



Government Response to the House of Commons  
Foreign Affairs Committee's Sixth Report of Session  
2014-2015 (HC551)

The FCO's Human Rights Work In 2013

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

January 2015



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## The FCO's Human Rights Work in 2013

This Command Paper sets out the government's response to the Foreign Affairs Committee's (FAC) report of 27 November 2014 into the Foreign and Commonwealth Office's (FCO) human rights work in 2013. The FAC's recommendations are set out in bold. Unless otherwise indicated, references are to paragraphs in the FAC report (HC551).

The FCO welcomes the FAC's scrutiny of our human rights work in 2013. We are glad that the committee acknowledges our work on promoting the right to freedom of religion or belief, assessing countries of concern, and the prevention of sexual violence in conflict.

### *Criteria for designating countries of concern*

- 1. We welcome the FCO's efforts to draw upon a wider range of indices in assessing and reaching decisions on human rights standards in individual countries. We note, however, that there is still an element of subjectivity in making the final decision on the countries of concern, and the level of UK influence in a country, and the impact on its interests there, are factors in determining the final designation. The FCO's list of countries of concern is therefore not an objective league table of the world's worst human rights offenders but a subset of these countries on which the FCO will focus. (Paragraph 8)**

The FCO's list of countries of concern is not, nor does it aspire to be, an objective league table of the world's worst human rights offenders. As the FAC rightly concludes, the primary purpose of the list is to prioritise our efforts on those countries where we can make most difference, for the benefit of the citizens of those countries and of our own.

The first step when conducting our annual review of "countries of concern" is to analyse all countries against a range of internationally respected indices. The most important of these criteria is our assessment of the gravity of the human rights situation in a country. Only after reaching a judgement on this element do we then apply an analysis of our other criteria, including levels of UK interest and the extent of UK influence as a means of effecting change.

## *Bahrain*

- 2. We see little or no evidence that Bahrain has made enough progress in implementing political reform and safeguarding human rights, and we believe that the FCO should have bitten the bullet and designated Bahrain as a country of concern. (Paragraph 13)**

We have taken very seriously the concerns raised by the FAC about Bahrain over the past year. These concerns featured in the Foreign Secretary's meeting with the King and Crown Prince of Bahrain, when he visited Manama in December last year. In a statement following the visit, the Foreign Secretary said: "On the human rights front Bahrain is by no means perfect, but it is a country that is making progress and its leadership has shown a willingness to engage with the human rights challenges that it faces. It set up a commission after the events of 2011 and it has started to implement the recommendations of that commission, in many cases with British technical support."

When determining "countries of concern" for 2013, Bahrain's performance was judged to be substantially better than the worst-performing 30 countries. Out of necessity, and to increase the likelihood of making a meaningful impact, we limit the number of countries we place in that category to a maximum of 30. In the case of Bahrain, these considerations suggested that the appropriate category remained that of "country case study" (where it has been since the events of 2011). We judge Bahrain to be on a trajectory of generally positive change, although we still have some concerns. The designation of "country case study" strikes the appropriate balance between the progress made so far, our positive engagement with the government of Bahrain on human rights issues, and our continued concerns in some areas. The Bahrain Independent Commission of Inquiry (BICI) revealed deep-rooted issues that pose significant challenges for the government of Bahrain, which will take time to address fully. We are confident that real efforts are being made to address these issues: the government of Bahrain has established the Ministry of Interior's Ombudsman Office and a Prisoners' and Detainees' Rights Commission, and reformed its National Institute of Human Rights.

The FAC is right to monitor the situation closely. We are not complacent, and we continue to discuss human rights and political reform with the government of Bahrain

at the highest levels. We are also providing a comprehensive package of technical and diplomatic assistance to support Bahrain's reform programme.

