a	27 Oct 72a	20 Aug 85	-	11 Jun 91
Thailand	05 Sep 99a	29 Oct 96a	28 Jan 03a	09 Aug 85a	-	27 Mar 92a
Togo	24 May 84a	24 May 84a	01 Sep 72a	26 Sep 83a	18 Nov 87*	01 Aug 90
Tonga	-	-	16 Feb 72a	-	-	06 Nov 95a
Trinidad and Tobago	08 Dec 78a	21 Dec 78a	04 Oct 73	12 Jan 90	-	06 Dec 91
Tunisia	18 Mar 69	18 Mar 69	13 Jan 67	20 Sep 85	23 Sep 88*	31 Jan 92
Turkey	23 Dec 03	23 Dec 03	16 Sep 02	20 Dec 85a	02 Aug 88*	04 Apr 95
Turkmenistan	01 May 97a	01 May 97a	29 Sep 94a	01 May 97a	25 Jun 99a	20 Sep 93a
Tuvalu	-	-	-	06 Oct 99a	-	22 Sep 95a
Uganda	21 Jan 87a	21 Jun 95a	21 Nov 80a	23 Jul 85	03 Nov 86a	17 Aug 90
Ukraine	12 Nov 73	12 Nov 73	07 Mar 69*	12 Mar 81	24 Feb 87	28 Aug 91
United Arab Emirates	-	-	20 Jun 74a	06 Oct 04a	-	03 Jan 97a
United Kingdom of Great Britain and Northern Ireland	20 May 76	20 May 76	07 Mar 69	07 Apr 86	08 Dec 88	16 Dec 91
United States of America	s: 05 Oct 77	08 Jun 92	21 Oct 94	s: 17 Jul 80	21 Oct 94*	s: 16 Feb 95
Uruguay	01 Apr 70	01 Apr 70	30 Aug 68*	09 Oct 81	24 Oct 86*	20 Nov 90
Uzbekistan	28 Sep 95a	28 Sep 95a	28 Sep 95a	19 Jul 95a	28 Sep 95a	29 Jun 94a
Vanuatu	-	-	-	08 Sep 95	-	07 Jul 93
Venezuela	10 May 78	10 May 78	10 Oct 67	02 May 83	29 Jul 91*	14 Sep 90
Vietnam	24 Sep 82a	24 Sep 82a	09 Jun 82a	17 Feb 82	-	28 Feb 90
Yemen	09 Feb 87a	09 Feb 87a	18 Oct 72a	30 May 84a	05 Nov 91a	01 May 91
Zambia	10 Apr 84a	10 Apr 84a	04 Feb 72	21 Jun 85	07 Oct 98a	06 Dec 91
Zimbabwe	13 May 91a	13 May 91a	13 May 91a	14 May 91a	-	11 Sep 90
<b>TOTAL STATE PARTIES</b>	<b>159</b>	<b>162</b>	<b>176</b>	<b>183</b>	<b>148</b>	<b>194</b>

Notes: a - accession d - succession s - signature

\* indicates that the state party has recognised the competence to receive and process individual communications of the Committee on the Elimination of Racial Discrimination under article 14 of the CERD (total 37 states parties) or of the Committee against Torture under article 22 of CAT (total 46 state parties).

## Overseas Territories: Human rights instruments ratification

Treaty	UK	An	Be	BVI	CI	G	F	M	StH	P	TCI
ICCPR	•		•	•	•	•	•	•	•	•	•
ICESCR	•		•	•	•	•	•	•	•	•	•
European Convention on Human Rights	•	•	•	•	•	•	•	•	•		•
CAT	•	•	•	•	•	•	•	•	•	•	•
CRC	•	•	•	•	•		•	•	•	•	•
CEDAW	•			•			•				•
ICERD	•	•	•	•	•	•	•	•	•	•	•
Convention on Political Rights of Women	•	•	•	•	•	•	•	•	•	•	•
Convention on Prevention and Punishment of Genocide	•		•	•		•	•		•	•	•
Convention on Reduction of Statelessness	•	•	•	•	•	•	•	•	•		•
Convention on Status of Statelessness	•	•	•	•	•		•	•	•		•
ILO Convention No. 105 Abolition of Forced Labour	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 87 Freedom of Assn. and Right to Organise	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 98 Organise and Collective Bargaining	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 29 Forced Labour	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 100 Equal Remuneration	•					•					
ILO Convention No. 138 Minimum Age (UK ratified 2000)	•										
Convention on Consent to Marriage, Minimum Age and Registration	•	•	•	•	•	•	•	•	•	•	•
ILO Convention No. 97 Migration for Employment	•	•	•	•				•			
Geneva Conventions I, II, III IV (1949)	•	•	•	•	•	•	•	•	•	•	•
European Convention for Prevention of Torture or Degrading Treatment	•					•					
UNESCO Convention Against Discrimination in Education	•	•		•	•	•	•	•	•		•
Convention on Abolition of Slavery	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 182 Worst Forms of Child Labour (UK ratified 2000)	•										
ECHR Protocol No. 1 (Possessions/ Education/Elections)	•		•	•	•	•		•	•		•
European Convention for the Prevention of Torture Protocol 1	•					•					
European Convention for the Prevention of Torture Protocol 2	•					•					

