



**THIRD REPORT FROM THE FOREIGN AFFAIRS  
COMMITTEE SESSION 2013-14**

**THE FCO'S HUMAN RIGHTS WORK IN 2012**

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

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

17 December 2013

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## **The FCO's Human Rights Work in 2012**

The Government welcomes the Foreign Affairs Committee's report on the FCO's human rights work during 2012 and is delighted that the FAC acknowledges our commitment to provide a valuable service through the production of our annual report on human rights and democracy, and our work to improve human rights standards worldwide. We are also pleased that the FAC commends our "authoritative analysis" of conditions in each of our 27 "countries of concern". Over the course of this year, we have worked hard to address the recommendations set out in the FAC's report on the FCO's human rights work in 2011. For example, we included a section in the 2012 annual report focusing on the impact of the Human Rights and Democracy Programme, in response to the FAC's call for greater evaluation of our work.

This Command Paper sets out the Government's response to the Foreign Affairs Committee's report of 17 October 2013, *The Foreign and Commonwealth Office's Human Rights Work in 2012*. The Committee's recommendations are set out in bold. Unless otherwise indicated, references are to paragraphs in the Foreign Affairs Committee Report (HC267).

### ***The FCO's 2012 Human Rights and Democracy Report***

- 1. We welcome the FCO's decision to define more clearly the criteria for designating 'countries of concern', although we question why the extent of the UK's engagement in a particular country or the impact of the human rights situation there on wider UK interests should be regarded as factors in evaluating human rights standards. We recommend that these criteria no longer apply. (Paragraph 11)**

UK engagement or interests are not factors that we apply in evaluating human rights standards in a country. The first step in the process of deciding on the list of countries of concern is an objective evaluation of human rights standards in that country against a range of indicators, drawing on evidence from UN, civil society and academic expertise and the reporting of our Embassies and High Commissions. This enables us to assess the gravity of the human rights situation in that country and is the most important assessment we make. We then apply an analysis of the other criteria, including UK engagement and interests as a means of influencing change in that country, to determine which countries among all those where there are concerns about the human rights situation should be the particular focus of FCO efforts. It is important that we focus our efforts on those countries where we can make most difference.

### ***The 2013 CHOGM in Colombo***

- 2. We recommend that the Prime Minister should obtain assurances from the Sri Lankan Government that people who approach him to talk about human rights while he is in Sri Lanka to attend the CHOGM do not face reprisals or harassment by security forces. (Paragraph 16).**

The UK has consistently made clear to the Sri Lankan government the importance of safeguarding freedom of expression and protecting human rights defenders. We have emphasised to the Sri Lankan government that the human rights defenders, journalists and members of the public that Ministers met during the Commonwealth Heads of Government Meeting should not face any reprisals, and our High Commission is actively monitoring the situation.

The Prime Minister raised his concerns about freedom of expression in Sri Lanka during his meeting with Sri Lankan President Rajapaksa. We will watch this situation closely and maintain contact with relevant institutions and individuals where they believe this support will be useful. In addition, the Foreign Secretary visited a reconciliation centre in the south of the country and Mr Swire met relatives of the disappeared and made a strong speech which included reference to human rights in the Commonwealth at the Commonwealth People's Forum.

**3. On the information available to us, the policy followed by the FCO during discussions at the 2009 Commonwealth Heads of Government meeting in Port of Spain on venues for future Commonwealth Heads of Government Meetings seems to have been inconsistent. The FCO objected to a proposal that Sri Lanka might host the 2011 CHOGM on human rights grounds but did not obstruct a proposal that it might do so in 2013; nor did it insist that Sri Lanka's right to host in 2013 should be conditional on improvements in human rights. That approach now appears timid. The UK could and should have taken a more principled stand in 2009, and should have taken a more robust stand after the 2011 CHOGM in the light of the continuing serious human rights abuses in Sri Lanka. (Paragraph 20)**

The decision to hold CHOGM in Sri Lanka in 2013 was taken at the 2009 Port of Spain CHOGM, where all Commonwealth Heads agreed a package that included Australia's bid to host in 2011 and Mauritius in 2015. When the issue of the hosts in 2013 and 2015 was raised in the 2011 CHOGM in Perth there was no consensus amongst member states to revisit the decision made in Port of Spain.

The FCO used the run-up to the Summit to urge Sri Lanka to make progress on human rights concerns, in implementing the Lessons Learnt and Reconciliation Commission (LLRC) recommendations, which Sri Lanka set up in 2010, and allow unrestricted freedom of movement for Commonwealth Heads, media and non-governmental organisations attending CHOGM in November.

