



**EIGHTH REPORT FROM THE FOREIGN AFFAIRS COMMITTEE OF SESSION
2010-12**

THE FCO'S HUMAN RIGHTS WORK 2010-11

**RESPONSE OF THE SECRETARY OF STATE FOR FOREIGN AND
COMMONWEALTH AFFAIRS**

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*Presented to Parliament by the Secretary of State for Foreign and
Commonwealth Affairs by Command of Her Majesty
September 2011*

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Any enquiries regarding this publication should be sent to us at:
Human Rights and Democracy Department
Foreign and Commonwealth Office
King Charles St
London SW1A 2AH

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1. The Government welcomes scrutiny by the Committee of its work to promote human rights around the world. The Government places great importance on ensuring that we uphold our responsibility to Parliament and that we are as transparent as possible in reporting on our work. The Government welcomes the Committee's report, and particularly their recommendations on improving our human rights reporting. We are pleased to be able to respond positively to many of the Committee's recommendations. We continue to welcome scrutiny from Parliament and feedback from the public as we seek to strengthen our work in this area.
2. This Command Paper sets out the Government's response to the Foreign Affairs Committee's report of 13 July 2011 into the Foreign and Commonwealth Office's Human Rights Work 2010-11. The Committee's recommendations are set out in bold. Unless otherwise indicated, references are to paragraphs in the Foreign Affairs Committee Report (HC 964).

The new Government's approach

Recommendation 1

3. **We conclude that support for human rights overseas has become an established element in statements of UK foreign policy under successive governments. We welcome the Government's stated commitment to the promotion of human rights overseas as one of its central foreign policy objectives, and we commend the work that the FCO does to further this aim. We recommend that the Government demonstrates this commitment in its foreign policy decisions. (Paragraph 12)**
4. The Government welcomes the Committee's positive assessment of the FCO's work to promote human rights overseas. The Foreign Secretary has previously set out how the FCO's human rights work is integral to the Government's wider foreign policy objectives and the emphasis that ministers and officials place on human rights considerations in all of our bilateral and multilateral dealings. This

is clearly illustrated by the Government's continued response to the events of the "Arab Spring".

Recommendation 2

5. **We recommend that, in its response to this Report, the FCO explain why it does not plan to publish the forthcoming strategy – promised in its 2011-15 Business Plan – to enhance the impact of various tools of UK's "Soft power", including the promotion of human rights. We further recommend that it should do so. (Paragraph 14)**

6. The Government welcomes the Committee's interest in our work on soft power and how the Government can make more effective use of the UK's soft power assets to achieve our foreign policy objectives. These assets include not only UK organisations that we can influence or with whom we have partnerships, but also our values, including our respect for human rights.

7. This work encompasses a number of activities. In line with the commitment set out in our Business Plan, the FCO has been working with the Department for International Development (DFID) and the Ministry of Defence (MOD) on a joint approach to enhance British soft power that uses all of the UK's national instruments. This paper was based on the initial work referred to by Lord Howell in the debate in the House of Lords on 28 April. The latest iteration is still awaiting ministerial agreement. Further work may also be necessary. The final strategy will contain a set of principles agreed by all the relevant government departments. The Government hopes to publish a version of the final paper.

8. The Government also undertakes to ensure that the FCO's 2011 human rights report contains more detail on our human rights priorities and progress against them.

Recommendation 3

9. **We conclude that the events of the 'Arab Spring' should stand as a reminder to the FCO that failing to take a stronger and more consistent stance against human rights violations by overseas regimes can carry risks**

for the UK. In particular, any suggestion that the FCO downplays criticism of human rights abuses in countries with which the UK has close political and commercial links is damaging to the UK's reputation, and undermines the department's overall work in promoting human rights overseas. We recommend that the FCO takes a more robust and significantly more consistent position on human rights violations throughout North Africa and the Middle East. (Paragraph 21)

10. The Government agrees that taking a strong and consistent approach to promoting and protecting human rights is central to achieving its objectives of safeguarding Britain's security and promoting Britain's prosperity. As the Foreign Secretary has made clear, human rights are essential to and indivisible from the Government's foreign policy objectives. The Government will always seek to reflect the best of British society and act in a manner consistent with British values. The "Arab Spring" has dramatically demonstrated that our interests are best served by maintaining a consistent, values-based approach in our policy towards all countries and regions of the world.
11. The UK's Arab Partnership initiative provides further impetus to our values-based approach. In his speech to the National Assembly in Kuwait on 22 February, the Prime Minister set out the parameters of the UK's approach to the "Arab Spring" – an approach based on upholding universal values, rights and freedoms, with respect for the different cultures, histories and traditions of the countries in the region. Our approach to the Middle East and North Africa seeks to ensure that pursuit of our values and our interests are mutually reinforcing.
12. The Government will remain consistent in its approach that legitimate demands for greater rights and freedoms must be met with reform, not repression, and that political and economic reform is the only guarantor of security and prosperity in the Middle East and North Africa. We will not downplay criticism of human rights abuses in countries with which the UK has close political and commercial links as we recognise that this would undermine our long-term strategic interests. Rather, ministers will raise human rights concerns wherever and whenever they arise.

13. The Government is already implementing this approach in its foreign policy to ensure consistent, political messaging with our counterparts, and practical support for reformers while pursuing our goals in ways which are pragmatic and most likely to deliver results.

Recommendation 4

14. It is difficult for us to support the Government's approach to human rights engagement with China in the continuing absence of any evidence that it is yielding results, and when the human rights situation in China appears to be deteriorating. We recommend that in its response to this Report the Government set out any hard evidence it has that its current approach is effective. We further recommend that it engages in more explicit, hard-hitting and consistent public criticisms of human rights abuses in China. (Paragraph 27)

15. The Government shares the Committee's concerns about the deterioration in the human rights situation in China. We have put our concerns on record on a number of occasions in the past year. We do not, however, believe that the deterioration in China's human rights climate is a reason to abandon our current approach. That approach is one of constructive engagement with the aim of supporting China's process of modernisation and internal reform. As set out in the human rights report, our approach consists of three pillars: high-level lobbying and engagement, the bilateral human rights dialogue, and financial support to projects in-country. An effective policy depends on striking the right balance between these elements, as well as between our approach on human rights and other aspects of our engagement with China.

16. The Government has consistently raised its human rights concerns directly with the Chinese leadership, both publicly and in private. Most recently, the Prime Minister raised his concerns, including specific cases, with Premier Wen Jiabao during the UK-China Summit in June. Ministers have also made public statements about high profile cases, most recently on the cases of Ai Weiwei and Liu Xiaobo. The quarterly update to the FCO's human rights report, published

online on 30 June, listed a range of further actions undertaken by ministers and officials to present their concerns to the Chinese government.

17. In addition to ministerial engagement, we use traditional and social media platforms in China to highlight the issues on which we work, ensuring we reach the widest possible audience.
18. The Government continues to see the UK-China human rights dialogue as an important part of its engagement with China on human rights, although we are realistic in our expectations of what it can achieve. The aim of the dialogue is to advance our human rights objectives through a free and frank exchange of information between the two governments and their experts. The dialogue's focus is on building long-term momentum for change, particularly in those areas which China will need to address in order to ratify meaningfully the International Covenant on Civil and Political Rights. We have, for example, used the dialogue to maintain a consistent emphasis on reducing the application and scope of the death penalty. We believe that without this interest from the UK and the EU, it is less likely that China would have enacted recent reforms which will see the number of crimes punishable by the death penalty reduced from 68 to 55.
19. The dialogue has also allowed the Government to raise specific concerns on a full range of issues in some detail with senior officials from across the Chinese government. At the most recent round of the dialogue in January, nine ministries and agencies were represented in the Chinese delegation. The dialogue therefore allows us to reach policymakers in the Chinese system who would otherwise be hard to access, on issues ranging from freedom of expression to minority rights to criminal justice reform. The dialogue also provides a platform to shine a spotlight on the individual cases of most concern to us. The treatment of some individuals whose cases we have raised has improved.
20. We are currently taking forward an initiative with human rights NGOs that will increase their involvement in preparations for the UK-China human rights dialogue.

