



HUMAN RIGHTS

United Kingdom

Foreign & Commonwealth Office

Annual Report 2005

Objectives of the Annual Report on Human Rights

When this Government took office in 1997, former Foreign Secretary Robin Cook undertook to publish an annual report on the FCO's work to promote human rights overseas. This is the eighth such report.

This report covers the period from September 2004 - end June 2005. It provides an overview of the main challenges to human rights around the world and explains the Government's activities and policies to address those challenges.

The Annual Report on Human Rights is not intended to provide an exhaustive analysis of the human rights situation in every country in the world. This is already available from many other sources. Nor is this report intended to provide an exhaustive description of all the Government's activities to promote human rights abroad.

The FCO Annual Report on Human Rights is published as a Command Paper and is laid before Parliament. It incorporates comments and recommendations we have received over the last year from the House of Commons Foreign Affairs Committee and from a number of human rights non-governmental organisations (NGOs). It is intended to provide detailed information for Parliament and other specialised readers outside Government on the FCO's activities over the past year to promote human rights abroad. At the same time we want this report to be accessible to non-specialist readers who have a general interest in foreign policy or human rights. But whoever the reader, the report has the same objective: to provide those outside the Government with a tool to hold the Government to account for its commitments.

If you would like to know more about our work please write to us at the following address:

Foreign and Commonwealth Office
King Charles St
London SW1A 2AH

This report and further information about the Government's foreign policy are available on the FCO website at www.fco.gov.uk

Front cover

Top left. Iraqis queue at a polling station in Basra, defying threats of violence and calls for a boycott in Iraq's first free election in 50 years.

Top right. Lebanese flags waving during a rally in Martyrs' Square in downtown Beirut, 7 May 2005.

Bottom right. Presidential contender Viktor Yushchenko addresses a crowd in central Independence Square in Ukraine's capital Kiev.

Bottom left. A truck of the Afghan Joint Electoral Management Body is decorated with election posters in Kabul. Afghans hope to contest the parliamentary elections - the country's next key step toward democracy after over 25 years of war.



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Annual Report 2005

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty July 2005

Cm 6606 £29.50

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Foreign Secretary's

Foreword

Over the last year, human rights have been as high on the international agenda as at any time since the fall of the Berlin Wall. People from Iraq and Afghanistan to Ukraine, Kyrgyzstan and Lebanon have shown their resolve to choose how and by whom they are governed - often defying violence and intimidation to do so. The demand for accountable government, reform and modernisation is growing across the Middle East and indeed around the world. There are encouraging signs that the people of Africa can tackle poverty, conflict and disease not just with help from outside, but crucially through the spread of human rights, democracy and good governance across that continent.

To set out these developments is in no way to neglect the continuing, widespread abuses of human rights around the world. The events in Andizhan, in Uzbekistan, showed the high price some peoples pay for trying to make their governments listen. This report, though it cannot be exhaustive, details many of the abuses of human rights around the world, and makes clear both our condemnation and our determination to work for improvements. There is an enormous amount to do.

Both the positive and negative developments described in this report reinforce three core beliefs, which underpin the United Kingdom's commitment to promoting human rights, democracy and good governance around the world.

First, the desire for such basic human freedoms is universal and not limited to any one culture, faith or region.

Second, it takes time and long-term commitment for these aspirations to be fully achieved. Entrenching democracy, the rule of law and sustainable development requires stable

institutions, respect for fundamental freedoms, for economic and social rights, and for the rights of minorities, women and other marginalised groups. This report describes the work we are doing in these fields around the world.

The third belief, which underlies our work, is that these rights and values are the only lasting foundation for wider security, justice and development. Where people enjoy human rights, the conditions exist in which they can build a better future for themselves and their communities; but where human rights are ignored or abused, lasting stability or prosperity seldom take root. So in helping others to achieve the rights and freedoms which we ourselves enjoy, and which all desire, we are also acting to create the greater global security and prosperity on which the United Kingdom's own safety and well-being rely.

That work will remain at the heart of this Government's foreign policy. I commend this report.

Peter Benenson 1921-2005

Peter Benenson, the founder of Amnesty International died on 25 February this year at the age of 83.

Shocked by an article about two students in Portugal, who had been imprisoned for drinking a toast to freedom, he set up a one-year campaign in 1961 on behalf of those and other prisoners of conscience. His unique and central idea was to allow ordinary people to act on behalf of victims of such injustices. This remains at the heart of the organisation he inspired, one that was to become more instrumental in putting human rights on the international agenda than any other. His one-year campaign turned into an unstoppable force that was to become Amnesty International.

At a ceremony to mark Amnesty International's 25th anniversary, he lit the organisation's symbol, a candle entwined in barbed wire with the words that will always haunt human rights work:

“the candle burns not for us, but for all those whom we failed to rescue from prison, who were shot on the way to prison, who were tortured, who were kidnapped, who ‘disappeared’. That is who the candle is for.”

Peter Benenson's passion for fighting injustice went wider. His activities included work on adopting orphans from the Spanish Civil War, bringing Jews who had fled Hitler's Germany to Britain, observing trials as a member of the Society of Labour Lawyers, co-founding 'Justice' and establishing a society for those with coeliac disease. But his memory will be as Amnesty's founder, and his outstanding legacy will be the principle with which he founded it: of empowering civil society to take peaceful action against gross injustices, mostly carried out by governments around the world, with countless remarkable successes.

Universal Declaration of Human Rights

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

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

Preamble

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

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

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

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

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

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

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

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and

education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

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

Article 2

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

Article 3

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

Article 13

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

Article 14

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

Article 15

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

Article 16

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

Article 17

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

Article 18

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

Article 19

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

Article 20

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

Article 21

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

Article 22

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

Article 23

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

Article 24

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

Article 25

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

Article 26

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

Article 27

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

Article 28

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

Article 29

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

Article 30

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

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*"Please use your liberty
to promote ours."*

Aung San Suu Kyi
www.dassk.com



A portrait of Aung San Suu Kyi, placed by a cake to mark her 60th birthday, 19 June 2005. She has spent over nine years in detention. Foreign Secretary Jack Straw repeated calls for the Burmese authorities to release her and the 1,300 other political prisoners in the country.

Overview

1.1 Introduction

In this year's Annual Report, we highlight the UK's main activities and programmes in the field of human rights over the past year. We explain our concerns about certain countries and regions with the most serious human rights problems and our views on the most pressing and challenging thematic issues facing us today. We assess the impact of our work and look ahead to how we intend to pursue these issues over the next 12 months.

We have decided to publish this year's report slightly earlier than usual, due to the UK's Presidency of the European Union (EU) from July - December 2005. This report therefore covers a shorter period, from September 2004 - June 2005. Yet in this time we have witnessed some dramatic developments in human rights around the world, both positive and negative.

On the positive side, we have seen the powerful appeal of democracy in action as peoples from countries as diverse as Ukraine, Afghanistan, Iraq, Namibia and Uruguay have exercised their right to select their own governments. We saw the consolidation of democracy in Indonesia, which held its second peaceful election and its first-ever direct election for the presidency since Soeharto's downfall in May 1998; and in South Africa, which last year celebrated the 10th anniversary of the overthrow of apartheid.

We were also encouraged by the first stirrings towards more participatory governance in parts of the Middle East, such as Saudi Arabia, which held municipal elections for the first time; Egypt, which announced it would allow contested presidential elections; and Kuwait, which in May 2005 granted the franchise

to women. The election of a new Palestinian president and the Israeli commitment to disengage from Gaza gave new hope for the people in Israel and Palestine. The demonstrations in Lebanon after the assassination of former Prime Minister Hariri were further testament to the desire of the people in the Middle East to determine their own leaders.

India and Pakistan's ongoing efforts at engagement have had positive repercussions for the people of Kashmir, including the reintroduction of an intra-Kashmiri bus link. We witnessed continuing improvements in human rights in Turkey, whose progress was sufficient to secure agreement at the European Council in December 2004 to start EU accession negotiations in 2005.

The global trend towards abolition of the death penalty was reinforced by decisions in Senegal, Tajikistan, Kyrgyzstan and the Philippines to renew or extend moratoria, or outlaw the death penalty altogether. In a landmark ruling, the US supreme court pronounced that execution of minors under the age of 18 was contrary to the US constitution. But perhaps the most remarkable event of the period of the report was the UN's adoption of Security Council Resolution 1593 on 31 March 2005 referring the situation in Sudan to the International Criminal Court (ICC). This resolution, which the UK co-sponsored, was the first-ever Security Council referral to the ICC and represented a major step forward in the development of international justice and the fight against impunity.

But on the negative side we saw a deplorable step backwards for democracy in Nepal where King Gyanendra dismissed the country's government in February 2005 and assumed direct control, declaring a state of emergency. In Zimbabwe, Belarus

and Turkmenistan, the authorities continued to stifle demands for truly representative government. These countries all held elections that were widely regarded as flawed. There was no progress in some of the countries with the worst human rights records, such as Burma, the Democratic People's Republic of Korea (DPRK) and Cuba. There were no breakthroughs on human rights in either China or Iran despite our continuing efforts at dialogue bilaterally or with the EU. The human rights situation in Uzbekistan took a serious turn for the worse with the authorities' brutal crackdown in May 2005 on demonstrators in the town of Andizhan. It is feared that over 500 people may have been killed. At the time of going to press Uzbekistan had still not allowed an independent enquiry into the events. Ongoing conflicts in Chechnya, the Great Lakes region and in Colombia continued to have a devastating impact on civilians. Torture, violations of other fundamental rights, such as freedom of expression, assembly and association, repression of human rights defenders and abuse of women, children and other vulnerable groups remained widespread around the world.

Chapter 2 describes the events and UK activities in the countries and regions of most concern in more detail. While we welcome the positive developments, the scale and severity of the remaining problems mean there are no grounds for complacency. The events of the past year epitomise both what we can achieve when the international community acts robustly in support of the victims of human rights abuses and the limits of what we can achieve when a government is unable or unwilling to address human rights violations on its territory. This underscores the importance of strengthening the international human rights machinery as well as mustering the political will to act on human rights, so that the international community does not sit idly or helplessly by in the face of massive violations of human rights.

With that in mind, this report gives particular prominence in Chapter 3 to our work with EU partners, as we take on the Presidency of the EU from July 2005. The UK firmly believes that we can be most effective when we work in concert with our European partners. We hope to use our EU Presidency to enhance EU cooperation and, in particular, to improve the delivery of the EU's existing workload. This will include coordinating strong EU positions on human rights issues at the Third Committee of the UN General Assembly, taking forward human rights dialogues with China and Iran and seeking effective implementation of the EU Guidelines on the death penalty, torture, children and armed conflict and human rights defenders. We will work closely with the newly appointed Personal Representative on Human Rights, Michael Matthiessen, to achieve greater continuity and consistency in the EU's approach to human rights.

Much work needs to be done to strengthen the international human rights machinery, centred in the UN, which is currently constrained by politicised debate, lack of resources and too much focus on standard setting rather than implementation. There is a particular question mark over the ability of the Commission of Human Rights (CHR) to function as its founders intended. As former Foreign Office Minister Bill Rammell said at the high-level segment of CHR 61: "Too often this Commission opens itself to charges of politicisation and discord. Too often, regrettably, members of the Commission have seemed more focused on averting action than on fulfilling its mandate to promote and protect human rights."

Chapter 4 expands on our work and goals in the United Nations (UN) as it grapples with how to confront the new challenges facing the world. The UN identified these challenges in its High Level Panel Report *A More Secure World: Our Shared Responsibility* and the UN Secretary-General's subsequent report *In Larger Freedom*. We welcome the emphasis in the Secretary-General's report on the importance of human rights within the UN system and hope that the debate on UN reform will lead to improvements in the international human rights system.

We also believe there are grounds for optimism in the growing understanding and acceptance of the links between security, development, democracy and human rights. We agree with the statement of the UN Secretary-General in his report *In Larger Freedom* that "we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights". There is a particularly strong relationship between security and human rights, since violations of human rights (for example, discrimination against minorities or denial of vital economic and social rights, such as the right to food, health or education) are often the precursor to armed conflict. Some of the worst human rights abuses against vulnerable groups, such as refugees, women and children, take place during the course of a conflict, as we have seen in the Great Lakes region and in the Darfur region of Sudan. The UK Government has taken a strong lead in efforts to reduce the effect of armed conflict on civilians by announcing its support for an international Arms Trade Treaty covering all conventional weapons. Developing a culture of respect for human rights is also an essential element of any successful post-conflict reconstruction strategy. Chapter 5 explores the links between human rights and conflict and the UK's actions in this area in more detail.

There is an equally vital relationship between human rights and development. People cannot meaningfully enjoy their human rights if they have no access to essential health care when faced with epidemics like HIV/AIDS, are unable to find work to sustain

themselves and their families or are living in absolute poverty. But sustainable development is hard to achieve in a country where the government routinely abuses human rights and is unable or unwilling to govern in the best interests of its citizens. Chapter 6 addresses our work on economic, social and cultural rights, including the relationship between sustainable development and human rights. We explain the FCO's new Sustainable Development strategy, launched by the Foreign Secretary Jack Straw in March 2005. The UK has taken a strong lead on the issue of human rights and globalisation and fair trade and played a major role in achieving consensus on a resolution on business and human rights at this year's CHR.

In Chapter 7 we address the range of human rights issues that fall under the broad heading of the rule of law. This chapter covers the UK's work on prison reform, torture and the death penalty. We address the role of security forces and the police in upholding the rule of law and our support of human rights defenders around the world. Chapter 7 also covers the issue of human rights in the context of the fight against terrorism. The UK is convinced that respect for human rights is an essential element of an effective counter-terrorism strategy. We maintain our total opposition to torture and actively combat it around the world.

In Chapter 8 we explore the links between human rights and democracy. Democracy is a precondition for a true human rights culture, since only governments appointed through regular, free and fair elections are truly accountable to their people. In addition, human rights, such as freedom of information, expression, association and assembly, respect for the rights of minorities, non-discrimination and respect for the rule of law, are also essential attributes of democracy. Without these additional elements, elections can create the outward appearance of democracy but simply consolidate the power of undemocratic regimes in practice, as witnessed in Zimbabwe earlier this year.

1.2 Human rights in the FCO

The remainder of this chapter describes how we approach human rights within the FCO, including our new three-year work programme on human rights, democracy and good governance, our work with Non-Government Organisations (NGOs) and other expert partners and our project work. This includes examples of how human rights considerations are built into project work in fields not directly related to the promotion of human rights, such as counter-terrorism and counter-narcotics, and how human rights are mainstreamed into work on other FCO priorities, such as arms export licensing and consular work.

FCO Strategy on Human Rights, Democracy and Good Governance

On 14 March 2005, in parallel with the launch of the new FCO Sustainable Development Strategy (see Chapter 6), the FCO finalised a three-year work programme on human rights, democracy and good governance. The two strategies are designed to take forward work on Strategic Priority Six (SP6) of the FCO's current 10-year strategy, which calls for "sustainable development, underpinned by human rights, democracy and good governance". We also established a Sustainable Development project programme to fund activities contributing to SP6 (see page 18).

We developed the programme in consultation with our desks and posts around the world and our NGO and other expert partners. The programme is not a detailed blueprint for human rights in every country and region; it offers an overview of the rationale for our approach, our main strategic goals and how we will use the tools available to us for this purpose.

The work programme will concentrate our efforts in the next three years on the following strategic goals:

- Further promote effective mainstreaming of human rights, democracy and good governance issues in the FCO, as the



GOF funded a project to train middle-ranking Chinese police officers in preventing misconduct.

best way to ensure these are addressed rigorously and in the context of our overall policy towards particular countries or regions of concern.

- Strengthen the UN system as the key forum for protecting human rights.
- Work with EU partners through the EU and within the Organisation for Security and Cooperation in Europe (OSCE) and Council of Europe to ensure an effective European contribution to human rights, democracy and good governance.
- Assist the Overseas Territories to fulfil their international human rights obligations/commitments.
- Promote three key human rights themes:
 - ▷ combating torture;
 - ▷ abolition of the death penalty; and
 - ▷ rights of the child.
- Support four key elements of democracy:
 - ▷ fair electoral processes, including through support for effective international electoral observation missions and follow-up;
 - ▷ development of pluralist political systems and effective parliamentary institutions;
 - ▷ encouraging the development of the Community of Democracies to support the global spread of democracy; and
 - ▷ freedom of expression, including support for free media.
- Support three key elements of good governance:
 - ▷ participation of civil society in decision making;
 - ▷ a common approach to good governance in international bodies and helping to mainstream good governance in development cooperation; and
 - ▷ the rule of law.
- Support partnerships with NGOs, human rights defenders and professional bodies.
- Use public diplomacy to raise public awareness and improve understanding of our policies.
- Use project funds strategically.

The strategy also explains that, while we will raise human rights concerns wherever they occur around the world, we will focus on countries falling within three distinct categories:

- i. Countries which fall short of even the most basic notions of democracy and where the most egregious human rights violations occur, such as North Korea, Burma and Cuba.
- ii. Regions or countries in transition and/or where there are systemic human rights challenges, such as Central Asia, the Middle East, China, Kenya or Indonesia, where strategic interventions can make a measurable difference in helping to ensure or consolidate change in the right direction.
- iii. Countries that, for the most part, are democratic and have a good record on respecting human rights and good governance but where there are specific thematic concerns, such as the death penalty.

More details of the strategy are on our website: www.fco.gov.uk.

The FCO and civil society

While the primary responsibility for promoting human rights, democracy and good governance lies with governments, civil society can play a vital role. The FCO has a strong and close relationship with civil society in the UK and through our posts around the world. We conduct formal and informal exchanges with NGOs, such as community and campaign groups, academic experts, research bodies and human rights legal experts. FCO officials and NGO representatives meet, email and speak on the phone on a daily basis. On more formal occasions we invite up to 60 organisations to the FCO to discuss forthcoming inter-governmental meetings. Since August 2004 these have included NGO meetings hosted by former Foreign Office Minister Bill Rammell before the OSCE Human Dimension Meeting in Warsaw (October 2004) and the Human Rights Commission in Geneva in March/April this year. NGOs present their views before and

**Ian Pearson MP, the
Foreign Office Minister
with responsibility for
human rights.**



The Inter-Parliamentary Union (IPU) is the worldwide organisation of parliamentarians working for peace and cooperation among peoples. The IPU cooperates with parliaments around the world in encouraging democratic principles and practices. The FCO works closely with the all-party British Group of the IPU, comprising 1,093 MPs, Peers and associates.

The IPU hosts delegations from foreign parliaments to the UK. A dedicated officer in the FCO's Parliamentary Relations and Devolution Team acts as the link with the British Group of the IPU. The officer helps foreign delegations to meet British ministers and officials to discuss matters of common interest, or for FCO ministers to raise matters of concern, especially human rights. The officer attends IPU Assemblies overseas to advise the UK delegation.

The British Group is very active in supporting the rights of foreign parliamentarians whose civil rights have been infringed. Ann Clywd MP sits on the international IPU Committee on the Human Rights of Parliamentarians and is also President of the British IPU Group.

Over the past year the IPU has raised the case of Zimbabwe and of Kurdish members of parliament whose rights have been curtailed. At the 112th IPU Assembly in Manila in April 2005, the British delegation raised the rejection of 30 per cent of sitting members of the Iranian parliament at a bilateral meeting with the Iranian delegation. The British Group also raised the issue of democracy and human rights in Burma with the Association of Southeast Asian Nations and other countries during the Manila Assembly.

IPU activities complement and support many FCO objectives, particularly in promoting democracy and encouraging bilateral contacts. In many cases contact is with the speakers of parliaments who are part of, or closely connected to, the governmental structures of their countries. We also complement IPU activities on human rights through contacts with ministers and departments and through representations made by our Embassies and High Commissions overseas.

during the meetings and have a chance to discuss and influence the UK's positions. We consult NGOs and academics before and after our bilateral dialogues with China. On occasion, we invite civil society representatives to participate in *ad hoc* round-table discussions on countries of concern. In the past year, this has included discussions on DPRK, China and Turkmenistan.

We consider our relationship with civil society as vital to promoting and developing human rights, democracy and good governance policy. Our exchanges are robust and honest; the different perspectives stimulate policy formulation and force us to analyse and justify our positions. It may not always be comfortable for us, but it is an important part of holding Government to account.

Our work and support for civil society organisations abroad promote similar opportunities for them to influence and hold their own governments to account, particularly in countries where the usual democratic channels do not exist. Through the Global Opportunities Fund (GOF) and its predecessor the Human Rights Project Fund, we have supported dozens of organisations worldwide (see Annex 2). We demonstrate our support in other ways, for example, by facilitating meetings between NGOs, academics and government officials, or attending public events arranged by NGOs.

NGOs provide us with valuable research and analytical material on human rights. Government departments do not have the resources for such detailed research in every country and we rely on information from reputable organisations. We use such input in formulating general policy as well as for specific issues

such as export licence applications for arms sales. Our posts overseas value information from NGOs, particularly when raising individual cases with host governments.

Human rights training

We involve civil society in our human rights training for FCO officials. Amnesty International played a founding role in establishing a regular, one-day human rights training course in the early 1990s and continues to deliver some of the course. As part of our mainstreaming work to increase understanding and awareness of human rights issues among FCO officials, we now hold a specialised two-week training course run by the Courts and Tribunals Department of University College, London, twice a year. Human rights academics, lawyers and NGOs teach on the course, which has now run for three years and is one of our most successful courses. We encourage all staff whose jobs include human rights to take the course. Essex University's Human Rights Centre runs another one-day course at the FCO on government responsibilities under the UK's Human Rights Act 1998, six times a year. Human rights is also covered in the FCO's regular course on counter-terrorism.

Human rights panels

Our thematic human rights panels provide another forum for policy discussion and influence. The panels comprise representatives from NGOs, academic departments, trade unions, the media and legal practices. The panels meet and keep in touch to assist our policy formulation on thematic issues of concern. We currently have panels on freedom of expression, child rights, the death penalty, torture, the rule of law and freedom of religion. During our Presidency of the EU we hope to

work particularly closely with members of the freedom of expression panel, in preparation for the EU NGO forum in December 2005 which is concentrating on freedom of expression (see page 100).

1.3 Human rights project work

The Global Opportunities Fund

The Global Opportunities Fund promotes action on global issues in areas of strategic importance to the UK. The projects are coordinated through six thematic programmes:

- Sustainable Development (previously the Human Rights, Democracy and Governance Fund).
- Engaging with the Islamic World.
- Reuniting Europe.
- Economic Governance (previously Strengthening Relations with Emerging Markets).
- Counter-terrorism.
- Climate Change and Energy.

Four of the six programmes include human rights, democracy and governance as one of their key objectives. Three of these – Engaging with the Islamic World, Reuniting Europe and Economic Governance – all have a limited geographical scope and focus their human rights-related projects on certain issues of specific concern in their focus regions, for example, women's

rights in the Middle East. The fourth, the Sustainable Development programme (formerly the Human Rights, Democracy and Governance Programme) was established in 2004-05 to complement these, replacing the Human Rights Project Fund. It ensures that the FCO is able to continue to support project work on key human rights priorities in other priority countries not covered by the other thematic or geographical FCO programme budgets. Although the Counter-terrorism programme does not have an explicit human rights objective, in practice some of its projects have also had a significant human rights dimension. With the growth of the budget of the GOF in 2004-05, the total amount spent on human rights in 2004-05 grew considerably compared with 2003-04, as the table below illustrates. It is projected to grow even further in 2005-06. The figures shown refer only to expenditure on projects supporting human rights, democracy and governance.

GOF Sustainable Development Programme

As noted above, in the period covered by the report the FCO restructured its project funds, including the main thematic programme funding human rights. In 2004-05 the programme was entitled "Human Rights, Democracy and Good Governance", had a budget of £3.5 million and supported work on key human rights themes around the world. For 2005-06 we have redesigned the programme to align it directly with the FCO's strategic priority 6 (see page 15). The new programme –

Global Opportunities Fund spend on human rights

	2001-02 (£m)	2002-03 (£m)	2003-04 (£m)	2004-05 (£m)	2005-06 <i>projected</i>
Human rights project fund*	6.6	7.4	8.1	2.4	0.5
Global Opportunities Fund					
Sustainable Development**	•	•	•	3.5	3.5
Engaging with the Islamic World	•	•	1.2	3.3	5.0
Reuniting Europe	•	•	1.3	2.6	3.0
Economic Governance ***	•	•	0.7	1.4	2.0
Counter-terrorism	•	•	0.2	0.2	0.5
Total****	6.6	7.4	11.5	13.4	14.5

*Years 04/05 and 05/06 refer to ongoing commitments to multi-year projects agreed in 2002-03 and 2003-04.

**Human Rights, Democracy and Good Governance Programme in 2004-05

***Strengthening Relationships with Emerging Markets Programme in 2004-05

****Does not include project money spent on Human Rights, Democratisation and Good Governance through the Directorate Programme Budgets, Global Conflict Prevention Pools or Westminster Foundation for Democracy.

The table also illustrates the way in which the Human Rights Project Fund (HRPF) has been wound down gradually over three years. The allocations listed in the table for 2004-05 and 2005-06 are the commitments to longer term projects funded initially between 1 April 2002 and 31 March 2004.

renamed the Sustainable Development (SD) Programme - complements the geographically focused work of other GOF programmes, which have human rights, democracy and governance issues mainstreamed throughout their work.

The SD programme aims for a long-term impact in areas where the FCO can make a difference. It will spend most of the 2005-06 budget (£5 million) on project activity in 17 priority countries and one priority region (Argentina, Brazil, Burma, Cameroon, Caribbean Region, China, Colombia, Ethiopia, Guatemala, India, Kazakhstan, Malaysia, Mexico, Nigeria, Russia, South Africa, Thailand and Vietnam). The priority countries were selected following extensive consultation and on these criteria:

- the strategic importance of the country within the context of the UK's sustainable development priorities and broader international priorities;
- where activities are likely to be the most effective;
- where there is a strong likelihood of strategic impact;
- the extent to which FCO funding can add value to the work of other government departments and multilateral programmes, especially the EU; and
- an objective assessment that the issue is of particular concern in that country.

The projects will be concentrated on three broad themes, each of which contains three further priorities:

- Transparency, Information, Participation and Access to Justice:
 - ▷ freedom of expression;
 - ▷ rule of law; and
 - ▷ environmental governance through Principle 10 of the Rio Declaration.
- Core Human Rights Priorities:
 - ▷ combating torture;
 - ▷ child rights; and
 - ▷ abolition of the death penalty.
- Natural Resource Management:
 - ▷ sustainable forest management and reduction of illegal logging;
 - ▷ biodiversity; and
 - ▷ sustainable tourism.

With our posts in the 17 target countries, we select priorities that reflect the strategic importance of each issue in each country. The posts then develop project proposals with implementers.

The remainder of the budget will be spent on support for the project work of the UN Office of the High Commissioner for Human Rights, the UN Environment Programme, the

Organisation for Security and Cooperation in Europe, the Council of Europe and the Commonwealth Secretariat. The programme also covers the production costs of the FCO's *Annual Report on Human Rights*.

Engaging with the Islamic World Programme

The FCO established the Engaging with the Islamic World Programme in 2003. The Group's objectives include support for strengthened governance and freedoms and building better mutual understanding between the West and across the Muslim world, in order to strengthen common values in the shared pursuit of a more just world.

The Team's objectives derive from the conviction that we can help to enhance regional stability and prosperity through more transparent, open and inclusive governance. Increased freedoms and more accountable and responsive governance foster sustainable development and reduce alienation and extremism. By adopting an approach that highlights a common commitment to the principles of human rights and freedoms, we can reduce the ability of extreme minorities to exploit divisions in societies.

The Foreign Secretary Jack Straw spoke on Partnerships for Reform in the Arab World at the Foreign Policy Centre, London, on 1 March 2004; and on Promoting Democracy: A Progressive Foreign Policy Agenda on 10 March 2005 at the Fabian Society, also in London. (See Annex 1.) His speeches stressed our need to develop a partnership with Muslim countries to ensure the benefits of globalisation accrue to all. We must develop common ground and understanding as a means to strengthen cooperation against the challenges we all face.

The Team pursues its objectives through bilateral and multilateral channels and through diplomacy and project work, for which it has a budget of £3.76 million in 2004-05 and £8.71 million in 2005-06. For example, in addition to our dialogue with the Egyptian government on reform we are supporting training for over 700 lawyers in Egypt on international human rights law. We support initiatives to increase the participation of women in the Arab world in public life. The team is helping the UN Development Programme develop projects in response to the findings of the Arab Human Development Report. These include regional programmes on good governance for development, and capacity building for Arab women parliamentarians. (see page 229)

We are working for deeper dialogue and cooperation on human rights and governance issues through the EU under the Strategic Partnership with the Middle East and North Africa agreed last year. The UK's double Presidency of the EU and G8 in 2005 offers opportunities to support regionally led structural reform in the Arab world, particularly in human rights and

governance. The UK's detailed objectives for these Presidencies can be found on the FCO website www.fco.gov.uk.

GOF Reuniting Europe programme

The prospect of EU membership, with the opportunities it offers for growth, security and a role in regional and world affairs, has acted as a powerful incentive for countries to undertake the political and economic reforms required to gain acceptance. The impact has been particularly dramatic in the fields of democracy, governance and human rights: the massive strides taken by new Member States in introducing democratic systems, safeguarding minority rights, developing a free media and more, are testimony to the powerful pull of the EU. The challenge now is to consolidate this legacy of reform and to spread the benefits further into the EU's neighbourhood. The Reuniting Europe programme is at the centre of the UK's support for this process. Worth £3.3 million in 2004-05 and £4.7 million in 2005-06, the programme invests in countries on the path to EU integration, focusing on the areas most crucial in achieving the criteria for EU membership. These include democracy, the rule of law, human rights, justice and home affairs.

In the 10 new Member States the emphasis in the past year has been on enforcing the many legislative changes assimilated in the run-up to accession. The rights of Roma, Russian and other minorities were a particular focus.

Some of the new EU members, justifiably proud of their reform achievements, are keen to work with the Reuniting Europe programme to share their experiences with **third countries**. In 2004-05 Poland became a partner in efforts to promote democracy in **Ukraine** and **Belarus**, while **Estonia** and **Slovenia** collaborated on work in **Moldova** and the western Balkans, respectively. These trilateral projects have had the additional benefits of creating an early habit of cooperation with the new Member States and of promoting better regional dialogue. This is a pattern that we hope to build on in future.

We have focused our support for the candidate countries on

providing practical help to meet the accession timetable. In **Romania** and **Bulgaria** we have focused our governance work on anti-corruption measures and developing robust judicial systems.

For the two other candidate countries, Croatia and Turkey, 2004-05 was a crucial year in demonstrating their human rights credentials to allow the opening of membership negotiations (see pages 104-108). We funded two projects in **Croatia** to assist with reintegration of refugees and internally displaced people. In **Turkey** we offered help in implementing radical legislative reforms. This included a campaign to prevent honour crimes, a project on child rights and a major training programme in international human rights provisions for the judiciary. The project trained 3,200 people and has been credited with a substantial increase in the number of court judgments citing international human rights law. We will build on this activity in 2005-06.

The network of agreements, which the Western Balkans holds with the EU, provides a framework for promoting democratic reform and dealing with the legacy of the region's recent troubled history. Our projects included training on international human rights law for the judiciary in **Serbia** and **Montenegro**, support for disabled rights in **Macedonia** and assistance with re-integration of returnees in **Albania**. In 2005-06 we will focus on social and ethnic integration through the education system and by harnessing the mass media.