The Prime Minister made clear that we were determined to use UK participation in the Commonwealth Summit to shine a global spotlight on the situation there, and that is exactly what we did. The Prime Minister became the first foreign leader to visit the north of the country since independence in 1948 and, by taking the media with him he gave the local population the chance to be heard by an international audience. He pressed President Rajapaksa for credible, transparent and independent investigations into alleged war crimes, and made clear to him that if those investigations are not begun properly by March, the UK will use its position on the United Nations Human Rights Council to work with the UN Human Rights Commissioner and call for an international inquiry. The Foreign Secretary met human rights defenders and spoke publicly about our concerns about rape and sexual violence in conflict in Sri Lanka. And as a result of our involvement and lobbying the Commonwealth summit reached important conclusions on poverty, human rights and trade. None of these outcomes would have been assured without the UK being present at the Commonwealth summit making the case for human rights in Sri Lanka and across the organisation itself.

### ***Sri Lanka***

**4. We recommend that the FCO, in its response to this report, state whether it still holds the view that there is no substantiated evidence of torture or maltreatment of people who have been returned by UK immigration authorities to Sri Lanka. (Paragraph 23)**

We are not aware of any new evidence since the original answer was submitted. The UK takes its international responsibilities extremely seriously and fully complies with all of its international obligations under the 1951 United Nations Convention Relating to the Status of Refugees and the European Convention on Human Rights. The Home Office assesses each asylum and human rights claim case carefully on its individual merits, taking full account of the latest available country information, case law and UNHCR Eligibility Guidelines for Assessing the Internal Protection Needs of Asylum Seekers. Individuals who face a risk of ill treatment, including torture, on return to Sri Lanka will be granted international protection, and would not be returned.

**5. It is a matter of concern to us that the UK Border Agency's assessment of risk to Sri Lankans on being returned from the UK to Sri Lanka, which will have been partly based upon information provided by FCO staff in Sri Lanka, was found by the courts to be flawed and in need of revision. The FCO should examine whether it could have enabled the UK Border Agency itself, rather than the courts, to have reached the conclusion that a change to the guidance on risk was required. We also observe that the FCO's Strategy on the Prevention of Torture makes no mention of the UK's obligations under Article 3 of the UN Convention Against Torture and how the FCO should play its part in ensuring that these are met. We recommend that the FCO amend its Torture Prevention Strategy accordingly. (Paragraph 26)**

The objective of the FCO's Torture Prevention Strategy is to contribute to international efforts to prevent torture globally by working to ensure:

- legal frameworks to prevent and prohibit torture are in place and are enforced;
- states have the political will and capacity to prevent and prohibit torture; and
- organisations on the ground have the expertise and training to prevent torture.

Our strategy sets out the legal framework with which all states must comply, including the UN Convention Against Torture (UNCAT). It would be inconsistent with the broad international focus of this strategy to set out in detail the specific obligations with which the UK must comply, or provide specific advice on how UK officials should fulfil their duties. The Home Office has lead responsibility for UK immigration policy and is fully aware of the UK's legal obligations, including Article 3 UNCAT. It remains best placed to provide guidance to case workers on returns policy for specific countries, with the FCO assisting this process by continuing to provide advice on the human rights situation within those countries.

### ***Burma***

**6. We recommend that the FCO should press the Burmese Government for a clear statement on what influence the committee set up to review the cases of political prisoners in detention will have on decisions on who qualifies as a 'political prisoner'; what procedure, if any, there will be for challenging any decision not to release a particular detainee on the grounds that he or she is not a political prisoner; and whether releases will be unconditional. (Paragraph 29)**

We welcome the many releases of political prisoners since the beginning of the reform process in 2011 and the establishment by the Burmese government in February 2013 of a committee to review political prisoner cases. We further welcome the subsequent commitments made by President Thein Sein that all political prisoners would be released by the end of 2013 and that all releases should be unconditional.

We recognise that despite this progress, a number of serious issues remain. Our position, which we have set out consistently to the Burmese government, is that even one political prisoner would be one too many.

Those prisoners who have been released have not been officially recognised by the Burmese government as 'political' prisoners, and have therefore not received rehabilitation support from the government. Whilst the review committee is able to draw up lists of political prisoners, it does not have authority to release them; this is vested in the Home Ministry. And whilst President Thein Sein has publicly committed that releases will be unconditional, this has not yet been consistently applied.