21. Since 2008, the UK has provided around £1.5m to support human rights projects in China. The Government will spend around £0.5m this financial year on projects focused on the abolition of the death penalty, criminal justice reform, freedom of expression, and developing civil society. Our project work on the death penalty with the relevant judicial bodies has contributed to the debate on reforms which has led to a reduction in the number of capital crimes, as set out above. We also use project funding to facilitate expert exchanges on a range of topics including mental health, prison management and torture prevention. We have also worked with approximately one hundred Chinese NGOs in the past year to support their work to promote the rights of women, the lesbian, gay, bisexual and transgender (LGBT) community, disabled persons, and on education programmes.

22. The Government acknowledges that public statements have an important role to play in our engagement with China. However, we do not believe that increasing public criticism will deliver substantive improvements to human rights on the ground unless accompanied by robust, constructive private engagement with those within the Chinese government who have the power to influence change. Progress on the rule of law, freedom of expression and the development of civil society are in China's own interests. We need to retain the capacity to work with the government and other institutions to support reform. In a country the size and complexity of China, this represents a long-term undertaking.

23. The Government recognises that it is a challenging time to work with China on human rights issues. But we judge support for China's process of modernisation and internal reform, including pressing for more progress on human rights, to be in the UK's interests. In addition to meeting our commitment to a foreign policy that has the practical promotion of human rights as part of its irreducible core, we believe that progress in this area in China will make it progressively easier to pursue our important prosperity and security objectives. So we will continue to engage with China across the board in order to influence positive change.

The 2010 FCO Human Rights and Democracy Report

Recommendation 5

24. We welcome the FCO's decision to continue producing an annual human rights report. (Paragraph 32)

25. The Government is committed to the annual publication of an FCO human rights report which we believe is important in allowing Parliament, NGOs, and the wider public to hold the Government to account on the FCO's human rights work. We believe that publication of the report also helps focus attention on the human rights violations that occur around the world. We are continually seeking to improve the report and we welcome continued Parliamentary and public scrutiny of the publication as an important part of this process.

Recommendation 6

26. We conclude that the FCO's decision to switch to a plain, text-only format for the hard copy of its annual human rights report was justified. We welcome the savings in printing costs achieved in this way. We recommend that the FCO restore the index, to ensure that the hard copy is easily useable as a stand-alone document. (Paragraph 37)

27. The Government is pleased that the decision to switch to a plain, text-only hard copy has been well received by the Committee. As the Committee has noted elsewhere, an important part of this decision was to supplement the text-only hard copy with a more accessible and interactive online version. In addition to substantial cost savings, this has resulted in the report being available to a wider audience; it has already been viewed online in over 120 countries and territories.

28. We note the Committee's recommendation to restore the index to the hard copy. The index was removed from the 2010 report both as a cost-saving exercise and because we intended the majority of readers to view the report online which, with its accompanying search facility, we have made easier to navigate. We will reflect further on the restoration of the index and whether this can be done whilst maintaining cost savings. Current quotes suggest that restoring the index would increase the publishing cost of the hard copy by approximately £2,000.

Recommendation 7

29. We recommend that the FCO’s annual human rights report set out more clearly the department’s key objectives for its human rights work in the coming year, along with the rationale for their identification and the means by which the department proposes to pursue them. We further recommend that the report include a section reflecting on the extent to which the department achieved its objectives for the preceding year and on explanations for its success or otherwise. We do not wish this recommendation either to result in the FCO giving undue weight to human rights objectives that can be easily measured, or to generate additional data-collection requirements for the department. We recommend that, at least as regards the FCO’s bilateral work, a single list of the human rights objectives set out in the Country Business Plans for states identified as “countries of concern” should be compiled. (Paragraph 42)

30. The Government agrees with the Committee that future reports should provide a clearer explanation of the FCO’s strategic human rights priorities, both for the period covered by the report and for the subsequent year, as well as the rationale for their selection and the FCO’s progress against them. We undertake to consider how best to reflect this in next year’s report. Because of the sensitive nature of much of the human rights work carried out by the FCO in the “countries of concern” and of the support we provide to local NGOs which could be jeopardised if made public, we do not support the recommendation to list the FCO’s local human rights objectives in detail. We will, however, look to ensure that the “countries of concern” section of next year’s human rights report better reflects the overarching nature of these local objectives.

Recommendation 8

31. We recommend that the FCO’s annual human rights report once again include a consolidated list of human rights projects in receipt of FCO programme funding during the year in question, so as to facilitate access to information and thus further strengthen the report’s role in ensuring accountability. (Paragraph 44)

32. The Government welcomes the Committee's interest in assessing in detail the full range of FCO human rights activity. Programme funding is a key tool in delivering the FCO's human rights work and in supporting improvements in many local human rights situations around the world. The Government agrees with the Committee that the FCO should publish further information about its programme funding.
33. Including this information in future human rights report will have cost implications, however, and for this reason, the Government considers that it may be preferable to provide this information online, and accessible via that FCO's human rights webpages. While it is relatively straightforward to provide this information from the centrally-managed Human Rights and Democracy Fund, it is more difficult to compile a list of all programme expenditure disbursed from other centrally-managed and locally-managed budgets held by the FCO's embassies and high commissions. In addition, the sensitive nature of the work and the political context in which these projects are implemented means that publicising some of this information might put at risk some of the projects and implementing partners supported by the FCO. We undertake to look at how best to present this information in as transparent, yet safe, a manner as possible and will explain the approach that we have taken in the next report.

Recommendation 9

34. **We recommend that the annual human rights report remain an FCO-only publication, in order to maintain a clear mechanism of accountability for the department's human rights work. However, we further recommend that the report devote greater attention to setting out areas of FCO co-operation with other departments on overseas human rights matters. We regard this as especially appropriate given the department's lead responsibility, under its Business Plan, for the strategy to enhance the impact of the UK's promotion of human rights overall. (Paragraph 47)**
35. The Government welcomes the Committee's recommendation that the report remain an FCO-only publication. We believe that doing so is important to ensure appropriate ministerial accountability for the report and the work it describes.

36. We agree with the Committee's recommendation that future reports should contain more information about the role of other government departments to promote human rights, particularly on those issues in which other departments have a keen interest and where projects or work by other departments is supporting FCO-led efforts. DFID activity would clearly fall under this category. We will also endeavour to make clear how the FCO's work on trade and human rights complements efforts by other relevant departments such as the Department for Business, Innovation and Skills (BIS).

Recommendation 10

37. We recommend that the FCO continue to include a section in its annual human rights report covering selected individual countries in detail. While we agree with the Minister that some countries' inclusion is probably self-evident (namely that of the most egregious human rights abusers), we recommend that the FCO explain much more clearly the criteria adopted and the decision-making process employed in arriving at the annual selection of "countries of concern". In particular, we recommend that the FCO indicate the extent to which countries have been included because they have been a particular focus of FCO and/or UK Government action. We further recommend that the FCO include countries where human rights standards have improved markedly over the preceding year, particularly if the FCO was active in encouraging the improvements. (Paragraph 54)

38. The Government welcomes the Committee's conclusion that individual countries should continue to be included in future human rights reports. We believe this is an important feature of the report as it allows us to highlight countries where we have particular concerns and set out in greater detail the range of FCO action to address them.

39. "Countries of concern" are selected by the Foreign Secretary at the end of each calendar year. They are identified based on a range of internal and external human rights reporting, and after consultation with the FCO's ambassadors and high commissioners. Whilst the Government is committed to being as

transparent as possible on the selection process, it is difficult to set out the criteria for their selection in much greater detail than already explained in the human rights report because of the sensitive nature of much of the material used in the assessment process. Notwithstanding this, the Government appreciates the high level of interest in how “countries of concern” are selected and we will endeavour to report on this process as clearly as possible in future reports.

40. The Government agrees with the Committee’s recommendation that we make clearer in future reports which “countries of concern” are a particular focus of FCO or wider Government action. We also agree that future reports should better identify significant improvements in a country of concern’s human rights situation over the preceding year. We have tried to reflect improvements across the various thematic sections of the report by including detail of positive changes on specific human rights issues in countries other than the “countries of concern”. We undertake to reflect further on how we could better present this information in future reports.

Recommendation 11

- 41. We welcome the initiation of quarterly online updates of the “countries of concern” section of the annual human rights report. (Paragraph 55)**

42. The Government welcomes the Committee’s positive assessment of the quarterly reporting on the “countries of concern”. These quarterly updates, the most recent of which were published on 20 July, reflect the Foreign Secretary’s determination, as he explained to the Committee on 8 September 2010, to ensure more real time reporting of the FCO’s human rights work to supplement the annual human rights reports.