Presidential elections in **Ukraine** and **Belarus**, parliamentary elections in **Moldova** and forthcoming local elections in **Armenia** all provided focal points for activity. We provided training for candidates in engaging with the electorate and training for local election observers and exit pollsters. Our support for the monitoring process in Ukraine was particularly successful, providing crucial evidence for pinpointing electoral violations. To develop the habit of democratic participation in a wider context, we have also funded projects in Ukraine to build the capacity of



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1. Lord Triesman is Parliamentary Under-Secretary. His portfolio includes Africa, Latin America, the Commonwealth and consular policy.
2. Dr Kim Howells MP is Foreign Office Minister of State. His responsibilities include the Middle East, Afghanistan, South Asia, counter-terrorism and counter-narcotics.

the media to act as a channel for broader public debate and in Belarus and Moldova to draw young people into political processes.

We will continue some of this work in 2005-06 and beyond, particularly in Belarus, Ukraine and the South Caucasus.

GOF Economic Governance programme (formerly Strengthening Relations with Emerging Markets)

In 2004-05, the Strengthening Relations with Emerging Markets programme supported the efforts of the most important emerging markets countries to strengthen governance in order to achieve sustainable economic growth and development. The 10 priority countries in the programme were Argentina, Brazil, China, India, Indonesia, Mexico, Nigeria, Russia, South Africa and South Korea. All these countries will soon reach a mature stage of development and become increasingly important to British interests over the next decade. Some of them already play a major role in the international system, while others are destined to do so.

The programme focused on a wide range of key themes: economic reform, anti-corruption, corporate social responsibility, building participatory democracy, strengthening civil society, human rights, improving environmental governance and promoting the adoption of new technology. The programme had a budget of £3,203,000 for projects in these fields in 2004-05.

The highest concentration of human rights projects funded under this programme in one country is in Russia. We have focused our efforts in two main areas: prison reform, where we worked with NGOs and the prison authorities to raise awareness of the areas where reform is most required; and greater justice for ethnic minorities and Roma, where our efforts have begun to remove some of the suspicions between ethnic minorities and officialdom and created a better atmosphere of understanding.

The Emerging Markets programme has been replaced by the Economic Governance programme in 2005-06. The reason for this change, as with the creation of the Sustainable Development programme, is to focus each GOF programme on one of the FCO's Strategic Priorities. The Economic Governance programme now supports strategic priority 5 (promotion of the UK economic interests in an open and expanding global economy). Although the main focus of the revised programme is on economic governance, it is continuing to support several projects on participatory democracy, freedom of information and transparency, in recognition of the fact that improvements on these issues make a significant contribution to better economic governance and the fight against corruption.

GOF Counter-terrorism programme

The UK has a capability and experience gained from Northern Ireland and elsewhere, which allows us to help develop the capacity of other countries to counter terrorism effectively.

The objective of our GOF Counter-terrorism programme (GOF CT) is to increase international capacity to counter terrorism and other threats in support of UK bilateral and multilateral security objectives. To achieve this we provide operational counter-terrorism assistance and help countries fulfil their obligations under UNSCR 1373. The UK's counter-terrorism programme has four principal themes:

- **Prevent** the emergence of a new generation of terrorists by tackling the factors which encourage and facilitate radicalisation and recruitment;
- **Pursue** terrorists and those who sponsor them by better understanding terrorist networks in order to track and disrupt them and, where possible, bring terrorists to justice;
- **Protect** the British people and British interests at home and abroad so that we are a harder target; and
- **Prepare** thoroughly to respond to any attack so that we can reduce the consequences if one occurs.

We focus our work on four geographical regions:

- The Middle East and North Africa;
- The East and Horn of Africa;
- South East Asia; and
- South Asia.

The programme's budget for 2004-05 was £6,692,000. During the year we approved 130 new projects for financing under the programme. Typical projects include:

- drafting and implementing relevant legislation;
- measures to strengthen the financial sector against the threat of terrorist financing;
- police investigators trained to tackle terrorist groups more effectively and to secure prosecutions in fair trials;
- security forces being able to resolve hostage situations more effectively; and
- improved coordination within and between countries on counter-terrorism law enforcement.

GOF CT and human rights

In all our GOF CT projects, we make sure that there is no negative effect on human rights. Where possible, our project work improves human rights awareness and compliance. Our training courses are always run to UK standards, mainstreaming human rights into their content and thereby spreading best

human rights practice. Professional training is one of the best ways to encourage adherence to human rights. For example, by developing forensic capabilities we can also help to reduce reliance on confessions and associated mistreatment during investigations of terrorist attacks. In **Cambodia**, GOF CT has provided assistance to draft counter-terrorism legislation in compliance with UNSCR 1456, which requires states to ensure that any measures taken to combat terrorism comply with their obligations under international law. We will invite the UN High Commissioner for Human Rights office in Phnom Penh to comment on the draft legislation. Through Forum-Asia GOF CT has funded a module on policing in a multi-cultural society, which includes principles of community policing in Yala Province in Southern Thailand.

1.4 Mainstreaming human rights in counter-narcotics work

The FCO has a separate project fund (£9.4 million in 2004-05) dedicated to counter narcotics and international crime (though this will also gradually be folded into GOF in the course of 2005-06, and become a separate strand of GOF in 2006-07). The cultivation, production, trafficking and consumption of illegal drugs affect peoples' lives in a variety of harmful ways. Although human rights is not one of the specific objectives of the counter-narcotics programme, our action to tackle illegal drugs does also aim to mitigate these harmful side-effects.

Two regions dominate the supply of hard drugs: cocaine comes mostly from South America; Afghanistan produces over 80 per cent of the world's heroin. Farmers in both regions earn income by growing the raw material (coca and opium respectively). But they receive only a fraction of the end-price paid by consumers. Not only is the market highly volatile, the drug cartels also abuse their position as sole buyers. The loan sharks, for example in Afghanistan, insist on exorbitant rates of interest for providing rural credit. The result is that farmers are among the poorest sections of society.

Five years ago, an Afghan farmer named Abdullah took an advance payment of \$400 on four kilograms of opium in order to pay for medical treatment for his sick father. The Taliban's sudden ban on opium cultivation left him unable to grow the opium that he needed to repay the debt.

By 2004, the moneylender was demanding 20 kilos of opium or \$7,200 to pay off the loan and the interest that had accrued. That was far more than Abdullah could hope to raise. He was forced to mortgage his land against \$4,000 worth of the debt and his only hope of repaying that mortgage was by growing more opium. Worse still, he had no option but to sell his daughter to pay for the rest.

The UK has therefore invested substantial funds in creating alternative livelihoods for opium farmers in Afghanistan (we have pledged \$125 million over the next two years). Some of this takes the form of crop substitutes, such as seed and fertilisers. The majority is pump-priming for off-farm income opportunities, such as agricultural processing and large-scale public employment programmes.

Where farmers persist in growing opium, we support crop eradication provided that they have first been given a reasonable opportunity to earn a licit income. Even then, we try hard to ensure that eradication takes place in a manner which minimises the adverse economic, environmental, health and human consequences.

Moving up the supply chain, criminal gangs tend to dominate drug-trafficking organisations. Violence is common, for example, either to collect debts or to maintain territorial control. As lead nation for coordinating international counter-narcotics assistance in Afghanistan, the UK has been helping to develop local law enforcement capability and to establish a fast-track criminal justice system to investigate, prosecute, judge, sentence and, where appropriate, imprison offenders. Afghanistan is still recovering from a violent and prolonged civil war. But the law enforcement and judicial capacity that we are helping to build will over time reduce the scourge of drugs and remove a major source of revenue, which sustains conflict by providing money for private militias and military equipment.

Over the past year, we have supported interventions at other points along the global drugs supply chain. For example, we provided assistance to the customs authorities in Bulgaria to help them identify drugs being transported in heavy-goods vehicles. We reached agreement with 14 Caribbean nations to tackle narcotics in the region. We continued our successful collaboration with the NGO Hibiscus through a programme designed to raise awareness in Jamaica of the risks faced by drugs mules (i.e. couriers who carry drugs concealed on or within their bodies). We supported drug demand reduction programmes in Colombia and Iran, where high levels of consumption cause dreadful suffering and social exclusion.

1.5 Human rights and export licensing

The UK is committed to a responsible UK defence industry, one that is aware of our obligations in today's world and of the impact that inappropriate defence exports can have on conflict, terrorism and human rights abuses.



Soldiers from the Afghan Special Narcotics Force inspect heroin seized at Bahram Shah village, 28 May 2005.

We must manage arms transfers responsibly. The Government is proud of its record in pushing forward an agenda that has put in place a more transparent and accountable licensing system, which ensures the highest standards of responsibility in our export control policies. We use the Consolidated UK and EU Criteria on Arms Exports, launched in 2000, to assess all export licence applications. We take our duties in applying the Consolidated Criteria extremely seriously, examining applications on a case-by-case basis and using sound judgement and common sense. The UK was one of the leading proponents for getting these Criteria established as an EU Code of Conduct, which now frames the defence exports of all EU Member States.

Human rights concerns are at the forefront of our assessment of all export licence applications. Criterion Two of the Consolidated Criteria requires respect for human rights and fundamental freedoms in the country of final destination for defence exports. The UK will not issue an export licence if there is a clear risk that the proposed export might be used for internal repression. We exercise special caution and vigilance in issuing licences to countries where there are serious violations of human rights.

In some cases it is legitimate for a government to use force within its own borders, for example, to preserve law and order against terrorists or other criminals. This does not constitute internal repression. However, governments must use such force in accordance with international human rights standards. Criterion Two explicitly defines internal repression as including torture and other cruel, inhuman and degrading treatment or punishment; summary, arbitrary or extra-judicial executions; disappearances; arbitrary detentions; and other major suppression or violations of human rights and fundamental freedoms as set out in relevant international human rights instruments.

Assessing applications against Criterion Two

In assessing the risk of an export being used for internal repression, we examine the human rights record of the ultimate end user of the goods and the exact nature of the equipment to be exported. We use many sources to inform our assessment: our diplomatic missions overseas; reports from international and local NGOs; and media reports. We build a balanced picture of the human rights situation in the destination country for each application, which then enables the Government to assess each application against the Consolidated Criteria.

The Government is committed to the utmost transparency in its export licensing process while bearing in mind the need for commercial confidentiality. In July 2004 it announced that it would publish quarterly statistics on Strategic Export Controls, as well as an Annual Report. The publication of quarterly statistics provides more detail about export licence decisions.

The Government continues to improve its performance in assessing applications and currently surpasses its own published turnaround targets. This year the FCO has changed its internal procedures for assessing applications to ensure the best possible service to exporters while keeping its recommendations consistent with the Consolidated Criteria. The FCO returns over 85 per cent of all export licence applications to the Department of Trade and Industry within 10 working days.

1.6 Mainstreaming human rights in Consular Directorate

Human rights is integral to the work of the FCO's Consular Directorate, which exists to provide services to British nationals overseas, including by trying to ensure that they are not mistreated in foreign countries. Consular Directorate's work can have wider beneficial repercussions for the citizens of third countries as well. For example, we campaign on behalf of any British national facing the death penalty. In raising our concerns with the host government, or supporting the British citizen in

the local courts, we help to raise awareness of the issues more widely in that country. When we seek the return of a child illegally abducted overseas, or support a victim of forced marriage, much of our work involves cooperation with local NGOs or lawyers, who may then go on to tackle the issues within their own society. In this section we describe aspects of our consular work where human rights is prominent.

Child abduction

In today's modern world with cheap airfares and a global economy, more and more people are travelling to other countries. Naturally, this leads to a rise in international marriages. When these relationships break down, one of the parents may wish to take their children to a country where they have family or ethnic roots. If this is not planned or managed properly it can cause significant trauma to the children and can, in fact, be a form of child abuse. As well as being extremely distressing for the children and the parent who is left behind, abductions raise issues about the right to family life and the child's right to maintain contact with both parents. The Child Abduction Section in the Consular Directorate has seen an increasing number of cases of international parental child abduction, with 371 cases on our books in 2004 (compared with 250 in 2003).

The FCO works closely with the judiciary in the UK to engage with other states on international child abduction. In January 2005 we funded a high-level, two-week visit to Pakistan to increase awareness and understanding of the UK-Pakistan Judicial Protocol on Child Abduction. This landmark agreement is proving successful in returning abducted children to their country of habitual residence for the courts there to decide custody. In addition, the Protocol is often cited in cases in which parents apply to the court for permission to take their children on holiday to Pakistan and used as a tool to put pressure on parents to bring children back to the UK at the end of their visit. Ultimately, we hope the Protocol will deter potential abductors.

In the same month, Dame Elizabeth Butler-Sloss, the President of the Family Law Division of the High Court, and other senior members of the UK judiciary travelled to **Egypt**. This visit produced an agreement that, among other aspects, establishes liaison judges and a register of child abduction cases in both countries. We hope that this increased cooperation with Egypt will ease the handling of future abduction cases. The agreement may also provide a useful basis for work with other countries in the region.

Improved judicial and inter-governmental understanding is crucial to our ability to help British parents whose children have been abducted overseas. We organised and funded a visit by Dame Elizabeth Butler-Sloss to **Bangladesh** in March 2005 to

examine ways in which we can work with Bangladesh on child abduction, given that we have a significant number of cases there.

We work with NGOs to assist British nationals whose children have been abducted overseas. In August 2004 International Social Services (ISS) organised a visit to **Libya** for mothers whose children had been abducted there. Libyan rules on visas and strong paternal rights make it almost impossible for parents to visit or maintain contact on a regular basis. In view of this, we helped to fund the ISS project and paid for two social workers to accompany parents to Libya. The 10-day visit was an invaluable opportunity for parents to re-establish or maintain contact with children they may not have seen for months or even years. We are supporting a similar visit in 2005 and with ISS we will explore extending this project to other countries.

We continue to work closely with Reunite, an NGO that specialises in helping and advising people affected by child abduction. Reunite makes a significant contribution to our work in assisting British nationals affected by child abduction.

Forced marriages

"The practice of forced marriage represents a disregard for individual citizens, their dignity and the contribution they have made to society and that is why the Government is taking determined action to combat it."

Home Secretary Charles Clarke speaking with Foreign Office Minister Baroness Symons at the launch of the joint Home Office/FCO Forced Marriage Unit in January 2005.

Forced marriage occurs when one or both parties are coerced into marriage against their will, under physical or emotional pressure. A forced marriage is an abuse of human rights and cannot be justified on any religious or cultural basis. It is very different to arranged marriage, which has the consent of both parties. The tradition of arranged marriages has operated successfully within many communities and cultures for a long time.

The new joint Home Office-FCO Forced Marriage Unit (FMU) was launched in January 2005 to take on the work previously covered by the FCO's Community Liaison Unit (CLU), which was established in October 2000. To date we have assisted more than 1,000 people confronted by forced marriage. Around 250 cases involved emergency overseas rescues and repatriations. The FMU, based in the FCO Consular Human Rights Team in London, aims to build on the CLU's achievements by further integrating our assistance in the UK and overseas. The FCO tends to deal with forced marriage cases that have an overseas element, particularly those involving emergency rescues and repatriations. The Home Office works with the police, social

services and voluntary groups in the UK to tackle the abuse at home. The FMU brings these strands of work together, in a one-stop shop for casework, policy and projects on forced marriage. It provides information and assistance both to potential victims and to professionals who can assist victims. In 2005, we are planning a series of cross-government measures to tackle forced marriages. These include a public consultation on whether to create a specific criminal offence of forcing someone into marriage; a national publicity campaign to raise awareness of the assistance available to people threatened by forced marriage, and of the distinction between forced and arranged marriages; and developing stronger links with overseas partners, such as NGOs, refuges and host governments to secure additional international support for victims. During the past year, we have dealt with more than 250 people threatened by forced marriage in the UK and overseas. Some 60 cases involved emergency rescues and repatriations.

Once the FMU learns that a British national abroad is being forced into marriage, or has already been forced into marriage, we can provide consular assistance ranging from court orders through to rescue missions. Our High Commissions and Embassies play an integral role in this, working in partnership with police and judiciary overseas. Under very demanding situations, they have helped victims who had been held captive, raped or forced into having an abortion.

We continue to look at ways of improving our assistance. In London, we have three full-time caseworkers with counselling and community work skills. A full-time Home Office policy officer joined the FMU in January 2005 to improve domestic measures that tackle forced marriage. But the FMU cannot tackle forced marriages on its own. Each year, we develop and draw upon a broad national network of expertise from refuge workers, police officers, teachers, social workers, NGOs and the media. Overseas, we continue to develop our partnerships with local NGOs in Pakistan, Bangladesh and India. These organisations have expert local knowledge that is crucial in resolving difficult cases. We held

a successful conference on forced marriage in Bangladesh in March 2005. The conference brought together FCO, Home Office and local NGO representatives to develop best practice policies on tackling forced marriages and supporting victims.

Developing partnerships and increasing grassroots awareness about the help that we provide is a vital part of our work. During the past year we have spoken at more than 40 events, including those organised by the Council of British Pakistanis and Southall Black Sisters. Extensive media and publicity work is also vital if we are to reach potential victims before it is too late. We have had our work featured in more than 50 newspaper articles, television features and radio articles during the last year. Our High Commission in Pakistan has carried out similar efforts to raise awareness of forced marriage through a high-profile exhibition and public diplomacy campaign.

In January 2005, Foreign Office Minister Baroness Symons and Home Secretary Charles Clarke launched guidelines for teachers who encounter young people facing forced marriages. The FCO produced the guidelines in partnership with the Department for Education and Skills in response to requests from education professionals. Thirty per cent of the FMU's cases involve children under 18, so teachers are best placed to identify early signs of forced marriage. The guidelines will help teachers identify young people at risk and advise on appropriate sources of assistance. Feedback suggests that the guidelines have been well received.

British nationals in prison overseas

We provide British nationals detained overseas with consular assistance regardless of the nature of their offence. We make no judgements about prisoners' guilt or innocence. By the end of December 2004 we were aware of 2,400 British prisoners detained overseas. This figure is a snapshot and numbers vary throughout the year.

Consular Directorate's Assistance Policy and Prisoners Section is responsible for policy and welfare issues that affect British



Fourteen-year-old Bibi, an ethnic-Pashtun Afghan girl, in Kabul, where she is hiding from her father who wants to force her into a marriage with a stranger. The Afghan independent human rights commission estimates that 60-80 per cent of marriages are forced on women against their will.

Forced marriage case study

Note: we have changed the name of the victim and some of the details of the case to protect anonymity.

Shella, 17, found herself in trouble with her family when they discovered that she had a boyfriend. Her parents tried to stop her from meeting him and when she continued to do so, they removed her from school. Shella ran away to the police alleging that her family was beating her up. The police referred her to social services, who put her in foster care. However, she felt isolated and it was arranged for her to go back to her parents, after social services extracted a promise from them that Shella would not be harmed or confined to the house. However, on her first night back home she was woken by her mother and the whole family flew overseas.

Once overseas, Shella was taken to a small village and forced into marriage. She was then forced to consummate the marriage – raped. She was desperate to escape and return to the UK but her husband and in-laws were watching her all the time. She eventually managed to call her social worker, who contacted the Forced Marriage Unit (FMU) based in the FCO.

The FMU contacted the British High Commission overseas and arranged for consular staff with local police escorts to visit Shella. They spoke to her in private and she confirmed that she was being held against her will and had been forced into a marriage. She left with the High Commission staff and was repatriated back to safety in the UK where she was given accommodation at a refuge. Staff there are helping her to get back on her feet and decide what she wants for the future.

nationals detained overseas. The section advises on whether prisoners are being treated in accordance with international human rights standards. Where there is cause for concern consular officials will make representations on their behalf to the appropriate authorities.

In certain circumstances, the UK can support clemency pleas on behalf of British nationals. We will consider supporting clemency appeals where the prisoner is a minor, where there are compassionate or medical reasons or where there is *prima facie* evidence of a miscarriage of justice and all other avenues of redress have failed. The FCO *pro bono* legal and medical panels give us expert advice on individual cases where clemency may be an option.

Prisoners Section also works with the National Offender Management Service to negotiate Prisoner Transfer Agreements (PTAs) with other countries. PTAs allow prisoners to apply to serve the remainder of their sentence in their home country. Transfers improve prisoners' prospects for rehabilitation and reintegration into society and allow family and friends to visit more readily.

We encourage as many countries as possible to accede to the principal multilateral prisoner transfer agreement, the Council of Europe Convention on the Transfer of Sentenced Persons (CECTSP), which is open to all countries. When countries are reluctant to accede to the CECTSP, we consider pursuing bilateral PTAs that work along similar lines to the CECTSP. Since September 2004, we have signed bilateral transfer agreements with Mexico and India. We became the first country to conclude a bilateral agreement with India when Foreign Secretary Jack Straw signed the PTA with Indian Minister for Home Affairs Shivraj Patil during his visit there in February 2005. Both governments are now ratifying the PTA. We are currently discussing potential bilateral PTAs with 28 other countries.

Prisoners Section also works closely with the NGO Prisoners Abroad. Prisoners Abroad aims to improve the quality of life for prisoners overseas; support prisoners' families in the UK; and help with resettlement issues when a prisoner returns to the UK.

Fair trials and the death penalty

Prisoners Section manages the FCO *pro bono* lawyers panel established in 2001 to help promote and protect the human

Foreign Secretary Jack Straw and Indian Minister for Home Affairs, Shivraj Patil, sign a prisoner transfer agreement in February 2005.



Kenny Richey has been on death row in Ohio for the past 17 years. He was convicted and sentenced to death for the murder of a two-year-old girl who died in a fire, which he allegedly started.

The Sixth Circuit Court of Appeal in Cincinnati heard Mr Richey's application for a retrial on 7 May 2003. On 23 August 2004 the UK filed an amicus curiae brief with the court in support of Mr Richey's appeal for a retrial. The brief focused on two important principles of international law:

- 1. The principle of nulla poene sine lege (no punishment without a previously defined crime). In convicting Mr Richey of aggravated felony murder on the basis of conduct which Ohio law did not appear to recognise as aggravated felony murder at that time, the Ohio Court created retrospective criminal law.*
- 2. The principle that only the most serious crimes can support the imposition of the death penalty. The International Covenant on Civil and Political Rights requires capital punishment to be available for only the most serious crimes. Arson resulting in the unintentional death of a person arguably does not meet this 'most serious crimes' threshold.*

On 25 January 2005, the Sixth Circuit Court of Appeal reversed the judgement of the lower court, giving the State of Ohio 90 days to attempt to retry Mr Richey or release him from custody. US prosecutors filed a request for a 12-judge appeal to reconsider the Sixth Circuit Court of Appeal's decision. This request was refused and on 6 June the 90-day time limit to release or retry Mr Richey began to count down.

rights of British nationals detained overseas. The panel's remit has since expanded to allow them to consider any case where a British national is a victim of a human rights violation overseas. The panel consists of around 60 lawyers with expertise in criminal and international human rights law, who provide legal expertise and advice to a British national's lawyer. Panel members have recently provided assistance in cases involving the death penalty, cases where there are concerns about the human rights of detained British nationals and cases of international child abduction. Panel members are currently assisting in cases in Morocco, Mexico, Vietnam, the US, Japan, Italy and the Philippines.

The panel lawyer does not replace the local lawyer, but works alongside him or her providing human rights expertise where necessary. The FCO does not get involved in the legal relationship, but can provide support and assistance if necessary.

The FCO opposes the use of the death penalty in all circumstances. We will make representations on behalf of British nationals facing the death penalty at whatever stage and level is judged to be appropriate from the moment the imposition of the

death penalty becomes a possibility. As of May 2005, we were aware of 11 British nationals on death row: two in China, two in Malaysia, two in Thailand, two in Pakistan, one in the Philippines and two in the US. A further British national in Nigeria was acquitted on appeal in March 2005. See Chapter 7 for more details on UK action on the death penalty.

1.7 The UK's Overseas Territories

The Overseas Territories have a long historical connection with the UK and the Government greatly values our relationship with them. The UK retains responsibility for their internal and external security and external affairs and for their obligations under international human rights conventions. Overseas Territory governments are responsible for most internal affairs. The Territories are at various stages of constitutional development, but each has its own constitution. The constitutions of several Overseas Territories include human rights guarantees and all contain provisions to preserve the independence of the judiciary and protect the public service from political and other pressures.

The UK's objective is that the Territories should abide by the same basic standards of human rights, openness and good governance that apply in the UK. We want to extend the six core UN human rights Conventions to them all through a process of consultation. Most of the Conventions have already been extended to most of the Territories (see Annex 4). We expect the governments of the Territories to promote human rights in their domestic policy.

There have been some positive activities in human rights over the last year. The Department for International Development (DFID) and the FCO have jointly launched a four-year strategy, developed and funded by DFID, to help the Territories raise standards of child protection in line with the requirements under the UN Convention on the Rights of the Child. Under this strategy, DFID will offer technical assistance and training to help the Territories develop an integrated approach to child protection. At a workshop on Ascension Island in December 2004 representatives from Ascension, Tristan da Cunha, St Helena and Falkland Islands were briefed on the child protection strategy. There was a similar workshop in Turks and Caicos Islands in March 2005 for the Caribbean Territories. In Anguilla, British Virgin Islands, Montserrat and Turks and Caicos Islands, assistance provided under the strategy will complement that provided by the UK children's charity, the National Children's Home (now known by its acronym NCH), under a separate four-year child and family welfare project, funded by the FCO, which ended in March 2005. NCH advised the four Territories on welfare standards and associated management systems and training.

The DFID-FCO strategy funded a workshop in the Turks and Caicos Islands in December 2004 to discuss the application of International Labour Organisation (ILO) Conventions, and to provide training on compliance and reporting procedures for the eight core ILO Conventions. The workshop was attended by representatives from Anguilla, Montserrat and Turks and Caicos Islands. We will continue to engage with the Overseas Territories to help them work towards acceptance and implementation of the core Conventions. In late 2004, the government in the Turks and Caicos Islands passed new employment legislation to comply with most of the core ILO Conventions. The legislation includes the creation of an employment tribunal and an arbitration and conciliation service.

At a workshop on alternatives to custodial sentencing in the Territories, in November 2004, in the British Virgin Islands, participants agreed that a scoping visit to the Territories by a specialist would be useful to identify how this might be taken forward. We are discussing with the UK Probation Service what assistance they may be able to provide.

The UK acceded to the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women on 17 December 2004 (see page 227). The treaty was extended to the Falkland Islands at the time of accession.

Pitcairn trials

In February 2003 the Pitcairn public prosecutor laid charges against seven men resident on Pitcairn for various serious child sexual offences. Following legal challenges, which were mainly jurisdictional in nature, trials of these men took place on Pitcairn between 29 September 2004 and 29 October 2004. The trials were heard before the Pitcairn supreme court with judges sitting alone. The jurisdictional challenges have now been appealed to the Privy Council in London for consideration. Six of the defendants were found or pleaded guilty to most of their respective charges. Of these, four received custodial sentences. At the time the convictions were not formally entered, pending the outcome of other legal issues to be decided by the supreme court. On 24 May 2005 the supreme court rejected all of the defence arguments and all six men were formally convicted and sentences were confirmed. The judges ruled that bail should continue until the Privy Council hearing.

The UK paid for a prison facility to be constructed on Pitcairn. This will enable inmates to remain close to their families. The prison will be staffed by officers from the New Zealand department of corrections. The UK has funded social workers from New Zealand and police officers from the UK for Pitcairn. No islander has been denied access to legal assistance and all the defendants have received legal aid. All costs for the above fall to the UK.

Representatives of Anguilla and Turks and Caicos Islands, including a minister from the latter, joined the UK delegation to the Commission on the Status of Women in New York earlier this year. The session was convened to conduct a high level review of implementation of the Beijing Declaration and Platform for Action and the Beijing+5 agreement. (See Chapter 8 page 226.)

Bermuda has passed legislation establishing the post of ombudsman. The government should soon make the first appointment to the position.

The legislative council in British Virgin Islands passed the first reading of key human rights legislation. Once passed, the Children and Young Persons Bill, Probation of Offenders (Amendment) Bill, Criminal Justice Alternative Sentencing Bill and Youth Courts Bill should lead to real changes in the treatment of young offenders.

Montserrat has established a human rights reporting committee, which is now active. With funding by the governor's office, two members of the committee attended the sixth Annual Human Rights conference in London in October 2004. The committee has taken steps to facilitate the creation of a human rights commission in Montserrat.

The FCO spent £107,239 on activities related to human rights in the Overseas Territories in 2004-05.

Overseas Territories with a resident population

	<i>Population</i>
<i>Anguilla</i>	<i>12 200</i>
<i>Bermuda</i>	<i>64 500</i>
<i>British Virgin Islands</i>	<i>21 300</i>
<i>Cayman Islands</i>	<i>42 000</i>
<i>Falkland Islands</i>	<i>2 379</i>
<i>Gibraltar</i>	<i>28 231</i>
<i>Montserrat</i>	<i>4 483</i>
<i>Pitcairn Islands</i>	<i>47</i>
<i>St Helena and Dependencies</i>	<i>5 275</i>
<i>Turks and Caicos Islands</i>	<i>20 014</i>



Armed police watch as a bulldozer demolishes a home in Kambuzuma, Zimbabwe on 3 June 2005. Police were under orders to destroy what the government called "illegal dwellings".

Major countries of concern

In Chapter 1 we highlighted some of the major developments, positive and negative, which have taken place over the last year. This chapter focuses on some of the specific countries and regions of concern. We give an overview of the situation in each country; a detailed analysis of some of our main concerns; information on UK and EU action to address these concerns; and a forward look on what we expect to happen or achieve over the coming year.

The year 2005 marks the commemoration of the 60th anniversary of the liberation of the concentration and extermination camps, most prominently at Auschwitz-Birkenau. As well as being a profound international display of respect and loss, this anniversary had a wider resonance for the field of human rights. The atrocities committed during the Second World War in Auschwitz-Birkenau, in other similar camps, and elsewhere across the globe, led directly to the foundation stone of all human rights discourse, the Universal Declaration of Human Rights (see pages 5-8) and to the core covenants and conventions that followed. This year is a poignant opportunity to reflect on the current implementation of the human rights standards that have evolved since then. These standards are the hallmark of civilised behaviour by states and provide the benchmark against which all states can legitimately be judged.

No country in the world has a perfect human rights record (although states fall short of those goals by widely varying degrees) and we cannot ignore or dismiss problems when they arise in our own or other countries. We recognise, and attempt to address, problems in the UK. We have an equivalent responsibility to address problems when they arise elsewhere. With other states we pledged in the Universal Declaration of Human Rights “to achieve, in cooperation with the United

Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”. The Universal Declaration and the Charter of the United Nations both clearly imply that the human rights situation in any country is the valid concern of all states.

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

2.1 Afghanistan

Overview

Afghanistan has experienced armed conflict, chaos and destruction for over 25 years, with significant violations of international humanitarian and human rights law. These conflicts have not been limited to civil war and in some instances have had a wider influence on global politics, such as the Cold War, the rise of militant Islamic radicalism and the emergence of Al Qaida.

Afghanistan remains a country of concern for human rights reasons. It faces a huge economic, social and cultural reconstruction programme to overcome a quarter of a century of conflict. While the government is willing to improve human rights, it currently lacks the resources and capacity to deal with all the challenges it faces. The UK, with others in the international community, regularly raises human rights concerns with the Afghan authorities. We must also demonstrate our

readiness to assist Afghanistan in tackling these issues by providing funding, technical assistance and political support. Within Afghanistan there has been a remarkable growth in human rights organisations.

Afghanistan has signed and ratified all major human rights conventions, including most recently (2003) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocols to the Convention of the Rights of the Child. The government has submitted some reservations to the Conventions, mostly regarding complaints mechanisms. Afghanistan is also a party to the Statute of the International Criminal Court (ICC). The government is currently discussing accession to the 1951 Refugee Convention and its 1967 Protocol.

Recent developments

The government has made a clear commitment to improve human rights standards and has accomplished much during the last two years. The number of girls attending primary school has increased by 40 per cent; a fully functioning and independent human rights commission now works across the country; and President Karzai has made a commitment to pursue transitional justice issues. But significant and complex challenges remain. The desire of the government and the Afghan people for a stable society founded on human rights principles is threatened by violent groups opposed to progress. Despite this, human rights are making progress. Last year the country held successful presidential elections, and parliamentary and provincial elections are due in September 2005. (See page 210 for details about the elections.)