### *Egypt*

- 3. We recognise, however, that attempts are being made, through a new constitution and setting up of parliamentary elections, to lay the foundations for a more democratic and representative Egypt. We attach key importance to the promised reforms being implemented. (Paragraph 17)**

The UK government supports the Egyptian people's aspiration for a full and functioning democracy in all its aspects, including an independent judiciary, a vibrant civil society and a free media. We have particular concerns about the constraints placed on freedoms of expression and association. We have consistently raised these with the Egyptian authorities. Together with the EU and other international partners, we attend the trials of those detained where there are questions over due process. Through the Arab Partnership Fund and other funding mechanisms, we support projects relating to media freedoms, women's rights and political and economic inclusion.

We will support President al-Sisi, his government and the new parliament to move Egypt towards transparent and democratic governance, underpinned by strong and accountable institutions. We encourage the Egyptian president and government to implement the rights contained in Egypt's constitution and in its international human rights commitments, by opening up political space, especially with regard to freedom of expression and association.

### *Case study countries*

- 4. There is merit in a "halfway house" concept and in flagging countries where there is a risk of deterioration in human rights severe enough to warrant future designation as country of concern. However, we are not convinced that 'case study' is an appropriate term for such countries. It is misleadingly soft on countries that would benefit from a more critical assessment by the FCO. We recommend that the FCO use the term case study purely for illustrating FCO activity and human rights programmes. A different term should be used for countries which the FCO is**

**signalling are at risk of being designated a country of concern in future. (Paragraph 18)**

“Country case studies” were introduced in 2012 as a way draw attention to countries which do not meet the overall threshold for a country of concern, but which we judge nonetheless to be facing human rights challenges, or to be on a trajectory of change with regard to their human rights performance. While most focus on countries with particular human rights challenges or on a negative trajectory, others were included because the analysis showed a positive change, or because we wanted to highlight a particular thematic issue. Therefore they are not necessarily “at risk of being designated a country of concern in future”.

Whilst terminology is important, creating a sub-category of “countries at risk of being designated a country of concern in future” risks undermining our evidence-based approach to identifying potential countries of concern each year. It would also risk weakening our influence with relevant governments, by appearing to second-guess developments in a world where we see so much rapid change. Instead, the message we intend to send through our “country case studies” is that these situations are important, objectively and to the UK, and should not be neglected.

#### ***Accountability of the FCO's human rights work***

- 5. We believe that human rights policy, like any other aspect of government policy, would benefit from the establishment of clearly defined objectives and benchmarks to measure outcomes. We recommend that FCO, in next year's report, include short sections outlining objectives for, and evaluation of, each of its key initiatives, and we reiterate our recommendation from our report on the FCO's work in 2011, that the FCO should assess its work and should experiment with accountability measures for its human rights programmes. (Paragraph 24)**

We will include in the 2014 Annual Human Rights and Democracy Report a new chapter, “Human Rights in Action”, to reflect better the emphasis on measurement and evaluation which we have sought to bring to the government’s work on human rights – for its intrinsic merit, but also in response to advice from the FAC.

Our human rights work is no different in this respect from any other part of our international engagement. Across the FCO network, we make serious efforts to

evaluate impact and effectiveness; and to adjust our approach, wherever we conclude greater impact could be achieved through other means.

For example, monitoring and evaluation is an integral part of the Human Rights and Democracy Programme (HRDP). All projects have clearly defined purpose, outputs and outcomes, with quarterly monitoring and financial reports to track project delivery; and a completion report setting out what has been achieved at the end of the project. Effective project monitoring helps our Embassies, High Commissions and the London HRDP team assess the impact of projects against their objectives, identify lessons learned, and test value for money; this then helps to inform future project decisions.

The HRDP also aims to carry out in-depth project evaluations of approximately 10% of completed projects each year; these are published online at:

<https://www.gov.uk/government/collections/project-evaluation-documents>.

However, we should also bear in mind that human rights work is often a case of long-term, incremental change; and that a great deal of the progress we seek to achieve depends on the actions of other governments, often over the medium and long term.

- 6. We believe that it would be in the interests of transparency if summaries of discussions at meetings of the Advisory Group on Human Rights and its sub-groups were published. (Paragraph 25)**

The Foreign Secretary's Advisory Group on Human Rights, established in 2010, and its four sub-groups, chaired by Baroness Anelay, make a valuable contribution to ministers' understanding of key human rights challenges, and help inform policy. It is important that these groups remain a space where members can give full and frank advice to ministers. We believe that publishing summaries of the discussions would risk tempering that advice.