Recommendation 12

- 43. While we do not support the idea that the annual human rights report should cover all countries, we welcome the fact that human rights information is included in the country profiles of many countries on the FCO website. We recommend that this practice be extended to all countries, and that the information refer to all relevant issues and be**

regularly updated. We further recommend that the FCO ensure that the availability of this information is flagged on the human rights pages of its website. (Paragraph 56)

44. The Government welcomes the Committee's positive assessment of the FCO's work to increase the quality and volume of its online human rights reporting. The FCO has encouraged all its embassies and high commissions to include human rights information on their local websites and in their other digital activities, such as blogging, multimedia and social media. The FCO continually reviews and improves this online material and is taking steps to increase the visibility of this information, including through linking local material to the main FCO website. The FCO regularly updates the web content on specific countries and promotes it in a range of ways, including on the FCO's country profiles and the interactive map, as well as through news, blogs and the FCO's dedicated human rights Twitter channel.

Recommendation 13

45. Inasmuch as they are all countries where human rights are being seriously violated, we have no quarrel with the FCO's selection of "countries of concern" in its 2010 report, though we consider Bahrain should have been included. We share the FCO's deep concern about the human rights situation in all these states. (Paragraph 57)

46. As set out in paragraph 39, "countries of concern" are identified based on a range of human rights reporting and after consultation with the FCO's overseas posts. The countries included in the human rights report are not intended as an exhaustive list, and we are clear that the Government continues to have concerns about the human rights situation in many countries not included in the report. As the report covers the period January to December 2010 many of the most serious events in Bahrain fell outside that period. We undertake, however, to ensure that next year's report address the events in Bahrain and the rest of the Middle East and North Africa region in detail. We will reflect further on how best to do this.

FCO personnel and funding

Recommendation 14

47. **We welcome the Foreign Secretary's decision to increase the FCO presence in a number of "countries of concern" identified in the department's 2010 human rights report. We recommend that the increased staff be used in part to expand the FCO's human rights work in those states. We recommend that in its 2011 human rights report the FCO report on the difference which increased staff resources in some parts of the overseas network are making to its human rights work. We further recommend that, in its response to this Report, the FCO set out how it plans to sustain its human rights work in Iraq despite the planned reduction in the UK presence there. (Paragraph 62)**
48. As the Committee's report notes, the shift of staff resources across our network, announced by the Foreign Secretary in May, took into account the need, in some of these places, to engage on human rights, promote good governance and help prevent or reduce conflict. The Government remains committed to an increased FCO presence in a number of the "countries of concern". Human rights and democracy work will remain a central feature of embassies and high commissions in these countries and will be strongly supported by new and existing staff.
49. We will endeavour to report on new or expanded work and projects that are undertaken in all "countries of concern". The redeployment of some staff across the FCO's embassies and high commissions will take place gradually until 2014. It may therefore be hard to quantify the difference the "network shift" has had by the time of publication of the 2011 human rights report. However, we remain committed to increasing the transparency of the human rights work we are undertaking. This will continue to be delivered through our annual report, online quarterly updates, and embassies' and high commissions' own websites.
50. Although the Foreign Secretary has not yet taken a decision on the size and scope of our presence in Iraq, promoting human rights, the rule of law and good governance will remain a central part of our work there. We are continuing to

fund projects in Iraq that focus on areas such as the freedom of expression, gender issues and the rule of law.

Recommendation 15

51. We conclude that excluding countries which are not eligible for Official Development Assistance from funding under the FCO's human rights and democracy programme risks excluding projects in countries where there are serious human rights issues and where the FCO has previously been active. This decision places an even greater premium on support being available for human rights-related projects from other funding streams. We recommend that, in its response to this Report, the FCO set out what support it is providing in 2011/12 for human rights projects in countries where projects were previously being funded from the human rights and democracy programme, but which are now ineligible for such funding. We further recommend that, when the FCO reports at the end of 2011/12 on projects supported under all its programme funding streams for the year, it pay particular attention to reporting on human rights-related aspects, and to reporting on projects supported in the 2010 "countries of concern". (Paragraph 64)

52. The Committee is familiar with the rationale behind the Foreign Secretary's decision to ensure that FCO programme spending supports the Government's commitment to spend 0.7% of GNI as Official Development Assistance (ODA) by 2013. Of the many countries supported by the human rights and democracy programme, Russia is the largest beneficiary no longer in receipt of funding from the programme subsequent to this decision. In 2010/11 the FCO provided £856,000 to support 19 human rights-related projects in Russia. This included £375,000 from the centrally-held human rights and democracy programme; £134,000 from the embassy's local bilateral project budget; and £347,000 for human rights work in the North Caucasus region from the cross-Government Conflict Pool.

53. Despite its ineligibility for funding from the 2011/12 human rights and democracy programme, 14 projects in Russia continue to receive considerable FCO support

in 2011/12, including £410,000 from the Conflict Pool and £200,000 from the embassy's bilateral budget. Other than Russia, only a small number of projects in various central and eastern European countries, including a disability project and a project to promote LGBT rights, both across member states of the Council of Europe, no longer receive funding from the human rights and democracy programme as a result of the move to ODA-only spend. Bilateral project funding is still available to support human rights projects in these countries, should our embassies consider such work a priority from the resources available to them.

54. Including the funding streams identified above, the FCO has 12 programme funds which provide £139.5 million to support a wide range of projects around the world, many of which include a human rights element. A number of these funding streams are locally managed and the details of expenditure are not held centrally. We are currently examining how we can best capture the information requested by the Committee so as to be able to respond as fully and transparently as possible to its recommendation.

Advisory Group on Human Rights

Recommendation 16

55. We welcome the Foreign Secretary's decision to establish an Advisory Group on Human Rights. We recommend that, in its response to this Report, the FCO report on the work of the Group to date. We further recommend that a review of the activities and achievements of the Group be included in future issues of the FCO's annual human rights report. We also recommend the establishment of a third sub-group on internet freedom. (Paragraph 69)

56. The Government welcomes the Committee's support for the Foreign Secretary's decision to establish an Advisory Group on Human Rights. The group has already played a key role in providing the Foreign Secretary with independent, external advice on human rights and foreign policy and in identifying means to address the Government's overseas human rights concerns.

57. The Foreign Secretary chaired the first Advisory Group meeting in December 2010 and the second meeting in June 2011. It has discussed a wide range of human rights issues including those relating to conflict, security and counter-terrorism, the events of the “Arab Spring”, business and human rights, and religious freedom. FCO Parliamentary Under-Secretary of State Alastair Burt met the group to discuss the human rights situation in Afghanistan, including how to improve women’s rights in the country. FCO Minister of State Jeremy Browne has also held sub-groups on the death penalty and torture prevention. In order to encourage full and frank discussion, the groups operate under the Chatham House rule; it is therefore not possible to provide a detailed read-out of their discussions but we will ensure that future reports devote more attention to the work of the group.

58. In July Mr Browne convened a group of experts from NGOs, the legal, academic and media communities and the business sector to consider issues related to freedom of expression on the Internet. The group will ensure that the FCO has the best possible information and advice about recent developments in this area. At its first meeting on 20 July, the group discussed how promoting freedom of expression online can improve long-term social, political and economic stability.

59. More broadly, freedom of opinion and expression is an essential element of our work to promote our values, human rights and democracy around the world. Recent events in the Middle East and North Africa have demonstrated the role of the Internet and digital media in empowering individuals and promoting the exercise of democratic and civil rights. Journalists, bloggers and others must be allowed to express themselves freely and safely and in line with international norms. It is in the UK’s interests to support these legitimate aspirations.

Cross-Government work

Recommendation 17

60. We recommend that, in its response to this Report, the FCO tell us how it is working with DFID to ensure that its human rights policies are taken into account in the overseas development work of that department, and whether

it will request DFID to give no less high a public profile to human rights than is the case with the FCO. (Paragraph 74)

61. The Government's commitment to protecting and promoting human rights overseas is shared by all departments. FCO and DFID ministers raise human rights issues in their dialogue with other governments and staff from both departments work closely together on human rights issues to ensure full support for human rights in their collective overseas work. For example, in all countries where the UK provides budgetary aid, DFID assesses recipient governments against their commitment to respect human rights and other international obligations. Many embassies and high commissions undertake work and projects on human rights that engage both FCO and DFID officials. Following last year's Bilateral Aid Review, DFID country programmes will place an even greater emphasis on activities to strengthen political and civil rights through support to elections, parliaments and media; to protect and promote the rights of vulnerable groups through new programmes on access to justice, community security and violence against women; and to build civil society capacity to hold governments to account. As set out in paragraph 36, we will act on the Committee's recommendation to publish more details of such activities in the 2011 report.