The UN and the Afghanistan independent human rights commission (AIHRC) produced a series of joint reports on political rights in summer 2004. The reports monitored conditions for open and fair elections in Afghanistan in the run-up to the presidential election in October 2004. These reports were extremely helpful tools for the international community, Afghan media and civil society groups. They formed the basis for coordinated lobbying of individuals and government to improve the condition for political freedoms across the country. The reports also helped to ensure a transparent election and campaign process.

The AIHRC has matured into an effective and valuable organisation since its creation in 2002. It plays an active role as a defender of human rights and is central to the promotion of human rights in Afghanistan. However, it continues to operate without enabling legislation, which we urge the government to put in place soon. The UN independent expert on human rights commended the Commission for its efforts to document human rights violations throughout the country and to assist Afghans

in seeking redress for harm. There is now a growing civil society network of over 30 domestic and international human rights organisations in Afghanistan.

Current concerns

The absence of a secure and stable environment has had a direct and significant impact on all human rights within Afghanistan. We continue to receive reports of widespread human rights abuses, such as those detailed in the September 2004 report of the independent expert of the Commission on Human Rights. This highlighted gross violations of fundamental human rights: extra judicial-execution, torture, rape, arbitrary arrest and detention, inhuman conditions of detention, illegal and forceful seizure of private property, child abduction and trafficking, abuse against women and other violations against minorities, returning refugees, children, the poor and the handicapped. The report stated that most violations are committed not by the government, but by warlords and drug traffickers.

The *New York Times* reported on 20 May 2005 that a 2,000 page report (obtained under the US Freedom of Information Act) had been compiled by the US Criminal Investigative Division (CID) on the death in custody of two Afghans at the Bagram detention facility. It highlighted claims that both men had died as a result of being repeatedly beaten on the legs. A further document, the "Jacoby Report" that examined US detention practices has not been published.

President Karzai issued a robust response to the allegations on the eve of his visit to Washington in May 2005 and called for any US troops who had been involved in mistreating prisoners to be punished. He also requested that all Afghan detainees held in US custody be returned to Afghan authorities. The UK has raised its concerns over the maltreatment of detainees with the US and has also requested a copy of the Jacoby Report.

The AIHRC published the results of its first consultative exercise on human rights abuses in Afghanistan in January 2005, during the visit of the UN High Commissioner for Human Rights, Louise Arbour. The AIHRC interviewed over 4,000 victims of past abuses to examine how best to pursue transitional justice. In addition the AIHRC held 200 focus group discussions with over 2,000 people. The report gives a chilling insight into the past sufferings of Afghans and details the views of ordinary Afghans on how they believe progress can be made.

Many Afghans find it difficult to understand why leaders of violent groups, who are known to have committed gross human rights violations, war crimes and crimes against humanity, remain unpunished and in some cases even become part of the legitimate government. We support the government's plans to

develop a transitional or post-conflict justice strategy appropriate to Afghanistan's own needs and welcome its commitment to acknowledge the suffering of victims, to address transitional justice and to ensure accountability.

We have encouraged the government to consider a range of strategies. These include investigations and commissions of enquiry, criminal prosecutions, reparations, mechanisms for memorials and education, non-criminal sanctions against responsible individuals, such as limiting their participation in government or military service, and institutional reform.

We welcome the appointment of Professor Azimi, Head of Legal Council, to coordinate the government's implementation of the AIHRC's report. The process should involve all relevant actors in Afghanistan's civil society. It should be owned and led by Afghans and supported by the international community. The people of Afghanistan must decide the pace of reform, which must be matched by the development of a criminal justice system to convict those found guilty of human rights abuses.

The international community and Afghanistan must continue to work together to support Afghanistan's transition into a democratic society governed by the rule of law and where respect for and observance of human rights is part of popular culture.

The UK is working with the Afghanistan government to strengthen counter-narcotics strategies within the criminal justice system. We have been helping to revise counter-narcotics legislation, which includes removing the death penalty (subject to ratification by the government). We supported the establishment of a criminal justice task force that brings together police investigators, prosecutors and judges who will focus on serious cases of drug trafficking and production. We also worked with the UN Office on Drugs and Crime (UNODC) to develop a high security court and

prison facility for drug traffickers that complies with international standards for penal institutions and human rights.

The UK has funded numerous human rights projects for vulnerable groups across Afghanistan. In the past year we contributed to all levels of education, from repairing Kabul University's library to constructing a primary school in Badakhshan. We provided health education, particularly for midwives, for the women of Day Kundi and literacy training for women in Nimorz, Parwan and Kabul. Our teacher training projects, particularly for women, and vocational training for widows without income have also been effective. The FCO provided £150,000 towards a major project by Actionaid to promote women's participation in governance.

In other projects we focused on specific training programmes, such as funding for an AIHRC commissioner to attend a course on the ICC; training in journalism and freedom of expression for journalists from the Eastern provinces; and teacher-training for prison administration and prison staff. We also funded election monitors for the presidential elections.

In 2004 our Ambassador in Kabul, Rosalind Marsden, raised with the Afghan Justice Minister, Abbas Karimi, an allegation that prison officials at the Walayat detention facility in Kabul had beaten and sexually abused female prisoners. The prisoners have now been moved to a female-only detention centre.

The Afghan government has only used the death penalty for a judicial case once since the fall of the Taliban. In April 2004, Abdullah Shah was executed by firing squad. The EU responded with a *démarche*. Although several courts have handed down the death sentence since Abdullah Shah's death, none has been followed through. We continue to raise the use of the death penalty with the government.

Faryadi Sarwar Zardad, a former Mujahadeen commander, claimed political asylum in the UK in 1998. He was arrested in



Afghan soldiers address people in Bahram Shah village after a raid on the biggest drug market in Afghanistan, in the southern province of Helmand, 28 May 2005.

Autumn 2004. Presidential elections loom, candidates set out their wares, talk to the people and criticise the incumbent. This may be a familiar scenario in the US every four years but it is not quite so run of the mill in Afghanistan. After 25 years of war, Afghanistan's first-ever presidential elections took place in October 2004.

The Bonn Agreement of December 2001 provided the framework for holding free and fair elections. This was confirmed by the Berlin Declaration in April 2004 and presidential elections were held on 9 October. Parliamentary, district and provincial level elections are due in September 2005.

That the elections took place at all is a testimony to the UN, the Afghan government and in particular to the Afghan people, who registered in their millions to vote and then braved threats of intimidation and violence, as well as bad weather, to turn up and vote on election day.

Of the 10.5 million registered voters, 42 per cent were women. Of the 8.5 million who voted, 40 per cent were women. In a country where women previously suffered severe restrictions on their daily life (their dress was regulated, they were not allowed to go to school, and were confined to the house and allowed out only in the company of close male relatives), this has been an incredible achievement. In addition, out of 18 presidential candidates, Massouda Jalal came in fifth place, beating two-thirds of the male candidates. Two vice-presidential candidates were also female and Bamiyan province has Afghanistan's first female governor.

The UK contributed to the EU Support Mission and the OSCE Support Mission and we sent one expert to the independent panel of experts to investigate complaints of irregularities on election day. Our Embassy staff and the FCO member of the Provincial Reconstruction Team in Mazar-e-Sharif helped observe voting and counting. FCO staff also observed out-of-country voting procedures in Pakistan and in Iran, where the UK had also sponsored an election observation mission.

2002 and is thought to be the first man to be prosecuted under the International Convention on Torture, as covered by the 1988 Criminal Justice Act. At his first trial in 2003, he pleaded not guilty to nine charges of torture, five of hostage-taking, one of conspiracy to torture and one of conspiracy to take hostages. In November 2004 the jury failed to reach a verdict. A retrial is currently taking place.

Looking ahead

The parliamentary and provincial elections may signal the end of the transitional period but they will not end the long term commitment and support of the UK and the international community. The UK is playing a leading role in Afghanistan and we will use our role as EU and G8 Presidencies to keep the international community's attention on Afghanistan. In May 2005 we hosted a conference at Wilton Park that discussed how the international community should engage in Afghanistan following the end of the Bonn Process after the parliamentary

elections in September 2005.

In February 2005 Foreign Secretary Jack Straw announced the appointment of Lt General John McColl as the Prime Minister's Special Envoy. Lt General McColl served as the first Commander of the International Security Assistance Force (ISAF) in the first half of 2002. During that time, he developed a wide understanding of the challenges facing Afghanistan. He will visit Afghanistan two to three times a year, engaging with President Karzai and the Afghan authorities on issues vital to our bilateral relationship.

2.2 Belarus

Overview

Belarus's human rights record since President Lukashenko came to power in 1994 has been poor. The past year has been no exception. A recent report by Adrian Severin, the UN Special



Belarusian police officers in riot gear disperse pro-democracy protesters in Minsk, 25 March 2005

Rapporteur appointed in 2004 by the 60th UN Commission on Human Rights (CHR), is highly critical of the situation. This is the latest report to cite numerous human rights violations, including persistent accounts of harassment of NGOs, the independent media, opposition political parties, educational institutions, religious organisations and trade unions.

Recent developments

This pattern of repression was particularly evident in the build-up to parliamentary elections in October 2004, when the authorities put opposition figures under intense pressure and suspended or closed numerous independent media outlets. The Organisation for Security and Cooperation in Europe (OSCE) judged that the elections, and the concurrent referendum on amending the constitution to lift the two-term presidential limit, did not meet international standards. The situation continues to deteriorate, while the Belarusian authorities continue to ignore concerns raised by the EU and others.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR), which deployed a full Election Observation Mission, concluded that the 17 October parliamentary elections fell significantly short of OSCE standards for democratic elections. ODIHR's concerns about the lack of independence of the election administration, the lack of provisions for safeguarding ballot boxes during early voting and the biased reporting by the state-owned media led the EU to question whether the results fully reflected the will of the Belarusian people. The EU subsequently imposed travel restrictions against those officials directly responsible for the fraudulent elections and referendum and against those responsible for severe human rights violations in the repression of peaceful demonstrations after the elections.

Despite appeals from the international community, the Belarusian authorities have yet to investigate satisfactorily the disappearances of four opponents of the regime in 1999-2000. The EU has repeatedly called on the Belarusian authorities to open a truly independent investigation, but the Belarusians have failed to act. In response, in September 2004 the EU decided to apply travel restrictions against those Belarusian officials named in the Pourgourides report, "Disappeared Persons in Belarus", as key actors in the disappearances. The Parliamentary Assembly of the Council of Europe adopted this report in April 2004. Those subject to the restrictions include the former Prosecutor General and current Head of the Presidential Administration, Viktor Sheiman, the Minister for Sports and Tourism, Yuri Sivakov and the Minister of the Interior, Vladimir Naumov.

Particular concerns

Registration for NGOs is becoming prohibitively expensive, while

excessive legal requirements are making it easier for the authorities to shut them down. The size and availability of the independent media diminished significantly following numerous closures during the election period. Independent media outlets also labour under restrictive regulations and increasing (and arbitrarily applied) costs. Politically motivated arrests and detentions continue, with the conviction of Mikhail Marinich and the arrest of Nikolay Statkevich, both leading opposition figures, as the latest examples. Selected educational institutions are under pressure and the government has closed the European Humanities University in Minsk. Trade unions face major difficulties - an ILO Commission of Enquiry recently concluded that the authorities have infringed many of the basic civil liberties of trade union members and leaders in Belarus. The European Commission, fully supported by Member States, conducted its own investigations and at the time of going to press we were awaiting publication of its conclusions.

UK/EU action

With our EU partners, we continue to raise human rights issues with the Belarusian government in regular EU statements, démarches by EU heads of mission in Minsk and through international organisation, including the UN and OSCE. This year we fully supported the EU in again co-sponsoring a resolution on Belarus at the UN CHR.

We take action bilaterally when appropriate. On 10 August 2004 the Minister for Europe, Denis MacShane, issued a statement expressing concern at the expulsion of a British academic, Dr Alan Flowers, from Belarus. Dr Flowers had been cooperating with the Belarusian authorities for many years on the after-effects of the Chernobyl disaster and had been instrumental in pursuing cooperation with local universities. Dr MacShane also condemned the actions of the authorities in closing down the European Humanities University. On 20 January, Dr MacShane issued a statement expressing deep concern about the arrest and sentencing of Mikhail Marinich.

We are committed to supporting democracy in Belarus. The FCO has funded projects over the past year in key human rights areas, principally through the GOF Reuniting Europe programme. The programme's training for candidates in running a campaign and connecting with electors produced some notable individual successes prior to the elections in October 2004. A project to enhance the potential for democratisation and improve respect for human rights by encouraging Belarusian youth to debate issues of current concern has received overwhelmingly positive feedback from participants. We are running a project to encourage state bodies to use international human rights law in domestic courts. We hope these projects will have planted some seeds for democracy in Belarus.

Looking ahead

Together with EU partners we will continue to raise human rights issues with the Belarusian government. At the same time, the EU has indicated that it remains willing to deepen its relationship with Belarus, including within the European Neighbourhood Policy (ENP), once the Belarusian authorities clearly demonstrate their willingness to respect democratic values and the rule of law. The EU is committed to supporting democratisation in Belarus and has arranged a series of workshops to coordinate assistance. The EU also hopes to take steps to demonstrate the benefits of the ENP to the Belarusian people.

2.3 Burma

Overview

Since last year's Annual Report, there has been no significant improvement in the human rights situation in Burma. Although there have been some minor steps forward, repression has continued, in particular of political and ethnic groups who challenge the military regime's misrule.

Burma is ruled by a military government known as the State Peace and Development Council (SPDC). Led by Senior General Than Shwe, the SPDC (at that time called the State Law and Order Restoration Council) seized power during the brutal suppression of pro-democracy demonstrations in 1988. In the multi-party elections in 1990, the pro-democracy party National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won an overwhelming majority of seats. However, the SPDC has consistently refused to implement the results, claiming a new constitution must be passed before it can hand over power.

The military government continues to rule by decree and controls every aspect of society. It severely restricts freedom of expression, information, assembly and movement. The government monitors political parties (except those sympathetic to the SPDC), subjecting their members to harassment, arbitrary arrest and detention and curtailing their activities. The international community expresses serious concern about many human rights issues, including the repression of ethnic minorities, religious freedom, child rights, forced labour and prison conditions.

On 30 May 2003, supporters of the military authorities violently attacked Aung San Suu Kyi and her convoy of NLD supporters in Depayin, northern Burma. Aung San Suu Kyi was taken into "protective custody" by the authorities and held incommunicado until September 2003, when she was moved to house arrest where she remains. Over 100 NLD members were arrested and detained, some for over a year. Aung San Suu Kyi's deputy U Tin Oo was held in prison until February 2004, since when he too

has been under house arrest. All NLD party offices except the Rangoon headquarters remain closed.

In 30 August 2003 the SPDC announced the implementation of a seven-point roadmap to build a "modern, prosperous democratic state". As part of this roadmap the SPDC has reconvened the national convention, which is charged with drafting guidelines for a new constitution. However, the SPDC controls all aspects of the convention and handpicked most of the delegates. Most political parties have said that it is impossible for them to take part in the convention under the existing restrictions. The NLD decided not to participate in the convention because the SPDC refused to meet their reasonable requests. These included the release of Aung San Suu Kyi and U Tin Oo, the reopening of NLD offices and permitting free discussion. It is widely believed that any forthcoming constitution will serve only to formalise the military's continued hold on power.

Recent developments

The political and security situation in Burma has deteriorated in recent months. There is a risk of renewed fighting in ethnic minority areas and rising levels of violence and intimidation as illustrated by the terrorist attacks in Rangoon on 7 May 2005, when three bombs exploded, killing at least 23 people and injuring many more. This is the worst terrorist attack in Rangoon since 1983. It is not clear who is responsible. The SPDC immediately accused a number of opposition groups, but all have publicly denied responsibility.

On 19 October 2004 the government arrested the then Prime Minister General Khin Nyunt on charges of corruption and replaced him with Lieutenant General Soe Win. Khin Nyunt's fate remains unclear but he is thought to be under house arrest. There are reports that the government also detained almost 1,000 military intelligence officers and sacked ministers and senior officials it deemed loyal to Khin Nyunt.

Khin Nyunt and his allies were among the more pragmatic members of the regime in their approach to the democratic forces and ethnic groups and to the international community. The full impact of their replacement by less internationally experienced and seemingly more hard-line individuals is not yet clear. It seems likely that these developments will have a negative effect on national reconciliation. The neighbouring countries Malaysia, Indonesia, and to some extent Singapore, the Philippines and Thailand have expressed their concern.

Following the appointment of Prime Minister Soe Win the government has again increased its repression of opposition groups. It has stepped up its harassment and arbitrary arrest of NLD members, extended Aung San Suu Kyi's house arrest for a



An ethnic Karen woman carries a small child on her back at an undisclosed jungle camp in Northern Karen State of Burma. Ethnic groups in Burma suffer appalling human rights abuses.

further year, until at least the end of November 2005 and tightened the conditions of her detention. In February 2005 the authorities arrested 10 ethnic Shan leaders, including Sai Htin, Chairman of the Shan State Peace Council and Shan State Army, and Khun Tun Oo, Chairman of the Shan Nationalities League for Democracy (SNLD). They are accused of conspiring against the state and continue to be tried in secret in Insein jail, with no contact with their families or lawyers of their choosing. Foreign Office Minister Douglas Alexander released a statement calling for their immediate release.

The SPDC's national convention reconvened on 17 February, after a seven-month gap. The regime's predominantly handpicked delegates were once again in attendance. The NLD continued to decline to participate since the government has not yet met its requests. One Shan delegation also refused to attend following the arrest of its leaders. There is little sign that the government is considering any of the concerns and proposals of the few independent participants, who are predominantly from ethnic ceasefire groups. The convention has finalised consideration of regional and legislative autonomy, ignoring most of the points made by the ethnic ceasefire group delegates. Chapters remaining for discussion include the Tatmadaw (army); citizens and their fundamental rights and duties; election; political parties; provisions on state of emergency; amendment of the constitution; state flag, seal, national anthem and the capital; transitory provisions; and general provisions. The convention adjourned again on 31 March. It is expected to reconvene in October/November 2005.

We have continued to express the view that without the presence of the NLD and other political parties the convention lacks credibility and that, in its current format, it will not promote national reconciliation.

During the year there have been several instances of mass releases of prisoners. Initial expectations that this process might lead to the release of significant numbers of political prisoners

were not fulfilled. The government claims it has released 19,906 prisoners since 18 November 2004. We estimate that only about 0.5 per cent of these were political prisoners and the rest petty criminals whose sentences had only two or three years to run. However, we welcome the release of student leaders Min Ko Naing and Ko Ko Gyi (who had served 15 and 13 years, respectively) and some NLD parliamentarians and other NLD office holders and journalists.

The government has continued ceasefire negotiations with the Karen National Union (KNU). The provisional truce established in 2003 remains shaky and some low-level fighting continues. A permanent peace settlement to end 50 years of fighting and human rights abuse in Karen State does not yet appear imminent. However, the government has agreed to allow the UN High Commissioner for Refugees (UNHCR) access to south and eastern border areas of the country, including parts of Karen State, to assess the situation. Through NGOs, such as Aide Medicale International and Malteser, UNHCR has implemented 144 small projects (establishing wells, schools and rural health clinics) and received requests from nearby villages for further assistance. UNHCR has established a wide-ranging roving presence in Karen and Mon states and Tenasserim Division.

Current concerns

We are deeply disturbed that Aung San Suu Kyi remains under house arrest. We have repeatedly called for her immediate release, most recently in a press statement issued to mark her 60th birthday on 19 June 2005. We also contributed to an EU statement on 17 June.

We will continue to highlight the issue with the Burmese authorities at every available opportunity, reminding them that our EU and international partners, including the UN and the Association of Southeast Asian Nations (ASEAN), have all called on the government to lift her restrictions, holding the regime responsible for her safety and security. In the meantime our Embassy in Rangoon monitors the situation.

Between September 2003 and November 2004 the SPDC claimed that Aung San Suu Kyi was not detained but living under agreed security arrangements. The British Ambassador, Vicky Bowman, repeatedly sought permission to call on her during this period, but the SPDC failed to respond to these requests.

The only members of the international community given access to Aung San Suu Kyi since 30 May 2003 have been the UN Special Rapporteur for Human Rights, Sergio Pinheiro, the Head of the ICRC Delegation in Rangoon (on one occasion) and most recently, the UN Secretary-General's Special Representative to Burma, Tan Sri Razali Ismail, in March 2004. No international visitor has visited her since.

The recent prisoner releases were a welcome step but are not enough. The government continues to arrest people for their political activity, including elected representatives U Kyaw Hsan, U Kyaw Min, U Saw Hlaing and U Kyaw. Over 1,300 political prisoners, many elderly or in poor health, languish in Burma's notorious prisons. The SPDC continues to hold some people indefinitely, despite their original sentences having been completed. We have repeatedly pressed for the government to release all political prisoners so that they can play their part in national reconciliation. We shall continue to do so.

Corruption and political interference in the judicial system mean that many trials are not fair. The death penalty, although not carried out in Burma for over 20 years, continues to be handed down, including for political "offences".

The FCO freedom of expression panel has identified the writer U Win Tin as a priority case. This year U Win Tin spent his 75th birthday in Insein Jail.

Prison conditions remain very poor. There has been only a slight improvement since the ICRC began its programme of prison visits in May 1999. Medical treatment, particularly for political prisoners, is often delayed or insufficient and they are denied adequate food, reading and writing material and visiting rights. Human rights groups based in Thailand report that conditions in labour camps are life threatening. The EU raised the plight of prisoners in Burma in an EU-sponsored UNCHR resolution in April 2005.

Ethnic groups have suffered disproportionately in Burma and successive EU co-sponsored UN General Assembly (UNGA) and UNCHR resolutions have condemned the appalling abuses they have suffered. Increased military presence and in some areas ongoing armed conflict have resulted in greater frequency of human rights abuse in ethnic minority areas. This includes the requisition of food and land, forced labour and relocation, rape,

torture and the destruction of entire villages. There are over 140,000 Burmese refugees in camps on the Burma-Thai border, 20,000 refugees in camps in Bangladesh and an estimated 630,000 internally displaced people within Burma.

Although the SPDC has agreed ceasefires with many of the armed groups previously engaged in conflict with the central government, it has not yet achieved full political settlements.

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

Child labour, trafficking, the juvenile justice system, the situation of children in institutions and lack of access to education, particularly in some ethnic minority areas, all remain serious concerns. The recruitment and use of child soldiers by the army and certain armed ethnic groups in Burma remains a significant problem. The SPDC army and some armed ethnic groups continue to recruit child soldiers. The UK Statement at the UN Security Council Open Debate on Children and Armed Conflict, 23 February 2005, welcomed the SPDC's establishment of the committee for the prevention of military recruitment of underage children and its recently adopted plan of action and called on the Burmese authorities to implement that plan of action. The authorities have returned some underage recruits to their families, but taken little action to tackle the problem systematically or hold to account those responsible for underage recruiting.

The International Labour Organisation (ILO) Governing Body (GB) discussed Burma's lack of progress on curtailing forced labour on 4 June. The ILO had earlier tried to unblock the impasse through a very High Level Team (vHLT) visit to Rangoon in February, but they were unable to secure meetings with the regime's most senior leadership. The concluding Chair's statement voiced continuing concern about the regime's attitude towards the ILO and its commitment genuinely to eradicate forced labour. The Chair called on governments and international organisations to review their relations with Burma and take urgent action regarding foreign investments with state or military-owned enterprises. The release in April of local activist, Shwe Mann, who was imprisoned purely because of contacts with the ILO, is the only good news in an otherwise bleak picture.

There is a lack of religious tolerance in Burma and there are no adequate laws preventing discrimination by the government, private sector or individuals on the ground of religious beliefs.

The SPDC gives preference to the Buddhist religion and in some areas restricted the rights of other religions by preventing the building of churches and mosques, curtailing religious activities and forcing non-Buddhists to take part in Buddhist activities and offerings. There are few non-Buddhists in the higher ranks of the military and civil service. Discriminatory citizenship laws particularly affect the Rohingya Muslim community.

UK/EU action

In the past year the UK has repeatedly called on the regime to release Aung San Suu Kyi and all political prisoners, including the Shan leaders arrested in February 2005, and to enter into a substantive and meaningful dialogue with the NLD and other opposition groups.

The United Kingdom, as part of the EU troika, expressed our deep concern over the situation in Burma directly to the Burmese Foreign Minister, U Nyan Win, at the ASEM Foreign Ministers Meeting in Kyoto on 6 May 2005. The EU troika also handed over a list of 19 political prisoners whose release the EU requested on urgent humanitarian grounds. On 16 May 2005 our Ambassador in Rangoon reminded the Burmese Foreign Minister of the importance we attach to the release of prisoners on this list and reiterated our concern over the situation in Burma and abuse of human rights in the country.

In 1996 the EU adopted a Common Position on Burma, which implemented a range of restrictive measures to target those obstructing reform and progress, but ensuring that the ordinary people of Burma suffer as little as possible. The Common Position includes: an arms embargo; bans on defence links, high-level bilateral government visits, non-humanitarian aid (with certain exceptions), the supply of equipment that might be used for internal repression or terrorism; and an asset freeze and visa ban on regime members, their families, the military and security forces and others who actively frustrate the process of national reconciliation. To put pressure on the regime to work towards democratic change and respect for human rights, the EU strengthened its Common Position on Burma in 1998, 2000, 2003 and, most recently, on 11 October 2004, in response to the government's continuing detention of Aung San Suu Kyi, harassment of the NLD and failure to allow a genuine open debate in the national convention. We worked hard to get EU foreign ministers to agree the strongest possible measures in October. The strengthened measures include expanding the visa ban and prohibiting EU-registered companies and organisations from making financial loans or credit available to, or acquiring or extending a participation in, named Burmese state-owned enterprises. This sends a strong signal that all EU Member States share grave concerns about the situation in Burma. Unilaterally, the UK does not encourage trade, investment or tourism with Burma and offers no assistance to any British

companies wishing to trade with, or invest in, Burma. The EU Common Position was renewed on 25 April 2005 for another 12 months.

The EU will continue to exert pressure on the regime to begin a process of genuine reform. The EU considers that it serves the best interests of all the people of Burma by targeting measures against those responsible for blocking such reform, while at the same time expanding humanitarian support to the poorest and most vulnerable.

The EU is committed to helping the poorest and most needy in Burma. In October 2004, as well as expanding restrictive measures, the EU also revised the aid restrictions under the Common Position allowing EU donors to reach poor people more effectively. The EU has pledged to expand assistance in health and education. The EU is also paying greater attention to the role of assistance in influencing change and reducing conflict.

The UK is the largest EU donor to Burma. In 2004, DFID published its new Country Plan for bilateral aid (£6.5 million in 2005-06) following consultation with civil society and political groups inside and outside Burma. The Plan identifies four objectives: health, basic education, food security and increased prospects for a successful transition to a democratic society. DFID is spending £10 million over three years on the fight against HIV/AIDS. The UK continues to work with the UN to lead the debate over aid priorities and practice, encouraging stronger donor coordination.

The FCO and DFID collaborate on improvements at grass-roots level and encourage changes in the SPDC's policy framework. Together, we assist national and international NGOs, civil society groups and independent journalists in English-language training and capacity building. DFID's support to international organisations in Burma includes funding for the ICRC, World Health Organisation, UNAIDS and UN Development Programme. DFID also supports work on behalf of Burmese refugees in camps in Thailand.

The EU has repeatedly expressed its continued deep concern over events in Burma through statements and démarches to the Rangoon authorities. The EU successfully co-sponsored a highly critical UNGA human rights resolution on Burma in December 2004 and the resolution on Burma at the UNCHR on 11 April 2005. Adopted by consensus and thereby reflecting the widespread support of the international community, the resolutions detailed and condemned the human rights abuses of the Burmese people through the violation of their civil, political, economic, social and cultural rights, extra-judicial killings, the use of torture, political arrests, forced labour, disrespect for the

rule of law, the use of child soldiers and reports of rape and sexual violence by the armed forces. The UK strongly supports the efforts of the UN Special Rapporteur for Human Rights, Sergio Pinheiro, and the UN Secretary-General's Special Representative to Burma, Tan Sri Razali Ismail, and has called on the regime to allow them regular unrestricted access to Burma to continue their valuable work. The EU troika pressed for access for Razali in its meeting with the Burmese Foreign Minister in Kyoto on 6 May 2005.

UK-funded programmes have helped civil society and young leaders to participate in the democratisation of the country. Over the last year the government has released some political prisoners, including a few high-profile cases; international pressure presumably played a part in this. The SPDC has taken some action against civilian officials for requisitioning forced labour and appointed a liaison point in the military with whom to raise cases. The government has taken some steps to address the issue of child soldiers.

Opposition groups, including the NLD, have welcomed the continued support of the UK and the EU for democracy in Burma.

Looking ahead

During the next 12 months we believe the SPDC will continue with its seven-point road map. There is no declared timetable, but if the National Convention completes its work during 2005, the referendum on the new constitution could take place before the end of the year, followed by an election in 2006. The UK will work with the international community to press the government to hold the referendum and election in accordance with international standards and to allow the people of Burma to give their views freely on the draft constitution, as well as in any subsequent election.

According to previous statements by SPDC spokesmen, the NLD will be able to participate in the elections. We hope the government will release Aung San Suu Kyi immediately and before her formal term of house arrest expires on 27 November 2005.

Burma is due to assume the Chairmanship of ASEAN in July 2006. The prospect of Burmese Chairmanship of ASEAN makes the need for genuine reform all the more pressing.

The UK will continue to look for opportunities to encourage national reconciliation and help promote democracy and the respect for human rights in Burma, including pressing for the release of all political prisoners. We stand ready to react proportionately to future developments in Burma, positive or negative, and will keep the situation under review.

2.4 People's Republic of China

Overview

The UK continues to have serious concerns about basic human rights in China, including extensive use of the death penalty; torture; shortcomings in judicial practices and widespread administrative detention, particularly re-education through labour; harassment of human rights defenders and activists (NGOs, political activists, journalists and lawyers); harassment of religious practitioners and adherents of Falun Gong; the situation in Tibet and Xinjiang; and severe restrictions on basic freedoms of speech and association.

At the same time we recognise and encourage China's efforts to develop rule of law and its engagement thus far with international human rights institutions and foreign governments on human rights issues.

Recent developments

Against the background of serious ongoing violations of human rights there have been some positive developments. These include:

- A visit by the UN Working Group on Arbitrary Detention to China in September 2004. We welcomed the visit but were disappointed that the authorities denied the Working Group access to some prisoners in Tibet.
- The third visit to China by representatives of the Dalai Lama in September 2004.
- The Chinese delegation to the EU-China Human Rights Dialogue in February 2005 reported that the supreme people's court had decided to take back its authority to review death sentences and was now implementing the decision.
- China published a white paper on social security in September 2004, which extended the old-age insurance system from only state-owned enterprises to all those employed in urban areas.

There have also been some negative developments:

- The authorities have curtailed freedom of expression, taking action against journalists who stray into sensitive areas and detaining some internet activists.
- Social discontent over forced eviction, non-payment of wages and pensions and official corruption continues to fuel petitions and demonstrations. The government has responded by cracking down on demonstrations and forbidding the state media from officially reporting these events.
- Local authorities and developers continue to force the eviction of hundreds of thousands of homeowners



A Chinese protester prevents a plain-clothes police officer from recording a foreign journalist interviewing protesters on the outskirts of Beijing, 16 June 2005. Farmers have blocked the entrance to an Olympic site, saying they won't move until they are compensated for land that will be used for the venue.

throughout China and seize farming land, despite legislation protecting owners' rights. Lawyers and journalists working on these issues are subject to harassment and even detention and imprisonment.

- New regulations on religious affairs reaffirm restrictions on religious practice; the regulations maintain the requirement for all religious groups to register and set out penalties for non-compliance. The authorities continue to put pressure on unregistered religious groups.