**Key:** An - Anguilla G - Gibraltar Be - Bermuda M - Montserrat BVI - British Virgin Islands StH - St Helena & Dependencies  
CI - Cayman Islands P - Pitcairn Islands F - Falkland Islands TCI - Turks & Caicos Islands



## Further sources of human rights information

In all email correspondence to government departments, please include your postal address for a reply.

■ **On-line directory of all government websites**

[www.direct.gov.uk](http://www.direct.gov.uk)

■ **BBC World Service**

Bush House  
Strand  
London WC2B 4PH

Tel: 020 7240 3456  
Fax: 020 7557 1258

[www.bbc.co.uk/worldservice](http://www.bbc.co.uk/worldservice)

■ **British Council**

Bridgewater House  
58 Whitworth Street  
Manchester M1 6BB

Tel: 0161 957 7000  
Fax: 0161 957 7762

10 Spring Gardens  
London SW1A 2BN

Tel: 020 7930 8466  
Fax: 020 7389 6347

Email: [general.enquiries@britishcouncil.org](mailto:general.enquiries@britishcouncil.org)

[www.britishcouncil.org](http://www.britishcouncil.org)

■ **The Commonwealth**

The Commonwealth Secretariat  
Marlborough House  
Pall Mall  
London SW1Y 5HX

Tel: 020 7747 6500  
Email: [info@commonwealth.int](mailto:info@commonwealth.int)

[www.thecommonwealth.org](http://www.thecommonwealth.org)

■ **Institute of Commonwealth Studies**

School of Advanced Study  
University of London  
28 Russell Square  
London WC1B 5DS

Tel: 020 7862 8844  
Fax: 020 7862 8820  
Email: [ics@sas.ac.uk](mailto:ics@sas.ac.uk)

[www.sas.ac.uk/commonwealthstudies](http://www.sas.ac.uk/commonwealthstudies)

■ **Council of Europe**

Avenue de l'Europe  
F-67075 Strasbourg Cedex  
France

Tel: +33 3 88 41 20 33  
Fax: +33 3 88 41 27 45

Email: [infopoint@coe.int](mailto:infopoint@coe.int)  
[www.coe.int](http://www.coe.int)

■ **European Court of Human Rights**

Council of Europe  
F-67075 Strasbourg Cedex  
France

Tel: +33 3 88 41 20 18  
Fax: +33 3 88 41 27 30

[www.echr.coe.int](http://www.echr.coe.int)

■ **The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

Secretariat of the CPT  
Human Rights Building  
Council of Europe  
F-67075 Strasbourg Cedex  
France

Tel: 03 88 41 39 39/ (International) +33 3 88 41 39 39  
Fax: 03 88 41 27 72/ (International) +33 3 88 41 27 72  
Email: [cptdoc@coe.int](mailto:cptdoc@coe.int)

[www.cpt.coe.int](http://www.cpt.coe.int)

■ **Council of the European Union**

Rue de la Loi  
175 B-1048 Bruxelles  
Belgium

Tel: +32 2 281 61 11  
Fax: +32 2 285 73 97  
Email: [public.info@consilium.europa.eu](mailto:public.info@consilium.europa.eu)

[ue.eu.int/en/info/index.htm](http://ue.eu.int/en/info/index.htm)

■ **EU Annual Human Rights Report**

[ue.eu.int/uedocs/cmsUpload/HRen05.pdf](http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf)

■ **Department for Education and Skills (DFES)**

Sanctuary Buildings  
Great Smith Street  
London SW1P 3BT

Tel: 0870 000 2288  
Fax: 01928 794248  
Email: [info@dfes.gsi.gov.uk](mailto:info@dfes.gsi.gov.uk)

[www.dfes.gov.uk](http://www.dfes.gov.uk)