Recommendation 18

62. We recommend that in its response to this Report the FCO set out the timetable and process for this year's review of the Government's protection of civilians strategy, including an indication of whether these will be affected by the international military action to protect civilians in Libya. (Paragraph 77)

63. The Government is committed to an annual review of our protection of civilians strategy. Since the publication of the human rights report, the FCO, as lead Government department for the strategy, has commissioned an assessment of its work, including that of the UK Missions to the United Nations in New York and Geneva, which have a key role in the strategy's implementation, as well as that undertaken by the other government departments with responsibility for its

delivery, DFID and the MOD. The international military action in Libya has not affected either the timetable or the process for this review.

64. We hope that the outcome of the first review will be submitted to FCO, DFID and MOD ministers for their consideration in September. Once ministerial endorsement has been received, this report will be shared with interested NGOs and made publicly available on the FCO website. We will also ensure that a copy is shared with the Committee.

UK human rights practices: counter-terrorism policy

Recommendation 19

65. We welcome the Government's recognition that the UK's own human rights practices, in particular with respect to counter-terrorism policy, affect its international reputation and ability to pursue effectively improvements in human rights standards overseas. We therefore welcome the publication of the consolidated guidance to intelligence and service personnel on the interviewing of detainees, and the initiation of the Gibson Inquiry into possible UK complicity in the mistreatment of detainees after 2001. Given the importance of the Inquiry for the UK's international reputation, we are concerned that a year after it was announced there is little sign of it being able to begin its work. (Paragraph 90)

66. The Government welcomes the Committee's support for the publication of the Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees. The Guidance is for personnel operating in the most challenging environments. It is a clear, comprehensive and practical framework for the range of circumstances in which personnel might have involvement with a detainee. It makes plain that the UK acts in compliance with our domestic and international legal obligations and our values as a nation.

67. The Government is committed to having an independent and thorough examination of the serious allegations that have been made about the role played

by the UK in the treatment of detainees held by other countries in counter-terrorism operations overseas after 9/11. Following publication of the agreed Terms of Reference and Protocol for the Detainee Inquiry on 6 July, the Government hopes that the Inquiry will be able to begin its work formally as soon as it is possible to do so. Exactly when that will be is dependent on the conclusion of related police investigations, the timing of which is a matter for the police and the Crown Prosecution Service. The Inquiry has stated publicly that it regrets the decision announced recently by a group of NGOs and legal representatives of former Guantanamo Bay detainees not to participate in the Inquiry and hopes that they will reconsider their position. The Inquiry will go ahead and the Government is continuing to assist in its preparatory phase.

Recommendation 20

68. Given the importance for the UK's international legal obligations of ensuring that the countries with which the UK has Deportation with Assurances (DWA) arrangements do not practise torture, and given these states' poor records in this respect which prompted the DWA arrangements in the first place, we find it odd that the section on torture prevention in the FCO's 2010 human rights report barely mentions the countries concerned. We recommend that, in its response to this Report, the FCO tell us what work it is doing with Algeria, Ethiopia, Jordan and Lebanon to ensure that they do not practise torture. We expect to see the FCO's forthcoming updated global torture prevention strategy pay particular attention to countries with which the UK has DWA arrangements. We further recommend that, in its response to this Report, the FCO identify the further countries with which it plans to make DWA arrangements. (Paragraph 91)

69. The Committee will understand that for reasons of brevity it was not possible to include all of the FCO's work on torture prevention in the human rights report. However, the paper does highlight various project works funded through last year's FCO Human Rights Strategic Programme Fund, including work to encourage countries to ratify and implement the international instruments which prohibit and prevent torture. This includes countries with which we have DWA

arrangements. It also noted our financial support to monitoring bodies in Jordan and Ethiopia to increase their capacity to monitor DWA returnees.

70. In addition, the Government has:

- supported the establishment of a security and human rights dialogue in Algeria, following the EU-Algeria Association Council on 20 May;
- provided ongoing funding to a multi-donor programme supporting the Ethiopian Human Rights Commission, whose work includes monitoring and addressing allegations of torture;
- provided ongoing funding to the Adaleh centre in Jordan which promotes the implementation of the UN Convention Against Torture and provides training for prison doctors and health professionals to improve the detection of torture and ill-treatment of prisoners and detainees; and
- organised a training workshop in Lebanon for lawyers and judges on how to implement international human rights conventions with regard to torture prevention.

71. The forthcoming FCO Strategy on Torture Prevention applies globally and will set out FCO torture prevention policy and offer guidance on actions to take to implement this policy to all FCO embassies and high commissions. Therefore, although specific countries will not be named in the strategy, it will be applied in countries with which we have DWA arrangements.

72. In order to maintain the integrity of the UK's negotiating position and the confidence of our international partners, the Government does not comment on DWA negotiations which may or may not be in progress with new countries. We are therefore unable to identify any countries with which we are seeking new DWA arrangements. If, and when, we are able to agree new DWA arrangements, the Foreign Secretary will notify Parliament and the Committee.

FCO commercial work and human rights

Complementary or conflicting objectives?

Recommendation 21

73. We are not as confident as the FCO that there is little conflict between its pursuit of both UK commercial interests and improved human rights standards overseas. We recommend that, in its response to this Report, the FCO set out examples from its countries of human rights concern of a significant UK international commercial relationship or presence being associated with improved human rights standards in recent years. (Paragraph 101)

74. As the Foreign Secretary has made clear on many occasions, the Government believes that economic growth, development, human rights and the rule of law are complementary and mutually reinforcing. The Government is firmly of the view that good business practice, including due diligence in human rights and corporate social responsibility, has a clear role to play in improving awareness and observance of human rights. When promoting trade and investment overseas the Government encourages British companies to behave in a manner consistent with these values. We believe that such an approach is also good for business.

75. The Government is committed to a range of international principles which encourage responsible business behaviour. However, we do not consider it appropriate for the Government to comment on the performance of specific companies. Under the OECD Guidelines for Multinational Enterprises, the UK National Contact Point has made concrete positive changes on the ground through its sponsored conciliation / mediation process, for example in the complaints against British companies in the Democratic Republic of Congo, Pakistan, and Uzbekistan. The National Contact Point has also recognised good business practice by companies. More detail on these can be found at: <http://www.bis.gov.uk/policies/business-sectors/low-carbon-business-opportunities/sustainable-development/corporate-responsibility/uk-ncp-oecd->

[guidelines/cases/final-statements](#). In addition, we believe that UK support for the Voluntary Principles on Security and Human Rights has encouraged responsible business practices in a number of fragile or conflict-affected areas, thereby helping reduce the risk of human rights abuses and conflict.

Recommendation 22

76. Given the FCO's claims about the continued importance of human rights in its work and the complementarity of human rights and commercial objectives, we were surprised and disappointed to see that the FCO's new "Charter for Business" made no mention of the FCO's role in helping businesses address the potential human rights implications of their overseas operations. We recommend that, in its response to this Report, the FCO explain why this omission was made. (Paragraph 102)

77. As we set out in the human rights report, the Government is committed to promoting more responsible business practice as a central strand of our human rights policy. The FCO "Charter for Business" commits the Government to helping British business pursue new opportunities overseas while also advising them on how to manage the risks of such activity. To support this, the Charter makes clear that "FCO ministers and staff will talk directly with UK business and trade associations to brief them on developments in foreign policy, including issues relating to business and human rights".

78. On 12 July, the Government re-launched the Overseas Business Risk website (www.ukti.gov.uk/overseasbusinessrisk). This website is run jointly by the FCO and UKTI and it replaces the Overseas Security Information for Business service and offers country specific advice to British companies to help them manage political and reputational risks when operating overseas. Part of the rationale for the re-launch was to widen the scope and impact of the service and make it more relevant for business. In addition to highlighting some of the wider factors that business should consider, the website includes specific information on business and human rights. The Government is committed to inviting feedback from businesses and other interested organisations, including NGOs, on the advice provided to ensure it meets the interests of all concerned.