Current concerns

The UK-China Human Rights Dialogue has several objectives (for more details on the dialogue see UK and EU action below). Progress on these objectives has been mixed.

Ratification and Implementation of the International Covenant on Civil and Political Rights (ICCPR): signed but not yet ratified. Full implementation of the International Covenant on Economic Social and Cultural Rights (ICESCR): ratified in 2001 with a reservation on Article 8.1a, which relates to freedom to organise labour.

China says it continues to work towards ICCPR ratification. The inter-ministerial task force formed to prepare for ratification held its second meeting in December 2004. UK ministers, including Foreign Secretary Jack Straw and Chancellor of the Exchequer Gordon Brown, and officials have regularly encouraged China's work on ICCPR and have urged the government to announce a timetable for the ratification process. To date China has declined to announce a timetable, though this would provide a welcome signal of its commitment to the Covenant.

We pressed China to lift its reservation on article 8.1A of the ICESCR at the November 2004 dialogue round. We made clear that China should ratify individual ILO conventions on freedom of association and protection of the right to organise (number 87) and on the right to organise and collective bargaining

(number 98). There is no sign when China will do so.

Increased cooperation with UN mechanisms and agreement on dates for visits by Special Rapporteurs

There has been only modest improvement in cooperation with UN mechanisms. Former Foreign Office Minister Bill Rammell raised cooperation with UN human rights mechanisms during his visits to China in July and October 2004. We also covered this issue during the November and June dialogue rounds.

In September 2004 China hosted a visit by the UN Working Group on Arbitrary Detention, led by Leila Zerrougui. The visit went well with the exception of a trip to Drapchi prison in Tibet, where the authorities denied the Working Group access to some prisoners. Mr Rammell raised the UK's concern about this denial of access during his trip to China in October 2004.

The Working Group noted that the government had not implemented any of the four key recommendations from their last visit to China in 1997, including a recommendation to exercise real judicial control within the re-education through labour system. We hope that the Chinese authorities will study the important recommendations contained in the Working Group's report and implement its recommendations without delay.

The evaluation mission from the UNHCHR, which was postponed in May 2004, finally took place in December 2004. The UN High Commissioner for Human Rights (OHCHR), Louise Arbour, has rescheduled her visit to China for August 2005. We welcome co-operation between the OHCHR and China and hope that when Ms Arbour visits China she will be able to sign a memorandum of understanding.

China postponed the visit of the then Special Rapporteur on Torture, Theo van Boven, from June until November 2004 due to "technical difficulties". Mr van Boven retired before the visit

was due to take place. The government has invited his successor, Manfred Novak, to visit China in November 2005. We hope that this important visit will take place this year.

Reform of administrative detention measures, including the introduction of judicial process and better protection of a defendant's right to a fair and impartial trial

In May 2004 during the UK-China dialogue, the Chinese side informed us that they planned to adopt new legislation on Re-education Through Labour (RTL) which would include an element of judicial review and a role for defence lawyers. It would mean, in effect, the abolition of RTL. At the November 2004 round of the dialogue it became apparent that work to reform RTL had advanced very little. Mr Rammell subsequently wrote to Vice Minister Zhang Yesui to encourage China to adopt progressive legislation. Foreign Secretary Jack Straw also lobbied for progress on reform of RTL during his visit to China in January 2005.

At the EU-China Human Rights Dialogue in February 2005, which British officials attended, the Chinese delegation offered reassurances about its commitment to reform RTL and to include an element of judicial review and a role for defence lawyers. At the UK-China Human Rights Dialogue in June 2005 the Chinese delegation said there had been no further progress on reform of RTL. Departments had not reached agreement about the role of the judiciary. We would welcome the quick adoption of progressive legislation compatible with China's aspiration to develop rule of law and ratify ICCPR. We will continue to press the Chinese government on this point.

Reduction in the use of the death penalty, leading ultimately to its abolition and the publication of official statistics on the use of the death penalty

China remains the largest user of the death penalty in the world (see Chapter 7, page 198). At the November dialogue round we raised the issue of the Supreme People's Court (SPC) taking back its authority to review death sentences. The UK delegation visited the supreme people's court for the first time for discussion of the death penalty. At the EU-China human rights dialogue in February 2005, the Chinese delegation reported that the Supreme People's Court had decided to take back its authority to review death sentences and was in the process of implementing this decision; the review would be mandatory. At the UK-China Human Rights Dialogue in June 2005 the Chinese delegation said they could not advise when the review decision would take effect but thought there could be a breakthrough in 2006. We welcome this development and hope the Chinese authorities will allocate more resources to the judiciary and the SPC to allow the decision to be implemented quickly.

There has been no progress on the publication of death penalty statistics. Mr Rammell urged China to show transparency during his trip to China in July 2004 and we raised the death penalty statistics during the November and June dialogue rounds. China could show more transparency if it wished. For example, a court in Qingdao has published statistics showing that Qingdao executed 57 people in 2004. There seems little reason why other cities and provinces could not publish figures, too.

At the November and June dialogue rounds we raised a number of other issues on the use of the death penalty. We encouraged China to reduce the number of capital crimes, strengthen procedural protection for suspects and introduce strict sentencing guidelines.

Respect for fundamental rights of all prisoners including those arrested for non-violent political activity or religious beliefs

Although Chinese law prohibits torture, it continues to be a serious problem. In the past year some sections of the Chinese press have pioneered reporting on investigations into incidences of torture but NGOs report that the authorities still use torture routinely. We welcome the introduction in October 2004 of regulations on continuing interrogation to protect better the legal rights of detainees and hold the police legally responsible for the deaths of those detained, including by suicide. China could do much more to address this issue by improving transparency and detainees' access to lawyers and establishing a genuinely independent prison inspectorate. We hope the visit by the UN Special Rapporteur on Torture will take place this year as it offers an important opportunity for independent assessment of China's efforts and advice on how to improve the situation. Lord Falconer spoke to visiting Chinese Justice Minister, Zhang Fusen, in April 2005 about this important visit.

Full and constructive responses to cases of concern

We raised 65 individual cases of concern as part of the November bilateral dialogue round. The Chinese government provided relatively full responses on 46 cases. It released four prisoners during the period of review: Ngawang Gyaltzen, Liu Jingsheng, Sun Xiongying and Rebiya Kadeer, who was released early.

We raised 49 cases of concern as part of the June 2005 dialogue round. The Chinese government did not provide a substantive response to this list on the day of the dialogue and instead offered to brief the UK once information became available. They also offered on the day responses on a limited number of cases which the UK had raised at working level earlier in the year and which were mostly cases on which a response was outstanding from the November 2004 dialogue round.

Respect for freedom of religion and belief, both public and private

There has been no progress. FCO officials met Wang Zuo'an, Deputy Director General of the State Administration for Religious Affairs (SARA), in September 2004. They raised concerns including NGO reports of the mass arrests of believers in Xinjiang, Kaifeng and Wuhan; the arrest of 23 members of the Baoding diocese clergy; and the arrest of Jiang Zongxiu for handing out bibles (she was subsequently allegedly beaten to death in police custody). We also raised, within the context of freedom of belief, our concern about credible reports of the mistreatment of Falun Gong prisoners in detention.

We expressed concerns about freedom of religion as part of our November dialogue. These included the narrow definition of officially sanctioned religious groups; the prohibition of some religious and spiritual groups; and the restrictions and harassment of others. We also raised concerns about the treatment of Falun Gong practitioners. We followed up our concerns on these issues at the June 2005 dialogue round.

Bilaterally, we noted our concern about house church leader pastor Zhang Rongliang with the Chinese ministry of foreign affairs and supported the EU démarche on his case in January 2005. Foreign Secretary Jack Straw also mentioned the case at his meeting with Foreign Minister Li during his visit to China in January 2005.

Respect for cultural rights and religious freedoms, including in Tibet and Xinjiang, and access for an independent delegation to Gedhun Choekyi Nyima, the Dalai Lama's choice as Panchen Lama

We remain very concerned about the human rights situation in Tibet. Former Foreign Office Minister Bill Rammell raised the issue during his visits to China in July and October 2004. We also covered Tibet at the November and June dialogue rounds. FCO Minister Lord Triesman noted at the June dialogue round our view that the best way to improve the situation is through a meaningful dialogue without pre-conditions between the Chinese government and the Dalai Lama and his representatives. The negotiations should work towards a long-term peaceful solution acceptable to the people of Tibet. We welcomed the third visit to China by the Dalai Lama's representatives in September 2004. We hope that China will build on this visit and deepen exchanges without delay.

The Ambassador to Beijing, Sir Christopher Hum, visited Tibet in July 2004. He expressed our concerns about the restrictions on freedom of religious practice and the on-going political education campaign in monasteries. He noted that economic

development in Tibet does not take the wishes of the local Tibetan population into account and does not benefit them sufficiently. He also raised the detrimental impact of continuing inward Han migration on traditional Tibetan culture. He asked the Tibetan autonomous region authorities to release a number of political prisoners.

We strongly supported two EU démarches in November 2004 and January 2005 on the death sentence of Tenzin Deleg Rinpoche. The démarches were about the conduct of the trial and expressed doubts about the safety of his conviction. Foreign Secretary Jack Straw also raised this case during his visit to China in January 2005. We supported the subsequent EU statement, which welcomed the commutation of the death sentence but expressed disappointment that he is condemned to life imprisonment. We hope the Chinese authorities will reconsider this case.

We remain concerned about the status of Gedhun Choekyi Nyima, the Dalai Lama's choice as the 11th reincarnation of the Panchen Lama. His case was discussed at the EU-China Human Rights Dialogue in February. The EU pressed for an independent figure to have access to him.

The UK is funding project work in Tibet and areas of China with significant Tibetan populations. DFID is providing £0.5 million per year towards projects on health, sanitation and education in the Tibetan autonomous region through Save the Children. The FCO financed several small projects in Tibetan areas of other Chinese provinces over the last year. These included building schools, clinics and water supply and irrigation systems. Last year the FCO also funded in full the studies of two Tibetan Chevening scholars.

The human rights situation in Xinjiang

We remain very concerned about the situation in Xinjiang and the suppression of peaceful expression of political, cultural and religious rights. The Chinese government does not distinguish between people who express peaceful political views and those who advocate violence. We raised our concerns ahead of our November dialogue round and requested more information about the grounds for charging some 50 people reportedly sentenced to death for separatist and terrorist activities during the first eight months of 2004. The Chinese authorities have not responded to this request. We raised our concerns about Chinese policies on religion in Xinjiang at the June round of the dialogue.

We welcomed the release in March 2005 of Rebiya Kadeer, a successful businesswoman and leader of a project to promote employment for Uyghur women, who had been on our list of individual cases of concern. We supported the EU statement on

her case, which also expressed concern about cultural and religious rights in Xinjiang.

The end to jamming of the BBC World Service broadcasts in Chinese and blocking of the BBC World Service website

There has been no progress on this issue. Foreign Secretary Jack Straw raised our concerns with Foreign Minister Li during his visit to China in January 2005. The Chinese voiced their concern about the "unhealthy" content of the BBC website. Lord Triesman raised the BBC issue during the June round of the dialogue. The Chinese side said that China did not jam the BBC world service broadcasts and that the difficulties were due to overcrowded frequencies.

UK/EU action

We have already noted the details of UK and EU activity directly linked to the objectives of the dialogue. We include here our additional activity.

Foreign Secretary Jack Straw raised human rights during a telephone conversation with Foreign Minister Li in November 2004. He discussed progress on the ratification of ICCPR with Foreign Minister Li during the latter's visit to the UK in December 2004 and followed up on this during his visit to China in January 2005. Patricia Hewitt, Secretary of State for Trade and Industry, raised migrant workers' rights during her trip to Shanghai in October 2004. Lord Falconer raised two cases of concern with visiting Chinese Justice Minister Zhang Fusen. He asked for the release of Chinese lawyers Zheng Enchong and Guo Guoting who were in prison and under house arrest, respectively. The UK believes that these cases fall into the category of political cases and that, judged against international human rights norms, neither person should be punished. The UK Director of Public Prosecutions, Ken MacDonald QC, visited China in April 2005 and met the Chinese Procurator General Jia Chunwang. They had useful discussions on how to prevent miscarriages of justice.

The 12th round of the UK-China Human Rights Dialogue took place in Beijing on 22 November 2004 under the theme Human Rights and the Development of Urban Society. The delegations explored issues relating to employment rights, including the role of trade unions and freedom of association; housing rights; migrant worker rights, such as access to health and education facilities; and reform of mechanisms for dealing with crime, specifically re-education through labour and the death penalty. There was a discussion on Tibet and UN human rights mechanisms. We presented papers to the Chinese authorities ahead of the dialogue, outlining our concerns on other issues and raising specific questions on freedom of religious belief, the treatment of Falun Gong practitioners in detention, the situation in Tibet and Xinjiang, North Korean border crossers and cooperation with UN human rights mechanisms.

The 13th round of the UK-China Human Rights Dialogue was held in London on 6 June 2005. The delegations, including a number of outside experts, focused on the themes of freedom of expression and civil society. There were also exchanges on ICCPR ratification, RTL, the death penalty, torture, North Korean border crossers, religion, Tibet, Xinjiang, Falun Gong and cooperation with UN mechanisms. After the formal talks the delegation visited Oxford and Wales to explore further the themes of freedom of expression and civil society and to look at devolution in Wales.

We are supporting a range of human rights projects in China to promote change. New projects for 2005-06 include: promoting judicial justice by reforming criminal trial procedure; reforming the death penalty review system; standardising the death penalty through sentencing guidelines; police and human rights; enhancing human rights in prisons; research into corporate social responsibility (CSR) best practice in China; and CSR capacity building for government trainers. Other human rights projects continue from last year. These are strengthening the defence in death penalty cases; reforming re-education through labour; preventing police misconduct; running an empirical



Young participants wave a rainbow-coloured flag, a symbol of the gay rights movement, during a parade in Hong Kong, 16 May 2005. Hundreds of gay rights supporters marched against homophobia and discrimination.

study of the criminal justice system in China; developing and piloting a labour court; and promoting media transparency. DFID and the Department for Constitutional Affairs also fund programmes related to human rights. (See Annex 2 for more details.)

We continue to cooperate with other countries which have human rights dialogues with China through the Berne Process.

We supported the language used on China in the EU country statement at the UN Commission on Human Rights in March 2005.

The impact of any action taken

We believe that our engagement on human rights through the dialogue, ministerial activity, project work and cooperation with the EU and the Berne Process countries contributes to incremental progress in China.

Looking ahead

The UK will lead the EU-China Human Rights Dialogue, which is expected to take place in October 2005. We will continue to work with China and press for reform on the key areas of ICCPR ratification, re-education through labour and the death penalty.

China (Hong Kong)

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

The UK Government continues to report regularly to Parliament on the implementation of the Joint Declaration, including on the protection of rights and freedoms. Foreign Secretary Jack Straw published the latest report in March 2005 (Cmnd 6484), which covered the period July-December 2004.

Legislative Council elections

Legislative Council elections took place on 12 September 2004. This was the third election since the handover in 1997. The number of directly elected seats increased to 50 per cent, up from 40 per cent in the 2000 elections. There were 3.2 million registered voters and a record turnout of 55.6 per cent - the highest in Hong Kong's history. We welcomed the engagement of an increasing number of Hong Kong's electorate in the political process. On 13 September 2004, former Foreign Office Minister Bill Rammell issued the following statement: "We welcome the fact that the legislative council elections were generally well run. Clearly there were a number of technical problems on the day in some locations and we understand that the special administrative region government and the electoral

affairs commission will be looking into these. That said, there appears to have been fair treatment for all candidates and we have no reason to question the validity of the outcome."

Constitutional reform

The Basic Law of the Hong Kong SAR states that the ultimate aim is the election of the legislative council and chief executive by universal suffrage. However, in April 2004 the national people's congress standing committee "decision" set limits on Hong Kong's constitutional development, by ruling out the possibility of the election of the chief executive in 2007 and the legislative council in 2008 by universal suffrage.

In our last Annual Report we covered the progress of the Hong Kong SAR government's constitutional development task force's public consultation on amending the methods for electing the chief executive and the legislative council. Its fourth report, issued in December 2004, addressed the size and composition of the election committee that elects the chief executive and the number of nominations necessary to become a candidate for the position of chief executive. The taskforce has already made clear that it will only act within the constraints imposed by the national people's congress standing committee "decision". We look forward to the taskforce's fifth and final report later this year.

The UK supports democracy throughout the world as the best means of creating stable, accountable and transparent government, of protecting rights and freedoms and of upholding the rule of law. We favour early progress towards the basic law's ultimate aim of a chief executive and legislative council elected by universal suffrage. We hope that the Hong Kong SAR government will take full account of the wishes of the people of Hong Kong.

Hong Kong SAR government

Hong Kong Chief Executive Tung Chee-Hwa resigned in March 2005, citing reasons of ill health. In accordance with Hong Kong's Basic Law the Chief Secretary, Mr Donald Tsang, became Acting Chief Executive for 120 days. The 800-member election committee will elect a new chief executive on 10 July. The issue of whether the new chief executive should serve for two years, which is the remainder of the current term, or for a full five years as was previously expected, generated considerable debate in Hong Kong. The SAR government requested the standing committee of the national people's congress to interpret Hong Kong's Basic Law to decide the issue and on 27 April 2005 it ruled that the term of office should be two years.

Racial discrimination legislation

In our last Annual Report we noted that the timetable for legislating against racial discrimination in Hong Kong had

slipped. The government published the consultation paper on anti-racism legislation at the end of September 2004 and extended the consultation process to 8 February 2005. The SAR government intends to submit a draft bill before the end of 2005. We will continue to monitor progress on this legislation. It is in the best interests of the SAR government to enact legislation that fully meets Hong Kong's obligations under the International Covenant on the Elimination of Racial Discrimination (ICERD).

Falun Gong

In past Annual Reports we covered the convictions of 16 Falun Gong members for public order offences in August 2002 and their subsequent appeal hearing in September 2003. In November 2004 the court of appeal unanimously overturned the convictions for public obstruction. In making their decision the judges cited the Basic Law, the bill of rights and the International Covenant on Civil and Political Rights, as protecting fundamental freedoms of assembly, demonstration and expression in Hong Kong. The court dismissed appeals by nine of the protestors against charges of obstructing and assaulting a police officer in the execution of his duty, but eight of the Falun Gong practitioners have appealed to the court of final appeal, which overturned the convictions on 5 May. The court said the police had no reasonable grounds to suspect that obstruction had occurred and the freedom to demonstrate peacefully was protected by the Basic Law.

Looking ahead

We will continue to monitor developments in Hong Kong in line with our obligations under the Joint Declaration. We will respond appropriately if it appears that the high degree of autonomy guaranteed to Hong Kong under the terms of the Joint Declaration is being eroded.

2.5 Colombia

Overview

The civilian population has continued to bear the brunt of the armed conflict in Colombia, now well over 40 years old. Three main groups are active in the conflict: the left-wing guerrilla groups the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), and the right-wing paramilitary group the United Self Defence Forces of Colombia (AUC), in addition to the armed forces. Most of the AUC forces are involved in negotiations with the government aimed at securing their withdrawal from the conflict, although they continue to breach their own ceasefire regularly (see Chapter 5, page 150). The FARC and the AUC carried out most of the attacks over the last year. The conflict has increasingly focused on control of strategically important territory and the illegal drugs trade. The drugs trade (covered later in this Chapter) has

become a significant driver of a conflict that originally started for political and ideological reasons.

Recent developments

President Uribe, an independent liberal, is now well into the third year of his four-year term. He is seeking to change existing legislation to allow him to run for a second consecutive term. Such a change requires approval by the constitutional court. It seems increasingly likely that the court will accept the necessary changes, although this does not guarantee President Uribe's automatic re-election. President Uribe's 2002 election agenda remains unchanged: improve security for all Colombians, weaken the illegal armed groups in order to force them to the negotiating table and thus secure the conditions needed to address the country's economic and social problems.

UK/EU action

The UK supports the government of President Uribe and his efforts to solve Colombia's severe problems. Our policy is to offer constructive, but not uncritical, support. We want an end to the conflict, a marked improvement in human rights, increased stability and a curb on the illegal drugs trade. We have always made it clear to the government that its efforts to address the country's problems must be within the context of full and unwavering respect for human rights and international humanitarian law.

The London Meeting of International Support to Colombia in July 2003 illustrated our commitment to Colombia. The meeting gave birth to the G24, a group drawn from participating countries at the London Meeting. Since the meeting, G24 representatives in Bogotá have worked with the government to monitor and advise on improving human rights and to address wider issues relating to international cooperation. The G24 has played a vital role in facilitating dialogue between civil society and the government on human rights and conflict. Colombian civil society should be part of the solution to Colombia's problems rather than part of the problems. For this reason we support local and international NGOs, including human rights defenders, such as Peace Brigades International (PBI), trade unionists, community leaders, journalists and other civil society bodies. We have told the government that it should support and protect their work and refrain from making public statements that could put them at risk. An improved climate for human rights organisations would indicate wider improvements in Colombia.

The London Meeting was followed by a further meeting in Cartagena, Colombia, in February 2005. The Cartagena Declaration expressed continued international support for Colombia and for the shared aims of ending the conflict, improving human rights and encouraging economic and social

development. The main achievement of Cartagena was the positive and constructive interaction between Colombian civil society and the government, testimony to the useful role of the G24 group in brokering dialogue between the two.

Former Foreign Office Minister Bill Rammell, who hosted the London Meeting in 2003, attended the Cartagena Meeting. This was his third visit to Colombia in two years, a demonstration of the importance we attach to our relations with the country. Mr Rammell used the visit to highlight the importance the UK attaches to human rights by visiting UK-funded projects and publicly raising human rights issues. The projects included a community kitchen in a shanty town of internally displaced people near Cartagena; training for the Colombian military on humanitarian mine disposal (civilians are frequent victims of mines laid by the illegal armed groups); and human rights training for the Colombian armed forces (see page 49).

Particular concerns

The human rights situation remains critical. It is important, however, to acknowledge that certain human rights abuses have reduced (for example, according to government statistics there were 52 per cent fewer cases of massacre in 2004 than in 2003; kidnappings and forced displacement also reduced by 41 per cent and 37 per cent, respectively). While the government has stated its commitment to improve human rights and to implement recommendations in annual reports by the Office of the UN High Commissioner for Human Rights, progress remains slow. We are cautiously encouraged by some signs of progress, such as the destruction of stocks of landmines by the Colombian military.

Through organisations, such as the EU and the G24, and by working bilaterally, the UK continues to look for ways to encourage the Colombians to do more and to find ways of helping them. We attach particular importance to the swift and effective implementation of the UN recommendations. We frequently raise individual human rights cases of particular concern at the highest level and constantly remind the government of its human rights obligations. Interventions by our Embassy in Bogotá and Mr Rammell over cases, such as the murder of three trade unionists allegedly at the hands of the army in Arauca Department in August 2004, are a vital part of our engagement on human rights. Our intervention in the Arauca case, coupled with pressure from other international quarters, resulted in a civil rather than a military investigation and the subsequent charging under civil law of four members of the military. We adopted a similar approach when we first heard in late 2004 of the existence of a plot known as Operation Dragon, which included an apparent hit list of left-wing politicians, community leaders and NGOs.

We were deeply shocked by the brutal massacre in late February 2005 of eight members of a peace community in San José de Apartado, including three children (see box below). We sought assurances from the government, notably at a meeting between Mr Rammell and Vice-President Santos in Geneva in March 2005, that the government would apply the lessons learned from the Arauca killings: there must be a thorough, transparent and civil investigation and those guilty must be brought to justice. We have expressed our concerns for the safety of the community and of the human rights defenders who accompany it. A civil investigation is underway.

Massacre in San José de Apartado

On 21 February 2005 eight unarmed civilians, including four children, were brutally murdered in a remote village close to San José de Apartado, Antioquia. One of those murdered, Luis Eduardo Guerra was a leader within the San José Peace Community and a well-respected interlocutor of the international community.

The San José de Apartado Peace Community was established in March 1997, a reaction to high levels of violence in a region of strategic historical importance to the FARC, and more recent paramilitary activity. The community declared itself neutral with regard to all armed actors, including state security forces, and has attempted to maintain its position despite more than a hundred murders within the Community since 1997. The Community claims that the Colombian authorities have failed to take action against those responsible for attacks against its members.

An important international presence in the Community, including representatives of Peace Brigades International (PBI), has ensured that the Community has remained very much in the public eye. The British

Embassy in Bogotá gave PBI an armoured car to support its work in the San José region in October 2004. The Inter-American Court of Human Rights has also judged that the government must offer protection to the Community.

Following the massacre, the UN Human Rights chief in Colombia called for a full investigation of the killings, but pointed out that it was not acceptable for any group of people to declare themselves independent of the state. Colombian police arrived in San José in early April 2005. We firmly believe that there must be a proper investigation by the judicial authorities to determine responsibility for the killings, leading to those responsible being brought to justice. The UK also underlines the need for dialogue between the Community and the Colombian authorities, in order to establish a relationship of trust and to guarantee the community's security. We have frequently raised with the Colombian government the need to protect and support the work of human rights defenders, such as PBI and the communities and groups they work with.

Colombian trades unionists continue to suffer disproportionately as a result of the conflict and the political polarisation it has created. We continue to urge the government to meet its international obligations in regard to workers' rights. Change can be best achieved through a supportive approach and we consider that the International Labour Organisation's (ILO) Special Technical Cooperation Programme for Colombia is one of the most effective ways of helping to bring about real and positive improvement in workers' rights.

The Colombian people have suffered the effects of a long and bloody conflict for too long. As the government moves towards a settlement with the AUC, it must adequately address the rights of victims. With our partners, we have made it clear that the government must recognise the rights of victims to truth, justice and reparation in a comprehensive legal framework covering the demobilisation of illegal armed groups. Impunity from prosecution cannot be an option.

There is no doubt that members of the Colombian security forces collude with the paramilitaries and are involved in drug trafficking. But there is no credible evidence to suggest that these acts are part of an agreed Colombian government policy or that the government or leaders of the armed forces condone collusion. Indeed, President Uribe has publicly stated on many occasions that he will not tolerate such collusion and will act decisively against those who are proved to have such links. We urge the government to undertake thorough judicial investigations of all attacks and abuses involving the armed forces, including those where there are credible allegations of collusion. We have made this point to the Colombians on many occasions and will continue to do so. The EU Council conclusions of December 2004 reflect this concern, as does the Cartagena Declaration.

Recent action by the government to address collusion has resulted in dismissals from the security forces and some arrests and imprisonment of high-ranking army and police officers. Such

action sends a strong message to the security forces that the government will not tolerate collusion with illegal groups and involvement in drug trafficking. It also helps restore public confidence in the security forces. The cases are an important first step but much more is needed.

Armed groups continued to fight for control of territory for the growing or transportation of drugs, access to natural resources or control of local populations. Figures from a Colombian NGO, which specialises in monitoring internal displacement, suggest that the conflict has forced three million Colombians from their homes. This puts Colombia third only to the Democratic Republic of Congo and the Sudan in the global league table for displacement. Many displaced people end up in large urban centres where they cannot provide for themselves through subsistence farming. They find it difficult to gain access to education, healthcare and employment.

The ethnic minority indigenous and Afro-Colombian populations are the main victims of displacement because their traditional homelands are at the heart of the struggle for territorial control. Women and children are over-represented in the displaced population. Displaced people face serious dangers when moving around the country. All three armed groups regularly set up illegal road blocks to take hostages or exact payments from road users. The armed groups have laid minefields near major arteries and threaten travel by river in strategic parts of the country. The number of people displaced across national borders grew in 2005. Mr Rammell highlighted the plight of the displaced when he visited a slum outside Cartagena in February 2005 where thousands of displaced people live in appalling conditions. There is evidence that the AUC demobilisation process and the government's Plan Patriota military offensive against the FARC are forcing increased numbers of people from their homes.

Although more effective government action has reduced the number of kidnappings (down by 41 per cent in 2004), the



A demobilised Colombian paramilitary fighter at a temporary shelter for combatants who surrender their weapons. A large number of fighters are leaving the ranks of the rebel and paramilitary forces.

number of incidents is still alarming. Over 5,000 people remain in captivity. Political victims who have not been taken for ransom can spend many months or even years in captivity. Their kidnappers allow them little contact with the outside world. Parcels sent by families often do not arrive. In the past bungled release attempts by the Colombian armed forces highlighted the dangers of trying to rescue hostages. Although they were kept in very basic conditions, there was no evidence of systematic physical or psychological abuse of captives by the FARC, ELN or AUC. There has been no real progress towards a humanitarian exchange with the FARC, despite a unilateral gesture by the government in December 2004 when it freed more than 30 FARC fighters from prison. The EU has called on all those holding hostages to free them immediately and without conditions.

Colombia is the world's leading producer of cocaine, responsible for approximately 70 per cent of global supply. Income from the production and trafficking of illegal drugs has fuelled armed conflict and led to widespread human rights abuses, violent attacks, and violations of international humanitarian law. The drugs' business is now so big in Colombia that it threatens to destabilise the whole country. It undermines prosperity, democracy and the rule of law.

The UK has a strong relationship with the Colombia government and we are committed to help counter the threat of illegal drugs and their impact on ordinary Colombians. Our assistance has included supporting the government's pursuit of a stable and lasting peace process, sharing information on drug production and trafficking and providing training and equipment to Colombian law-enforcement agencies.

Our cooperation with Colombia is not just about attacking the supply of drugs to the UK. We work closely with the Colombians to help them combat their own domestic demand for cocaine. Since 2000 we have sponsored an NGO group which runs educational workshops in schools teaching children, parents and teachers about the dangers of drugs. The FCO has committed over £250,000 to support drugs projects to reduce demand and harm, including an international seminar in Bogotá in March 2005.

UK military assistance

UK military assistance focuses on training in mine disposal and human rights. Through military training we introduce security personnel to British defence concepts, including the importance of accountable and democratic control of the armed forces and the use of Rules of Engagement. We funded a project, delivered by the UN refugees agency, to raise awareness in the armed forces on their role in preventing displacement and protecting the rights of internally displaced people.

We use the best information available to assure ourselves that Colombian civil and military authorities benefiting from UK assistance are not engaged in activities that violate human rights, aid internal repression or are in collusion with paramilitary organisations. This includes personal interviews and background checks. We monitor our activities to maintain this assurance throughout the duration of any project. Our military assistance to Colombia is consistent with UN human rights recommendations.

UK assistance

The UK's assistance to Colombia takes four forms. We work multilaterally, through organisations such as the EC and UN; we work through our regional programme; we support British NGOs; and we provide humanitarian support. The UK contributes to Colombia through its 18 per cent share of the EC assistance to Colombia. Since 2001 the EC has committed €155.87 million to Colombia through its main areas of assistance to the country: National Indicative Plan, Aid to Uprooted People and Humanitarian Assistance.

Our regional programme seeks to eliminate poverty and inequality, working to improve the effectiveness of the World Bank and Inter-American Development Bank, from which Colombia is benefiting.

In 2005-06, the FCO will be funding projects worth around £450,000 in Colombia on human rights, justice, freedom of expression, demining and trades union issues. The FCO's Drugs and Crime Fund committed over £625,000 to counter-drugs projects in the financial year 2003-04. This included funding for HM Customs & Excise drug law enforcement training and equipment and funding for projects reducing demand. We are funding a TUC project to promote contact between Colombian and British trades unions.

Looking ahead

Over the coming year we will continue to work with a wide range of partners to improve human rights in Colombia. Our partners include the Colombian government, local and international NGOs and civil society groups and international bodies, such as the UN and EU. We will support the work of the UN High Commissioner for Human Rights, whose annual report containing recommendations on human rights is a key component of our strategy and reflects the choice and nature of the projects that we will support. Colombia is an important priority in the fight against drugs. We have a duty to help the Colombian people who have suffered from conflict for too long.