We remain concerned by the large number of recent arrests of political activists whose cases do not fall under the mandate of the committee. Repressive legislation used in these instances should be repealed or reformed. We are also concerned about the large number of people imprisoned in Rakhine State following the violence of 2012, whose cases are not currently being reviewed. We will continue to lobby for the release of all political prisoners and to raise specific cases with the Burmese government.

**7. Shocking acts of violence against the Rohingya minority have taken place in Rakhine State. The report of the Rakhine Investigation Commission is only a preliminary step towards bringing to justice those responsible for serious human rights abuses. The FCO is right to encourage a national process for investigation and prosecution of crimes in Rakhine State, but it should signal that it does not rule out support for an internationally-led process if the Burmese Government fails to show a serious intention to act. We recommend that the FCO should urge opposition leaders in Burma, as well as Government figures, to be more forthright in condemning those responsible for the violence in Rakhine State in 2012. (Paragraph 34)**

We remain extremely concerned by the violence directed against Muslim communities in Burma, including against the Rohingya in Rakhine State. We have consistently made clear to the Burmese government that those responsible for crimes in Rakhine State must be held accountable for their actions. This accountability needs to be achieved through a clear and transparent investigative and prosecutorial process that meets international standards. We will continue to monitor progress against the President's public commitment made during his visit to London to take "a zero-tolerance approach to any renewed violence and against those who fuel ethnic hatreds".

During his visit to Rakhine State in June 2013, DFID Minister of State, Alan Duncan, met with Rakhine and Rohingya political leaders and urged for action to improve the humanitarian situation. We will continue to work with members of all communities in Burma to achieve progress on the plight of the Rohingya minority. We also raised the situation in Rakhine with members of the influential '88 Generation' during their visit in June 2013. The Deputy Prime Minister and Foreign Secretary raised our concerns with Daw Aung San Suu Kyi during her visit to the UK in October 2013. She re-stated her position that implementation of the rule of law in Burma, including in Rakhine State, was essential.

**8. We are satisfied, on balance, that the decision to lift economic sanctions against Burma in April 2013 was the right one. Serious reservations remain about the continued incarceration of political prisoners and the failure, so far, to bring to justice those responsible for intercommunal violence; but the rate**



**of progress in many areas, such as elections and freedom of speech, has been remarkable, and the Burmese government is to be commended for what it has achieved. In order to ensure that progress is sustained, the UK should be prepared to advocate reimposition of economic sanctions on Burma if undertakings by the Burmese government to improve human rights standards in the country are not followed through. (Paragraph 36)**

Re-imposing sanctions would require a unanimous decision by all 28 EU member states. In taking the decision to lift sanctions, our judgement was, and continues to be, that further progress in Burma's transition is best encouraged through engagement.

The Foreign Affairs Council Conclusions of 22 April made it very clear that human rights would remain at the heart of the EU's collective approach towards Burma. EU Foreign Ministers adopted in July a comprehensive framework which set out how EU nations would work with the Burmese government to address the many challenges that it still faces. This will involve the inception of a half yearly EU-Burma human rights dialogue in early 2014, offering the platform for consistently raising matters of concern and assessing progress.

### ***Russia***

**9. The 2014 Winter Games in Sochi provide a platform for concerns about human rights in Russia to be voiced in a way which is difficult for the host country to brush aside, and we do not support a boycott. (Paragraph 42)**

We share the FAC's concerns regarding the deterioration in the human rights situation in Russia. We do not shy away from raising our concerns at the highest levels – including in the Prime Minister's discussions with President Putin. In their most recent meeting in St Petersburg in September, the Prime Minister raised concerns about the protection of human rights for LGBT people among other issues. The UK is unique among all EU member states in holding a Director-level annual bilateral human rights dialogue with Russia, which allow detailed discussions on the full range of human rights issues. This year we managed to secure participation, for the first time, from the Russian Ministry of Justice and we hope it will lead to greater cooperation in the justice sector.

We are pleased that the FAC do not support a boycott of the Sochi Games, and agree that we have a better chance of influencing Russia by engaging and challenging prejudices than by boycotting. We regularly set out our concerns on human rights to the Russian government, and will continue to do so. Human rights will certainly be part of our dialogue with Russia in the run-up to the Sochi Winter Games.

**10. The proposed visa facilitation agreement for Russian nationals to enter the Schengen Area offers a rare opportunity for those EU Member States which are in Schengen to apply collective pressure on Russia. While we recognise that the UK has its own visa arrangements and, because it is not in Schengen, is not in a position to block a decision by Schengen Area countries, we encourage the FCO to put the case forcefully to fellow EU Member States to either delay assent to the proposed visa facilitation agreement or make it conditional upon evidence of an improvement in human rights conditions in Russia. (Paragraph 44)**

As a non-Schengen member state we would not normally advise others on any Schengen-related negotiations in which we were not involved. But we are very clear

with our EU partners about the importance we attach to Russia's human rights situation, and work closely together on a common approach.