Recommendation 23

79. We recommend that in its response to this Report the FCO set out the training and guidance that it gives to its staff on how to balance their responsibilities to promote both trade and human rights. We further recommend that the FCO inform us specifically about the steps that staff are directed to take, and the support available to them, in cases where they feel that they face a conflict between promoting UK commercial interests and upholding the FCO's human rights policies. (Paragraph 104)

80. Training on international human rights is made available to all FCO staff. This training includes guidance on how human rights are integrated across all of the FCO's work, including commercial work. In addition, the FCO provides "Commercial Diplomacy" awareness training to officials with advice on how to support businesses overseas and encourages staff to bear in mind the full range of commercial considerations in their work such as reputational risk, including bribery, corruption, and support for human rights. The FCO also contributes a session on human rights awareness to the pre-posting training provided by UK Trade and Investment to commercial officers. This training is supported by the FCO's "Business and Human Rights Toolkit" which provides staff with practical guidance on how to promote responsible conduct by UK companies operating overseas.

81. If staff feel that in a particular case there may be a potential conflict between promoting UK commercial interests and upholding the FCO's policy on human rights, then our training and overall guidance to staff makes it clear that they can seek advice from the FCO's Human Rights and Democracy Department and/or the Commercial and Economic Diplomacy Department, and, if necessary, ministers.

Recommendation 24

82. We recommend that the FCO give higher priority to working to internationalise standards for human rights in business behaviour. We conclude that this is essential if the UK's efforts to promote human rights internationally are not to be undercut by the behaviour of other countries

and their companies. We recommend that in its response to this Report the FCO update us on the negotiations to revise the OECD Guidelines for Multinational Enterprises. We further recommend that the FCO set out its plans to engage with the Working Group established by the UN Human Rights Council in June 2011 to take forward work on Professor Ruggie's Guiding Principles on Business and Human Rights. (Paragraph 107)

83. On 25 May the OECD Council endorsed the updated text of the OECD Guidelines for Multinational Enterprises. The main changes include the introduction of more detailed recommendations on human rights and the extent to which multinationals should apply due diligence in their supply chain; indicative timeframes for National Contact Points to handle complaints; clearer guidance for National Contact Points on issuing public statements at the end of the complaint process; and guidance explicitly drawn from UK practice to allow National Contact Points to process complaints when there are non-prejudicial parallel legal proceedings.

84. The Government welcomes these changes. The improved recommendations on human rights and supply chain management now reflect the practice of leading multinationals. This will provide helpful guidance to companies seeking advice on managing increasingly complex business relationships, including in the supply chain.

85. The UK National Contact Point, in BIS, will apply the updated OECD Guidelines with effect from 1 September. The UK National Contact Point's published complaints procedures are fully in line with the updated text of the OECD Guidelines.

86. The Government has provided consistent support to the UN Special Representative on business and human rights since his appointment in 2006. Securing adoption by consensus of the resolution which endorsed his draft Guiding Principles on Business and Human Rights was a UK priority at the June session of the Human Rights Council.

87. The Government will co-operate fully with the Working Group established by the resolution. We will respond to any requests for information it may make. The members of the Working Group will be appointed at the September session of the Human Rights Council. Once their work is underway we will have a clearer indication of how else we can contribute to the Working Group. We can update the Committee in due course.

Recommendation 25

88. We conclude that it is a matter for concern that less than two months before the Bribery Act 2010 was due to enter into force, the FCO was still assessing its implications for its own work. We welcome the fact that the FCO has now issued guidance to its staff on the Act. (Paragraph 114)

89. As the FCO Minister of State Jeremy Browne explained in his letter to the Committee of 10 June, the Government was committed to meeting its duty of care to give advice and guidance to all staff overseas to ensure they complied fully with the Bribery Act. This involved full and careful consideration of the implications of the Act for FCO staff working overseas.

90. The Government notes the Committee's concern but is confident that FCO staff were given sufficient notice and advice of the implications of the Act. On 30 March staff were notified of the publication of the Ministry of Justice Bribery Act guidance and directed to other sources of advice, such as the OECD good practice guidelines and Transparency International's "Resist" tool. Further guidance on the implications of the Bribery Act overseas was issued on 22 June.

91. Although the introduction of the Act did not require any material change in working practices within the FCO, guidance was issued on two aspects of the new legislation; (i) to ensure that officially-provided hospitality would not breach the Act and (ii) a reminder that facilitation payments were prohibited. Both of these areas required considered consultation with the Ministry of Justice and FCO Legal Advisers, particularly on the level of hospitality that could be given to Foreign Public Officials without breaching the Act.

92. As promised in Mr Browne's letter of 10 June, the Government is pleased to share a final copy of the Guidance with the Committee.

Recommendation 26

93. **We recommend that in its response to this Report the FCO inform us of any work it is doing to encourage non-parties to the OECD Anti Bribery Convention to introduce national legislation—of equivalent standard to the OECD Convention— against bribery overseas. We further recommend that the UK Government uses its powers under the Bribery Act to pursue cases of alleged bribery overseas against both UK and foreign companies carrying on business in the UK. (Paragraph 115)**

94. BIS leads on the OECD Bribery Convention. The OECD Working Group on Bribery has a peer review mechanism through which we work to improve national legislation, promote enforcement and raise awareness. Last year the UK was an evaluator of the United States. This year the UK is under evaluation and the Working Group will report on our progress in March 2012.

95. The Bribery Act provides a robust approach to bribery offences to allow investigators, prosecutors and the courts to tackle bribery effectively, whether committed at home or abroad. The Act underlines the UK's leading role in eliminating bribery, supporting British business and encouraging international development through legitimate trade. The Act provides wide jurisdiction that allows the UK's enforcement authorities to prosecute foreign companies that may seek to compete unethically with UK companies. The Government expects that the Bribery Act will make an important contribution to setting appropriate standards, as well as helping bring more cases to justice.

96. The Government agrees with the Committee that to be effective our national efforts must be supported by international action. The Government is therefore working to support the raising of standards of anti-corruption legislation and enforcement in our trading partners through the OECD, UN and Council of Europe Conventions against corruption and their respective evaluation mechanisms. We are also working through the G20 and OECD to help emerging

economies to hold their own companies to account. This work, particularly through our involvement in the G20 Anti-Corruption Action Plan, has helped lead to the criminalisation of foreign bribery in Russia and China, India's ratification of the UN Convention Against Corruption earlier this year, the development of new corruption laws in Indonesia and India, and the setting up of a new anti-corruption commission in Saudi Arabia.

97. The UK has a strong record of supporting overseas governments in tackling corruption through training and technical assistance provided by UK law enforcement departments and agencies to a wide range of overseas law enforcement and anti-corruption agencies. We will continue to lend support to countries to tighten legislation and enforcement in this area.

98. Under the Bribery Act it is an offence for British nationals or someone who is ordinarily resident in the UK to engage in bribery anywhere in the world. This includes people travelling for work, business or pleasure. All of our embassies and high commissions have been informed that they are obliged to report details of allegations of bribery directly to the Serious Fraud Office.

Recommendations 27 and 28

99. We conclude that the events of the 'Arab Spring' have revealed serious shortcomings in the system of UK arms export controls as regards the possible use of British supplied equipment for internal repression. As one of the constituent committees which make up the Committees on Arms Export Controls (CAEC), we reiterate our support for the conclusions and recommendations contained in CAEC's Report of April 2011, namely that the present and the previous Government misjudged the risk that arms approved for export to certain authoritarian countries in North Africa and the Middle East might be used for internal repression. We urge the Government to make speedy progress in finalising the results of its current review of arms export controls and sharing them with Parliament.
(Paragraph 127)

100. **We conclude that the recent policy of revoking arms export licences to countries in the Middle East and North Africa appears to have been inconsistently applied, in as much as no licences to Saudi Arabia, Syria or Yemen have been revoked, despite the fact that the risk of repressive use of equipment sold by British companies to those countries for their own use, or supplied by Saudi Arabia to other states such as Bahrain, appears to be as high as in the countries to which licences have been revoked. We recommend that the Government's review address specifically the issue of policy towards Saudi Arabia. (Paragraph 128)**

101. The Government welcomes the high level of interest of the Committee in the review of our export control policy on equipment that might be used for internal repression, in particular crowd control goods. The Committee will be familiar with the Written Ministerial Statement provided by the Foreign Secretary on 18 July which provided an interim report on the review to Parliament. Consultations with the FCO's embassies and high commissions revealed no evidence that any of the offensive naval, air or land-based military platforms used by governments in North Africa or the Middle East against their own populations during the "Arab Spring" were supplied from the United Kingdom. While the review commissioned by the Government was in response to the events in the Middle East and North Africa, its focus was on Export Controls Policy, particularly with regard to crowd control equipment and other goods that could be used for internal repression. The review also concluded that further work was needed on how certain aspects of the controls are operated. The Foreign Secretary and the Secretary of State for Business, Innovation and Skills will now consider how this should be done and once that process is complete the Foreign Secretary will update the House on proposals.