2.6 Cuba

Following the crackdown on the peaceful opposition in March 2003, the Cuban government has continued to violate many basic human rights, in particular civil and political rights. The government also imposes severe restrictions on economic rights, such as the right to own property or to open a business. We remain deeply concerned about the deliberate and systematic nature of such violations.

Political repression

The Cuban government claims to practice participatory democracy. There are elections by direct ballot at municipal, provincial and national levels. The government also claims that every citizen has the right to nominate candidates for election. In reality there is little choice: Cuba is a one-party state and the communist party is the only legal political party. The authorities label anyone opposing the regime as a mercenary in the pay of the US or a counter-revolutionary and subject them to state harassment and harsh sentences.

In theory, Cuba's constitution guarantees fundamental freedoms. However, Article 62 states that people may not exercise these rights "contrary to the existence and the objectives of the socialist state". Cuban authorities use this to attempt to justify repression of any undesired activity. The government has enshrined restrictions on the rights to freedom of association and assembly in law and does not permit independent trades unions.

Freedom of expression

Cuban law expressly restricts the rights to freedom of expression and of the press. Law 88 (the "gagging law") criminalises the ownership of "subversive" information and its distribution to, or reproduction for, the US or any other foreign entity. The law also prohibits collaboration with foreign media for the purpose of destabilising the country. The authorities frequently charge journalists and human rights advocates with

"dangerousness" or "contempt", vague charges which are enshrined in Cuban statutes under the guise of protecting national security.

Cuban media is the mouthpiece of the state. The state prohibits independent media and controls the internet. State newspapers and distorted news broadcasts give a skewed picture of reality inside and outside the country and most people have little information with which to challenge these concepts.

Political prisoners

In the 2003 and 2004 Annual Reports we highlighted the sentencing of 75 members of the peaceful opposition to long prison terms totalling 1,454 years. The trials were in clear breach of many human rights standards as defined in the Universal Declaration of Human Rights, to which Cuba claims it adheres. Some defendants had little or no facility to meet lawyers before the trial and there was less than a week between the charges and the trial date.

The two-year anniversary of this crackdown passed with little sign of a change of heart in the regime. The government released 14 political prisoners in 2004 on health grounds, but told them that they would be rearrested when their health improved or if they resumed their former activities. Despite widespread international condemnation by the EU, UN and NGOs, such as Amnesty International, most of the 75 prisoners remain behind bars. Many suffer from severe health problems. The Cuban Committee for Human Rights and National Reconciliation (CHRNR) estimated in January 2005 that there are around 300 political prisoners in Cuba. Short-term detentions and detention without trial are also an issue. In May 2005 the CHRNR reported that 400 Cuban youths had been arrested and imprisoned in a high security prison facility in Havana, accused of "political dangerousness".

In the 2003 and 2004 Annual Reports we reported the executions by firing squad of three people who had attempted



Cuban dissident Rene Gomez Manzano, Martha Beatriz Roque and veteran dissident Felix Bonne applaud during the Assembly for the Promotion of Civil Society in Havana, 20 May 2005.

to hijack a ferry to escape to the US. This ended a three-year *de facto* moratorium on the death penalty and the government carried out the executions within nine days of making the arrests. There have been no further executions but 40-50 people remain on death row.

Prison conditions

Since 1989 the government has not allowed international monitors into Cuban prisons. The only part of the island that the ICRC has been allowed to visit is the US base at Guantanamo. Nevertheless, there is a wealth of anecdotal evidence that prison conditions fall well below the UN Standard Minimum Rules for the Treatment of Prisoners. Prisoners' families have spoken of the use of punishment cells, physical and psychological abuse, lack of sanitation, poor hygiene facilities, putrefied food, lack of medical attention and overcrowding. The government also penalises the families of political prisoners - as prisoners are often held far from their homes, access is almost impossible due to poor transport facilities. In addition, the authorities restrict visits or cancel them at short notice.

Civil society activism

Political opponents not in prison are subject to state harassment, including threats to themselves or their families, short-term detentions, surveillance, intimidation by rapid-reaction brigades and other state bodies and dismissals from employment. There is mass infiltration by state security. Cuban opposition is therefore small and fragmented.

However, some credible civil society activism exists. In particular, Oswaldo Payá, author of the Varela Project (a petition presented to the national assembly in May 2002 calling for democratic reform), continues to be active. Mr Payá was awarded the EU Sakharov Freedom of Thought prize in 2003 and has been nominated for the Nobel Peace Prize three times. He met former Foreign Office Minister Bill Rammell in January 2003 and again in March 2005. Mr Payá is currently working on a transition programme called the national dialogue. Many of those arrested in the March 2003 crackdown were members of Mr Payá's Christian Liberation Movement (MCL).

Opposition leader and former political prisoner Martha Beatriz Roque held a general meeting in May 2005 for 365 organisations that make up her Assembly to Promote Civil Society. The Cuban government allowed the meeting to go ahead - an event unprecedented since the Revolution in 1959. About 150 people took part, although the organisers say that many of those invited were prevented from attending by the government. Several EU delegates and journalists were expelled from Cuba and prevented from attending.

Elizardo Sanchez is one of the most well-known human rights figures outside Cuba and is Director of the Cuban Commission

Former Foreign Office Minister Bill Rammell visited Cuba in March 2005. He delivered tough messages on human rights to Cuban ministers and in a frank and detailed meeting with Foreign Minister Perez Roque. He repeatedly stressed the need for Cuba to release all political prisoners and to end state harassment of individuals and he warned against a further crackdown on the opposition. He urged Cuba to abolish the death penalty and to allow international observers access to Cuban prisons. Mr Rammell met figures from wider civil society, including Oswaldo Payá, Martha Beatriz Roque, Vladamiro Roca (activist and former political prisoner), Oscar Espinosa Chepe (one of the 75 released in 2004 on health grounds), Miriam Leiva (human rights campaigner and wife of Mr Chepe) and the Archbishop of Havana Jaime Ortega who has condemned political crackdowns and lamented the lack of economic opportunities in Cuba.

for Human Rights and National Reconciliation, a reliable source of information on the human rights situation in Cuba, which publishes regular reports on political prisoners and the death penalty. "The Ladies in White", relatives of the 75 political prisoners, continue to campaign peacefully for the release of their imprisoned family members.

UK/EU action

At the 2005 UN Commission on Human Rights (UNCHR) in Geneva the UK, along with EU partners, again co-sponsored a successful resolution drawing attention to Cuba's human rights record.

EU diplomatic relations with Cuba thawed recently after an 18-month freeze that Castro had imposed in response to EU measures introduced in June 2003 to draw international attention to the March 2003 crackdown. On 31 January 2005 EU ministers adopted Council Conclusions suspending the June 2003 measures (which included inviting dissidents to national days and a ban on high-level visits). The thaw in relations enables EU members to talk directly to the government about human rights concerns. Furthermore, the Conclusions committed the EU to intensifying dialogue with the peaceful opposition. Representatives from the British Embassy in Havana have long had regular meetings with civil society figures, including opposition members, and are in frequent contact with the families of political prisoners.

Looking ahead

We are deeply concerned that there seems little prospect of the Cuban government releasing any more political prisoners and we fear another crackdown on the peaceful opposition. A further EU policy review took place in June 2005. The EU decided to roll over the suspension of the June 2003 measures, but reaffirmed its commitment to intensified dialogue with the peaceful opposition and to raising human rights concerns

directly with the Cuban government.

Realistically, there is unlikely to be a significant change in the system during President Fidel Castro's lifetime. With our EU partners we will continue to engage with the government and to work with wider civil society to promote a better future for Cuba. Our goal is a peaceful transition to a pluralist democracy that respects human rights and fundamental freedoms and improves the living standards of the Cuban people.

2.7 Democratic Republic of Congo

Overview

Ongoing conflict in the Democratic Republic of Congo (DRC) continues to threaten human rights, peace and stability in the Great Lakes region (see also pages 140-143). Although the transitional government has remained intact and has asserted its authority over most of the DRC, factional conflicts continue in the east of the country and militia groups cause misery for civilians in Ituri, in north-eastern DRC.

The transitional government has been in place since July 2003. While this has brought stability to much of the country, progress has been slow in key areas, such as army integration and the preparations for free and fair elections. While the principal parties have remained part of the transitional government, the DRC military and militia groups have not come under unified command and have periodically fought among themselves, particularly in the east of the country.

Relations between the DRC and its neighbours are central to the peace process in the DRC. Rwanda, Uganda and the DRC signed a Tripartite Agreement on common security issues in October 2004. All three countries plus Burundi and seven other regional nations signed a declaration on peace and security at the first summit of the Great Lakes Conference at Dar Es Salaam on 20 November 2004. However, these positive developments were set back by Rwanda's threat on 23 November 2004 to conduct

military operations in the DRC to disarm the Forces Democratique de la Libération de Rwanda (FDLR). The international community was quick to react to this potential crisis and UK ministers played a vital role in dissuading Rwanda from unilateral action and using established international mechanisms to resolve the issue of the FDLR.

The human rights situation across eastern DRC, from Ituri in the north-east, through the Kivu provinces and down to northern Katanga in the south-east, remains particularly bad. The presence of ill-disciplined and poorly controlled members of the supposedly integrated Congolese armed forces throughout the country, particularly in the east, has created a situation where troops are committing atrocities against civilians on a daily basis. Sexual violence is widespread, increasing whenever the troops change over. Poorly fed and unpaid soldiers harass local populations, impose illegal taxes and steal crops, livestock and other goods.

The FDLR, a group containing elements of the pre-1994 Rwandan army (FAR) and the militias, which carried out the 1994 genocide in Rwanda (Interahamwe), continues to harass, threaten and illegally tax local civilians in the Kivu provinces and perpetrate other human rights abuses on Congolese people.

Particular concerns

Some of the worst abuses of human rights have taken place in the Ituri district in north-eastern DRC. Militia groups have continued violating human rights, including by rape, torture, cannibalism, forced labour and illegal detention. There is evidence of militia groups using internally displaced people as human shields to stop the UN Mission in the DRC (MONUC) patrols from engaging them. Indian and Pakistani battalions have strengthened MONUC in the east of the country and have begun to take firm action against the militia groups to protect civilians.



Members of the People's Armed Forces of Congo (FAPC) walk to the UN disarmament post in Mont-Ava, DRC, to give up their weapons. The disarmament programme began in September 2004 and around 5,700 fighters have handed in their weapons.

The lack of security in many areas of eastern DRC means that large sections of the population cannot tend to their land, causing food insecurity. This has left millions of people internally displaced and dependent on humanitarian aid. Outbreaks of fighting, such as those near the villages of Tshe and Kanyabayonga in late 2004 and early 2005, prevent humanitarian agencies from getting to vulnerable groups.

The UN Secretary-General's 17th report of March 2005 on the operation of MONUC details further human rights abuses that happened across the DRC. Frequent abuses of human rights have occurred in Ituri province, with militia groups abducting women and children from villages such as Tshe, near Bunia. Troops from one faction of the Congolese armed forces are alleged to have arbitrarily killed 30 civilians in the village of Baramba. The Secretary-General's report also points to systematic attacks on villages in North Kivu, such as Ikobo, near Walikale. Human rights problems are not confined to the east. The report refers to the arbitrary arrest of 26 street children in the mining town of Mbuji-Mayi in Kasai Oriental.

Overall there has been very little progress on human rights in the DRC, although international pressure has forced the transitional government to take the issue more seriously. In late 2004 a Congolese armed forces' court martial found 21 soldiers guilty of sexual violence. In February and March 2005 security forces in Kinshasa arrested Ituri militia leaders, including Floribert Ndjabu and Thomas Lubanga, for their role in atrocities committed in the region. Both of these developments send a sign that impunity cannot continue. The International Criminal Court has begun investigations into crimes against humanity committed in the DRC, adding to the pressure on the transitional government to bring violators of human rights to justice.

The Congolese authorities have yet to address long-term human rights problems. Impunity remains a major problem, exacerbated by the decision of the Congolese authorities to promote militia leaders into senior army positions. Despite some action to prosecute those guilty of sexual violence, rape remains a weapon during conflicts and an everyday reality in the east of the country. Continued pressure from EU Member States has not succeeded in re-establishing a moratorium on the death penalty, which remains on the statute in the DRC and is contained in the DRC's draft constitution. Hate media continues, with the Banyamulenge ethnic group in eastern DRC often the target for inflammatory statements on radio stations and through print media. Many Banyamulenge fled over the border into Rwanda and Burundi in June 2004 and have not returned because of the strength of the anti-Byamulenge rhetoric.

Some of MONUC's personnel have not protected the human rights of Congolese civilians as they should have.

Reports of sexual exploitation by soldiers and civilian personnel within MONUC are particularly worrying. The UK and other Security Council members urged the UN to make a quick response to these allegations. The UN initiated an investigation into the allegations and called for those countries contributing troops to follow up the UN's investigations by appropriate disciplinary action. We share the outrage at these accusations voiced in the Secretary-General Kofi Annan's statement. We welcome his pledge to stamp out such behaviour.

For this reason we supported Resolution 1565, adopted on 1 October 2004, demanding continued investigations into all alleged offences and appropriate disciplinary action from the UN and countries contributing troops. We are encouraged by the decision of Morocco and other countries to prosecute soldiers that have committed such offences.

UK action

The UK continues to raise human rights with the Congolese authorities whenever possible. Former Minister for Africa Chris Mullin raised human rights issues with President Kabila and Vice-President Bemba on his visit to Kinshasa in June 2004 and again with Vice-President Ruberwa in London in November 2004. The British Ambassador maintains regular pressure on the transitional government to improve human rights in his role as the UK representative on the Comité International d'Accompagnement de la Transition. We will use our EU presidency this year to continue to push for improvements in human rights across the Great Lakes region, including the DRC.

Through DFID, we are supporting several NGO projects to facilitate access to justice. This year we have supported the NGO *Reseaux de Citoyens* Citizens Network (RCN) to train judicial personnel and increase people's awareness of their legal and human rights. We are also supporting a pilot mobile court through *Avocats sans Frontières* (ASF), bringing justice to people in isolated areas. DFID funded a national justice seminar to help kick-start the process of judicial reform in the DRC and we are now working with the Congolese government, judiciary and civil society to put the plans into action. Our Embassy in the DRC has also funded small schemes promoting access to justice in Katanga.

The UK has strongly supported strengthening MONUC, increasing its troop ceiling to 16,700. This included a significant rise in troops in the fragile east of the country. We have consistently encouraged MONUC to take a robust approach in dealing with the militias that perpetrate so many of the human rights abuses in eastern DRC. We provide six key military

officers to MONUC. We support, and push for greater use of, the MONUC-run Radio Okapi, which is part-funded by DFID. One of Okapi's aims is to sensitise the local population to their human rights.

The UK further increased its development assistance to the DRC, spending around £30 million in financial year 2004-05. This is planned to increase to £46 million in financial year 2005-06. DFID continues to focus development assistance on a sustainable way to end the cycle of abuse. This involves ending the conflicts which allow the present climate of impunity. Our development assistance to the DRC has four strands: security sector reform (including demobilisation) and the rule of law; infrastructure and reconstruction; support for good governance and the transition institutions; and improved management of natural resources. DFID has provided additional financial support to the UNDP Trust Fund for the five Commissions Citoyennes.

In addition, DFID continues to respond to the chronic and severe humanitarian needs in the DRC. We provided £17 million of emergency humanitarian support in 2004-05 through international NGOs and the UN. DFID's projects are providing emergency medical care; nutritional programmes; water sanitation; vaccination programmes; and public health programmes for internally displaced people.

2.8 Democratic People's Republic of Korea

Overview

The Democratic People's Republic of Korea (DPRK), or North Korea, is widely considered to have one of the worst human rights records in the world. Much of the evidence for this record comes from North Korean defectors, who are also referred to as refugees and escapees, who provide shocking reports of serious and widespread violations of basic human rights in DPRK. There are allegations of abductions and disappearances; arbitrary

detention and imprisonment for up to three generations of the same family; regular use of the death penalty, including political and extra-judicial executions; routine use of torture and inhumane treatment; forced abortions and infanticide; political prison camps and camps for rehabilitation through labour; extreme religious persecution; chemical experimentation; and sanatoria for non-conformists.

The DPRK has repeatedly invoked sovereignty, non-interference and cultural differences to avoid its human rights responsibilities. Humanitarian aid workers and diplomats in Pyongyang are subject to severe internal travel restrictions and some 20 per cent of the counties in DPRK remain inaccessible "for reasons of national security". The government denies foreign diplomats access to judicial institutions, saying that it amounts to interference in the country's internal affairs. These restrictions, coupled with the government's self-imposed isolation and unwillingness to cooperate with the international community on human rights, make it difficult to compile evidence regarding human rights abuses. However, we receive regular and similar reports that describe an increasingly credible, coherent and alarming situation.

Since it joined the UN in 1991, the DPRK has become a party to four key UN human rights treaties: the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). North Korea has submitted two (late) Reports on the ICCPR, but there is no record that it has implemented any of the other Conventions. The government has submitted an initial report on the situation regarding women's rights, due for consideration in July 2005. We welcomed the visit by members of the Convention on the Rights of the Child to Pyongyang in May 2004, and will continue to urge the DPRK authorities to allow visits by other international rapporteurs. The DPRK has yet to accede to two core human rights treaties: the Convention



North Korean cooperative workers prepare fields for rice transplanting. The North Korean government classifies people to determine where they live and what job they can do.

against Torture and the Convention on the Elimination of all forms of Racial Discrimination. The government claims that political and technical factors prevent them from doing so. We will continue to urge the DPRK government to accede to these remaining treaties as a matter of urgency.

Particular concerns

The DPRK constitution provides for freedoms and liberties for its citizens. In practice, the reports of refugees contradict many of the provisions listed as the "rights and duties of citizens" in the 1998 constitution. There is no mechanism to allow a change of leadership or government. There is no freedom of expression, assembly, association, movement or information. The state tightly controls all media. There are no foreign books or magazines available for purchase and the authorities control access to the internet on an individual "need-to-know" basis. There is no independent human rights monitoring organisation. Although the constitution provides for freedom of religious belief, there is no genuine religious freedom: North Koreans have no access to religious literature or other information. The authorities admitted in 2004 that it tolerated some 500 family worship centres, but denied diplomats access to these centres. Defectors report that Christians receive harsher treatment than other prisoners, suffering torture and execution as a direct consequence of their faith. There are no workers' rights: the government allows unions but uses them as instruments of social control under the direct auspices of the Korean workers' party (KWP). There is no transparent structure for wages, working hours or labour conditions. Women have no equal rights: the age for marriage is different for men and women and society is dominated by a male culture. There is growing concern about the organised trafficking of women across the border into China for marriage or prostitution. North Koreans are subject to arrest and detention without trial. Depending on the offence, the authorities can detain or punish entire families for the crimes of one individual. The government has fitted all apartments in Pyongyang and other cities with radios tuned to a specific station to cascade propaganda: people can turn the radios down, but not off. The judiciary has no independence and the legal system has no transparency.

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

Increasing numbers of North Koreans escape across the northern border with China for economic and political reasons. NGOs assess that there are currently up to 200,000 North Korean refugees in the Sino-DPRK border region, all of whom risk being arrested and forcibly repatriated to North Korea if caught by the Chinese authorities. We received credible reports that the DPRK government executed 60 returned defectors in January 2005. In March 2005 a Japanese television station aired video footage allegedly showing the execution of two North Korean returnees. We regularly urge China to allow the UN High Commission for Refugees access to the border region and to observe its obligations under the 1951 Refugee Convention. In 2004, 1,894 North Korean refugees succeeded in reaching South Korea for resettlement. The figure has risen rapidly since 1997 and over 6,000 North Korean defectors now live in Seoul.

UK/EU action

In our bilateral dealings with North Korea we regularly raise the issue of human rights at ministerial and official level. Our relationship with the DPRK is based on a policy of critical engagement and we recognise that human rights is a complex issue. Unless the DPRK government is willing to engage with us we are unlikely to make any significant progress.

After the establishment of diplomatic relations, the DPRK government regularly pressed for a UK ministerial visit to Pyongyang. We have made clear that it must first engage seriously on our main concerns: the nuclear issue and human rights. In summer 2004, the government duly committed to hold substantive discussions with the UK on human rights. Bill Rammell, the former Foreign Office Minister responsible for relations with DPRK and human rights, visited Pyongyang from 11-14 September 2004, accompanied by four officials and seven British journalists, including a BBC camera crew. During his visit Mr Rammell expressed deep concern about the DPRK's human rights record. He pressed for the government to give access to the UN Special Rapporteurs and especially the UN Special Rapporteur on DPRK Human Rights. He pressed for the government to ratify the Convention Against Torture. The DPRK Vice-Foreign Minister Choe Su Hon acknowledged that North Korea attached greater importance to national sovereignty and security. The primacy of "collective rights" meant that the government would not tolerate "individual manoeuvres". The continuing "state of war" with the US meant that there were some restrictions on human rights, including restrictions on travel around the country. Choe also admitted the existence of camps for re-education through labour.

Although Choe's messages were grim, we were encouraged by his degree of engagement. However, within two months of Mr Rammell's visit, North Korean officials began insisting that there

would be no further dialogue with the EU, nor any of its member states, while the EU insisted on tabling resolutions against the DPRK at the UN Commission on Human Rights. Towards the end of 2004, Choe restated this in writing to Mr Rammell, who had written to follow up on the human rights issues discussed during his visit. Since September 2004, we have continually urged DPRK to allow a visit by the UN Special Rapporteur but the government has consistently denied access. We have told the North Koreans that we stand ready to offer help, including education and technical assistance, in return for further bilateral or multilateral progress on human rights. To date, there has been no change in the DPRK position.

In the absence of any progress following a widely supported resolution at the 2003 UN Commission on Human Rights, the EU tabled a second resolution in April 2004. This called for the establishment of a UN Special Rapporteur on DPRK Human Rights and Professor Vitit Muntarbhorn was appointed to the position in July 2004. The DPRK government refused to acknowledge either the resolution or the appointment of the Special Rapporteur. Having seen no progress over the past year, the EU tabled a third resolution at the UN CHR in April 2005, which was again adopted by a significant majority (30 votes to 9, with 14 abstentions).

Looking ahead

We have made it clear to the DPRK government that we cannot extend the benefits of a full and normal bilateral relationship until we have evidence that it is addressing our concerns on issues such as human rights. We will continue to raise human rights directly with the government and voice our concern in the international community.

2.9 Indonesia

Indonesia has continued to make progress towards a full democracy following parliamentary elections and two rounds of presidential elections in 2004. All were conducted peacefully and without major incident. However, the conflict in Aceh continued even after the tsunami of 26 December 2004, albeit at a lower level. We also received reports of human rights abuses in Papua. We remain concerned about the way the Indonesian government is addressing the human rights abuses that occurred in East Timor in 1999. Despite this, the situation in Indonesia in 2005 is better than it has been for some years.

There were three sets of elections in Indonesia in 2004, each highly complex and presenting a major challenge to the country's new democratic system. On 5 April 2004 Indonesia held its parliamentary elections, which resulted in a smaller than expected victory for the opposition Golkar party over the governing PDI-P of then-President Megawati, but an increase in

representation for smaller parties, such as the Democrat party and PKS (Prosperous Justice Party). On 5 July, six candidates contested the first round of the presidential elections. The incumbent President Megawati and Susilo Bambang Yudhoyono, a retired general who had previously served as Coordinating Minister for Politics and Security in her government, went through to the final round on 20 September. Yudhoyono won a decisive victory with 60 per cent of the votes and was sworn in as Indonesia's first directly elected president on 20 October.

There were some isolated reports of vote rigging and corruption. But all observers, including the EU electoral mission and the US Carter Center, issued positive reports about each of the elections and the overall performance of the democratic system. The authorities allowed monitors to observe voting in the conflict region Aceh and in Papua. There were over 20 UK monitors in the EU delegation, which was led by UK Member of the European Parliament Glyn Ford. The turnout at each election was high – above 80 per cent. There were few incidences of violence related to the elections and the transition from Megawati's government to Yudhoyono's went smoothly.

In Aceh, civilian emergency law replaced martial law in November 2004. While this was welcome, the military continued to have a heavy presence in the region. On 26 December 2004, Aceh was devastated by a huge earthquake and subsequent tsunami wave that destroyed large swathes of the northern and western tip of the island of Sumatra, killing 230,000 people and displacing over 700,000 people. This disaster injected greater impetus into ongoing talks between the Indonesia government and the Free Aceh Movement (GAM). The two sides met in Helsinki on 21-22 January 2005 and again on 21-23 February. Further talks were held in April and May.

The Indonesian military (TNI) played a crucial role during the first months after the earthquake and tsunami crisis, providing critical emergency assistance to the people of Aceh and North Sumatra. However, Amnesty and Human Rights Watch reported cases of human rights abuses by the military and GAM in the region. Despite GAM's announcement of a ceasefire on 29 December and the TNI's response that they would use arms only to retaliate, there were reports throughout January of low-level skirmishes between the two. After the tsunami, the authorities reopened Aceh to international NGOs and observers, an area that they had tightly restricted since imposing martial law in May 2003. Since the tsunami they have lifted many of the restrictions, although we are now concerned that they might be reimposed. We welcome this development and with the international community we encourage both sides to work towards a political settlement. We have repeatedly lobbied the Indonesian government to allow full access for NGOs and diplomats to Aceh. Secretary of State for Development Hilary



An Indonesian soldier guards a boat landing on the outskirts of Banda Aceh, which was damaged by the tsunami. The Indonesian military said it would hasten the rebuilding and recovery of battered villages along the province's west coast.

Benn and Foreign Office Minister Douglas Alexander visited Aceh to assess the situation in early 2005. While he was in Jakarta, Mr Alexander also met local NGOs active in Aceh to hear their concerns.

We continue to have concerns about Papua. The special autonomy law passed in 2001 granting the region greater self-governing powers remains largely unimplemented. The government issued a presidential decree in January 2003 splitting the province into three and had only partly implemented the decree before it was challenged (by the Indonesian constitutional court) in December 2004. Following another presidential decree the same month, the constitutional court's decision has now been confirmed and Papua has been split into two provinces: West Papua and Irian Jaya. We continue to stress to the government the importance of fully implementing the 2001 special autonomy law. Some NGOs and activists have reported army attacks on villagers in the Papuan highlands. With our EU partners, we have expressed our concerns to the Indonesia government about these reports. Ministerial Envoy Dr Michael Williams raised these concerns with President Yudhoyono during his visit to Jakarta in December 2004.

President Yudhoyono's government has continued the process of placing the Indonesian army and police under civilian control. However, reform of the security services will remain a major challenge for the new government.

East Timor

An estimated 100,000-200,000 East Timorese died in the violence and chaos following Indonesia's invasion of East Timor in 1975. A UN-organised ballot in 1999 led to a significant vote against autonomous status within Indonesia and implicitly for independence. There was widespread violence by militia groups in favour of integration with Indonesia before and after the ballot. Many people were killed and militia groups forced a large number of people into Indonesian West Timor. The violence was

accompanied by burning and looting throughout East Timor. After considerable international pressure, Indonesia accepted the deployment of a multinational force under UN auspices to restore order and renounced its claim to East Timor.

The UN handed control over to the first democratically elected government of the Democratic Republic of East Timor in May 2000 and replaced UNTAET (the UN Transitional Administration in East Timor) with a UN Mission of Support for East Timor (UNMISSET). UNMISSET's remit was subsequently extended until 20 May 2005, following which it was replaced by a United Nations Office in Timor Leste (UNOTIL), which has a mandate to work until May 2006.

In 2000 the UN Security Council accepted Indonesia's pledge to conduct its own enquiry and prosecute those responsible for human rights violations in East Timor in 1999. In 2001 Indonesia established an *ad hoc* tribunal to prosecute 18 defendants involved in the East Timor massacres in 1999. The tribunal began work in March 2002 and delivered its final verdict in August 2003, acquitting 12 defendants and sentencing six to 3-10 years' imprisonment - below the minimum set by law. All six remained free pending appeals. Four of the six successfully took their cases to the appeal court and a fifth had his sentence reduced from ten to five years, but has since taken his case to the supreme court. The supreme court confirmed the three-year sentence on the sixth person, Abilio Soares, former governor of East Timor. He began serving his sentence on 18 July 2004 but in November the supreme court overturned his conviction and he was released. UNTAET set up a UN Serious Crimes Unit (SCU) following UNSCR 1272 to investigate major incidents of mass killings and forced deportation, murder, rape, torture and other crimes against humanity in East Timor from 1 January-25 October 1999. The SCU has filed 95 indictments at the special panels for serious crimes, charging over 400 people. The majority of those indicted are in Indonesia but the government has ignored the indictments.

In 2002 the East Timor government set up a Commission for Reception, Truth and Reconciliation (CAVR), an independent statutory authority to enquire into human rights violations committed in East Timor from April 1974–October 1999 and to assist national reconciliation. The CAVR eases the formal judicial system by allowing individuals to atone for less serious crimes. Since the CAVR started its core work in April 2002 it has held hearings for over 1,400 perpetrators, taken statements from victims and held public hearings. It will publish its final report in 2005 and send copies to the UN Secretary-General and the governments of East Timor and Indonesia, among others. The UK has provided funding of around £580,000 to the CAVR.

On 21 February 2005 a Commission of Experts (COE) set up by the UN Secretary-General started work. The remit of the COE is to review the judicial processes of the *ad hoc* tribunal in Jakarta and of the Serious Crimes Unit in Dili, and to recommend to the Secretary-General measures to ensure justice for victims and promote reconciliation. The COE will also consider how its analysis could assist the Indonesia and East Timor bilateral Commission for Truth and Friendship (CTF). On 9 March 2005 Indonesian President Yudhoyono and East Timorese President Xanana Gusmao signed the terms of reference for the CTF, which should begin work by August 2005. The remit of the CTF includes establishing the truth about human rights violations in East Timor during 1999 and recommending amnesties for those who cooperate in revealing the truth.

2.10 Iran

There has been no significant progress in Iran since our last Annual Report; human rights have deteriorated further in many areas. We remain concerned about the limits imposed on freedom of expression and assembly, the lack of freedom of religion and the extensive use of the death penalty.

Recent developments

One outstanding area of concern is the punishment of children. We have received an increasing number of reports of juvenile offenders being sentenced to death or lashing. In several instances, these barbarous punishments have apparently been carried out. A 16-year-old girl, Atefeh Rajabi, was reportedly hanged in public in August 2004 for “acts incompatible with chastity”. Foreign Secretary Jack Straw and other ministers have expressed our strong concern. These punishments violate Iran’s obligations under the International Covenant on Civil and Political Rights and the UN Convention on the Rights of the Child. In January 2005, the UN Committee on the Rights of the Child also made clear its concern; we urge Iran to comply with the Committee’s recommendations.

In October 2004, Iranian officials assured the EU that a moratorium was in place on all lashings and executions for crimes committed by those under the age of 18, pending consideration by the Majlis (parliament) of new legislation. We hope that the government will soon adopt and fully implement a law abolishing these punishments regardless of the crime. Sadly, we continue to receive reports of juvenile offenders receiving death sentences and we have asked the Iranian authorities to look into them as a matter of urgency.

Iran has not respected freedom of expression. The government is increasing its censorship of all the main media and particularly the internet. It has blocked many websites and weblogs that provide news or comment critical of the regime and has closed down a number of reformist newspapers. The authorities have arrested and imprisoned journalists, internet technicians and bloggers. They sentenced Arash Sigarchi to 14 years in prison for alleged espionage and insults to the country’s leaders. Shortly before his arrest he had been in contact with the BBC Persian Service and other western media. Mr Sigarchi has been released on bail while his appeal is heard. Other journalists remain in prison.

In late 2004 several bloggers claimed that they had been beaten, kept in solitary confinement and tortured. The government set up a presidential commission to investigate. A former vice-president of Iran said their testimonies had “made committee members weep”. Tehran’s chief prosecutor, Saeed Mortazavi, reportedly threatened those who gave evidence with lengthy prison sentences and harm to their family members.