### ***Human rights and counter-terrorism***

- 11. We agree with the principles outlined by the Foreign Secretary in his speech to the Royal United Services Institute in February 2013, on the approach to counterterrorism and respect for human rights, although we acknowledge the scepticism in some quarters about whether they will lead to meaningful change. We believe that the significance of the accountability to Parliament and to the wider public which flows from ministerial oversight and approval for work of this nature should not be underestimated. (Paragraph 50)**

We are pleased that the FAC agrees with the principles outlined by the Foreign Secretary in his speech to the Royal United Services Institute in February 2013, on the approach to counterterrorism and respect for human rights, as well as the emphasis placed on ministerial oversight and accountability. We will continue to focus on these principles as we carry out this important work overseas.

### ***The Detainee Inquiry***

- 12. We encourage the Government to take whatever steps it can—including swift publication of as much as possible of Sir Peter Gibson's report on the Detainee Inquiry's preparatory work—to ensure that the process of inquiring into allegations of rendition or improper treatment of detainees by the UK Government and its security and intelligence agencies does not come to a complete halt while criminal investigations are under way. (Paragraph 52)**

The Government intends to publish Sir Peter Gibson's report in the near future. The Government will make a Statement to Parliament when the report is published. It would not be appropriate to pre-empt that Statement.

- 13. We are disappointed that no attempts appear to have been made to initiate discussions between the Government and human rights bodies as to how the successor inquiry to the Detainee Inquiry might proceed. We believe that it is incumbent on both sides—not just the Government—to take steps to work towards a solution. (Paragraph 55)**

We are mindful of the reservations which NGOs and others have raised about the Gibson Inquiry's approach, although we do not share them. As the Justice Secretary said in his Statement to the House on 18 January 2012, the Government wanted to proceed with the Detainee Inquiry as constituted and would have done so if there had not been a further delay. It is premature to discuss a future inquiry while related police investigations are continuing.

### ***Deportation with assurances (DWA)***

- 14. We commend the FCO for providing information to us on monitoring arrangements for people held in detention having been returned by the UK under DWA arrangements. We request that the FCO report every twelve months to this Committee on the effectiveness of monitoring arrangements and on whether any allegations of abuse have been reported. Given the uncertainty over the independence of the Ethiopian Human Rights Commission, we recommend that, in the absence of any acceptable**



**alternative, the UK should negotiate with the Ethiopian Government to secure a right of access by British Embassy officials to people detained in Ethiopia following deportation from the UK with assurances, to complement the monitoring by the Ethiopian Human Rights Commission. We seek assurances that Embassy staff already monitoring treatment of detainees in Algeria receive suitable training, such as that offered by the International Committee of the Red Cross to its staff carrying out similar work. (Paragraph 60)**

The Government will not deport someone if there are substantial grounds for believing they will face a real risk of torture or other cruel, inhuman or degrading treatment in their home country, or where there is a significant risk the death penalty will be applied. DWA enables the UK to reduce the threat from terrorism while meeting our domestic and international human rights obligations.

Government-to-government assurances ensure that the human rights of individual deportees will be respected on their return. In order to verify the safety of an individual, monitoring bodies are selected in consultation with host governments, human rights experts and the monitoring body itself, as well as using information available from open source material, to assess their ability to perform the role. When necessary, we also conduct training direct with the proposed monitoring body to further satisfy the UK Government of their capability.

Our DWA monitoring body in Ethiopia is comprised of a team of individuals with a mixture of Ethiopian Human Rights Commission (EHRC) members and non-EHRC doctors, lawyers and human rights experts. We have worked closely with EHRC to provide necessary training and we are satisfied the monitoring body is fit for purpose and will provide appropriate monitoring for any future DWA deportees. The British Embassy in Addis Ababa continues to liaise closely with the monitoring body and is informed of any difficulties if and when they arise.

We have had a DWA arrangement with Algeria since 2006 and 9 individuals have been returned. The British Embassy in Algiers has responsibility for monitoring returnees under this arrangement and will ensure that expert medical and legal assistance is provided if concerns of mistreatment arise. In a judgment dated 25 January 2013, the Special Immigration Appeals Commission stated that it was satisfied that compliance with assurances in Algeria could be objectively verified through British Embassy monitoring.