Rights of disabled people including Disability Rights Commission, Disability Rights Task Force and the Disability Rights Act

Tel: 0800 882 200

[www.disability.gov.uk](http://www.disability.gov.uk)

■ **Department for International Development**

1 Palace Street  
London SW1E 5HE

Public Enquiry Point:  
Tel: 0845 3004100/ (International) +44 (0) 1355 84 3132  
Fax: (International) +44 (0) 1355 84 3632  
Email: [enquiry@dfid.gov.uk](mailto:enquiry@dfid.gov.uk)

[www.dfid.gov.uk](http://www.dfid.gov.uk)

■ **Department for Work and Pensions**

Public Enquiry Office  
Room 112  
The Adelphi  
1-11 John Adam Street  
London WC2N 6HT

Tel: 020 7712 2171

[www.dwp.gov.uk](http://www.dwp.gov.uk)

■ **Department for Constitutional Affairs**

Selbourne House  
54 Victoria Street  
London SW1E 6QW

Tel: 020 7210 8500

[www.dca.gov.uk](http://www.dca.gov.uk)

Human Rights Act implementation in UK

[www.dca.gov.uk/peoples-rights/human-rights/index.htm](http://www.dca.gov.uk/peoples-rights/human-rights/index.htm)

Freedom of Information including details of the Freedom of Information Act

[www.dca.gov.uk/foi/index.htm](http://www.dca.gov.uk/foi/index.htm)

■ **Department of Trade and Industry (DTI)**

DTI Response Centre  
1 Victoria Street  
London SW1H 0ET

Tel: 020 7215 5000

Email: [dti.enquiries@dti.gsi.gov.uk](mailto:dti.enquiries@dti.gsi.gov.uk)

[www.dti.gov.uk](http://www.dti.gov.uk)

■ **Women and Equality Unit**

1 Victoria Street  
London SW1H 0ET

Tel: 020 7215 5000

Minicom: 0207 215 6740

[www.womenandequalityunit.gov.uk](http://www.womenandequalityunit.gov.uk)

■ **The Foreign and Commonwealth Office (FCO)**

King Charles Street  
London SW1A 2AH

Main website, including Annual Report on Strategic Export Controls and the FCO's Annual Departmental Report:

[www.fco.gov.uk](http://www.fco.gov.uk)

■ **Home Office**

Direct Communications Unit  
2 Marsham St  
London SW1P 4DF

Tel: 020 7035 4848

Email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

**The Race Relations (Amendment) Act**

[www.opsi.gov.uk/ACTS/acts2000/20000034.htm](http://www.opsi.gov.uk/ACTS/acts2000/20000034.htm)

**The Immigration and Nationality Directorate**

[www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)

**Home Office Crime Reduction Site**

[www.crimereduction.gov.uk](http://www.crimereduction.gov.uk)

■ **International Committee of the Red Cross (ICRC)**

Public Information Centre  
19 Avenue de la Paix  
CH 1202 Geneva  
Switzerland

Tel: +41 22 734 60 01

Fax: +41 22 733 20 57

Email: [webmaster.gva@icrc.org](mailto:webmaster.gva@icrc.org)

[www.icrc.org](http://www.icrc.org)

■ **International Labour Organisation (ILO)**

4 Route des Morillons  
CH-1211 Geneva 22  
Switzerland

Tel: +41 22 799 6111

Fax: +41 22 798 8685

Email: [ilo@ilo.org](mailto:ilo@ilo.org)

[www.ilo.org](http://www.ilo.org)

■ **The International Monetary Fund**

Headquarters:  
700 19th Street, NW  
Washington, DC 20431  
USA

General Enquiries:

Tel: +202 623 7300

Fax: +202 623 6278

Email: [publicaffairs@imf.org](mailto:publicaffairs@imf.org)

[www.imf.org](http://www.imf.org)

■ **Ministry of Defence (MOD)**

Ministerial Correspondence Unit  
Floor 5, Zone A  
Main Building  
Whitehall  
London SW1A 2HB

Tel: 0870 607 4455

Email: [public@ministers.mod.uk](mailto:public@ministers.mod.uk)

[www.mod.uk](http://www.mod.uk)

■ **African Union (AU)**

Headquarters  
PO Box 3243  
Addis Ababa  
Ethiopia

Tel: +251 11 551 7700  
Fax: +251 11 551 7844

[www.africa-union.org](http://www.africa-union.org)

■ **Organisation of American States (OAS)**

Headquarters  
17th Street and Constitution Avenue, NW  
Washington, DC 20006  
USA