NGOs have come under pressure. The authorities have intimidated and arrested activists and human rights defenders, including some when they returned from conferences overseas. Several people engaged in human rights work have been banned from travelling outside Iran, despite not having been convicted of a crime, as have lawyers, journalists and reformist politicians. The authorities have used the courts to harass reformers. In January 2005 Shirin Ebadi, a lawyer who in 2003 became the first Iranian and first Muslim woman to win the Nobel Peace Prize, was ordered to answer questions before a revolutionary court or face arrest. A judiciary spokesman later admitted that there were no grounds for summoning her. The authorities continue to restrict the labour movement. Workers do not have the right to organise or strike. The international trade union movement has expressed concern at the arrest of activists in Saqez in May 2004, apparently for trying to celebrate Labour Day. The activists had earlier had contact with representatives of the International Confederation of Free Trade Unions (ICFTU). The Iranian authorities have not acceded to ICFTU’s request to send observers to the trial. Lack of religious freedom remains a serious problem. The

constitution recognises Christian, Jewish and Zoroastrian populations as religious minorities but in practice they face discrimination. Under Iranian law, conversion from Islam to any other religion is a crime and may be punishable by death.

We continue to hear of the arrest and detention of Christians seeking to practise their faith. In September 2004 the authorities arrested around 80 Christians at Karaj. They released many soon afterwards but a lay pastor, Hamid Pourmand, remains in prison. Pourmand, an army colonel, received a three-year sentence from a military court for supposedly failing to tell his superiors he was a Christian. He subsequently faced charges in other courts, which carry longer sentences and even the death penalty, but was acquitted of these in May 2005.

Iran does not recognise the Bahá'ís as a religious minority. International representatives of the Bahá'í faith report that the Bahá'í community in Iran now faces even greater intimidation from officials and quasi-official bodies. Sites of religious significance have been destroyed. Bahá'í leaders have reportedly received orders to suspend all social and community-related activities and there have been instances of arbitrary arrest and detention. Bahá'ís have restricted opportunities for advancement and do not, for instance, have normal access to higher education. It is deeply disappointing that the Iranian authorities have not acted on repeated calls by the UN General Assembly to ensure that the Bahá'ís enjoy full and equal rights. Despite regular pledges to respect human rights, the Iranian authorities have not taken sufficient steps to address the legislative and institutional shortcomings that allow violations to occur. There are basic failures in the administration of justice. Iran's judicial system does not guarantee due process of law or provide fair, public hearings and the right to counsel. The judicial authorities regularly use national security laws to deny individuals their rights. While some parts of the judiciary seem open to ideas for change, there has been little actual reform to date.

Arbitrary detention following arrest, solitary confinement, torture and the use of unofficial prisons are still features of the Iranian penal system. Last year's statement by the Head of the Judiciary, Ayatollah Shahroudi, that "any torture to extract a confession is banned and confessions extracted through torture are not legitimate and legal" and subsequent legislation does not appear to have been implemented.

The authorities continue to detain political prisoners, who are often held with prisoners convicted of violent crimes. Some, such as the lawyer Nassar Zarafshan, and Akhbar Ganji, a journalist, are in ill health. The EU has called for their immediate release. The authorities still detain a number of people arrested following large-scale demonstrations in June 2003 along with others such as Ahmed Batebi, who was arrested after student protests in 1999.

The courts frequently apply the death penalty. The government does not provide statistics of the number of executions carried out each year, but respected international human rights NGOs claim the total exceeds 150, a large increase over last year. Only China executes more people. Lashings are common. In 2002, the authorities announced a moratorium on stoning and amputation. This moratorium appears in fact to be advice to judges to find an alternative sentence. Reports indicate that courts still occasionally sentence offenders to these punishments; it is not clear whether any sentences have been carried out.

In our last Annual Report we mentioned the case of Ms Zahra Kazemi, a Canadian-Iranian journalist who suffered a violent death in police custody in June 2003. In July 2004 the trial against the intelligence officer accused of her "quasi-intentional murder" ended abruptly after its second day. Despite assurances that the trial would be open, the authorities barred Canadian and EU observers on the second day. The intelligence officer was acquitted. The EU expressed concern that the trial concluded in such a short time and in a way that did not do



Iran's prominent investigative journalist, Akbar Ganji (seen here with his wife Masoumeh Shafiei), answers questions from the media after he was freed from jail on 30 May 2005. He was subsequently rearrested and imprisoned once more.

justice to the seriousness of the circumstances under which Ms Kazemi died. We understand that the case is currently with the court of appeal in Tehran. In April 2005 a doctor who claimed to have seen Ms Kazemi just before her death said she had horrific injuries indicating torture and rape. We hope that the Iranian authorities will investigate and resolve in a transparent manner all the outstanding issues surrounding her death, bring criminal prosecutions as necessary and make future hearings open and public.

Women in Iran have certain rights and freedoms that they lack elsewhere in the region: they have the right to vote and work and they make up over half of the university intake. But discrimination is pervasive. A woman's testimony in court is worth half that of a man. Married women need their husband's permission to get a passport and travel overseas. Domestic violence is a serious problem. Women's participation in the labour market is low. Over the last year, the authorities have enforced the dress code more strictly: more women are stopped for "bad hejab" (inappropriate clothing) and for wearing too much make-up.

Iran's cooperation with UN mechanisms has been patchy. It hosted visits by the UN Special Rapporteurs on the Human Rights of Migrants in February 2004 and on Violence Against Women in February 2005. However, in July 2004 the government cancelled a visit by the Working Group on Enforced Disappearances at the last minute, without giving a reason. The UN General Assembly has called on Iran to set a new date for the visit but no date has yet been confirmed. The UN Special Rapporteur on Freedom of Religion or Belief said in March 2005 that she was still waiting replies to communications related to several cases, as well as to her request for an invitation to visit Iran.

The Working Group on Arbitrary Detention visited Iran in February 2003 and the UN Special Rapporteur on the Right to Freedom of Expression and Opinion visited in November 2003. We have called on Iran to implement their recommendations in full. Progress so far has been disappointing.

In 2003 the council of guardians rejected bills providing for Iran's accession to the UN Convention on the Elimination of Discrimination Against Women (CEDAW) and the UN Convention Against Torture (CAT). The council is an unelected body of clerics and jurists that vets legislation passed by the Majlis. Both bills are being considered by the expediency council, which mediates disagreements between the Majlis and the council of guardians. Iran has not lifted its reservations to the UN Convention on the Rights of the Child. (Iran has reserved the right not to apply any provisions or articles of the convention that it regards as incompatible with Islamic laws.)

UK/EU action

Promoting respect for human rights is a priority in UK policy towards Iran. Ministers press Iranian interlocutors frequently on human rights issues. We raise individual cases nationally and through the EU. The EU has said that its relations with Iran can only move forward if Iran takes action to address political concerns in areas such as human rights. The UK will make human rights a priority issue in our relations with Iran during our EU Presidency in the second half of 2005.

The UK and other EU countries co-sponsored a resolution on human rights in Iran adopted by the UN General Assembly in December 2004. The resolution highlighted international concern at continuing human rights violations, including executions in the absence of respect for internationally recognised safeguards, torture, increased persecution for the peaceful expression of political views and discrimination against women, girls and religious minorities. With our support the EU issued a strong statement at the UN Commission on Human Rights in March 2005 reiterating our concern at human rights violations in Iran.

Since 2002 the EU and Iran have maintained a human rights dialogue. The most recent meeting was in June 2004. An evaluation by the EU Presidency in October 2004 found that there had been little overall progress in human rights since the start of the dialogue and recommended ways that the dialogue process could become more effective. The EU is encouraging Iran to renew its commitment to the dialogue and to agree improvements to the process.

2.11 Iraq

Iraq's transition towards a free, peaceful and stable future is well under way, despite continued insurgent and terrorist attacks against Iraqis and Multi-National Force (MNF) personnel. The provisions of the Transitional Administrative Law (TAL) provide legal protection of Iraqis' human rights, including those of women and religious and ethnic minority groups (see box opposite). A new culture founded on international standards and best practice is being built in the police and in the army. The UK is working with the Iraqi authorities to help ensure that a human rights culture develops in Iraq.

Iraq's Interim Government led by Prime Minister Ayad Allawi took over the administration of Iraq from the Coalition Provisional Authority (CPA) on 28 June 2004 in accordance with UN Security Council Resolution 1546. A Transitional Government succeeded the Interim Government after Iraq's successful national elections on 30 January 2005.

The 275 elected members of Iraq's Transitional National Assembly (TNA) elected a three-person Presidency Council that appointed Ibrahim Ja'afari as Prime Minister on 7 April 2005. The TNA and Presidency Council approved his Cabinet of Ministers on 28 April 2005. Iraq's Transitional Government takes over the work of the Interim Government, including building structures and institutions that will help to guarantee respect for human rights. The TNA is responsible for drafting a new constitution, to be put to a referendum by 15 October 2005. If adopted, elections will take place by 15 December 2005 and a constitutionally based government will take over by 31 December.

Political process

In accordance with UN Security Council Resolution (UNSCR) 1546, the CPA and Iraqi Governing Council were dissolved on 28 June 2004. They were succeeded by a sovereign Iraqi interim government, which was established after a wide-ranging consultative process led by the UN. Consistent with the TAL (see box below), elections for a Transitional National Assembly (TNA) and provincial councils were held across Iraq on 30 January 2005. These elections were followed by the formation of a new Transitional Government. The main task of the elected Transitional Government and the TNA is to draft a new constitution which will be put to a referendum no later than 15 October 2005. If adopted, constitutionally based elections will take place in December 2005 for a new government to replace the Transitional Government. At this point the TAL will expire, marking the end of the transitional phase set out in UNSCR 1546.

Security and law and order

Security issues

Security in Iraq continues to be a major challenge. Trends since the elections on 30 January 2005 up to the period of producing this report show that the number of attacks continues to decline, but that they are becoming more sophisticated and audacious. Most attacks occur in the four Sunni provinces of Baghdad, Al Anbar, Ninewah and Saladin. Ten of Iraq's 18 provinces are quieter and more stable but are still not immune from insurgent and terrorist violence.

Iraqi Security Forces (ISF), supported by the Multi-National Force, have continued their efforts to bring security to the Iraqi people, assisting them to go about their lives and reconstruct their country, free from terror and intimidation. The ISF are playing an increasingly large role in undertaking security operations and have been involved in intensified operations to restore areas under the control of militants and terrorists to the authority of the Iraqi Interim government. We are helping to train Iraqi police and military forces for this task. The FCO is

organising projects to cover much of this training with funds from the Global Conflict Prevention Pool (GCPP). The aim of this training is to raise the standards of the ISF so it is fully effective against terrorism and violence and can assume full responsibility for security in Iraq as soon as possible.

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

Human rights in the Iraqi security forces

The January 2005 Human Rights Watch report (www.hrw.org) detailed allegations of abuse in Iraqi detention facilities. The UK government took these allegations seriously and is working with the Iraqi authorities to address them and to reinforce training for security organisations. We are working closely with the Iraqi authorities to overcome the legacy of Saddam Hussein's regime and to develop a strategy that enshrines human rights awareness and training as a continuing process within the military and police. All courses provided by the British civilian police trainers in Basra include human rights training. By the time new Iraqi Police Service (IPS) recruits are fully trained and equipped, every officer should have a basic grounding in human rights and a personal handbook on their human rights obligations. A new, three-day annual course for all serving IPS

The Transitional Administrative Law

On 8 March 2004, the Iraq Governing Council members signed the Transitional Administrative Law (TAL), which provides a temporary legal framework for the governance of Iraq during the transitional period. The TAL incorporates fundamental human rights principles, including protection for freedom of religious belief and practice. All Iraqis are considered equal in their rights without regard to gender, sect, opinion, belief, nationality, religion or origin. There is provision for a national commission for human rights and an ombudsman.

During 2005 the newly elected Transitional National Assembly (TNA) will draft a new, permanent constitution. The new constitution will be ratified by a referendum scheduled to take place before 15 October 2005. While the TNA is not obliged to preserve the rights set out in the TAL in the draft constitution, we expect the TAL text will act as a guide. After decades of abuse and tyranny, it is natural that the people of Iraq would wish to have human rights enshrined in their constitution. Iraqis were overwhelmingly supportive of the rights expressed in the TAL. It is our consistent policy that all governments should incorporate their obligations under international human rights law into domestic legislation. We will press those drafting the constitution to ensure that the final text safeguards the fundamental rights of all Iraqis.



Judge Raid Al Juhy, Investigative Judge for the Iraqi Special Tribunal (IST) and former Iraqi Minister of Human Rights, Bakhtiar Amin (right) help unload human remains that came from the mass graves in the Muthanna province, 21 April 2005. The UK has provided training to the IST.

officers is being introduced from 2005. This also contains a human rights element to reinforce officers' basic training. The UK-funded International Police Liaison Officers conduct police station visits and monitor, among other things, the treatment of prisoners and report incidents of suspected mistreatment.

Military training

Coalition Military Assistance Training Teams (CMATT) have provided training for instructors, Iraqi army trainees and military leaders down to platoon level within the military academy. The training emphasises the protection of civilians. The academy is using publications from the Office of the UN High Commissioner for Human Rights as well as human rights and humanitarian law treaties to underpin the syllabus.

The rules of engagement currently being taught to the new Iraqi Security Forces (ISF) allow the use of force in self-defence. The ISF must positively identify the target of their action. Positive identification is defined as "reasonable certainty" that the object of attack is a legitimate military target. Positive identification of hostile intent or hostile act requires more than just possession of a weapon. Troops are taught to comply with the laws of war concerning discrimination of targets and to take care to avoid injuring civilians.

CMATT trains Iraqi army recruits to respect the human rights of detained people in accordance with the standards set out in the Geneva Conventions and not deny them basic necessities. They must treat detainees with dignity and protect them. They must not subject them to unreasonable punishment. Detainees must be provided with sanitary living conditions with facilities for proper hygiene, medical care and an opportunity to practise their religion. They are also entitled to be given a copy of their rights, to keep personal property and to send and receive mail.

Human rights aspects are also addressed at ministerial level. The Multi-National Force (MNF) has provided advisers to Iraqi ministries to help them develop a framework to manage the ISF.

MNF advises ministry officials on how to manage the security forces for the benefit of the Iraq people in a civil and democratically accountable way that gives primacy to human rights and the rule of law. The ISF's leadership is being developed to sustain these principles and adhere to internationally accepted standards.

Abuse by coalition forces

The UK condemns utterly all forms of abuse and takes allegations of abuse extremely seriously.

Shocking photographs were published in 2004 that depicted US personnel abusing detainees at Abu Ghraib prison. The UK Government had been made aware of allegations of abuse at Abu Ghraib following receipt of a report by the International Committee of the Red Cross (ICRC) in February 2004 and had earlier received reports of abuse in other areas of Iraq. As soon

What assistance is the FCO providing to strengthen human rights in Iraq?

The FCO is:

- helping to strengthen the Ministry of Human Rights in Baghdad;
- providing training on human rights to key officials in the Ministry of Human Rights and other ministries and developing capacity in the Ministry to provide this training for themselves in the future;
- providing training assistance to help re-establish a judicial system that meets international standards;
- training forensic scientists to undertake humanitarian exhumations that will help identify remains in mass graves and give families the chance for a proper burial; and
- introducing human rights as a cross-cutting element in other training programmes. For example, human rights training and awareness is integrated into military training being provided by Coalition Forces and into training and mentoring programmes for the Iraqi police and prisons service that we are providing in southern Iraq.

as we heard about these allegations we raised our concerns with the US government at the highest levels. The US assured us that investigations were already under way. We maintain regular dialogue with the US about abuse allegations.

By May 2005 the US had conducted five substantial enquiries into the wider context of abuse allegations in Iraq, which included incidents involving women prisoners. Major General Taguba's investigation into allegations of abuse at Abu Ghraib by members of the 800th Military Police Brigade revealed that there had been a number of serious incidents involving women, including incidents of videotaping and photographing naked female detainees. There was also an incident when a male Military Police guard had had sex with a female detainee.

These enquiries concluded that the incidents of abuse were the result of the behaviour of a few sadistic individuals and a failure of oversight by commanders, rather than the result of US policy or procedures. Where there has been evidence of abuse the US has instigated investigations of the individuals responsible. As a result one officer, Brigadier General Karpinski, has been suspended from command; 27 US military personnel have been referred to courts martial; 93 US military personnel have received non-judicial punishment, including administrative separation, with more cases under consideration; and there have been 14 court martial convictions.

Where there were allegations of abuse by British forces the UK instigated an investigation independent of the chain of command. A court martial in Osnabruck in February 2005 found four British servicemen guilty of abuse and sentenced them to imprisonment. The Chief of General Staff Mike Jackson made a statement at the end of the court martial, apologising to the families of those abused. He announced that the UK would appoint an experienced senior officer to assess lessons learned as a result of the court martial and to track future prosecutions. He also asked that these cases of abuse should be put into the perspective that there have been 65,000 British service personnel in Iraq and only 164 service police enquiries, of which 100 are in connection with incidents of return fire. Only four other known cases involving allegations of deliberate abuse have been, or may be, referred to the prosecuting authorities.

Detention

The MNF has powers to intern individuals for imperative reasons of security in accordance with UNSCR 1546 and the letters from former Prime Minister Allawi and former US Secretary of State Colin Powell annexed thereto. The Iraqi government accepts the continued need for this power. Former Prime Minister Allawi's letter to the President of the Security Council on 5 June, in the context of UNSCR 1546, clearly accepts the tasks of the MNF as set out by Secretary Powell in his parallel letter, which refers

What assistance is the UK providing to Iraqi police and prison services?

A team of senior British prison and police officers, based at the British Consulate-General in Basra, is providing advice and training to the Iraqi authorities. The officers work closely with senior Iraqi police and prison officials to introduce and monitor systems that help ensure detainees and prisoners are held in accordance with Iraqi law and in compliance with international standards.

As of 15 April 2005, 10,000 Iraqi police officers and over 680 prison officers had received training in Basra. This training included international human rights standards and laws. At the end of February 2005 we handed over the UK-run prison training academy to Iraqi control. This is now running independently with Iraqi trainers. In addition, we plan to introduce specialised training for custody officers in Basra on how to process and look after detainees. We hope to roll out this programme across the southern region.

The British prison advisers began working with the Iraqi prison service in spring 2005 to recruit Iraqi women to work in a specialised unit to address the specific problems of women, child and juvenile detainees.

We are providing booklets on human rights awareness for police and officials in detention facilities in Basra and through the police training academy in Baghdad. We are also distributing information to the people of Iraq as part of a programme of raising wider awareness of human rights and policing.

explicitly to "internment where this is necessary for imperative reasons of security".

At the end of April 2005 there were 11,000 detainees in US-run detention centres in Iraq and on 24 May 2005 there were 22 security internees in the UK detention facility at Shaibah. The UK does not hold any women or individuals under the age of 18. There are no dedicated UK or US detention facilities for women or juveniles. Women and juveniles at US detention facilities are segregated from adult males unless they are members of the same family.

Detainees are made as comfortable as possible. They are free to practice their religion, have three hot meals a day, access to recreation areas and medical facilities are available. Detention facilities are open to ICRC and Iraqi Ministry of Human Rights inspection.

Individuals held by the UK have their cases reviewed by the Divisional Internment Review Committee (DIRC), which comprises the Chief of Staff of the Multi-National Division (South East), another senior officer, the chief legal officer and the chief political adviser, and another legal officer. The legal officers and political adviser provide independent advice to the Chief of Staff.

The first review is within 48 hours of internment. Reviews are monthly thereafter up to a maximum of 18 months when the individual must either be transferred to Iraqi criminal jurisdiction or application made to the Joint Detention Committee to approve continuing internment. The Joint Detention Committee comprises senior (Ambassador or equivalent level) British and Iraqi representatives but, as the UK has not held a detainee for 18 months, has not been needed to be called.

The Committee's advice is passed to the General Officer Commanding, who may direct that the individual should be released, remain in detention or, if possibly subject to criminal proceedings, passed to the Iraqi police. In addition to the review process in Iraq itself, the Ministry of Defence is in the process of establishing an Internee Review Board with the Department of Constitutional Affairs to review the cases of internees in the UK detention facility.

The ICRC has full and unrestricted access to UK detention facilities in Iraq. The ICRC is generally satisfied with our approach and has described conditions of internment as "generally good". Standard operating practices require the MNF to inform relatives of the detention of internees within 24 hours of their internment. We pass a list of internees to the ICRC on a regular basis. We continue to work closely with the ICRC to ensure we address prisoners' concerns.

Judicial reform

The Iraqi Ministry of Justice is responsible for the criminal justice system. Iraqis run the courts and detention facilities for people accused or convicted of crimes.

In Iraq there are three levels of crimes, covered by different levels of court:

- Infraction: dealt with by an investigative judge in the investigative court.
- Misdemeanour: dealt with through the misdemeanour court comprising a single judge.
- Felony: dealt with by the felony court comprising a panel of three judges.

There are also:

- juvenile courts, in which cases are heard by a three-member panel comprising a judge, a lawyer and a social worker;
- provincial level appeal courts; and
- the court of cassation in Baghdad for the most serious offences.

Central Criminal Court of Iraq

The Central Criminal Court of Iraq (CCCI) sits in Baghdad but can decide to deal with any criminal case from any Iraqi court nationwide. The CCCI focuses on serious crimes. Any court may refer cases to it. Alternatively, it can take the initiative and take over proceedings from any other court.

The structure of a strong judicial system is in place in Iraq and DFID has financed a training scheme for the Iraq Bar Association. A relatively large number of detainees need their cases reviewing by the Iraq criminal justice sector. A joint US-Iraqi review panel is helping to accelerate this process. New schemes such as the release of minor offenders into community care are being introduced to reduce the number of detainees awaiting a court hearing.

The Iraq Special Tribunal

The Iraqi governing council established the Iraq Special Tribunal (IST) in December 2003 to hear cases against members of the former regime who are accused of war crimes, crimes against humanity and other serious human rights abuses against the Iraqi people and Iraq's neighbours. The FCO has supported the IST by providing capacity-building training for judges, prosecutors and investigators.

On 30 June 2004, 12 former regime members, including Saddam Hussein, were brought before an Iraqi investigative judge of the CCCI to be charged. Saddam Hussein was charged with, among other things, killing religious figures in 1974, the Barzani clan in 1983 and members of political parties over a period of 30 years, as well as gassing Kurds in Halabja in 1988; the 1986-1988 Anfal campaign of displacing Kurds; and suppressing the 1991 Kurdish and Shia uprising. Proceedings have been transferred to the IST. Investigations have begun into the cases to be brought against those detained. The IST will decide when trials will start, but we understand that some cases will be ready to be heard by summer 2005.

The Coalition Provisional Authority (CPA) suspended the death penalty but on 8 August 2004 the Iraqi Interim Government lifted the suspension. People convicted of serious crimes committed when the death penalty was not suspended could face execution: this includes those on trial before the IST. The UK opposes the death penalty as a matter of principle and the EU made strong representations to the Iraqi Interim Government not to lift the suspension. We continue to make representations to the Iraqi authorities at the highest level to abolish the death penalty, as we do with all retentionist states.

Penal reform

In 2003 the CPA consolidated responsibility for Iraq's prisons under the Ministry of Justice, but the Iraqi Interim Government

allowed the Interior Ministry to develop detention facilities. We have since been working with the Iraqi authorities and other international partners to bring Iraqi prisons into line with international norms. Under the former regime, Iraq's prisons were outdated, with extremely poor facilities, and were used as an instrument of repression. If we suspect abuse we immediately raise our concerns with the Iraqis at the highest levels and press for reform.

A report by Human Rights Watch in January 2005 criticised Iraqi detention facilities, particularly those run by the Ministry of the Interior. The report was based on interviews conducted in the latter part of 2004. Much work has been done since to overcome some of the institutionalised problems that it highlighted and the Justice Ministry has now been made responsible for all prisons in Iraq. The report has drawn attention to the fact that the ethos of brutality and lack of respect for human rights that was central to Saddam Hussein's regime cannot be quickly overcome. We are helping to address this problem by training and mentoring police and prison service personnel and providing human rights information in detention handbooks for police officers and prisons. We are also launching a public awareness campaign about human rights and the police to make people aware of the obligations of police and prison officials and the rights of people who are arrested.

The UK has a team of prison advisers who work with the Iraqi Correctional Service (ICS) across southern Iraq. Their work has ensured that every member of the ICS in the region has now received training, particularly on issues relating to human rights. Staff receive continuous mentoring and monitoring to ensure that they are aware of their responsibilities. This is aiming to ensure that no abuse of prisoners or detainees in Iraqi custody takes place and to exert pressure for change where necessary. In the long term we are working towards a systematic improvement in conditions and a change of culture and attitude towards those in custody. Conditions of detention are improving steadily, benefiting all prisoners and detainees in Iraqi custody.

Refugees and internally displaced people

Before the April 2003 conflict, an estimated 800,000 people were internally displaced throughout northern Iraq and an additional 100,000-300,000 people were displaced in the centre and south. Obtaining reliable figures since the conflict has not been possible, due to the security situation. An estimated 900,000 Iraqis are considered to be refugees or in a refugee-like situation in countries neighbouring Iraq and beyond. According to the UNHCR around 400,000 Iraqi refugees returned to Iraq before September 2004, either by making their own arrangements or with assistance from Iraqi institutions, regional authorities and international organisations. Returnees face many challenges, including security and finding

employment and housing. The UN takes the lead in this area.

Women's rights

Newly formed Iraqi women's groups continue to take an active role in advocating fair representation in government bodies and calling attention to the rights of women in all spheres of Iraq's democratic development.

The TAL enshrines fundamental human rights for men and women and states that the electoral law "shall aim to achieve the goal of having women constitute no less than one-quarter of the members of the national assembly". We welcome this positive step in ensuring that Iraqi women are given the opportunity to assume national leadership roles.

Since May 2003 women in Iraq have enjoyed some success in the political arena. Six of the Interim Iraqi Government's (IIG) 31 ministers were women. Five women served as deputy ministers. The IIG created a new post of minister for women. The Independent Electoral Commission of Iraq has nine members, three of whom are women. In the 30 January national elections, one-third of the candidates were women and 86 women were elected to the 275-member TNA. This represents 31 per cent of the TNA seats and exceeds the TAL's target of one-quarter women's representation. Results of elections to provincial councils show between 25 and 30 per cent of representatives are women.

Over the last year Iraqi women have continued to organise conferences in Baghdad and in the regions to discuss women's political participation and human rights issues. Since June 2003 many Iraqi women have attended international meetings and conferences that gave them the chance to draw attention to their needs and hopes for the future. As the TNA drafts Iraq's new constitution in 2005, we will urge the drafters to ensure that the fundamental rights of all its citizens are protected and we will continue to raise women's issues with the Iraqi Transitional Government.

Numerous women's centres have been established throughout Iraq. These centres offer opportunities for women to acquire skills that will open up employment or other economic opportunities and take part in programmes that will give them a better understanding of their rights and how to participate in the decisions that affect their lives. Women's organisations have received small grants from DFID's political participation fund, the British Council and the Global Conflict Prevention Pool (GCPP) to assist them in a variety of efforts. They also work with other organisations to expand the prospects for women in isolated, rural areas, addressing concerns such as health care, child development, women's rights, education and economic development.

We have sponsored Iraqi women to visit the UK and funded training in the UK for groups of Iraqi diplomats, lawyers and forensic scientists, which have all included women.

Freedom of religion and freedom of expression

The Transitional Administrative Law (TAL) states that Islam is the official religion of the state and is to be considered a source of legislation. The TAL respects the Islamic identity of the majority of the Iraqi people, while guaranteeing the fundamental rights of all individuals to freedom of religious belief and practice. In his acceptance speech on 6 April 2005, newly elected President Talabani reiterated that the incoming transitional government would "respect the Islamic identity of the Iraqi nation, but with full respect also for the identity and beliefs of others".

The former regime restricted permission to make the Hajj pilgrimage to Mecca for political reasons. Today, the only restrictions are logistical. Iraq's former regime also banned many religious rituals, such as those associated with the Shia commemoration of Ashura. The people of Iraq are now free to practise these openly.

Arabic and Kurdish are Iraq's two official languages. The TAL guarantees the right of Iraqis to educate their children in their mother tongue, including Turcoman, Syriac and Armenian, in government educational institutions in accordance with educational guidelines or in any language in private educational institutions.

To ensure a credible legal framework for a free media and to provide accountability and improve professional standards, the Iraqi Interim Government established the Independent Iraqi Communications and Media Commission. The Commission nullifies the need for further government legislation to regulate the media in Iraq, thus supporting the nascent free press.

The FCO has been active in supporting Iraqi efforts to move towards a free and unbiased media sector. The GCPP provided £2.3 million for a range of projects. We helped to establish a public service broadcaster that is independent of government, political parties and special interest groups. We also helped to develop an institutional and legal regulatory framework designed to nurture and support the development of the independent media. GCPP funding enabled the Reuters Foundation to carry out a scoping study, which led to the establishment of Voices of Iraq, a news exchange website. Our Iraq Media Network project is improving the flow of news and information to southern Iraq by enhancing the quality of the news produced and supplying equipment to help Iraqis receive radio and TV news.

Civil society

A good indicator of the health of democratic development is the number of voluntary organisations that emerge in a post-conflict setting. Over 1,000 NGOs have submitted applications to the NGO assistance office within the Ministry of Planning and Development Cooperation. These include women's centres, human rights organisations, social service and civic education bodies, youth groups, media groups and many others. More are forming. We will continue to look for ways to support the development of Iraqi civil society organisations by offering assistance in networking, training and developing capacity.

Ministry of Human Rights

The Ministry of Human Rights was established in September 2003 and formally opened on 14 February 2004. Its five-point mandate is:

- to help establish conditions conducive to the protection of human rights and fundamental freedoms in Iraq and prevent human rights violations in Iraq;
- to make formal recommendations for measures to prevent human rights violations;
- to assist all people in society in healing from the atrocities committed by the Ba'athist regime. Such assistance includes cooperation with the Iraqi Special Tribunal or other judicial institutions;
- to serve as focal point for relations with the UN High Commissioner for Human Rights, the UN Commission on the Status of Women and other international human rights bodies and organisations; and
- to advise lawmakers on whether proposed legislation complies with international human rights law, including the legal obligations Iraq has assumed through ratification of international treaties.

At the time of going to press, a new minister for human rights had not been appointed by the TNA. The Ministry employs approximately 150 staff. The GCPP has funded an adviser to the Minister, who has helped in strengthening the role of the Ministry and how it can address its core functions. We are working closely with the UN and international organisations to help establish a national centre for missing persons and exhumations (NCMP). The NCMP will be responsible for the administration, legal and social arrangements for humanitarian exhumations.

The FCO organised a six-month training course for Iraqi forensic scientists, funded by the GCPP. The British NGO Inforce ran the programme, training a team of forensic archaeologists, pathologists, doctors and scene-of-crime specialists who will help with humanitarian exhumation of mass graves throughout Iraq. In addition, 12 of the original 34 participants returned to the UK in March 2005 for further forensic training, including

training skills so that they will be able to train others. The Iraqi Interim Government signalled its intention to become a signatory to the UN Convention Against Torture, but did not have the powers under the TAL to enter into new international obligations. We will urge the incoming Transitional Government to become a signatory to the Convention.

With GCPP funds, the FCO arranged for Nottingham University to provide human rights training for officials from the Ministry of Human Rights and other ministries. This included a two-week trainer-training course in Cairo in March 2005. The aim is to give the Ministry of Human Rights the capacity to provide training for its own staff and for staff at other ministries so that human rights becomes an accepted part of government policy-making.