102. The Government reacted quickly to events of the "Arab Spring", reviewing all extant licences to all countries affected, including Saudi Arabia, Bahrain, Syria and Yemen. The Government moved swiftly to revoke licences where it had become apparent that licences were no longer in line with the Consolidated EU and UK Export Licensing Criteria. As the decisions to revoke licences demonstrate, our export licensing policy and process allow us to respond quickly

and robustly to changing facts on the ground. In addition, one licence for Syria, covering sporting gun ammunition, was revoked following the introduction of EU sanctions.

103. In line with our standard export licensing policy for all destinations the Government continues to monitor the situation across the Middle East and North Africa, and will continue to take into account any changes in circumstances in its assessment of future export licence applications.

Cross-Government working: UKTI and BIS

Recommendation 29

104. **We conclude that the absence of a reference to human rights or corporate responsibilities overseas in UKTI's new five-year strategy suggests that there is a lack of strategic co-ordination between the branches of Government responsible for promoting human rights overseas and for promoting British trade. We recommend that in its response to this Report the FCO respond to the suggestion that there should be a cross-Government strategy on business and human rights. (Paragraph 132)**

105. The FCO's "Charter for Business" and UKTI's "Britain's Open for Business" strategy commit the FCO and UKTI to provide information to business on political, economic and business security issues overseas through the jointly-owned UKTI and FCO Overseas Business Risk website, as described in paragraph 78. This website offers country specific advice to British companies to help them manage any political and reputational risks when operating overseas. The Government intends to develop the website further and provide context on some of the key issues for business to consider, including the potential impact of their business activity on human rights.

106. The Government is pleased to inform the Committee that the FCO is currently developing a cross-Government strategy on business and human rights, with the involvement of relevant government departments. The Foreign Secretary's

Advisory Group on Human Rights will be invited to provide input to the strategy during its development.

Current issues in human rights policy

Thematic human rights issues

Recommendation 30

107. **We recommend that in its response to this Report the FCO set out the work that the Parliamentary Under-Secretary of State at the Home Office is doing in support of the National Action Plan on Women, Peace and Security; and explain her role in relation to the Plan, given that her home department is not one of the Plan's three co-owners. (Paragraph 136)**
108. The UK National Action Plan on Women, Peace and Security sets out a series of national, bilateral and multilateral commitments to implement UN Security Council Resolution 1325, including how the Government will work to protect women and girls from sexual and gender-based violence in conflict situations and improve intervention strategies to prevent violence against them. One of the Plan's key national commitments was the appointment of a senior representative to provide leadership and Government coordination to our international efforts to tackle violence against women and girls and to ensure that the relevant provisions of the National Action Plan were incorporated into wider cross-Government work to tackle such violence. The Parliamentary Under-Secretary of State for Equalities and Criminal Information Lynne Featherstone was appointed as Ministerial Champion for tackling violence against women and girls overseas on 25 November 2010.
109. In her wider role as Ministerial Champion for tackling violence against women and girls overseas, Ms Featherstone shares responsibility for overseeing the implementation of the National Action Plan with ministers from those departments which own the Plan. Ms Featherstone also provides policy coherence and coordination across Government on those areas of work under the National Action Plan relevant to her role as Ministerial Champion and promotes this

agenda overseas. During her recent visit to Nepal, subject of one of the three bilateral country plans in the National Action Plan, she raised these issues with the national government and visited one of the local projects identified in the Plan, a UK-funded paralegal committee providing protection, mediation and legal services to women and children. She has also played a key role in encouraging ministers across Government to use their influence to drive forward this agenda in their domestic, EU and international engagements.

Recommendation 31

110. We recommend that the FCO ensure that the results of the 2011 review of the National Action Plan on Women, Peace and Security are fully reported to us, as its departmental scrutiny committee, when the review is published in October 2011. We further recommend that the FCO's 2011 human rights report also report on progress in implementing the Plan. (Paragraph 138)

111. The Government welcomes the Committee's scrutiny of our work in this important area. The 2011 review of the National Action Plan, which we plan to publish in October, will set out both progress in implementing the Plan as well as the challenges and difficulties in its delivery and make recommendations for future work. We will be pleased to provide the Committee with the outcome of the review. We will also place copies in the Library of the House.

112. The Government also undertakes to ensure that the 2011 human rights report includes detail on the implementation of the National Action Plan on Women, Peace and Security in line with the Committee's recommendation.

Recommendation 32

113. We recommend that in its response to this Report the FCO update us on the Government's plans for signature and ratification of the new Council of Europe Convention on preventing and combating violence against women and domestic violence. (Paragraph 140)

114. Tackling violence against women and domestic violence is a priority for the Government and central to our work to promote gender equality and empower women. Although we broadly support and welcome the Council of Europe Convention on preventing and combating violence against women and domestic violence, we continue to have some difficulties with certain articles which would require a significant change in Government policy and/or legislative reform in the UK.

115. In order to make a final decision on the Government's position, the Home Office has written to all Government departments to ask for more detailed information on the implications, including financial, of signing and ratifying the Convention. The Government hopes to be in a position to announce its final decision by the end of the year. We will inform the Committee as soon as that decision is reached.

Recommendation 33

116. **We recommend that in its response to this Report, the FCO inform, us what expertise on children's rights is available within the Foreign Secretary's Advisory Group on Human Rights. We further recommend that the FCO inform us whether it has plans to draw up a new child rights strategy; and if not, why not. (Paragraph 143)**

117. In choosing the members of his Advisory Group on Human Rights the Foreign Secretary was determined to ensure an appropriate balance of expertise, diversity and experience. At the same time, it was important that the Group remained of limited membership to allow for focussed and in-depth discussion. Members of the group were therefore identified because of their ability to contribute across the range of human rights issues and while there is no representative from a child rights-specific organisation, many - if not all - of the group's members are familiar with child rights issues.

118. As reflected in the 2010 human rights report, promoting and protecting the rights of the child, including those in armed conflict or at risk of abduction, remains an important part of the Government's wider human rights work

overseas. While our centrally-driven human rights priorities do not include child rights and, as such, we have no current plans to draw up a new child rights strategy, our embassies and high commissions do pursue work on child rights where this is of particular local concern. We will also continue to work through the United Nations and other multilateral fora to encourage other countries to uphold universal standards on child rights.

Recommendation 34

119. We recommend that, in its response to this Report, the FCO update us on its assessment of prospects for reform of the blasphemy law in Pakistan, and on its wider work to encourage the protection of religious minorities in that country. (Paragraph 146)

120. The Government shares the Committee's concern at the potential for misuse of the blasphemy laws against both Muslims and non-Muslims in Pakistan. It is vital that the Government of Pakistan guarantees the rights of all its citizens, regardless of their faith or ethnicity.

121. In the short-term, there is very little prospect of the blasphemy laws being reformed. Debate on the laws is controversial. The scope for UK action in this area has further narrowed following the assassinations earlier this year of Punjab Governor Salman Taseer and Minister for Minorities Shahbaz Bhatti. Reform is also difficult because of the widespread support for the laws in Pakistan. In response to a recent survey, 71% said the laws should not be amended - of which 42% described them as "perfect laws", 30% argued that strong punishments should be accorded to blasphemers, and 12% believed that a blasphemer should be hanged.

122. It is important, therefore, that the international community approach this issue with great sensitivity. Although the majority of victims of the blasphemy law have been Muslims, foreign criticism of the law is assumed to be driven by a desire to protect Christians only. This also weakens the credibility of those in Pakistan working to reform the laws, as such work is interpreted to be part of a 'Western' agenda.

123. For these reasons, the focus of the Government's engagement is to highlight our commitment to the wider concept of freedom of religion or belief and, where relevant, to call for an end to misuse of the blasphemy laws as a first step. Between 16 and 18 May, Parliamentary Under-Secretary of State Alistair Burt visited Pakistan, where he discussed the issue of religious tolerance with Dr Paul Bhatti, the Prime Minister of Pakistan's Advisor on Interfaith Harmony and Minority Affairs. Mr Burt also met religious leaders from the Ministry of Minorities' Interfaith Council. This meeting demonstrated the range of religious views in Pakistan and the need to ensure that all of Pakistan's citizens are accorded their rights under the Pakistani Constitution.