- 7. While we recognise the difficulty in estimating total costs of the FCO's human rights work, an annual figure compiled on a consistent basis, even if inexact, would be useful in showing trends in spending over the years. We believe that the FCO analysis was useful and encourage the FCO to provide equivalent figures in future years. (Paragraph 26)**

As the FAC rightly notes, it is difficult to quantify the total costs of the FCO's human rights work, given that this work is mainstreamed throughout the office. For example, bilateral funds are devolved to Embassies and High Commissions, so to determine what proportion of that money is spent on human rights would involve surveying nearly 270 offices. However, the FCO will publish an estimate, as part of the annual report, based on the figures we are able to disaggregate:

- Human Rights and Democracy Programme Fund;
- approximate amount from Arab Partnership Fund spent on democracy and human rights;
- grant-in-aid funding to Westminster Foundation for Democracy;
- Human Rights and Democracy Department administration and bilateral programme; and
- salary spend for approximate number of full-time equivalents in the FCO working on human rights.

**8. We recommend that the FCO review the configuration of its funding mechanisms for human rights programmes. The FCO should provide funding to longer-term human rights projects that extend beyond the current 12 month timeframe. (Paragraph 27)**

The Human Rights and Democracy Programme (HRDP) is funded centrally by the FCO's Strategic Programme Fund (SPF). The allocation for the SPF is decided on an annual basis and, as a result, funding can currently be guaranteed for one financial year only. Despite this, in financial year (FY) 2013-14 we were able to fund a small number of strategic multi-year projects. The HRDP is reviewed internally on a regular basis, and its structure and content will be considered again in 2015. Future funding of the SPF for the next Parliament will be decided as part of any spending review.

The HRDP is the only centrally managed fund in the government which provides small, short-term, competitive funding specifically directed at addressing the FCO's range of human rights priorities.

However, the Department for International Development (DFID) funds both central and country-based programmes that work across the spectrum of human rights (social, economic, cultural, civil, and political). These are usually multi-year programmes that address major human rights themes, either broadly (for example, civil and political rights, and non-discrimination) or more specifically (for example, support for elections, tackling Violence Against Women and Girls). Some, although



not all, DFID country offices have competitive funding programmes similar to the HRDP, but they do not cover FCO human rights priorities as a whole. Centrally, DFID has a large competitive funding programme, UK Aid Direct, which is narrower than the HRDP, as it has a single thematic focus (most recently health).

### *Sri Lanka*

9. **We recommend that the FCO, in its response to this report, outline how it monitored whether people who spoke with the Prime Minister about human rights have faced reprisals, and whether the FCO has any knowledge of reprisal attacks on people who met the British delegation during its visit to Sri Lanka in November 2013. (Paragraph 30)**

The British High Commission in Colombo remains in contact with many of those who met the Prime Minister in Sri Lanka last year. The High Commission has also returned to visit places, including Uthayan Press and the Sapapathypillai Welfare Centre, to follow up on the PM's visit. We have no evidence that any of those met by the delegation have experienced reprisals as a result of the PM's visit.

We consistently made clear to the former Sri Lankan government the importance of safeguarding freedom of expression and protecting human rights defenders, and look forward to working with the new Sri Lankan government on their international human rights obligations. Civil society, human rights defenders and activists must be allowed the space to act freely. We have welcomed the new President's early commitments to good governance, and his pledges to restore the independence of the police and judiciary and the freedom of the media, and to protect the rights and freedoms of all religions in Sri Lanka. We hope that the new government will honour these commitments, and make progress on the important matter of reconciliation.

10. **We recommend that the government encourages the new Indian administration to give public support to the OHCHR international investigation on Sri Lanka. (Paragraph 35)**

We encourage all countries publicly to support the Office of the High Commissioner for Human Rights (OHCHR) international investigation on Sri Lanka.