2.12 Israel and the Occupied Territories

Overview

There have been some positive political developments in Israel and the Occupied Territories since the end of 2004, which give cause for cautious optimism. These include the election of the Palestinian Authority (PA) President, Mahmoud Abbas, in January 2005 and his stated commitment to real reform of the PA and action on security. We also welcome Israeli Prime Minister Sharon's plan to withdraw settlers and the Israel Defence Force presence from all settlements in Gaza and some in the West Bank from August 2005. We welcome the renewed high level contact between Israel and the PA.

Nevertheless, Israel's failure to respect the human rights of Palestinians in the Occupied Territories remains a matter of grave concern. Actions by the Israel Defence Force, the impact of the barrier, restrictions on freedom of movement and settler violence cause great suffering to Palestinian citizens. Similarly, we remain concerned about human rights abuses in areas

where the Palestinian Authority should take responsibility and the need for them to act effectively to end terrorist violence.

Israel

The Israeli occupation and associated military operations continue to have a devastating impact on Palestinian lives. Like all countries, Israel has the right to self-defence and a duty to protect its citizens against the real threat from terrorist groups. But Israel must respect international law. The UK believes Israel has acted in contravention of provisions of the Fourth Geneva Convention and Universal Declaration of Human Rights.

Particular concerns

According to the respected Israeli NGO B'Tselem, in the six months from September 2004-March 2005 action by the Israel Defence Force (IDF) killed 403 Palestinians. They included 106 Palestinian children killed during Israeli operations in the Occupied Territories and many more injured. Three Palestinian children were killed and two seriously injured in separate shooting incidents while they were inside UN Relief and Works Agency (UNRWA) schools in the Gaza Strip.

According to B'Tselem, the IDF demolished 413 houses from September 2004-March 2005. Israel has followed a policy of demolition of the houses of suicide bombers, so punishing their families. Collective punishment is illegal under the Fourth Geneva Convention.

We remain concerned by the limited accountability of IDF personnel in the Occupied Territories and the limited progress in deterring, investigating and prosecuting human rights abuses. There were some welcome exceptions when the authorities sought prosecutions. An IDF officer accused of killing 13-year-old Palestinian schoolgirl Iman al Hams in October 2004 was indicted on 22 November 2004. The indictment consisted of two counts of illegally using his weapon and one each of obstructing justice, conduct unbecoming of a soldier and improper use of



Activists stand behind a fence at the West Bank village of Bil'in, 31 May 2005, during a protest against Israel's barrier.

authority. At the time of going to press the case continues. The manslaughter prosecution against an IDF soldier for shooting British peace activist Tom Hurndall on 11 April 2003 has concluded. Mr Hurndall died in January 2004 as a result of his injuries. The trial hearings against the soldier charged with the shooting started in May 2004 and ended on 20 February 2005. The soldier was found guilty on 27 June.

The military investigation into the circumstances surrounding the death of the British journalist James Miller, shot and killed on 2 May 2003, concluded in March 2005. The military advocate general issued a military police investigation report on 9 March 2005 stating that the IDF had decided not to prosecute the soldier responsible for Mr Miller's death but that he would face disciplinary proceedings. The IDF decided to drop disciplinary proceedings against the soldier on 14 April 2005. The Military Advocate General has since appealed against this decision but the outcome of the appeal is not known.

Israeli barrier

The UK has serious concerns about Israel's appropriation of Palestinian land to build a separation barrier on occupied land. Israel claims that the separation barrier is intended to protect Israelis from terrorist attacks. We do not object to its construction provided it is built on Israeli territory, but confiscating Palestinian land on which to construct the barrier is in contravention of international law. Completed parts of the barrier divide the West Bank in cantons and cut off Palestinians from their livelihoods. The proposed route of the barrier announced on 20 February 2005 is set to disrupt further legitimate Palestinian freedom of movement. We will continue to urge Israel not to restrict Palestinian movement in this way and to route the barrier away from occupied territory.

Arab Israelis

We remain concerned at the institutionalised discrimination against Arab Israelis within Israel, who make up almost 20 per cent of the population. The position of 140,000 Bedouin living in the Negev, who are often denied rudimentary services, is particularly worrying.

We run projects to promote shared Arab-Israeli citizenship and to support Arab women to stand in municipal elections.

On 28 January 2005 the Israeli government extended the nationality and entry into Israel law (temporary order) originally approved in 2003. In May 2003 the Knesset again extended the validity of the law for a further three months and approved a first reading (out of three) of an amendment restricting the number of people who can now get citizenship. This discriminatory legislation, which needs to be renewed annually, denies Palestinians (though not Syrians or Jordanians), who marry Israelis (predominantly Arab Israelis), the automatic right to citizenship or residency.

Terrorist violence

Twenty-seven Israelis were killed in suicide attacks from 31 August 2004–31 March 2005. On 31 August 2004, 16 Israelis were killed in Beersheba. A further 30 civilian and military Israelis died in incidents including mortar shelling, "kassam" rocket fire, detonations of improvised explosive devices and shooting attacks. Two Thai workers in Israeli settlements inside the Gaza Strip were also killed in such incidents.

Following the summit meeting between Palestinian President Mahmoud Abbas and Israeli Prime Minister Ariel Sharon on 8 February 2005 there was a welcome decrease in terrorist violence. But a suicide bomb exploded in Tel Aviv on 25 February.

Suicide bombers and those who commit terrorist acts against Israelis have a total disregard for human rights. The PA has made clear that it opposes terrorist attacks but it must work more effectively on security and do all it can to tackle terrorist groups and individuals planning terrorist acts. The PA has made some arrests and seized a number of hauls of explosives and other bomb-making equipment. It must expand its efforts to track down perpetrators. Rationalising the security sector will be an important step. Lack of action by the PA to bring to justice those responsible for terrorist acts emanating from PA-controlled areas amounts to a failure to comply with internationally accepted standards.

Freedom of movement

In addition to the damaging impact of the barrier, the continued regime of roadblocks and checkpoints and the imposition of curfews has a severe impact on almost every Palestinian in the Occupied Territories. Israel cannot always justify the degree of restriction on people's freedom of movement on security grounds. Closures continue to have a devastating effect on the Palestinian economy. The World Bank has identified the Israeli closure regime as the single most serious obstacle to the recovery of the Palestinian economy. Closures restrict access for medical personnel and ambulances, for children travelling to school and for ordinary Palestinians to travel to work. We hope that the Israeli disengagement plan will offer Palestinians in Gaza, and to some degree inhabitants of part of the north of the West Bank, substantially greater freedom of movement.

Targeted killings

The UK opposes the Israeli policy of targeted killings, which are illegal under international law. We are particularly concerned that in these operations, and in others by the IDF, Israel makes too little effort to avoid civilian casualties. Targeted killings continued during 2004, although the Israeli government suspended the policy after the Sharm al-Sheikh summit of 8 February 2005.

Settler violence

We remain concerned about Israel's failure to prevent acts of violence by settlers against Palestinian civilians or to prosecute

On 1 March 2005 the Prime Minister Tony Blair hosted an international conference in London to help the Palestinian Authority (PA) develop institutions to underpin a future Palestinian state. Stronger Palestinian institutions will help protect the human rights of Israelis and Palestinians. The London Meeting was attended by the PA, Algeria, the Arab League, Bahrain, Canada, China, Egypt, European Commission, France, Germany, International Monetary Fund, Italy, Japan, Jordan, Kuwait, Luxembourg, Morocco, Norway, Oman, Qatar, Russian Federation, Saudi Arabia, Spain, Tunisia, United Arab Emirates, the UK, the UN, the US and the World Bank.

The outcomes of the London Meeting included a commitment by the PA to unify security structures; empower the National Security

Council; and coordinate more effectively within the security services and with Israel. The PA committed to reform the judiciary, including implementing a new judicial authority law; building and administering court houses, police and prison facilities; and improving procedures for appointing impartial judges.

At the London Meeting the US agreed to take forward work to coordinate international support for the PA's security effort. The European Commission agreed to focus international donors on key reform issues, including judicial reform. The World Bank agreed to take forward work on economic development. The UK is actively engaged in all these areas.

those responsible. In March 2005 Palestinian shepherds of At-Tuwani discovered that their pastures next to the Havat Maon settler outpost had been covered in poison pellets. International observers have documented over 20 incidents of settler violence (for example, poisoning wells, destroying property, physical violence) against south Hebron shepherds. Every year settlers harass Palestinian farmers, often violently, to prevent them harvesting their olive crop. There have been some exceptional cases when Israel has acted to protect Palestinian families. We welcome, for example, the high court ruling in 2004 allowing the Sharabati family to return to their home in Hebron - from where they were forcibly removed by neighbouring settlers - and the IDF's actions to enforce the ruling. We urge the Israeli government to prevent all incidents of settler harassment and to punish those responsible for such actions.

UK/EU action

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

We work with Israeli civil society on projects to promote respect for human rights. We are working with an Israeli human rights organisation to provide monitors at Israeli checkpoints and with another to give Palestinians facing difficulties at checkpoints access to the Israeli legal system.

Palestinian Authority

Recent developments

Since President Abbas' election in January 2005, he has taken some steps to prevent terrorism against Israelis. But the Palestinian Authority (PA) needs urgently to reform the security

sector so that it can take real action against groups and individuals responsible for acts of violence. Such action is vital for the PA to avoid the accusation of being complicit in sustaining an environment that does not respect human rights. We remain concerned about human rights abuses in areas where the PA should take responsibility. The PA should demonstrate full respect for the basic human rights of the Palestinian people.

The PA held presidential elections on 9 January 2005. These elections were well run in the circumstances. There were some minimal irregularities but they could not have affected the outcome. Municipal elections took place in the West Bank and Gaza during 2004 and 2005. Legislative elections, planned for July 2005, were postponed. The UK, through the EU, provided practical and financial support for the electoral process.

Particular concerns

There remain significant flaws in the Palestinian judicial system. The PA must accelerate reform of the judiciary, to make the judiciary independent from the executive. The PA should also address the murders by Palestinian groups of Palestinians suspected of collaboration with Israel by making visible efforts to bring the perpetrators to justice.

PA continues to maintain the death penalty. Our reports indicate that in mid-2005, 51 Palestinians were on death row. We are concerned by the continued passing of the death sentence and were disturbed by the execution of four convicted murderers by the PA on 12 June 2005.

UK/EU action

The London Meeting on 1 March 2005 (see box on page 69) aimed to improve the PA's capacity in security and judicial reform as well as its institutional capacity as a whole. The UK has worked with the PA to support efforts to tackle rejectionist violence and to improve Palestinian security. Our work with EU

partners is delivering significant support to the Palestinian civil police and should improve Palestinian capabilities to reduce human rights abuses committed by Palestinians.

2.13 Nepal

Overview

The human rights situation has been steadily deteriorating in Nepal for several years, with serious abuses being carried out by both the Maoist insurgents and the security forces.

Recent developments

On 1 February 2005 the prospects for Nepal worsened further when King Gyanendra, who controls the Royal Nepalese Army (RNA), dismissed Prime Minister Sher Bahadur Deuba and his multiparty government and assumed direct control of the country himself. He appeared on national television and stated his aim personally to lead the government for a period of up to three years.

The King imposed a state of emergency under which the new authorities imprisoned many politicians, human rights activists and journalists and removed a number of fundamental rights. Many of those detained have subsequently been released but the ensuing climate of fear has meant that many human rights activists and organisations have either fled or gone to ground. The security forces have harassed and intimidated many human rights defenders. In the absence of effective monitoring there is grave concern that the general human rights situation will deteriorate still further, as the King pursues a more aggressive military strategy against the Maoists with fewer democratic constraints.

Particular concerns

Nepal's human rights record was already poor before the King took power. The conflict with the Maoists, which began in 1996, has grown increasingly violent, particularly since 2001 when the RNA first became involved. The international community, NGOs

and the UN have become increasingly concerned about the insurgency, which has been characterised by widespread abuses against civilians by both the Maoist insurgents and the state security forces. Amnesty International estimates that the conflict has cost over 12,000 lives and the UN Working Group on Enforced and Involuntary Disappearances recorded that Nepal had the highest number of disappearances in the world in 2003 and 2004.

Abuses by the Maoist insurgents have included beatings and killings, extortion, forced displacement, mass abduction, forced military recruitment, including of child soldiers, targeted assassinations and attacks against, and intimidation of, political activists, human rights defenders and journalists. The Maoists have engaged in economic warfare against the state and staged regular 'bandhs' or strikes and blockades, including against Kathmandu, cutting off food, medicine, fuel and other essential supplies to the civilian population.

Abuses by the security forces have taken the form of summary killings, rape, enforced disappearances, arbitrary arrests, illegal and incommunicado detention and torture. The culture of impunity within the RNA has meant that the authorities have carried out few investigations into the alleged abuses and few perpetrators are convicted.

UK action

We have aimed to tackle the human rights problem in Nepal through diplomatic representation, by funding projects and making public statements. We have often voiced our concerns about the human rights situation and at all levels and will continue to do so. During his tenure as UK Special Representative for Nepal (which ended in May 2005), Sir Jeffrey James has criticised abuses by both the security forces and the Maoists on his frequent visits to the country. We have also raised our concerns through public statements, including statements through the EU.



Riot police detain supporters of the Nepali congress during a demonstration against King Gyanendra in Kathmandu, 16 May 2005.

Under the Global Conflict Prevention Pool (GCPP) the UK has funded a number of human rights organisations and projects, most notably the Nepalese national human rights commission (NHRC). We have also been funding civil society organisations in work to tackle impunity within the Nepalese security forces and ensure that the government deals with human rights cases according to the rule of law. In addition to developing the capacity of NGOs we have been helping the RNA to improve its general professionalism. This work has incorporated human rights training and stressed the importance of winning hearts and minds in counter-insurgency operations.

At the 60th session of the UN Commission for Human Rights in March-April 2004, the UK helped secure a Chairman's statement, which called for improved human rights in Nepal. This was written in cooperation with the Nepalese, who adopted a self-styled commitment to respect human rights. The Chairman's statement provided for the UN Office for the High Commissioner for Human Rights (OHCHR) to give technical assistance to the NHRC, whose operations the UK had been funding. In December 2004 the government signed a Memorandum of Understanding (MoU) with the OHCHR to strengthen the NHRC and made some investigations into human rights abuses by the security forces. The Nepalese made little progress on implementing their commitment but in April 2005, faced with the prospect of a critical resolution on Nepal at CHR 61, they signed a fresh MoU with the OHCHR, providing for a permanent OHCHR office in Kathmandu and the deployment of international monitors throughout the country. This was a significant step forwards for human rights in Nepal. We have made an initial contribution to the set-up costs for the new office using funds from the GCPP and are considering how best to make a further contribution towards running costs.

The Nepalese also agreed to the text of an Item 19 Resolution at CHR 61, calling on them to restore multiparty democratic institutions and to respect the rule of law. It also called on the government to reinstate all civil and political rights, to lift the measures taken under the state of emergency, to lift the far-reaching censorship and to release immediately all detained political leaders and activists, human rights defenders and journalists.

Following King Gyanendra's takeover of power from the multiparty government on 1 February 2005, the UK registered its concern in a statement warning that this action would increase the risk of instability in Nepal and undermine the institutions of democracy and constitutional monarchy. We called for the immediate restitution of multiparty democracy in Nepal. Foreign Office Minister Douglas Alexander emphasised this when he formally summoned the Nepalese Ambassador, Prabal S J B Rana, to convey these messages. The British Ambassador to

Nepal, Keith Bloomfield, met King Gyanendra on 8 February 2005 and conveyed to him personally our strong concern about the damage his actions had done and raised our concerns, including the state of emergency in Nepal, the continuing suspension of civil liberties, the detention of politicians and the strict media censorship.

Our concern about the King's takeover of power is such that on 14 February the Foreign Secretary Jack Straw took the unusual diplomatic step of recalling our Ambassador in Nepal for consultations. Following those consultations, which included other international partners, the UK Government decided to withdraw its plans to donate a further package of non-lethal military assistance to Nepal.

Looking ahead

It is still too early to assess fully the long-term consequences of King Gyanendra's takeover of power. We will continue to work for the restoration of democratic freedoms. We will remain engaged with the political parties and the UN on efforts to revive a peace process and with the OHCHR in its efforts to establish effective monitoring. We have recruited a human rights adviser to our Embassy in Kathmandu to formulate and drive the UK human rights agenda in Nepal. This officer will be stationed in our Embassy in Kathmandu and is expected to take up his position in Summer 2005.

2.14 Russia

Overview

The unprecedented tragedy at Beslan in September 2004 and the series of terrorist attacks that preceded it are reminders of the brutal nature of the threat that Russia faces in the North Caucasus. The attack in Beslan profoundly shocked people across Russia and in the international community.

The UK recognises the genuine security problems that Russia has to deal with. However, effective counter-terrorism measures must be taken within a framework that respects human rights and international humanitarian law. The human rights situation in Chechnya remains arguably the most serious in the broader European continent.

In Russia more widely we are concerned about the judicial system and media freedom. Judicial reforms are slow and have not succeeded in combating widespread corruption in the system. Law enforcement agencies continue to act with impunity and respect for the rule of law has not improved. State control of the media restricts national television in broadcasting a plurality of views. There is also a growing problem with racism and extremism.

Chechnya and the North Caucasus

The Russian government continues to push forward a political process in Chechnya, which began in 2003 with the adoption of a constitution accepting Chechnya as an integral part of Russia. Since then there have been two presidential elections, electing Akhmad Kadyrov in October 2003 and, following Kadyrov's assassination, Alu Alkhanov in August 2004. The elections were deeply flawed. Both men enjoyed the support of the federal authorities and won by a landslide in the absence of any real opposition. Local parliamentary elections are scheduled for October 2005. These elections offer a chance for the Chechen people to participate in the political process. We will be urging the Russian government to ensure they are more full and fair than the presidential elections.

Negotiations continue over the division of responsibility for government functions between the federal authorities and the local administration. Following the Beslan school siege in September 2004, President Putin appointed Dmitri Kozak as his special representative to the North Caucasus, giving him wider powers than his predecessor and charging him to improve social and economic conditions. We welcome his appointment, which appears to have had a positive impact, and are seeking ways bilaterally and through the EU to help. In the last year we have received reports of a limited economic recovery in Chechnya. This suggests that some local people are receiving long-awaited compensation for lost housing, although the practice of officials misappropriating a proportion of payments continues.

Despite these improvements, conditions for most people remain extremely poor. There are few jobs, people still live in bombed-out buildings or overcrowded shelters, the mains water, sewage and electricity systems are inadequate and health care remains basic. Efforts to improve life are thwarted by the poor security situation and lack of rule of law. People disappear regularly, armed groups operate with impunity, human rights groups say torture is rife and rebel groups continue to recruit. The violence appears to be spreading. For example, there are reports that disappearances from neighbouring Ingushetia have increased. Federal forces conducted an unprecedented number of counter-terrorist security operations across other North Caucasus republics in early 2005, often concluding with violent house sieges. Innocent civilians, including children, have been caught in the crossfire.

Chechen terrorism

The UK has repeatedly condemned all forms of terrorism in the region. Terrorism poses a threat to human rights, not least by disregarding the right to life itself. There are reports of abductions, torture, mine-laying, assassinations and looting by Chechen militants, who target civilian local administration members and police, as well as federal military and security

forces. Some Chechen militant groups, notably those associated with warlord Shamil Basayev, have stepped up their campaign of suicide terrorist attacks targeting civilians and locations outside Chechnya.

Following the tragic events at the Beslan school siege of 1-3 September 2004, in which at least 338 people died, the Russian government set up a parliamentary commission, headed by Alexander Torshin, to investigate the events. It is not clear when it will publish the results. Leaks suggest the government will hold some officials accountable for mistakes. Beslan relatives have held protest rallies demanding answers and the resignation of the local president.

Extra-judicial killings and disappearances

The suffering of innocent civilians at Beslan, where at least 300 hostages died, was a reminder of the brutal nature of the threat that Russia faces in the North Caucasus. However, the Russian government must take effective counter-terrorism measures within a framework that respects human rights and international humanitarian law. Prominent human rights groups, including Amnesty International and Human Rights Watch, continue to report allegations that the federal forces and local security services are involved in extra-judicial killings; illegal detention and abduction of civilians (including for ransom); beatings and torture of those detained; theft and looting; and extortion of bribes. The late Chechen president Kadyrov's personal militia and his recently decorated son Ramzan, who heads them, are regularly implicated in violations.

The Russian human rights NGO Memorial reported that the trend away from large-scale "zachistki" (clean-up operations) to targeted night raids (abductions of suspects by masked men in unmarked military vehicles) had resulted in fewer human rights abuses. Memorial documented 396 disappearances in Chechnya in 2004; 175 were still missing, 24 found dead, 10 were standing trial and 187 were released. These figures are lower than those for 2003, although it may be that fewer abductions are reported. Russian officials recognise that the human rights situation is not improving as quickly as it could. For example, in January 2005 General Yedelev (head of regional operations headquarters for the command and control of the anti-terrorist operation in the North Caucasus) admitted that security forces were involved in abductions. There are no reliable estimates of the number of civilians killed or injured. Even the local authorities estimate that more than 200,000 people have been killed in Chechnya since 1994, including 20,000 children. Human rights groups claim that Russian forces detain the relatives of Chechen militants to force their surrender, although the prosecutor-general was widely criticised in October 2004 when he suggested a policy of seizing hostage-takers' relatives to prevent another Beslan. The authorities took relatives of

Aslan Maskhadov, former elected president of the rebel Chechen government who turned insurgent leader, was killed in a Russian counter-terrorist operation in March 2005. The Russian authorities hailed his death as a victory in the fight against terrorism. Human rights commentators have expressed concern that Maskhadov's death further diminished the chance of a peaceful resolution through negotiations. The UK condemns extremist violence and supports genuine efforts to build a lasting peace in the North Caucasus.

terrorist Shamil Basayev and separatist leader Aslan Maskhadov into "protective custody" during Beslan. They were later released but, according to Memorial, eight of Maskhadov's relatives were abducted in December 2004. Following initial denials, the Russian authorities opened an investigation.

Judicial process and impunity

A climate of lawlessness, corruption and impunity flourishes in Chechnya. Government investigations and trials of the military for crimes against civilians are infrequent and convictions are few. Open court cases are rarer still and many are tried in closed military courts. Those convicted frequently receive no more than a suspended sentence. Statistics vary considerably. NGOs estimate that the authorities drop 80 per cent of proceedings instigated in connection with a disappearance. They often close cases or suspend investigations because there is nobody willing to testify and no way of identifying a suspect. In May 2005 the North Caucasus district military court acquitted four military officers who were accused of having killed six civilians in Chechnya. The jury found the group had acted appropriately in the circumstances and in accordance with their service duties. The defendants did not deny killing the civilians, but cited the defence that they had been following orders.

However, the Russian supreme court does hear appeals against acquittals and sometimes overturns them. This may yet happen in the case mentioned above. Colonel Yuri Budanov's 2003 conviction on appeal for murdering an 18-year-old Chechen girl is the most famous example. In November 2004 the supreme court overturned the North Caucasus military district court's acquittal on 29 June 2004 of two interior ministry troop officers, Yevgeniy Khudyakov and Sergey Arakcheyev. They were accused of forcing three Chechen civilians out of a truck, shooting them and then dousing them with petrol and igniting them in an attempt to cover up their crime. The supreme court decision should result in a retrial.

In June 2004 Chechen President Alkhanov reinstated the post of human rights ombudsman for Chechnya, which had been abolished in January that year. NGOs are sceptical that the new interim ombudsman, Lema Khasuyev, will be more effective than his predecessor, Abdul-Khakim Sultygov, who concentrated his criticism on human rights NGOs rather than the performance of federal or local authorities.

There are consistent reports of increasing harassment of NGOs and human rights activists across the North Caucasus. The authorities have initiated questionable legal action against some NGOs. A number of human rights activists have been abducted since August 2004, including Makhmut Magomadov, a lawyer working for an EU-funded project, who disappeared in January 2005 but later returned.

Russian cooperation with others

The Russian government has improved its cooperation with international organisations and partners and has set up regular human rights discussions with the UK and the EU. Representatives from local and federal authorities and human rights NGOs attended a round table on Chechnya organised by the Parliamentary Assembly of the Council of Europe in March 2005. With the aim of taking forward points agreed in EU-Russia human rights consultations, the EU did not sponsor a country resolution on Chechnya at the 2005 UN Commission on Human Rights (CHR). The EU instead raised its concerns about Chechnya in its more general statement under Item 9. This listed the most serious concerns, including extra-judicial killings and disappearances, and called on Russia immediately to take all necessary measures to stop and prevent serious violations of human rights and international law in Chechnya.

There has been no progress on re-establishing OSCE assistance to the North Caucasus region and Russia has yet to comply with the 2001 CHR resolution calling for a broad-based commission of enquiry to investigate alleged human rights violations and breaches of international humanitarian law. The Russian government has not yet allowed the ICRC access to all places of detention in the region. Negotiations with the Russian authorities are ongoing to ensure the ICRC full prison access.

UK/EU action

Having agreed at the EU-Russia Summit in the Hague in November 2004 to start a regular human rights dialogue, the first EU-Russia consultations on human rights were held in Luxembourg on March 2005. The delegations discussed the North Caucasus in an open and constructive atmosphere. The EU noted progress already made, encouraged Russia to strengthen cooperation with international human rights mechanisms (including UN and Council of Europe special representatives), raised continuing human rights concerns and sought assurances on access for humanitarian organisations and protection of human rights activists. The UK will take this process forward, with further consultations scheduled during our EU presidency in the second half of 2005. We supported EU action on the disappearance of EU-funded lawyer Magomadov,

European Court of Human Rights

Around 120 Chechen civilians are seeking accountability for abuses in Chechnya through the European Court of Human Rights (ECHR). In February 2005 ECHR ruled against Russia in the first six Chechen cases and awarded the applicants over €130,000. The Court found Russia responsible for killing the applicants' relatives, inadequate investigation and failing to provide effective remedy before the Russian courts. In one case the Court also found Russia in violation of prohibition of torture. The Russian government has appealed against the judgements.

resulting in an EU declaration on Intimidation and Harassment of Human Rights Defenders in Russia in February 2005.

We discussed the North Caucasus during bilateral human rights talks with Russia in September 2004 and May 2005 (see page 76). In addition, former Foreign Office Minister Bill Rammell and senior UK officials and parliamentarians have raised human rights concerns with senior Russian officials and parliamentarians in London and Moscow on several occasions.

Looking ahead

We want to increase our engagement in the North Caucasus while continuing to urge the Russian authorities to address the problems detailed above. We will take forward projects such as the North Caucasus Education Initiative and Chechen Justice Initiative to improve the situation for people on the ground and

improve access to justice for those whose human rights have been violated. We hope to run more projects. Our EU presidency in the second half of 2005 gives us an opportunity to increase the EU's engagement and work more closely with EU partners.

We will continue to raise human rights issues bilaterally, including at ministerial level and with EU partners, emphasising that human rights abuses undermine political resolutions to the conflict. We hope that President Alkhanov and the Russian authorities will now try to advance reconciliation in Chechnya, press forward with social and economic development, hold transparent parliamentary elections and address human rights violations, especially abductions and disappearances.

Wider concerns in Russia

We detail our concerns on the judicial system, prison conditions and torture and police brutality more widely in Russia in Chapter 7 (see pages 185, 193 and 197).

Media control

Although Russia is a member of the Council of Europe and aspires to European standards, freedom of expression has not much improved. Russian television has changed dramatically since the collapse of communism, but there are still echoes of the Soviet era in the way in which the authorities view the media. State-run television dominates and there is no criticism of the authorities on Channels One and Two. The government does not allow criticism of President Putin or his views.

UK assistance

Concerns about security limit our ability to fund and monitor projects in the North Caucasus. Within these constraints, we have set up some projects funded mainly by the Global Conflict Prevention Pool (GCPP):

- Former Foreign Office Minister Bill Rammell visited Moscow in February 2005 to launch a £1 million joint UK-Russian project, the North Caucasus Education Initiative, conceived after Beslan, which will provide education for children and young people across the North Caucasus.
- In partnership with Russian NGOs and with funding from other donors, the European Human Rights Advocacy Centre (EHRAC) and the Stichting Justice Initiative projects confront impunity by providing human rights training for Russian lawyers, expanding litigation activity, overseeing domestic cases and helping to present cases to the European Court of Human Rights in Strasbourg. EHRAC represented the first six Chechen cases, on which the European Court ruled in favour of the applicants in February 2005.
- A Young Leaders of the Caucasus project in Sochi began in May 2005. It offers seminars on resolving conflict for young

representatives of state bodies, universities and NGOs from North Caucasus republics and neighbouring regions. The goal is to train future North Caucasus leaders in analysing and resolving local conflicts.

- We have supported Memorial, the most prominent Russian NGO working in Chechnya, to expand its monitoring across the North Caucasus. By reporting human rights violations, Memorial will help to provide early warning of potential conflict.
- We have financed the media NGO Internews to improve professional and ethical standards of TV journalists in the North Caucasus, especially in standards of reporting. The aim is to increase the sustainability and independence of local electronic media and promote the development of vigorous civil society and conflict resolution.

The UK also contributes around £3 million a year to humanitarian needs in the North Caucasus, channelling most of our assistance through UN agencies and the ICRC. We contributed over £2.1 million (20 per cent of the total budget) to the European Commission's Humanitarian Aid Office (ECHO), which is the largest donor in the region.

Coverage of the president shows him in the best possible light. Television rarely gives airtime to opposition figures. This fosters a sterile, controlled political climate with little or no public debate and little public accountability of politicians and officials. Broadcasters on state-run television tend not to query official figures. This was evident during the Beslan crisis. The state-run media stuck to the low official figures for the number of hostages held at the school long after it was evident that the real figure was much higher. This was much to the frustration and anger of local residents, according to an OSCE report.

Most people in the provinces depend on state-run television for their news and information. Many people cannot afford newspapers, which arrive late if at all in the provinces, nor access to the internet. By controlling the flow of information so tightly the state restricts free expression and access to accurate information. This undermines the quality and depth of Russian democracy.

The state's intolerance of criticism and dissent sets the tone for other television stations. The authorities maintain that NTV is a commercial channel but it is owned by Gazprom, which the government effectively controls. Journalists at NTV at times try to follow a more independent line - it broadcast live during Beslan - but the station's news and current affairs programmes are a pale shadow of what they were in the 1990s. The station's new director abruptly took two of NTV's most independent voices, Leonid Parfenov and Savik Shuster, off the air. Ironically, Shuster's programme was called Freedom of Speech. There is a climate of self-censorship among many Russian journalists, reinforced by the government's failure to find the killers of 15 journalists who have been murdered, presumably because of their work, since 2000. The investigation into the murder of US citizen and Forbes editor Paul Klebnikov in July 2004 has not yet borne results. The US continues to urge the Russian government to pursue the investigation to bring to justice those responsible for the murder.

There are some positive aspects. The constitution protects freedom of expression. President Putin has made some welcome public comments on the importance of a free media. There are currently no journalists in detention. Registering and printing a publication is usually trouble free. Ren-TV, a satellite channel, tries to maintain fair news coverage and has been critical of the Kremlin. The written press is generally freer than broadcast media and several newspapers criticise the Kremlin and even President Putin. Radio station Ekho Moskvy is a credible source of reporting. The authorities have yet to crack down on dissent on the internet although there are people in the Duma and elsewhere who would like greater state control.

However, newspapers are still vulnerable to pressure and there are limits to what journalists can report. The owners of the reputable and moderate *Izvestia* newspaper fired editor Raf Shakirov in the wake of its coverage of Beslan. Media reports at the time said that the paper's powerful coverage of the tragedy annoyed the Kremlin, which conveyed its displeasure to the owners Prof Media, who then acted against Shakirov. Freedom of expression groups were dismayed by the size of the fine (\$11.4 million) a Moscow court ordered the Berezovsky-owned Kommersant to pay in October 2004 for its coverage of Alfa Bank's troubles during the summer of 2004. The bank claimed articles in Kommersant had led to losses and damage to its reputation.