The Government undertakes to report to the Committee with any significant developments on monitoring arrangements.

#### ***The return of Abu Qatada***

**15. We welcome the Government's decision to use a treaty base for assurances on the treatment of persons returned to Jordan, such as Abu Qatada. It may have been instrumental in securing Abu Qatada's return and, with hindsight, could perhaps have done so months or years ago had the Government chosen to follow this route sooner. We note with approval that the Government has not ruled out the use of treaties to underpin DWA arrangements with other countries. (Paragraph 65)**

The Government successfully deported Abu Qatada in July. The Memorandum of Understanding agreed with Jordan in 2005 and the Mutual Legal Assistance (MLA)

Treaty agreed in March this year delivered the protections the Courts said were needed before the deportation could take place lawfully. The MLA Treaty was drawn up to address the very specific outstanding points highlighted by the Special Immigration Appeals Commission (SIAC) in November 2012.

The earlier Strasbourg judgment had found the Jordanian legal system would not properly apply existing Jordanian law when considering allegations that evidence came from torture. Through extensive work with Jordanian colleagues we successfully corrected these misconceptions and SIAC then found that the Jordanian judiciary and executive were committed to giving Qatada a fair trial.

However, SIAC still concluded that there remained a risk that evidence allegedly obtained through torture would be admitted at the retrial. This judgment narrowed the focus of the case onto the specific issue of who, under Jordanian law, has the burden of proving that the evidence is tainted. It was this issue which was then the focus of our discussions with the Jordanians and which part of the Treaty addressed.

**16. We ask the FCO to provide us with an update on the progress of the review of DWA policy by David Anderson QC, the Independent Reviewer of Terrorism Legislation. (Paragraph 66)**

David Anderson QC has accepted the Home Secretary's invitation to undertake the review and on 21 November 2013 issued his call for evidence. It is expected he will present his report in late 2014 which will be published on his website and laid in Parliament. The Government's response will be published later as a command paper in Parliament. The Terms of Reference of the Review can be found at the Gov.uk website: <https://www.gov.uk/government/policies/protecting-the-uk-against-terrorism/activity>

***The Prevention of Sexual Violence against Women in Conflict Initiative***

**17. We join others in commending the Secretary of State for taking the lead in conceiving and promoting the Prevention of Sexual Violence in Conflict Initiative. (Paragraph 70)**

We welcome the FAC's comments on the initiative. The UK Foreign Secretary, William Hague, is resolved that more can and must be done to combat the use of sexual violence in conflict. This is why, on 29 May 2012, he launched the Preventing Sexual Violence Initiative with Angelina Jolie, Special Envoy of the UN High Commissioner for Refugees. The objective of the Initiative is to challenge the culture of impunity that exists for sexual violence in conflict, and to increase the number of perpetrators held to account through promoting greater international coherence and strengthening national capacity. The UK is addressing this issue through a high-level political campaign supported by a range of practical measures, such as the development of an International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, sustained country engagement, including targeted deployments of the UK Team of Experts to help conflict-affected countries address the issue, and financial support to the UN and other organisations.

On 24 September, the Foreign Secretary chaired a high-level event on Ending Sexual Violence in Conflict, co-hosted with Mrs Zainab Hawa Bangura, the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, and attended by member states, UN agencies, NGO representatives and journalists. At the event, the Foreign Secretary launched the Declaration of Commitment to End Sexual Violence in Conflict. This Declaration was drafted with a number of state level

“champions” from countries all over the world who also worked alongside the UK to build wider support for the text. The Declaration is action-oriented and ambitious, and expresses a shared commitment and determination to see an end to the use of rape and sexual violence as weapons of war. In line with PSVI, it has a clear focus on tackling impunity and accountability, but also contains a set of wider political and practical commitments. It sends an important message to the victims of these crimes that the international community has not forgotten them, and to perpetrators that they will be held to account. To date 137 countries have endorsed the Declaration.

As the next stage in this campaign, the Foreign Secretary and UNHCR Special Envoy Jolie will co-chair a global summit in London from 11-13 June next year. The states that have endorsed the Declaration, together with legal, military, civil society and humanitarian representatives from around the world, will be invited. The summit will also be open to civil society and members of the public. There will be a large fringe, enabling events on conflict prevention, women’s rights, international justice, and business and human rights throughout the summit. We will run simultaneous events in our Embassies and High Commissions on every continent so that this is not only a summit in London, but an international global event.