The UN High Commissioner for Human Rights is mandated by the UN Human Rights Council (UNHRC) to lead the international investigation into violations of international

law on both sides during Sri Lanka's conflict. We are strongly supportive of his approach, including his calls for the government of Sri Lanka to show magnanimity and cooperate with the investigation to help lay past grievances to rest, but also to ensure the protection of any witnesses giving evidence.

We are fully confident that the OHCHR, together with the assistance of independent experts, can provide the full and comprehensive investigation that is needed. We should not pre-empt the outcome of any investigation. The report will be presented to the UNHRC in March 2015, when the UK government will consider next steps.

- 11. We recommend that the government negotiates with its EU partners to remove Generalised System of Preferences (GSP) status from Sri Lanka, if the government of Sri Lanka does not allow the OHCHR investigating team into the country and uphold the right of human right defenders to engage with the UN human rights system. (Paragraph 37)**

The EU removed "GSP+" enhanced trade preferences from Sri Lanka in 2010, following significant shortcomings in respect of Sri Lanka's implementation of three UN human rights conventions relevant for benefits under the scheme. Further removal of all trade preferences could lead to negative consequences for the poorest Sri Lankan workers.

## ***Burma***

- 12. We recommend that the government reiterate to the government of Burma that the current situation is still highly unsatisfactory, and that the UK will strongly advocate the re-imposition of sanctions by the EU if there is no progress over the next 12 months in improving the conditions of the Rohingya community, and in securing the unconditional release of all political prisoners. We also recommend that the UK government closely monitors whether former political prisoners who wish to stand for elections in 2015 are able to do so. (Paragraph 45)**

We welcome the FAC's balanced analysis of the human rights situation in Burma. We also believe there has been significant progress in recent years. This is an ongoing process and we note, for instance, the release in November of a further 80

child soldiers from the Burmese army, bringing those discharged to nearly 400 this year, and almost 600 since 2011.

However, we share the FAC's concerns about the deterioration in the human rights and freedoms of the Burmese people in other areas. Human rights remain firmly at the heart of our engagement with the Burmese government.

We remain deeply concerned by the situation in Rakhine State and the plight of the Rohingya, and will continue to raise these concerns at the highest levels. While we note developments such as the appointment of a new Chief Minister and a limited citizenship verification exercise, we will judge progress by actions, not words. A great number of severe challenges remain and the humanitarian situation, in particular, must be addressed urgently.

Neither are we downplaying the issue of political prisoners. While it is important to recognise and welcome the overall progress, we are under no illusion that political prisoners remain a serious issue. We will continue to raise the issue, including individual cases, both through our embassy and ministers, and to lobby for the unconditional release of all political prisoners in Burma.

The elections this year will be a major opportunity to consolidate Burma's progress towards democracy. Credible and inclusive elections in 2015, along with definitive progress towards sustainable nationwide peace, will be the key tests of Burma's commitment to pursuing the transition process. In the lead-up to those elections, we will continue to keep up the pressure, and continue to review, together with our international partners, what the most appropriate response should be to the human rights challenges faced by the people of Burma. For the moment, however, our judgement remains that progress in Burma is better encouraged through engagement, rather than by seeking the re-imposition of EU sanctions, which would require the unanimous consent of all 28 EU member states.

### *Bedouins of Israel*

- 13. We believe the British government should play a more prominent part in helping to resolve the conflict between Israel and the Bedouin community, and should use its standing with the Israeli government and the Bedouin community to promote a peaceful, negotiated settlement. (Paragraph 52)**

We are closely following the debate around the issue of unresolved Bedouin land claims and unrecognised Bedouin villages in the Negev. We continue to encourage the equal treatment of all of Israel's citizens under the law with a wide range of senior interlocutors.

The UK highlighted this issue in our statement at Israel's Universal Periodic Review session at the UN Human Rights Council on 29 October. We are urging further dialogue between the Israeli government and Bedouin communities to agree a way forward to develop the Bedouin communities in the Negev, whilst respecting the equality of all of Israel's citizens under the law, and avoiding forced relocation.