124. On 7 July, Mr Burt raised the issue of religious freedom with the Chief Minister of the Punjab Shahbaz Sharif and also met the Ahmadiyyah All Party Parliamentary Group. Mr Burt stressed the importance of Pakistan guaranteeing the rights of all its citizens, regardless of their faith or ethnicity. In addition to these high-level meetings, the UK, with our EU partners, work with the Government of Pakistan to raise awareness of human rights issues, including on freedom of religion and belief and through the effective ratification and implementation of the International Covenant of Civil and Political Rights. Where we become aware of human rights concerns in cases involving British nationals, the High Commission will raise the matter with the Pakistani authorities according to established consular procedures.

Recommendation 35

125. **We conclude that the Government is correct to oppose the adoption by the international community of a new legal standard on the "defamation of religions". (Paragraph 148)**

126. The Government welcomes this conclusion by the Committee. The Government is deeply concerned that individuals around the world at times face discrimination because of their religion or belief. We strongly believe that all countries need to do more to combat religious intolerance and to ensure that

those who incite hatred or violence against individuals, including because of their religious beliefs, are brought to justice.

127. Since the publication of the 2010 human rights report, the UN Human Rights Council in March adopted a resolution entitled “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief” as an alternative to the “defamation of religions” resolution traditionally presented by the Organisation of Islamic Cooperation. The UK worked closely with members of the Organisation of Islamic Cooperation on this new resolution which focussed on combating religious intolerance. We welcome the fact that this resolution was supported by all members of the Human Rights Council and will look to build on this new consensus by working with other governments to address violations of the right to freedom of religion or belief.

International institutions

Recommendation 36

128. **Although the UN Security Council remains the decisive forum for international action on human rights, we are encouraged by recent signs that the UN Human Rights Council is beginning to operate as a more effective international watchdog on UN Member States’ human rights records, and in particular that the international community is beginning to use election to and suspension from the Council as a mechanism to deploy against human rights violators. We recommend that, in its response to this Report, the FCO update us on the extent to which it achieved its objectives for the 2011 review of the Human Rights Council. We welcome the Government’s announcement that it plans to stand again for election to the Council in 2013. We recommend that the FCO provide more information on the arrangements it has put in place to continue to engage effectively with the Council in the period before 2013 following the end of the UK’s term of membership in June 2011. (Paragraph 153)**

129. The Government welcomes the Committee's recognition that the Human Rights Council is beginning to operate better as an international watchdog. The UK has played an instrumental role in pushing the Council to respond more robustly to critical human rights situations around the world. As the Committee notes in its report, this includes the successes in establishing an international commission of inquiry into events in Libya, the suspension of Libya from the Council, and the Council's condemnation of the repression of anti-government protests in Syria. More recently, we are pleased that the Council has established a commission of inquiry into the Syrian government's actions. We will continue to work to strengthen the Council and to ensure it maintains this recent positive track record.

130. Although realistic about how much was achievable through the Human Rights Council Review process, the Government was still disappointed by the final outcome. Throughout the review we pushed hard to improve the ability of the Council to respond to situations of concern and to ensure that only countries with a genuine commitment to human rights would be eligible for election to it, but we were unable to secure sufficient wider support for our proposals. We were, however, in the face of considerable attempts to undermine the Council's mechanisms, able to defend the existing framework and to secure a few procedural improvements, including a more transparent application and selection process for Special Procedure mandate holders and a more prominent role for independent national human rights institutions in the Council's work. We also resisted attempts to increase the Council's oversight of the Office of the High Commissioner for Human Rights, which would have severely undermined the latter's independence. The immediate challenge is to ensure that the momentum built up in the Council over the last 12 months, which has seen it become more effective at addressing fundamental violations of human rights by countries, continues.

131. We welcome the Committee's support for the Government's decision to stand for re-election to the Council in the autumn of 2013, ahead of the new term beginning in January 2014. Following the end of our most recent term of membership, the UK will continue to play an active role in the Council's work,

both nationally and as a member of the EU. This will include our proactive participation in all relevant meetings and in negotiations across the wide range of issues addressed by the Council. We are also actively developing our relationships with current Council members from other UN regional groupings to share our thinking on issues with them.

Recommendation 37

132. We recommend that, in its response to this Report, the FCO set out its assessment of any impact that the issuing of arrest warrants for Colonel Qadhafi and other senior Libyan regime figures by the International Criminal Court may be having on prospects for a resolution to the Libyan crisis. (Paragraph 157)

133. The UK is a strong supporter of the International Criminal Court (ICC) and led the drive to refer the situation in Libya to the ICC in UN Security Council Resolution 1970. The arrest warrants issued by the Court are important both to ensure accountability for atrocities in Libya, and more widely to show that those responsible anywhere in the world for the most serious crimes covered by the Rome Statute, including crimes against humanity and war crimes, know that they cannot commit crimes with impunity. The Government stands ready to implement any decisions of the Court, in line with the UK's obligations under the Rome Statute. The Government continues to press for full and immediate access to Libya for the ICC's investigators in accordance with Resolution 1970.

134. The Government firmly believes that those responsible for the most serious crimes of concern to the international community should be held to account. The National Transitional Council has committed to executing the three ICC arrest warrants and to supporting the ICC in line with its international obligations. This has set a strong example of the role the ICC can play in tackling impunity and holding to account those who commit the most serious of crimes. Rapid enforcement of the ICC warrants will ensure that those most responsible for recent atrocities are held to account, and will increase the pressure on other states to take action on co-operation with other outstanding ICC warrants, in particular for Sudanese President al-Bashir.

135. The ICC warrants sent a powerful message of international condemnation of the actions of those who are the subjects of the warrants. The ICC arrest warrants further isolated Qadhafi's illegitimate regime, highlighting the indictees' loss of legitimacy and reducing the possibility of them playing any future role in Libyan public life.

136. The warrants demonstrate that the international community will work together to tackle impunity and will hold Qadhafi and senior figures of the illegitimate regime to account for their actions; this message will not have been lost on those around Qadhafi and may have contributed to his fall.

Recommendations 38 and 39

137. **We recommend that, in its response to this Report, the FCO explain more fully why it does not regard an international accountability mechanism as appropriate to the Sri Lankan situation at this stage, and under what conditions it might change its position. (Paragraph 160)**

138. **We commend Channel 4 for its documentary 'Sri Lanka's Killing Fields', which showed horrific scenes of crimes carried out in 2009. We reaffirm the view of our predecessor Committee and call on the UK Government to press for the setting up of an international war crimes inquiry to investigate allegations of atrocities carried out by both sides in the Sri Lankan civil war. (Paragraph 161)**

139. The Government shares the view of the Committee that concrete action is necessary to deal with the serious allegations of breaches of international humanitarian and human rights law committed by both sides during the military conflict in Sri Lanka. The UN Panel of Experts Report and the Channel 4 documentary underline the imperative need for this.

140. The Government has always supported an independent, credible and transparent investigation into these allegations. Parliamentary Under-Secretary of State Alistair Burt made clear to the Government of Sri Lanka in June that the Government expects to see progress by the end of this year. If the Sri Lankan Government does not respond, the UK will support the international community in

revisiting all options available to press the Sri Lankan government to fulfil its obligations.

141. Under international law it is the primary responsibility of the state concerned to investigate and, where necessary, prosecute credible allegations of violations of international humanitarian law. In addition, the Government believes that the process of reconciliation between Sri Lanka's communities has a greater chance of success if investigations are Sri Lankan-led rather than externally imposed. The Government of Sri Lanka has established a domestic process, the Lessons Learnt and Reconciliation Commission, which is due to produce its report in November. We share international concern about the credibility of the Lessons Learnt and Reconciliation Commission process, but the Sri Lankan government has indicated that the Commission will consider the allegations contained in the Channel 4 documentary. We will consider all further options in light of the Commission's conclusions and recommendations.