We intend it to be the largest summit ever staged on this issue, which brings the world to a point of no return, creating irreversible momentum towards ending warzone rape and sexual violence worldwide. We will ask all the countries present to make real practical commitments, for example, to revise their military doctrines and training and operations on peacekeeping missions, and to commit new support for local and grassroots organisations and human rights defenders. We will encourage groups of nations to form new partnerships to support conflict-affected countries, to make this a priority in their Foreign Ministries, and to set up their own teams of experts as the UK has done. We will also launch the new International Protocol and ask all countries to ensure its implementation. We will work ahead of the summit to secure even wider endorsement of the UN Declaration and the participation of all the world’s major powers.

**18. We believe that addressing impunity is an essential part of prevention. There is a pressing need for concerted efforts at an international level to develop a recognition of degrading crimes of sexual violence for what they are and to bring to justice those responsible. We believe that to give this aspect of the Initiative particular prominence is a strength rather than a failing. (Paragraph 75)**

We are grateful for the FAC’s comments. The Foreign Secretary has been clear from the outset that more must be done to shatter the culture of impunity for crimes of sexual violence in conflict and that accountability for perpetrators must become the norm rather than the exception.

**19. We strongly welcome the formation of the Team of UK Experts and support its work in helping to build national capacity in investigating allegations of sexual violence, gathering evidence and supporting those who have suffered. Demands upon the Team’s expertise may in time grow beyond its current capacity, and we recommend that the Government should encourage other countries to contribute skilled personnel and funding to support the Team’s work. (Paragraph 78)**

We welcome the FAC’s comments on the UK Team of Experts and agree with the recommendation. The capacity of national judicial, criminal and legal bodies to deliver

justice, improve accountability and prosecute perpetrators of sexual violence crimes remains weak in a number of countries. In his Statement to the House on 28 November 2013 the Foreign Secretary made clear that we would encourage other countries to consider setting up their own teams of experts.

However, increasing the pool of available international expertise is only part of the solution to this challenge. The deployment of UK or international expertise can play an important role in building capacity, including on how to gather evidence. But for this to be really effective it must complement and support wider reform in the security and justice sectors. Such reform involves policy, legislative and institutional changes as well as improvements in professional capacity.

Therefore, in parallel with UK efforts we would encourage other countries to consider how they can fund or contribute to the pool of international expertise available to support states to build national capacity, including supporting the deployment of local or regional expertise where appropriate.

### ***Legislation outlawing violence against women***

**20. The act of passing legislation outlawing violence against women is not a ‘big step forward’—as has been claimed—if the legislation is not implemented. The FCO’s pragmatic approach towards securing better implementation of the law in Afghanistan and elsewhere is understandable, but we are not as optimistic as is the Minister that progress will be made in Afghanistan once ISAF troops have withdrawn: if anything, we believe that a reversal is more likely. Many assurances have been given by the FCO over the years about its support for women’s and girls’ rights in Afghanistan: the emphasis should now be on ensuring that gains made so far are not reversed. The FCO, in its response to this Report, should explain how it plans to achieve this. (Paragraph 83)**

We recognise that women in Afghanistan continue to face significant challenges and that these challenges may increase. We agree that it is vital that gains made on women’s rights in Afghanistan are not lost. The Government’s work to improve the situation for Afghan women is a cross-Whitehall effort, supported by a wide range of projects and programmes. We regularly press the need to ensure the protection of women’s rights with the government of Afghanistan, at all levels, both publically and privately, and will continue to do so with the new government when elected next April. We also discuss this issue with other leading figures such as Afghan parliamentarians, other political parties, wider Afghan authorities, and religious and community representatives. We have made clear to the government of Afghanistan that any Afghan-led political settlement must protect the progress made and respect Afghanistan’s constitutional framework, including the protection of women.

We also agree that it is important that laws and national programmes to protect Afghan women are fully implemented. The Tokyo Mutual Accountability Framework (TMAF) sets out a commitment to uphold progress on women’s rights, including their participation in the 2014 elections, and the implementation of the Elimination of Violence Against Women law and the National Action Plan for Women. The TMAF Senior Officials meeting to review progress on reform and aid commitments took place on 3 July and included representatives from Afghanistan’s Cabinet, Parliament and civil society. The UK made clear that we will continue to hold the Afghanistan government to account on these commitments. At the Afghan government’s request, the UK will co-chair the first ministerial review of progress against the TMAF in 2014,

and will play a key role in ensuring that commitments made are met and both parties are held to account.