### *The Prevention of Sexual Violence in Conflict Initiative*

- 14. We recommend that the government bring forward proposals in its response to this report for tracking implementation of commitments under the Preventing Sexual Violence in Conflict Initiative. We see advantage in an accountability exercise funded by the government but undertaken by a non-governmental body, rather than by the FCO itself, reporting to this Committee on the implementation of commitments. (Paragraph 58)**

Since its launch in 2012, the Preventing Sexual Violence in Conflict Initiative (PSVI) has sought to address the culture of impunity that exists for sexual violence crimes in conflict. PSVI has also campaigned for better support for survivors by raising awareness, rallying global action, promoting a more coherent international response and increasing the political will and capacity of states to do more.

155 countries, over 80% of UN member states, have now endorsed the Declaration of Commitment to End Sexual Violence in Conflict, which the former Foreign Secretary and the UN Special Representative of the Secretary General on Sexual Violence in Conflict launched at the UN General Assembly (UNGA) in September 2013. The Global Summit to End Sexual Violence in Conflict hosted by the government in June 2014 created further political and practical commitments to help tackle this issue.

Our priority is to use the momentum of the summit to deliver even greater international coordination to end sexual violence in conflict. By June 2015, we want to see clear evidence that countries are living up to the commitments they have

made, both at the summit and in the UNGA Declaration, by putting in place measures to bring more perpetrators to justice, providing better support to survivors, and by working with us to make sure that this issue remains at the forefront of global action.

A steering board of external experts from civil society, academia and faith organisations has met regularly to provide valuable policy advice and experience throughout the development of PSVI, including on how best to monitor the implementation of the UK's and others' commitments under the G8 and UNGA. Following the appointment, in July 2014, of William Hague as the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, a new cross-Whitehall inter-ministerial group on PSVI was established to consider ways of strengthening the UK government's response and holding each department to account for their commitments on this agenda. We are encouraging Germany to carry out a review of progress on the G8 Declaration of Commitment to End Sexual Violence in Conflict as part of their G7 Presidency this year.

### *Women, peace and security*

- 15. We recommend that, in future, the implementation plan for women, peace and security should be published in conjunction with each new National Action Plan to ensure that it is not just words, and that action will follow. (Paragraph 60)**

We published the UK's first Implementation Plan (IP) detailing our activities in focus countries on 11 December:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/385958/141211 - FCO726 NAP Implementation Plan FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385958/141211_-_FCO726_NAP_Implementation_Plan_FINAL.pdf).

Due to the breadth of work needed in producing the document, and the varying levels of stability in focus countries which impacted the timings of in-country consultations, we were unable to publish the IP in conjunction with the National Action Plan. In future, we will aim to publish both documents together.

- 16. The UK is lagging behind its Organisation for Economic Co-operation and Development (OECD) partners in using the OECD's Gender Equality Policy Marker. The Marker is used by OECD countries to check whether their aid-related activities promote women's rights. We recommend that the government should use the Marker**

**to identify all aid which supports the advancement of gender equality, as a way of increasing transparency of expenditure. (Paragraph 63)**

For the vast majority (88%) of UK aid spending, the UK government reports on the OECD Gender Equality Policy Marker. The marker is added within the Department for International Development's (DFID) internal accounting system for all projects.

For the remaining UK aid spend (12%), this data is collected from other UK government departments, and DFID adds the marker to projects which are reported as working primarily in a gender equality sector.

The UK comes second highest when we look at disbursed bilateral aid in support of gender equality and women's empowerment in 2009-2010. This data is published by the OECD in their publication "Aid in support of gender equality and women's empowerment: Statistical overview":

<http://www.oecd.org/dac/gender-development/CRS%20overview%20web.pdf>

**17. We believe that the government's initiative to increase the involvement of women in peace and security discussions would have benefited from greater participation of women at the NATO Summit, including participation by women representing civil society who would suffer as a result of any deterioration in the security situation. (Paragraph 64)**

As host, the UK was able directly to influence events around the NATO Summit to ensure both participation of civil society and a greater focus on women, peace and security. According to NATO, a total of 2,226 delegates attended the NATO Summit in Wales in September, of which 394 were women. However, the number of women may have been higher, as 295 of the 2,226 delegates did not confirm their gender at the point of registration. The Afghanistan delegation to the summit comprised a total of 12 people, of which two were women.