Tel: +1 202 458 3000

[www.oas.org](http://www.oas.org)

■ **Organisation for Economic Co-operation and Development (OECD), including revised guidelines for multinational enterprises (MNEs)**

OECD  
2 Rue Andre Pascal  
F-75775 Paris Cedex 16  
France

Tel: +33 1 4524 8200

[www.oecd.org](http://www.oecd.org)

■ **Organisation for Security and Co-operation in Europe (OSCE)**

OSCE Secretariat  
Kartner Ring 5-7  
1010 Vienna  
Austria

Tel: +43 1 514 360  
Fax: +43 1 514 3696  
Email: [info@osce.org](mailto:info@osce.org)

[www.osce.org](http://www.osce.org)

Application forms for secondment to an OSCE field mission are available in the OSCE section of the FCO website:

[www.fco.gov.uk](http://www.fco.gov.uk)

OSCE High Commissioner on National minorities (HCNM)

OSCE High Commissioner on National Minorities  
PO Box 20062  
2500 EB  
The Hague  
Netherlands

Tel: +31 70 312 55 00  
Fax: +31 70 363 59 10  
Email: [hcnm@hcnm.org](mailto:hcnm@hcnm.org)

[www.osce.org/hcnm](http://www.osce.org/hcnm)

■ **United Nations (UN)**

Public Enquiries Unit  
United Nations  
Room GA-57  
New York  
NY 10017  
USA

Tel: +1 212 963 4475/ 9246  
Fax: +1 212 963 0071  
Email: [inquiries@un.org](mailto:inquiries@un.org)

[www.un.org](http://www.un.org)

**UN Office of the High Commissioner for Human Rights (OHCHR), including the core United Nations Human Rights Treaty descriptions and signatories**

Office of the United Nations  
High Commissioner for Human Rights  
1211 Geneva 10  
Switzerland

Tel: +41 22 917 9000

[www.unhchr.ch](http://www.unhchr.ch)

**United Nations General Assembly**

[www.un.org/ga](http://www.un.org/ga)

■ **International Criminal Court**

Maanweg 174  
2516 AB  
The Hague  
Netherlands

Tel: +31 70 515 8515

[www.icc-cpi.int](http://www.icc-cpi.int)

**■ Joint United Nations Programme on AIDS**

20 Avenue Appia  
CH-1211 Geneva 27  
Switzerland

Tel: +41 22 791 3666  
Fax: +41 22 791 4187  
Email: [unaids@unaids.org](mailto:unaids@unaids.org)

[www.unaids.org](http://www.unaids.org)

**UN Children's Fund (UNICEF)**

UNICEF House  
3 United Nations Plaza  
New York  
NY 10017  
USA

Tel: +1 212 326 7000  
Fax: +1 212 887 7465

[www.unicef.org](http://www.unicef.org)

**■ Westminster Foundation for Democracy (WFD)**

125 Pall Mall  
London SW1Y 5EA

Tel: 020 7930 0408  
Fax: 020 7930 0449  
Email: [wfd@wfd.org](mailto:wfd@wfd.org)

[www.wfd.org](http://www.wfd.org)

**■ The World Bank**

Headquarters  
The World Bank  
1818 H Street, NW  
Washington, DC 20433  
USA

Tel: +1 202 473 1000  
Fax: +1 202 477 6391

[www.worldbank.org](http://www.worldbank.org)

**The World Bank Debt Initiative for the heavily indebted  
poor countries (HIPC)**

Email: [hipc@worldbank.org](mailto:hipc@worldbank.org)

[www.worldbank.org/hipc](http://www.worldbank.org/hipc)

**■ The World Trade Organisation (WTO)**

Centre William Rappard  
Rue de Lausanne 154  
CH-1211 Geneva 21  
Switzerland

General Enquiries:  
Tel: (41-22) 739 51 11  
Fax: (41-22) 731 42 06  
email: [enquiries@wto.org](mailto:enquiries@wto.org)

[www.wto.org](http://www.wto.org)