The government of Afghanistan reaffirmed its commitment to implement the reforms agreed under the TMAF at the second meeting of the Joint Commission in Kabul on 6 November. The Joint Commission, co-chaired by the Rt Hon Senior Minister of State, Baroness Warsi, and Afghanistan's Deputy Foreign Minister, Ershad Ahmadi, was set up to review implementation of the UK-Afghanistan Enduring Strategic Partnership (ESP). The ESP includes a shared commitment to peace, democracy, respect for human rights and the rule of law. During the meeting the Ministers underlined the importance of upholding historic gains in all areas since 2001, including human rights, education and health. The next Joint Commission will take place in 2014. We will continue to support the government of Afghanistan in the implementation of this long-term partnership.

During her visit to Afghanistan on 5-6 November, Baroness Warsi also met female parliamentarians to discuss the challenges facing them. The Minister reaffirmed the UK's commitment to supporting the Afghan parliament and women's political participation, both as candidates and voters, in the electoral process in 2014 and 2015.

The Government will continue to support civil society organisations in Afghanistan through the DFID-funded Tawanmandi programme. The programme includes a specific focus on women's rights and supports building advocacy capacity, with projects dealing with women's access to justice and tackling gender-based violence. To date, 66% of total grants awarded either focus specifically on gender issues or have a strong gender component incorporated in to the project. Funding on this programme will continue in to 2016. We are also providing £500,000 this year to support the work of the Afghanistan Independent Human Rights Commission, helping it to protect progress made on human rights, including women's rights.

On 26 November, the Secretary of State for Development met President Karzai of Afghanistan, and raised concerns about reports of the possible reintroduction of execution by stoning. On 28 November, President Karzai said in an interview with Radio Free Europe that the Afghan Minister of Justice had rejected the proposal, and stoning would not be reintroduced.

We will continue to seek out all available opportunities to make progress on this issue and will work with Afghan and international partners to consolidate gains made.

### ***Children's human rights***

**21. We continue to believe that the FCO should do more to gain the confidence of children's rights groups in its human rights work. As a relatively simple step, we recommend that the Foreign Secretary appoint a child rights expert to his Advisory Group on Human Rights: this would provide reassurance to children's rights groups that the FCO is alert to the particular demands of supporting children's human rights worldwide. (Paragraph 86)**

The protection and promotion of children's rights, including those of children in armed conflict and children at risk of abduction, are an integral part of the FCO's wider international human rights agenda.

We work to advance universal standards on children's rights internationally through the UN and other international institutions, such as the EU's working group on human



rights. The UK co-sponsored the Rights of the Child resolution at the Human Rights Council in March.

The composition of the Foreign Secretary's Advisory Group on Human Rights is kept under continuous review, and we will certainly bear this recommendation in mind for the future. The membership is based on ensuring that we draw on a wide spread of experience while keeping the group a manageable size. While there is no representative from a child rights-specific organisation in the group at present, many - if not all - of the group's members are familiar with child rights issues.

### ***Freedom of expression in broadcast media***

#### **22. It is clear to us that the existing structure for international telecommunications regulation is poorly suited to dealing with more political disputes concerning media freedom. (Paragraph 96)**

The existing structure for international telecommunications regulation is not intended to deal with political disputes concerning media freedom. The International Telecommunication Union (ITU) is the UN agency responsible for international telecommunications regulation. The ITU manages the Radio Regulations, an international treaty. The ITU's Radio Communication Bureau applies agreed Rules of Procedure in overseeing the provisions of the Radio Regulations and registering frequency assignments made by Member States. The Radio Regulations Board (RRB) addresses matters referred by the Radio Communication Bureau which cannot be resolved through application of the Radio Regulations and Rules of Procedure. These matters can include the intentional jamming of radio and television broadcasts. The RRB also considers reports of unresolved interference investigations carried out by the bureau at the request of one or more administrations and formulates recommendations. The ITU and the RRB do not have mandates to consider issues pertaining to content. Policy discussion concerning media freedom rightly takes place elsewhere, for example in the Human Rights Council, the UN General Assembly, the Council of Europe or OSCE.

#### **23. Effective solutions to the problem of jamming of radio and television broadcasts lie principally with satellite providers, which have a commercial interest in ensuring that the services which their satellites carry reach their audience unimpeded. We encourage all providers, not just those suffering jamming, to recognise the value of investing in technology which protects broadcast signals from interference. Given that national interests are involved, we see a role for the Government in encouraging a concerted approach by satellite providers. (Paragraph 98)**

The Government supports work by the BBC World Service to encourage satellite providers to adopt technology that can counter uplink jamming. The Government will continue to work with international partners and the BBC World Service to take action to remove restrictions and to protect the right to seek and receive information through any media platforms, as stipulated in Article 19 of the International Covenant on Civil and Political Rights.