The UK funded an NGO, the Atlantic Council, to hold a "Future Leaders" event in the margins of the summit. That was an opportunity for young professionals and members of civil society from all NATO member states and partners to discuss implementation of UN Security Council Resolution (UNSCR) 1325 on Women, Peace and Security. The Deputy Prime Minister was the lead UK speaker at the event. He took the opportunity to underline the importance of the UK's National Action Plan for

implementation of UNSCR 1325. The NATO Secretary General's Special Representative for Women, Peace and Security also spoke at the Future Leaders event.

At the summit itself, the Prime Minister's Special Representative for Preventing Sexual Violence in Conflict, William Hague, hosted the first meeting ever at a NATO summit on Women, Peace and Security. The meeting launched NATO's new Policy and Action Plan on Women, Peace and Security, and made permanent the role of the Special Representative for Women, Peace and Security, who will lead NATO's efforts to ensure that women's participation in conflict resolution is an integral part of the peace and security agenda. The meeting also discussed how this work contributes to preventing conflict-related sexual and gender-based violence.

Finally, the UK ensured that the summit communiqué highlighted the importance of ensuring women's full and active participation in the prevention, management, and resolution of conflicts, as well as in post-conflict efforts and cooperation.

### *Children's human rights*

- 18. The FCO should do more to demonstrate publicly its support for children's rights. As we observed last year, one simple way for the FCO to improve engagement with child rights groups is for the Foreign Secretary to appoint a child rights expert to his Advisory Group on Human Rights. This would provide reassurance that children's rights are represented at the FCO, and the FCO has the necessary support to deal with these issues. (Paragraph 67)**

The protection and promotion of children's rights, including those of children in armed conflict and children at risk of abduction, are an essential part of the FCO's wider international human rights agenda. For example, child rights are taken into account in our work on forced marriage and preventing sexual violence against children in conflict. Also relevant were our efforts to galvanise international support for both the Global Summit to End Sexual Violence in Conflict, in the course of which the impact of conflict on children was a significant element of the agenda, and the Girl Summit to end female genital mutilation and child, early and forced marriage. Our Embassies and High Commissions also pursue work on child rights where this is of local concern.

The Foreign Secretary's Advisory Group on Human Rights has played an important role in providing independent external advice on general human rights and foreign policy. When choosing the members of the advisory group, the former Foreign Secretary aimed for a balance of expertise, diversity and experience. At the same time, it was important that the group remained of limited membership to allow for focused and in-depth discussion. Members of the group were identified because of their ability to contribute across the range of human rights issues. While there is currently no representative from a child rights-specific organisation, many – if not all – of the group's members are familiar with child rights issues. The advisory group on Preventing Sexual Violence in Conflict (PSVI), which is currently chaired by the Prime Minister's Special Representative on PSVI, has two representatives from child rights organisations.

*FCO's work on freedom of religion or belief*

**19. We welcome the steps taken by the FCO in promoting the right to freedom of religion or belief. Given the rising trend in restrictions on the right to freedom of religion or belief and the role religious intolerance plays in fuelling conflict, we also welcome the FCO's indication that spending on project work to support freedom of religion or belief will rise from 2013-14 levels. The formation of a sub-group of the Secretary of State's Advisory Group on Human Rights to advise specifically on freedom of religion or belief is a sensible and worthwhile step. We recommend that the FCO publish the strategy being drawn up by the sub-group specifying what the FCO is trying to achieve and how it plans to spend the funding allocated to project work. The strategy should specify which countries the FCO is targeting, if any, which partners it plans to engage with, and what practical steps it will take to bring about change. (Paragraph 76)**

We appreciate the committee's recognition of the FCO's sustained efforts to promote and protect freedom of religion or belief (FoRB) on a practical footing. Attention to this human right can get to the roots of conflict in many parts of the world, and be part of the solution. The sub-group has helped us to identify five countries to focus on (with more under discussion), and we are agreeing practical objectives in each case. Progress will be reviewed at the next meeting of the sub-group in March. The publicity we give to these initiatives will depend on whether or not that would assist the work in hand.