# Glossary

<b>AI</b>	Amnesty International	<b>ECRI</b>	European Commission against Racism and Intolerance
<b>AU</b>	African Union	<b>ECtHR</b>	European Court of Human Rights
<b>ACHPR</b>	African Commission on Human and People's Rights	<b>EIDHR</b>	European Initiative for Democracy and Human Rights
<b>ACPP</b>	Africa Conflict Prevention Pool	<b>EU</b>	European Union
<b>ATCS</b>	Anti-Terrorism Crime and Security Act	<b>EUMC</b>	European Monitoring Centre on Racism and Xenophobia
<b>CAT</b>	Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment	<b>FCO</b>	Foreign & Commonwealth Office
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>FGM</b>	Female Genital Mutilation
<b>CERD</b>	Convention on the Elimination of Racial Discrimination	<b>GCPP</b>	Global Conflict Prevention Pool
<b>CFSP</b>	Common Foreign and Security Policy	<b>GOF</b>	Global Opportunities Fund (FCO)
<b>CHOGM</b>	Commonwealth Heads of Government Meeting	<b>HIPC</b>	Heavily Indebted Poor Countries
<b>CHR</b>	Commission on Human Rights	<b>HRDGG</b>	Human Rights, Democracy and Governance Group (FCO)
<b>CMAG</b>	Commonwealth Ministerial Action Group	<b>HRPF</b>	Human Rights Project Fund (FCO)
<b>CPT</b>	Convention for the Prevention of Torture	<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>CRC</b>	Convention on the Rights of the Child	<b>ICC</b>	International Criminal Court
<b>CSR</b>	Corporate Social Responsibility	<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>CSW</b>	Commission on the Status of Women	<b>ICERD</b>	International Covenant for the Elimination of all forms of Racial Discrimination
<b>DCA</b>	Department for Constitutional Affairs	<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>DDA</b>	Disability Discrimination Act	<b>ICRC</b>	International Committee of the Red Cross
<b>DfES</b>	Department for Education and Skills	<b>IFF</b>	International Finance Facility
<b>DFID</b>	Department for International Development	<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>DPRK</b>	Democratic People's Republic of Korea (North Korea)	<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia
<b>DRC</b>	Democratic Republic of Congo	<b>IDPs</b>	Internally Displaced Persons
<b>DTI</b>	Department of Trade and Industry	<b>IHL</b>	International Humanitarian Law
<b>DWP</b>	Department for Work and Pensions	<b>ILO</b>	International Labour Organisation
<b>EBRD</b>	European Bank for Reconstruction and Development	<b>IMF</b>	International Monetary Fund
<b>ECHR</b>	European Convention on Human Rights		
<b>ECOSOC</b>	Economic and Social Council		
<b>ECOWAS</b>	Economic Community of West African States		

<b>IMO</b>	International Maritime Organisation
<b>IRCSM</b>	International Research Centre on Social Minorities
<b>ISAF</b>	International Security Assistance Force
<b>MDGs</b>	Millennium Development Goals
<b>MNF</b>	Multi-National Force
<b>MOD</b>	Ministry of Defence
<b>MONUC</b>	United Nations Mission in the DRC
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NEPAD</b>	New Partnership for Africa's Development
<b>NGO</b>	Non-Governmental Organisation
<b>OAS</b>	Organisation of American States
<b>OAU</b>	Organisation of African Unity
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>ODA</b>	Official Development Assistance
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>PA</b>	Palestinian Authority
<b>PACE</b>	Parliamentary Assembly of the Council of Europe
<b>SADC</b>	Southern Africa Development Community
<b>SAR</b>	Special Administrative Region
<b>SCSL</b>	Special Court for Sierra Leone
<b>SCR</b>	See UNSCR
<b>SIAC</b>	Special Immigration Appeals Commission
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNAMET</b>	United Nations Mission in East Timor
<b>UNAMSIL</b>	United Nations Mission in Sierra Leone
<b>UNCTC</b>	United Nations Counter Terrorism Committee
<b>UNDP</b>	United Nations Development Programme
<b>UNFICYP</b>	United Nations Peacekeeping Force in Cyprus
<b>UNFPA</b>	United Population Fund
<b>UNGA</b>	United Nations General Assembly
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNCAT</b>	United Nations Committee Against Torture
<b>UNCHR</b>	See CHR
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>UNMEE</b>	United Nations Mission in Ethiopia and Eritrea
<b>UNMIK</b>	United Nations Mission in Kosovo
<b>UNMIL</b>	United Nations Mission in Liberia
<b>UNMIS</b>	United Nations Peacekeeping Mission to Sudan
<b>UNOMIG</b>	United Nations Observer Mission in Georgia
<b>UNSCR</b>	Security Council Resolution
<b>UNOTIL</b>	United Nations Office in Timor Leste
<b>WFD</b>	Westminster Foundation for Democracy
<b>WHO</b>	World Health Organisation
<b>WSIS</b>	World Summit on Information Society
<b>WTO</b>	World Trade Organisation

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