#### **24. At a time when delivery of broadcast services is moving inexorably from old platforms to new ones, from short-wave radio services to television and to new media, the BBC needs to think sooner rather than later about what scale of investment will be needed in order to preserve open access to its internet-based services for international audiences. In the short term, while the**



**technologies are relatively experimental and unproven, a collaborative approach with other broadcasters would seem to be the most economically viable option. (Paragraph 101)**

The UK strongly supports an open internet, accessible by all, which enables freedom of expression. Too many governments, particularly in authoritarian regimes, are blocking online services and content. Such actions either directly restrict freedom of expression or create a broader chilling effect. To help combat this, the UK has also contributed £500,000 to the Digital Defenders Partnership (DDP) Fund, established in September 2012 by the US, Netherlands and UK. The DDP aims to protect freedom of expression by offering rapid release grants to help keep the internet open when governments attempt to shut it down, e.g. by funding equipment or alternative infrastructure.

The nature of Distributed Denial of Service (DDOS) attacks makes attribution extremely challenging: it can often be very difficult to trace those responsible, and we believe it could be seen as confrontational and counterproductive to accuse states in particular without clear and disclosable evidence. But our message is clear: deliberate or coordinated jamming and slowing down of the internet is unwelcome, unnecessary, and can not only affect the intended target, but have indiscriminate knock-on effects on other users. We believe that deliberate DDOS attacks are essentially criminal in nature and should be dealt with appropriately under existing national and international legislation.

The Government supports work by the BBC World Service to co-ordinate activity to counter internet blocking with international broadcasters from the US, France, Germany and the Netherlands.

**25. The right of access to information, across borders, is fundamental. As we have pointed out on numerous occasions, the BBC World Service makes a huge contribution to the projection of the UK, its values and strengths, across the world. It would be astonishing if that work were to be diminished purely because the BBC lacked the resources to protect its broadcasts from interference by states where tolerance and freedom of expression are not entrenched. We urge the BBC, as the future funder of the BBC World Service, to recognise in future funding plans the need to provide the resources necessary to afford that protection. (Paragraph 102)**

It is for the BBC to comment upon its future investment plans for the World Service.

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

**26. We welcome the publication by the Government of an action plan on business and human rights and commend it for enabling the UK to be the first country to set out guidance to companies on integrating human rights into their operations. (Paragraph 106)**

We are pleased that the FAC welcomes the publication of the action plan that sets out our position on business and human rights. It embodies our commitment to protect human rights by helping UK companies understand and manage human rights. This paper marks the start of the UK's work on implementing the UN Guiding Principles; we will work for widespread international uptake and implementation of the Principles. We will report back on progress each year in the FCO's Annual Report on Human Rights and Democracy. We have committed to bringing out an updated version of the action plan by the end of 2015.

## ***Export controls***

**27. The FCO should not simply sit back and allow UK commercial interests to proceed without restraint in developing and exporting equipment and software which, although not subject to export controls under the EU Dual Use Regulation, could nonetheless limit or punish freedom of expression on the internet. Drawing up guidance on the issue for businesses is a welcome step; but the FCO, together with the Department for Business, Innovation and Skills, should also be following closely the development of such equipment and should be ready to intervene by controlling exports if there is obvious potential for abuse by end-users. We recommend that the FCO, in its response to this Report, should indicate what mechanism the Government has in place to maintain its awareness of product development in this field and exports of such products. (Paragraph 111)**

We share the FAC's concern about the potential risk of misuse of cyber capabilities originating in the UK. We agree that the commercial benefits to the UK's cyber industry need to be weighed against the potential costs to human rights and security. In our view, an internationally agreed and implemented control list is the most effective and efficient means of controlling exports of concern, but we are also taking action on other fronts.

The UK has supported proposals for an extension of the Wassenaar Agreement to incorporate systems that can be used for the surveillance of Internet traffic, and the participating states should reach a verdict on this proposal soon. If accepted, these new controls would be implemented across the EU through the EU Dual-Use Regulation. The Government monitors the development of cyber capabilities closely and stands ready to propose further amendments to the Wassenaar Agreement.

In the context of the Government's Action Plan on Business and Human Rights, officials are working with industry to help it develop guidance for UK cyber exporters to carry out their own due diligence on whether a particular export would be in breach of a company's human rights responsibilities.

The Government is also developing guidance for officials to raise awareness of the risks of cyber exports (including the risk to human rights) and ensure that officials carry out due diligence when developing governmental-level commercial and security relationships overseas.



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