Recommendation 40

142. We strongly welcome Ratko Mladic's extradition to the International Criminal Tribunal for the former Yugoslavia, as an important step in ending impunity for grave international crimes committed in the former Yugoslavia, and in continuing to move the Western Balkans away from its recent history of inter-ethnic conflict. We congratulate all those, including in the UK, who contributed to the long-running effort to see General Mladic on trial in The Hague. (Paragraph 163)

143. The Government supports the Committee's welcome for the arrest and transfer to The Hague of Ratko Mladic and welcomes its recognition of the UK's contribution to efforts to achieve this. Since the publication of the Committee's Report, the last remaining fugitive indicted by the International Criminal Tribunal for the former Yugoslavia, Goran Hadzic, has also been arrested and transferred to The Hague for trial. These arrests represent significant progress in the continuing fight for justice for those who suffered during the war in the former Yugoslavia. The Government continues to push for full cooperation by all relevant authorities across the region in the Tribunal's ongoing and forthcoming trials.

Regions and countries

Recommendation 41

144. **We welcome the way in which the Government has put the UK at the forefront of international support for political and economic liberalisation in the Middle East and North Africa in response to the ‘Arab Spring’. We agree with the Foreign Secretary that the ‘Arab Spring’ represents an opportunity for an historic advance in human rights and political and economic freedoms. However, the political outlook across the region is far from clear and may yet deteriorate. The human rights agenda in the region is now vast, ranging from urgent humanitarian and security risks facing civilians to the necessarily slow embedding of human rights norms in the security and other state institutions of democratising states. In Bahrain, we welcome the regime’s establishment of a commission to investigate recent events, but we remain concerned that immediate action is needed to ensure an end to torture and politically-motivated detentions. We recommend that the FCO place human rights—and in particular political and civil rights—at the heart of its work with the Middle East and North Africa through the ‘Arab Partnership’ in coming years. We further recommend that the FCO devote a major dedicated section of its 2011 human rights report to reporting in detail on the human rights work which it is undertaking in the region. (Paragraph 170)**

145. The Government welcomes the Committee’s support for its response to the “Arab Spring” and agrees with the Committee about the need to remain vigilant against any further deterioration in the human rights situation in the region.

146. The situation in Bahrain demonstrates that, despite the economic well-being of the Gulf States, they are not immune from the desire for dignity, respect and political freedoms that have pushed the people of the region to demand change. This reinforces the need for Gulf States, like the rest of the region, to take seriously the aspirations of their people. The Government has welcomed the announcement of the Independent Commission of Inquiry into alleged human rights abuses earlier in the year and we are encouraging the Government of

Bahrain to ensure that it is given all the access and support it needs to ensure a credible report in October.

147. At the same time, we remain concerned about the continued and credible reports of human rights abuses in Bahrain, including the sentencing of opposition figures, the reports of deaths in custody, the allegations of torture, the denial of medical treatment and the censorship of the media. The Government continues to make clear to the Government of Bahrain that the civil rights of peaceful opposition figures, the legitimate exercise of freedom of expression and the right of peaceful assembly must be respected.

148. Human rights are central to the Arab Partnership. Promoting political and civil rights cuts across our work to support political participation, the rule of law and freedom of expression, and to tackle corruption. Under the Arab Partnership the Government has also committed £110m over the next four years to support reform in the region: £40m for political reform and £70m for economic reform. Over £5m has already been provided to support projects working with reformers across the region, including:

- supporting a leading local human rights NGO in Egypt to work with the Interior Ministry to establish human rights units in places of detention;
- providing assistance to the Government of Algeria to improve prison standards and working with a local NGO to introduce non-custodial sentences for juvenile offenders; and
- working to strengthen freedom of expression through projects led by Article 19 and the Thomson Foundation in Tunisia.

149. As noted in paragraph 46, the Government undertakes to ensure that next year's report provide considerable detail on the events the Middle East and North Africa region and its response to them.

Recommendation 42

150. We reiterate our previous support for a process of political reconciliation in Afghanistan, involving talks with the Taliban. However, we conclude that it is essential that the UK Government continue to use its leverage with President Karzai's administration to ensure that it carries through its undertakings in respect of human rights, and in particular to secure implementation of the National Priority Programme for human rights and civic responsibilities, the National Action Plan for Women and the law on elimination of violence against women. (Paragraph 177)

151. The Government welcomes the Committee's support for an Afghan-led reconciliation process in Afghanistan. The Government is firmly of the view that any political settlement should be inclusive and address the concerns of all Afghan citizens. President Karzai has clearly set out his conditions for concluding negotiations: the Taliban must renounce Al Qaeda; give up armed violence; and respect the Afghan Constitution. The Afghan constitution makes clear provision for the equal rights of men and women. It is important that we ensure women have as full a participation as possible in the political process.

152. We are clear that the Afghan Government must uphold the commitments it made at the London and Kabul conferences, including its pledge to ensure that the human rights of all the people of Afghanistan are promoted and protected. The Government continues to work with its international partners and international and Afghan civil society organisations to press the Afghan government to meet its national and international human rights commitments. We provide funding and support to the Afghanistan Independent Human Rights Commission and the Human Rights Support Unit in the Ministry of Justice to help them to do so, including through the provision of human rights training. We are also working to embed human rights-compliant practices within the Afghan National Police and other Afghan institutions. The UK participates in the Gender Donor Coordination Group which works to monitor and lobby the Afghan government on gender issues, including the implementation of the National Action Plan for Women and the law on the elimination of violence against women. The UK also works with international partners and the Afghan

government as members of the Joint Coordination and Monitoring Board which oversees the progress of Afghanistan's National Priority Programmes and which includes a programme on human rights and civic education.

Recommendation 43

153. We conclude that, given its past military and political involvement with Iraq, the UK has a particular responsibility to try to secure improvements in human rights standards in that country. We recommend that the FCO continue to offer practical and financial support to the Iraqi government and people to assist in the promotion of freedom of expression and assembly, personal security, women's rights, protection of religious minorities, amelioration of prison and detention conditions, and other basic human rights. We further recommend that the Government—in conjunction with its international partners—take active steps to investigate conditions in Camp Ashraf, and do all in its power to hold the Iraqi authorities to their commitment to protect the rights of its inhabitants. (Paragraph 138)

154. The Government agrees that the UK should remain committed to supporting the Government of Iraq improve the human rights situation in its country. We will continue to honour that commitment, both politically and financially.

155. The Government continues to raise human rights issues with senior Iraqi officials and ministers, and provides practical assistance, where appropriate. We also liaise closely with international partners in Iraq to ensure that such assistance is coordinated with and complementary to their efforts. Following the attacks on Christian communities in late 2010, we encouraged the Government of Iraq to take tangible steps to provide adequate protection to vulnerable groups. We will continue to do so. In addition to its earlier financial support, the FCO will fund a further religious reconciliation meeting in Iraq at the grassroots level, in support of the efforts of the High Council of Religious Leaders in Iraq, thus bringing together local religious leaders from all denominations with a view to combating sectarian violence and encouraging cooperation and understanding across ethnic and religious divides.

156. In response to the Iraqi security agencies' use of force to contain public protests in March, Parliamentary Under-Secretary of State Alistair Burt called on the Iraqi and Kurdish authorities to exercise restraint and to protect the right to freedom of expression and assembly. The Government's continued provision of training to the Iraqi police and judiciary including in, for example, the use of forensic expertise, should help reduce the reliance on confessional-based evidence, leading to improved standards across the judicial system.

157. The Government will continue to provide financial support to a range of human rights projects across Iraq. Since the publication of the report we have provided expertise and support to tackle domestic abuse and promote freedom of expression, including in March through funding a project to improve governance and accountability in the media. Working closely with the EU Integrated Rule of Law Mission for Iraq, we have also helped fund a new library in a Basra prison, which opened in June, as part of a programme to improve detention facilities and support the rehabilitation of prisoners. In March, the FCO funded an in-depth study by a UK human rights adviser of women's rights in the Kurdistan Region of Iraq. This identified a number of practical steps to improve the lives of women in the region. The FCO will also fund this adviser to visit Baghdad to engage with the Government of Iraq.

158. The situation at Camp Ashraf remains complex. Working with the wider international community we will continue to press the Government of Iraq to refrain from further violent operations at Camp Ashraf and treat residents in accordance with the rights and protections they enjoy under international human rights law and domestic Iraqi law. Staff from our Embassy in Iraq pay regular consular visits to the camp, most recently on 7 July. We are also in close touch with the UN, who also regularly visit Camp Ashraf to monitor the situation. We continue to believe it is the responsibility of the Government of Iraq and the Ashraf leadership to engage in a constructive dialogue to find a peaceful way forward.



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