The FCO's focus on FoRB has informed our approach to country situations in other ways – for example, at the Special Session of the Human Rights Council on Iraq – and our wider work to combat extremism. We have secured a seat on the board of the new anti-extremism fund, the Global Community Engagement and Resilience Fund. In February, we have invited the EU's FoRB "task force" to Wilton Park, to discuss how the EU's external action can support this agenda more effectively.

On the question of projects, the Human Rights and Democracy Programme board will review in February and March bids submitted for projects to be implemented during 2015-16. Once these projects have been launched, the data on the proportion of the programme fund spent on FoRB-related projects would be available on request. Equivalent information for 2014-15 will be presented as part of the Annual Human Rights Report 2014.

### *UK's participation in the UN Human Rights Council*

**20. Whilst we recognise the difficulties of garnering support at the UN Security Council for action against the Democratic People's Republic of Korea (North Korea), the gravity of the human rights violations by North Korea is so severe that the UK and its partners at the UN Security Council should not be seen to stand by. We encourage the FCO not to give up on using UN organs, including the Security Council, to bring pressure to bear on North Korea to improve the human rights of the population, and to work towards securing referral of North Korea to the International Criminal Court for crimes against humanity. (Paragraph 83)**

We continue to work with like-minded partners to apply pressure on the Democratic People's Republic of Korea (DPRK), urging the government to accept the existence and extent of human rights violations, and to address these seriously by bringing about improvements and permanent change.

In 2014, together with co-sponsors, we worked hard to secure strong resolutions on this important issue at both the UN Human Rights Council and the UN General Assembly. These resolutions built on the momentum from the Commission of Inquiry report and reinforced the commission's call for the UN Security Council (UNSC) to consider the human rights situation in DPRK and appropriate action to ensure accountability, including through consideration of referral to the International Criminal Court (ICC). In December, the UNSC took the significant step of formally recognising

the human rights situation in DPRK to be a potential threat to international peace and security, and added “The Situation in the DPRK” to its agenda. In agreeing to add another country-specific agenda item on DPRK, the UNSC and all the UN’s inter-governmental bodies are reflecting the concerns of the wider international community, which the DPRK needs to take on board. The first such discussion was held on 22 December 2014.

As the DPRK is not a party to the Rome Statute, and is unlikely to accept the ICC’s jurisdiction *ad hoc*, referral to the ICC would have to be through a UNSC resolution. The opposition of some members to the UNSC even to discussing DPRK human rights reflects the challenges faced in delivering such a resolution. However, we will continue to push for action at all levels to bring pressure to bear on DPRK.

- 21. There is a clearly a difference of opinion between the UK government and the UN Special Rapporteur on whether there is international consensus on the legal parameters surrounding the use of drones. We believe that the government should acknowledge this and provide a written response detailing its points of disagreement with the UN Special Rapporteur's findings to both Parliament and the UN Human Rights Council. (Paragraph 88)**

The UK has repeatedly set out its position on Remotely Piloted Aircraft Systems (RPAS), including at the UN General Assembly and the UN Human Rights Council in response to the report by the Special Rapporteur. We use RPAS legally, we expect others to do so, and we believe that the international legal framework is sufficient to govern their use.

The UK believes that existing international law sufficiently covers the use of RPAS, which are subject to the same legal considerations as other weapons systems. In an armed conflict, international humanitarian law governs military activity. Outside armed conflict, any action must be in accordance with applicable international human rights law.

We expect all states to act in accordance with applicable international law, and take all feasible precautions to avoid civilian casualties when conducting any form of military or counter-terrorist operations.

**22. We find it surprising that the Home Office was unable to facilitate a request, even at short notice, from a UN Special Rapporteur to visit Yarl's Wood immigration detention centre. It sets a dangerous precedent for other countries to follow suit and has caused embarrassment to the UK. We welcome the Minister's assurance that the FCO is developing a new process to work with other government departments to improve cross-Whitehall preparations for future visits by UN Special Rapporteurs. (Paragraph 91)**

The UK has extended a standing invitation to all UN special procedures. We do everything we can to cooperate fully with them and are proud of our record of engagement with them.

The visit to Yarl's Wood by the UN Special Rapporteur for Violence against Women was, regrettably, requested at short notice, and was not part of the originally agreed programme. Yarl's Wood is an operational centre and unscheduled or short notice visits are difficult to accommodate. We explained this in advance to the Special Rapporteur. We look forward to the publication of the Special Rapporteur's report in due course.

As the committee notes, the FCO is putting together a package of support materials for Whitehall departments on working with the UN Special Procedure mechanisms, including best practice on receiving visits from UN Special Rapporteurs. Our Permanent Representative to the UN in Geneva addressed a seminar on these issues, hosted by the Ministry of Justice, on 6 November 2014.

### ***Business and human rights***

**23. We note support for the National Action Plan on Business and Human Rights from some human rights organisations such as Amnesty International UK, but we also note concerns about whether it will be fully implemented, whether there is political will to develop it, and whether it lacks teeth. If the Action Plan is to command confidence, the government should indicate that mandatory measures are being held in reserve if voluntary measures are not effective in improving business respect for human rights. (Paragraph 95)**

The UK's National Action Plan on Business and Human Rights reflects the government's commitment to the implementation of the UN Guiding Principles. It was developed in close consultation with human rights organisation and business. It is a cross-government strategy which is being implemented through an inter-Departmental Steering Group, in recognition of the fact that the commitments contained in it cover a broad range of government activities. We are continuing to work with business and civil society, and to encourage other governments to follow the UK's international lead. We have committed to report progress annually in the Annual Human Rights Report and to review the plan in 2015. Our commitment remains to ensure that the plan delivers real impacts and contributes to preventing human rights abuses by companies, or providing remedy where they do occur. The UK also continues to provide assistance for specific action, including through the FCO's Human Rights and Democracy Programme.

The UN Guiding Principles on Business and Human Rights are a voluntary framework, and we remain convinced that this is the best approach for engaging business, encouraging due diligence and stimulating action to meet their responsibilities. The UK's plan implements these voluntary principles in the UK, but we have been ready to back these up with specific measures, including regulatory measures, where necessary. In particular, the amendment to the Companies Act, introduced on 1 October 2013, requires listed companies to report on their human rights impacts, and the Modern Slavery Bill proposes provisions for greater transparency in supply chains.

- 24. The government maintains that human rights and business interests go hand in hand. This was undermined by UK government ministers sending conflicting messages that appeared to indicate that advocating human rights was subservient to promoting UK trade and investment. The government should recognise that this conflict exists: by doing so, the government would be better able to articulate how it is able to achieve both of its legitimate foreign policy objectives. In cases where a conflict arises, such as when the government engages in business with an authoritarian regime, and particularly when it sells arms to such a regime, the government should set out explicitly how UK trade and investment would help to influence positive change in human rights in that country. (Paragraph 98)**

The National Action Plan encapsulates our belief that the promotion of business and respect for human rights can and should go hand in hand, not least for the reason the

committee underlines; because trade and investment can be drivers of positive change. We designed and published the plan, and continue to develop it in close consultation with business and civil society, in order to provide practical guidance to business, including in the kind of difficult cases the committee has in mind. We work closely with the Department for Business, Innovation and Skills and UK Trade & Investment to ensure human rights considerations are incorporated into all the UK's commercial work, including the advice we give to companies looking to enter new markets around the world. An example of this is the guidance we have developed with industry and civil society for the ICT sector on human rights risks related to cyber exports:

[http://www.techuk.org/images/CGP\\_Docs/Assessing\\_Cyber\\_Security\\_Export\\_Risks\\_website\\_FINAL\\_3.pdf](http://www.techuk.org/images/CGP_Docs/Assessing_Cyber_Security_Export_Risks_website_FINAL_3.pdf)

We are also working, as Chair of the Voluntary Principles on Security and Human Rights, to encourage governments and business to apply these principles where companies are operating in the most difficult environments, including in regions blighted by conflict.

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