Two journalists who have been vocal critics of Moscow's policy in the North Caucasus were unable to travel to Beslan during the hostage crisis in suspicious circumstances. Anna Politkovskaya experienced severe poisoning on a flight from Moscow. She said that she only drank a cup of tea on the aeroplane. She lost consciousness and was hospitalised in Rostov-on-Don and later returned to Moscow. Human rights activists accuse the authorities of poisoning Ms Politkovskaya to prevent her from covering events in Beslan. They believe the authorities staged an incident at a Moscow airport to prevent another critic, Andrei Babitsky of Radio Liberty, from travelling



Activists rally in Moscow on 22 May 2005 to demand greater press freedom and more access to TV networks.

to Beslan. The OSCE reported that the authorities attempted to prevent foreign news crews from covering Beslan.

Few Russian media outlets make money. Ownership is concentrated in a few hands and many media outlets are dependent on federal, regional or local government. This reduces editorial independence. Media freedom groups have documented numerous cases of police intimidation of journalists. They say that journalists trying to expose corruption particularly in the provinces are often physically attacked and face lawsuits.

We have funded initiatives aimed at improving media freedom in Russia. These are detailed in the section opposite on Global Opportunities Fund projects.

Racism and extremism

Human rights groups continue to point out the alarming growth of racism and extremism in Russia. One poll claimed that 60 per cent of Russians share xenophobic views; another asserted that 16 per cent of the population believed in the idea of Russia for Russians. The growth in extremist skinhead groups is particularly worrying. NGOs have reported that there are around 50,000 members of such groups in Russia and that the number is rising rapidly.

Racist attitudes are evident in the number of attacks on foreigners across Russia. In September 2004 a North Korean was killed in Vladivostok. In October 2004 there were three reported murders of foreigners: a Vietnamese student was killed in St Petersburg, a Chinese citizen was killed in Chita and an Uzbek citizen was killed in a town near Moscow. Figures from the Sova Centre, a respected Russian NGO, showed that at least 200 people were injured and 44 were killed in racially motivated crimes in 2004. The number of foreigners killed was double that for 2003. Foreign students and human rights groups say that the police are often unwilling to acknowledge when a crime is racially motivated, preferring to classify it as hooliganism.

Jewish organisations and human rights groups agree that there is no state-sponsored anti-Semitism in Russia but attacks on individuals and on Jewish buildings and cemeteries continue. In January 2005 a group of nationalists, including 20 elected deputies of the Russian state Duma, wrote to the prosecutor-general asking him to ban Jewish organisations on the grounds that they were extremist. President Putin, who was taking part in the ceremony to mark the 60th anniversary of the liberation of Auschwitz, condemned the letter.

There are some signs that the government is attempting to improve the situation. In March 2005 President Putin publicly

stated that the government would focus on the fight against xenophobia, anti-Semitism and other forms of extremism. The government has established a special police unit in St Petersburg for crimes against foreigners to monitor skinhead groups. Some courts have acknowledged the problems of racism and extremism. In December 2004 a St Petersburg court gave its verdict in the case of a murdered Tajik girl. On sentencing the defendants, the court agreed with the conclusion of the investigation that the crime had been racially motivated. In the same month, the editor of an extremist newspaper in Novosibirsk received a two-and-a-half-year suspended sentence for fomenting ethnic hatred.

We have funded a project to improve cooperation between ethnic minorities, detailed in the section opposite on Global Opportunities Fund projects.

NGOs and civil society

There is a general nervousness within the NGO community following several reported incidents of harassment by the authorities. In an address to the nation in May 2004 President Putin referred to NGOs that were "receiving financing from influential foreign foundations and serving dubious group and commercial interests". Many NGOs saw this as a signal for the authorities to crackdown on them. In May 2005 Nikolay Patrushev, the Russian FSB Director, publicly accused foreign intelligence services of using NGOs to pursue their interests and to gather information.

While there has not been a widespread campaign against NGOs, there have been incidents of harassment. In January 2005 the federal security service (FSB) raided the office of the Russian-Chechen Friendship Society in Nizhny Novgorod. The NGO, which has traditionally criticised human rights violations in Chechnya, was part-funded at the time by the European Commission. The FSB confiscated documents and addresses of contacts. The tax police has inspected the NGO Open Russia, established and funded by Mikhail Khodorkovsky (the former head of Yukos) four times in its three-year history, leading to media speculation that the organisation is receiving more than routine attention.

Foreign funding is essential for many Russian NGOs. In the current climate, few Russian businesses would risk supporting NGOs that campaign for civil and political rights without sanction from the Kremlin.

We are concerned about possible amendments to the Russian tax code that could hamper the work of NGOs by complicating their ability to receive grants from Russian and foreign donors. NGOs and charities should be exempt from taxes, since their activity is not for profit and benefits society as a whole. If

adopted, the new laws on registering projects could result in certain projects failing to obtain exemption from tax.

UK action

In September 2004 the FCO and the Russian ministry of foreign affairs met in London for bilateral human rights talks against a background of terrorist attacks in Russia. We pointed out that effective anti-terrorism policies and respect for human rights are not mutually exclusive. Proper observance of human rights can be very effective in combating terrorism.

The Russian delegation discussed openly human rights issues in the North Caucasus. We raised concerns about the presidential election in Chechnya in August 2004, including the disqualification of candidates before polling day. We noted the discrepancies between the number of people seen voting and the final number of votes cast. We expressed our concerns about abuses by federal forces in Chechnya, including extra-judicial killings and abuse in detention.

We also discussed the judiciary, prison conditions, torture, media freedom, racism and extremism. The Russian delegation visited Bullwood Hall, a female young offenders' institute in Essex. This visit provided an opportunity to share British and Russian approaches to the treatment of special categories of prisoners.

In May 2005 the Russian ministry of foreign affairs invited the FCO to Moscow to continue the bilateral dialogue. We raised concerns across a wide range of human rights topics, including those relating to Chechnya and the North Caucasus, judicial reform, prison conditions, media freedom and Russia's international obligations.

The UK delegation was augmented by a colleague from the Department of Constitutional Affairs who was able to explain the UK experience in approaching a number of issues, including racism and xenophobia and perspectives on reconciling counter-terrorism measures and human rights. Similarly, the Russian delegation was enhanced by the participation of the representatives of the Russian Ministry of the Interior and Ministry of Justice who described UK-Russia cooperation, especially in the area of penal reform, and expressed an enthusiastic desire to build on this.

Global Opportunities Fund projects

The FCO's Global Opportunities Fund (GOF - see Chapter 1) has financed a range of projects in Russia.

Projects aimed at humanising the prison system, in cooperation with the Russian federal prison service, have been very successful. We spent £400,000 on prison projects during 2004-05, including a three-year project with Penal Reform

International to make the implementation of legislation on alternatives to imprisonment more effective. We have co-funded a two-year project with the International Centre for Prison Studies, King's College, London, to improve conditions in pre-trial prisons. This project built on a previous DFID project in Moscow to disseminate the results to other Russian regions. Towards the end of the project we funded a visit to the UK of senior federal and regional prison officials. They visited prisons in Manchester, Liverpool and Northern Ireland.

GOF funded two projects in Nizhny Novgorod with the Committee Against Torture, a Russian NGO. One project contributed to an anti-torture centre in Nizhny Novgorod that provides legal and medical assistance to torture victims and lobbies local prosecutors to investigate torture claims thoroughly. The other project created a network of Russian anti-torture NGOs in other regions of Russia to share best practice and raise awareness of torture. Partner organisations in the network included NGOs from European Russia, Siberia and Chechnya.

Through GOF we have funded projects to promote media freedom. A two-year project with the New Eurasia Foundation is supporting small independent newspapers in 14 regions by providing business and editorial training. The aim is to strengthen their independence and ultimately to increase their circulation. Bringing together journalists from different Russian regions was a worthwhile exercise in itself: despite the geographical distances, they face the same problems. A separate project with the NGO Novosibirsk School of Civil Society is improving interaction between local media and government. The project shows regional authorities ways of involving local communities in policy formulation by using the media, while at the same time encouraging local media to hold regional politicians to account.

Supported by the ministry of the interior, we are funding a project with the London-based NGO European Dialogue in four regions of Russia to improve cooperation between ethnic minorities, the police and local authorities. Participants have learnt about community policing in the UK and best practice for policing in an ethnically diverse society. Some of the British trainers are former policemen and participants have visited the Racial and Violent Crime Task Force at Scotland Yard. We have funded the European Roma Rights Centre to provide legal assistance to Roma who claim their rights have been abused and to report on the human rights situation for Roma in Russia.

2.15 Saudi Arabia

Overview

There has been a small but significant improvement in the situation in Saudi Arabia since our last Annual Report. However, the Saudi government has continued to violate human rights, including by restricting freedoms of expression and press, assembly, association, religion and movement. The government also continues to discriminate against women, foreigners, non-Muslims and non-Sunni Muslims and to impose strict limitations on workers' rights.

Recent developments

Death penalty and corporal punishment

We estimate that the Saudi authorities executed around 52 people in 2003 and approximately 31 in 2004. They were executed for murder, drug offences and rape. This remains one of the highest figures in the world. The judicial and administrative authorities impose amputation for crimes such as theft. Judicial punishment can include flogging. Some 15 demonstrators were arrested following a public demonstration in December 2004 in Jeddah and sentenced to flogging.

Reports suggested that a number of homosexual men were arrested after allegedly attending private parties and some sentenced to prison terms and to flogging.

Judicial system

In May 2002 Saudi Arabia adopted a new code of criminal procedure for the criminal justice system. This code provided for significantly improved protection of the accused but the extent of its practical implementation was still unclear. Reports of torture and prolonged incommunicado pre-trial detentions continue.

The UK supported an EU statement at the CHR in March 2005 that summarised our ongoing concerns: "Guarantees of the rights of the defence are still inadequate. There are frequent reports of torture and ill-treatment of prisoners. A large number of crimes are punished by the death penalty. The practice of public execution continues."

In April 2005 the Saudi authorities announced significant reforms in the judicial system, including to the structure of the judiciary. These were important steps forward in making the judicial system more accountable although, as with the changes in the Criminal Code procedure, the impact in practice remains to be seen.

In August 2004 the trial of three reformists began. The men had been detained without trial since March 2004 on charges that they were involved in activities "that do not serve the unity of the country or the cohesion of a society based on Islamic

law". The men were eventually sentenced in May 2005 to prison terms ranging from six to nine years. We raised our concerns about the cases with the Saudi authorities.

Discrimination

The public profession of any religion other than Islam remained forbidden. There continued to be reports of Christians being arrested after assembling for religious purposes. While there was some improvement in the Saudi government's treatment of the Shia minority, members of the Shia community continued to complain of discrimination.

Despite increased debate and attention in the press to women's issues, women continued to be subject to tight restrictions in many areas of their lives, including in the types of job they were able to secure. There remained severe restrictions on freedom of movement for women, including a prohibition on driving and travel by air unless accompanied by a male guardian or with written permission from a male guardian.

Reform

There has been increased discussion of reform and a process of gradual change in Saudi Arabia. In April 2005 Saudi Arabia completed its first-ever, nationwide elections for half of the seats on municipal councils. We welcomed this as an important first step in the electoral process. But we expressed our disappointment that women were excluded from these elections and welcomed statements made by the Saudi authorities that women would be allowed to vote in the next elections in 2009.

The Majlis al-Shura, or consultative council, played a more important political role and in January 2005 the Saudi authorities announced that it would further expand its authority. In April 2005 its membership was increased from 120 to 150 members. As well as approving proposed legislation, the Shura council has the power to summon and question senior officials. Statements by ministers suggested that its members might be elected in the future.

A series of national forums for dialogue continued. The first two in June and December 2003 called for action to address social reform issues; greater involvement by the Saudi people in the reform process; the expansion of public participation in government; freedom of expression; and moderation and tolerance. The third in June 2004 discussed issues relating to women and their role in society, while the most recent in December 2004 focused on youth issues.

Last year's Annual Report gave details of the first non-governmental human rights body, the national human rights association (NHRA), which was inaugurated in March 2004. It has 41 members, including 10 women. The NHRA's charter sets

the aims of combating injustice, intolerance and torture and strengthening the concept of human rights in Saudi Arabia, in accordance with the basic law and other international regulations (in accordance with Islamic law). Its independence in practice from the government remained unclear, given that its president was a member of the Majlis al-Shura, as was his predecessor. It was, however, encouraging that the organisation protested publicly in September 2004 against the ban on its presence at the trial of the three reformists. The organisation also visited a number of prisons and reported on human rights violations and conditions.

The Saudi authorities announced in 2003 their intention to establish a governmental (inter-ministerial) human rights committee, to investigate and resolve cases before they reach the NHRA. It announced in January 2005 that preparations for the government commission on human rights had been completed.

UK action

The UK continued to discuss our concerns about human rights with the Saudi authorities at working, ambassadorial and ministerial level, including in relation to specific cases involving Britons. We discussed the municipal elections, including the role of women in future elections, with the Saudi authorities.

The UK has supported Saudi Arabia in its process of reform. Foreign Secretary Jack Straw hosted jointly with Prince Saud, the Saudi Foreign Minister, a UK-Saudi conference in London in February 2005, entitled "Two Kingdoms: Facing the Challenges Ahead", which discussed reform issues, in particular economic reform, youth and women. The conference brought together government officials from both sides, as well as experts in key fields and other members of civil society. We are discussing follow-up with the Saudi authorities, including on-going consultation on civil society and education projects under the umbrella of the Global Opportunities Fund (GOF).

Through the GOF the FCO has supported a number of projects, for example, training for journalists on election reporting, promoting the participation of Saudi women in civil society and promoting economic reform and liberalisation. The British Council was also active in supporting this process of reform. The British Council ran women's self-development and leadership workshops for more than 90 Saudi women and plans to continue these workshops through 2005-06.

2.16 Sudan

Overview

The signing of the comprehensive peace agreement for Sudan on 9 January 2005 was a major achievement and brought to an end Africa's longest running civil war, in which two million people are thought to have died and unprecedented numbers displaced. (For more details on the comprehensive peace agreement, see Chapter Five). However, the conflict in Darfur (covered in our 2004 Annual Report) and the human rights situation across the country remain of great concern to us.

The crisis in Darfur

The humanitarian situation in Darfur is dire. Although no accurate statistics for the total number of deaths since this conflict began are available, the World Health Organisation estimates that around 70,000 people died between March and October 2004 alone. Since the end of 2004 the Sudanese government has reduced obstacles to the delivery of humanitarian assistance and the flow of aid to the region has improved. Aid agencies have increased their presence - a year ago they had 500 staff in Darfur. There are now over 11,000. Although the number of people affected by the crisis and in need of humanitarian assistance increased from 1.1 million to 2.5 million from April 2004-March 2005, the proportion receiving food aid increased from 39 per cent to 70 per cent; those provided with shelter rose from 17 per cent to 80 per cent; and those with access to clean water from 5 per cent to 58 per cent. There is still much more to be done.



Foreign Secretary Jack Straw (left) listens as his Saudi counterpart Prince Saud addresses a news conference in London. The two men attended a UK-Saudi conference on 23 February 2005 entitled 'Two Kingdoms: Facing the Challenges Ahead'.

In a report by the UN Secretary-General in May 2005 he made clear that ceasefire violation continued on all sides, although on a smaller scale than in 2004. Banditry is on the increase, hampering the provision of humanitarian supplies.

Peace talks between the Sudanese government and the Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM) rebel groups resumed in Abuja on 10 June 2005. The UK Special Representative for Darfur, Mr Alan Goult, was present for the opening session, and a UK representative will be present throughout to provide support to the AU mediation and the parties.

UK action

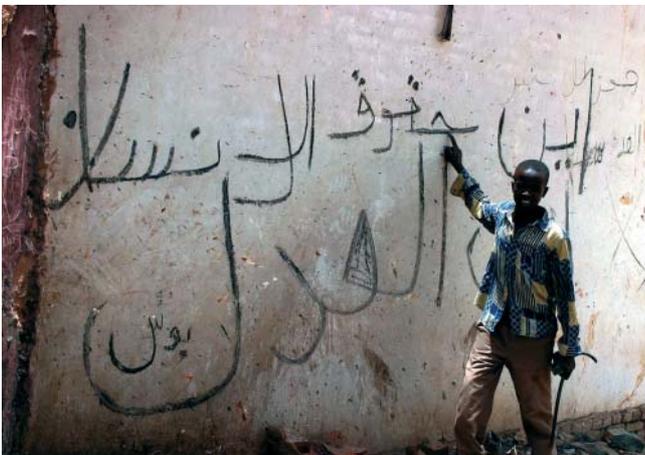
We are working hard with our international partners to improve the security situation and resolve the ongoing conflict. The EU has regularly raised its concerns with the Sudanese government. The UK played a leading role in the UN Security Council response to the crisis. Since UN Security Council Resolution (SCR) 1556 was passed on 30 July 2004, a further five resolutions have been agreed, reflecting the UN's deep concern and its continued commitment to address the situation both in Darfur and throughout Sudan. SCR 1591, adopted on 29 March 2005, imposed targeted sanctions on the government and rebels who continue to violate international humanitarian and human rights law and the commitments they have made to end the conflict, and extends the arms embargo in Darfur to include the Sudan government. Most recently SCR 1593, adopted on 31 March 2005 and which the UK sponsored, referred the situation in Darfur to the International Criminal Court (ICC).

The UN Security Council has taken significant steps to tackle impunity for the terrible crimes committed. In October 2004, at the request of the Security Council, an International Commission of Inquiry (ICI) was established to investigate the situation, determine whether acts of genocide had taken place and

identify the perpetrators of such violations. The ICI published its report on 31 January 2005 (available at www.un.org). The findings are disturbing. The report states that the Sudanese government, the Arab militias and the rebels are all guilty of serious violations of human rights and humanitarian law, which may amount to crimes against humanity and war crimes. The report did not find that the Sudanese government had pursued a policy of genocide in Darfur, but it recommended that a "competent court", ideally the ICC, should decide whether certain individuals had done so.

The findings of the UN's Independent Expert on Human Rights in Sudan, Emmanuel Akwei Addo, reinforced the ICI report. His report, presented on 28 February 2005, (available at www.ohchr.org) concluded that serious violations of human rights continued to occur and echoed the ICI's findings that there were strong indications that crimes against humanity and war crimes had taken place in Darfur. Reports by organisations such as Amnesty International, Human Rights Watch and Médecins Sans Frontières, have also raised serious concerns about human rights violations, including rape and torture. Reports from the UN human rights monitors in Darfur (which the UK has helped to fund) have also been disturbing.

The UN Security Council's referral of Darfur to the ICC was a significant achievement. It is a major step in tackling impunity in Darfur, making clear the international community's determination that those who are responsible for the atrocities there will be held accountable for their actions. SCR 1593 is also the first UN Security Council referral to the International Criminal Court and marks a historic step in the development of international justice and the fight against impunity for the perpetrators of war crimes, crimes against humanity and genocide. The ICC will now start to analyse the situation in Darfur and will consider Sudan's competence to carry out its stated wish to hold trials within its domestic court system. The UN Secretary-General handed a list of 51 names annexed to the



"Where is justice, where are the human rights?"
The message on this wall in southern Khartoum on 19 May 2005 seeks answers after angry mobs burnt down a police station following rumours that they would be forcefully evicted. Fourteen policemen and three civilians were killed.

ICI's report to the ICC Prosecutor on 7 April 2005. This list is a starting point for the Prosecutor - it is not mandatory for him to pursue every case raised. The Office of the Prosecutor has also received the ICI's archive and will review it, together with information from other sources. On 6 June 2005 the Office of the Prosecutor announced that a formal investigation was being launched.

The UK continues to play a key role in response to the crisis. Since September 2004 the Prime Minister Tony Blair, the Secretary of State for International Development Hilary Benn and the former Foreign Office Minister for Africa Chris Mullin have all visited Sudan to deliver strong messages about the need to stop fighting and engage in political talks. Through our Embassy in Khartoum and our joint FCO-DFID Sudan Unit in London, we maintain constant pressure on both the government and the rebels to abide by the commitments they have made.

The security situation and delivery of humanitarian assistance to those in need are high priorities. Since September 2003 we have committed over £66 million to humanitarian relief in Darfur, making the UK the second largest bilateral donor after the US and we have committed £119.5 million in humanitarian and development aid for the 2005-06 financial year. Our support includes £55 million towards the UN workplan (which is valued at around \$1.5 billion) and the appeal for Eastern Chad, which is being used by UN agencies and NGOs to deliver urgent humanitarian assistance such as food aid, water and basic healthcare to the most vulnerable people in Darfur, the rest of Sudan and to Sudanese refugees in Eastern Chad. We are pressing other donors to do more.

Insecurity is the main threat to the people of Darfur and undermines efforts to alleviate the appalling humanitarian situation there. Maintaining security is ultimately the responsibility of the Sudanese government but the African Union (AU) monitoring mission plays a vital role. Despite the logistical constraints, the AU is making its presence felt. As the UN Secretary-General has said, strengthening the AU force on the ground has proved to be effective not only in performing monitoring tasks, but also in protecting the civilian population.

The AU mission is mandated to carry out proactive monitoring and to protect civilians within their area of deployment who might be under imminent threat of attack. The mission is also required to "contribute to a secure environment for the delivery of humanitarian relief". A combined AU-EU-UN assessment mission to Darfur in March 2005 concluded that this mandate was sufficient but that, given the size of the region, extra troops were needed. At the time of going to print, the AU had approximately 2,700 staff on the ground in Darfur and was expanding their numbers to over 7,700. We allocated almost

£32m in support to the AU mission, which we are using to provide vehicles, rapid-deployment equipment, airlift, maps and rations packs. We are also providing military-planning expertise.

Looking ahead

In the long term the situation in Darfur can only be resolved through a political process to which all sides are committed and we fully support the AU-led peace talks in Abuja, which reconvened on 10 June. While the Comprehensive Peace Agreement (CPA) does not address the specific issues of Darfur, it provides a framework for resolving the conflict there and contains provisions to address marginalisation of residents of the region and to allow for broader participation in power and sharing of wealth. This is covered in more detail in Chapter 5.

In addition to halting the conflict and engaging constructively in political talks, confidence needs to be built among the local population in order that they might return to their homes and begin the slow process of rebuilding their lives. In the meantime, we will continue to support both the humanitarian operation and the AU's efforts and press the parties to reach a durable political solution in Abuja.

Other concerns in Sudan

The crisis in Darfur has been our main concern in Sudan during the period covered by this report. However, we continue regularly to raise other human rights issues with the Sudan government. Our concerns include the death penalty; torture; the application of Hudud punishments (amputation, flogging and stoning); freedom of the media; and the harassment and arrest of civil society activists and political figures. We raise these issues bilaterally and within the EU-Sudan dialogue. As a result of our representations, there has been progress on some individual cases, such as the recent release (17 May 2005) from detention of Dr Mudawi Ibrahim (a prominent Sudanese human rights activist) and the suspension of a sentence of lashing imposed on a minor. We remain very concerned about the human rights situation throughout Sudan. Chapter 5 sets out the human rights provisions of the CPA. We will continue to work to ensure that these will have a positive impact on human rights throughout the country.

It was vital that the seriousness of the situation was reflected at this year's UN Commission for Human Rights (CHR). The EU worked closely with the African Group to pass a strongly worded resolution on Sudan. The resolution condemned widespread and systematic human rights violations in Darfur. It called on the Sudan government to investigate and prevent abuses and to cooperate with the implementation of all the recent UN Security Council Resolutions. The CHR resolution also established a Special Rapporteur to provide formal international scrutiny of the situation. This resolution was tabled by Sudan's peers in the

African Group and was adopted by consensus by all the members of the CHR, including Sudan.

We provided £250,000 to the Office of the High Commissioner for Human Rights in Sudan in 2004-05 and continue to support its work to strengthen the human rights capacities of the Sudan government and civil society institutions, through training programmes and advice for governmental and non-governmental institutions.

In the past year, we have supported a range of projects related to human rights. We are providing £180,000 over three years to the Sudanese Organisation Against Torture (SOAT), to support its work in challenging legal impunity and raising human rights awareness. Following feedback from a SOAT training session we also provided a further £11,000 to produce a manual for lawyers on combating torture. We funded Christian Aid (£13,500) to strengthen legal and human rights education and develop paralegal training through training workshops. This two-year project, which concluded in March 2005, ran workshops for over 500 participants, most of them women. We worked with Minority Rights Group International and provided £15,000 for training for representatives of Darfur human rights groups, enabling them to attend the UN Commission on Human Rights in spring 2005.

2.17 Turkmenistan

Since the last Annual Report there have been some limited improvements in human rights in Turkmenistan. But the country remains fundamentally undemocratic under the highly authoritarian rule of President Niyazov. Severe restrictions remain, including on freedom of expression and freedom of movement. The government barely allows civil society to function.

Political repression

Last year we highlighted international efforts to allow the International Committee of the Red Cross (ICRC) access to Turkmen prisons and prisoners, especially to those convicted of participation in the attempted coup of November 2002. Despite further lobbying by the UK and the international community, the government has not granted this access and has provided no evidence that those imprisoned following the events of November 2002 are still alive. However, the authorities have continued to discuss the issue with ICRC.

In 2002 the former head of the Turkmen Horses Association, Geldy Karizov, was jailed on corruption charges. Despite regular representations by our Embassy in Ashgabat, we have been unable to see Karizov since he was convicted. We have been in close contact with his family. His health while in jail has

apparently been poor and as he has now served more than half his sentence he should be eligible for parole. Our Ambassador last made representations to Foreign Minister Meredov in February 2005. Mr Karizov has still not been released. This is just one of many cases of concern which our Embassy is pursuing.

Freedom of movement

In January and March 2004 President Niyazov signed decrees establishing freedom of movement for the people of Turkmenistan. While these decrees appear to have had some positive impact, the government continues to restrict the travel of the families of those allegedly connected with the reported coup of November 2002.

In 2000 Nikolai Gerasimov, a former Radio Free Europe (RFE) reporter, was convicted of fraud and imprisoned in the port city of Turkmenbashi for three years until August 2003. His arrest may have been politically motivated. After his release Gerasimov suffered constant harassment and in spring 2004 he was severely beaten. The Turkmen security service confiscated most of his belongings and he struggled to survive, living with his 13-year-old daughter in a sparsely furnished flat in Ashgabat. He was desperate to leave the country. On 25 February 2005 diplomats, including a representative from the British Embassy in Ashgabat accompanied Gerasimov and his daughter to the airport. Despite fears of last-minute difficulties they were allowed to leave Turkmenistan.

Civil society

The government has decriminalised the activities of non-registered NGOs but foreign donors are still restricted from funding civil society groups. Most of the groups who have secured registration are organisations affiliated to state-run bodies, such as the youth union and the women's movement. Our Embassy continues to maintain close contacts with the civil society sector, but there seems little prospect of independent NGOs being able to register and establish themselves in Turkmenistan.

Religious freedom

In May 2004 the Turkmen authorities introduced measures to simplify registration procedures for religious minorities. Four minorities, the Bahá'ís, the Seventh Day Adventists, the Baptists and the Hare Krishnas, were promptly registered. Following consistent international lobbying, including an EU démarche in March 2005, on 16 April this year, five further minority (mostly evangelical) groups were registered, and four Jehovah's Witnesses, in jail for conscientiously objecting to military service, were also released. These steps were welcome, but it appears that the simplification of the registration procedures has not been accompanied by a commitment to allow religious minority

groups meaningful freedom to practise their religion. We have continued to press the government to enable all religious groups to import religious literature, establish places of worship and maintain international contacts.

Child labour

See Chapter 8 (page 233).

OSCE Centre in Ashgabat

We reported last year that in July 2004 the Turkmen authorities refused to extend the accreditation of Ambassador Badescu as Head of the OSCE Centre in Ashgabat. This decision did not conform with the practice of consultations between the Chairman-in-Office, the Secretariat and the authorities of the host country. A new Head of the OSCE Centre, Ibrahim Djikic, was finally appointed in January 2005. The Turkmen authorities have pledged to work closely with the new appointee.

UK, EU and multilateral action

As in the previous year, with UK support the EU successfully tabled a country resolution at the UN General Assembly in November 2004.

The Turkmen government has continued to show signs of increased willingness to engage with the international community on human rights. It submitted national reports on racial discrimination and discrimination against women to the UN in 2004 and its report on the Convention on Child Rights to UNICEF in March 2005. In October 2004 Marti Ahtisaari, personal envoy of the Chairman-in-Office of the OSCE, met President Niyazov in Turkmenistan. In December 2004 Rolf Ekeus, the OSCE's High Commissioner on National Minorities, also met President Niyazov.

Looking ahead

We welcome the completion of the national reports, the legislation on child labour and continuing dialogue with ICRC. However, proof of real progress will lie in implementation of the legislation and access to prisons for ICRC. With the EU and other like-minded partners, we will continue to monitor and press for progress in these areas and across the spectrum of fundamental human rights in Turkmenistan. The international community did not table a resolution on Turkmenistan at UNCHR in spring 2005. If the Turkmen authorities fail to make demonstrable progress on the human rights agenda before the autumn, the possibility remains open of a resolution at UNGA. The Turkmen authorities must match a willingness to engage with the international community with a willingness to take positive action.

2.18 Uzbekistan

The overall human rights situation in Uzbekistan remains one of serious concern. Since last year's Annual Report, Uzbekistan has taken some limited steps to implement the UN Special Rapporteur on Torture's recommendations through its national action plan to implement the UN Convention Against Torture. In his state of the nation speech to parliament in January 2005, President Karimov identified democracy as a fundamental aim for Uzbekistan and outlined his personal opposition to the death penalty. But we have yet to see concrete evidence that these developments will lead to more widespread reform. In the meantime widespread abuses still occur.

We are extremely disturbed by the reports of Uzbek troops indiscriminately firing on demonstrators in Andizhan (see box on page 84). On 18 May, Foreign Secretary Jack Straw called upon the Uzbek authorities to allow an international investigation that is credible and transparent and to address the root causes of popular discontent through economic and political reform. We have also expressed our concern to the Uzbek authorities at reports of the arrest and harassment of eyewitnesses, independent journalists and human rights activists in the aftermath of Andizhan.

Torture

The Report of the UN Special Rapporteur on Torture of November 2002 is the benchmark for judging the Uzbek government's efforts to address torture in its penitentiary system. Despite Uzbek claims to the contrary, we have seen only limited progress on the Special Rapporteur's recommendations.

One area of progress has been in developing legislation. Following one of the Rapporteur's 22 recommendations, the government has amended the criminal code to include torture as a punishable crime and the supreme court has defined torture in accordance with the definition of the UN Convention Against Torture. The plenary of the supreme court issued a decree in September 2004 stating that evidence obtained by unlawful means, including by torture, is not admissible as evidence. We have yet to establish the impact of these measures. Despite official requests, we have not received information of law enforcement officials punished for using torture.

The key problem is that the system rarely punishes the perpetrators of torture. A criminal justice system that relies heavily on confessions as the basis of convictions merely encourages law enforcement officers to use coercion. We welcomed the government's decision to allow independent experts and human rights defenders to observe the investigation into the deaths in custody of Andrei Shelkovenko

and Samandar Umarov and its invitation to experts to investigate the death of Rahimjon Kuldashev. However, as we have made clear to the Uzbek authorities, these developments constitute only a partial implementation of the Special Rapporteur's recommendation for independent investigation of all allegations of torture and ill treatment.

The Uzbek government introduced a national action plan on torture in March 2004. The government sent an update on its progress against the plan and the recommendations of the Rapporteur in March 2005. While the government has carried out some activities in the plan, there has been little progress on the Rapporteur's recommendations. For example, the government claims its national action plan covers its obligations under the right to habeas corpus. However, the Special Rapporteur recommended that the government should amend its domestic penal law to include the right to *habeas corpus*. The government has not introduced an amendment, even in draft, but we are encouraged that in January 2005 President Karimov proposed passing the authority for issuing warrants for detention to the courts. Meantime, we continue to receive reports of suspects held incommunicado, particularly those suspected of extremist or terrorist offences. Our conclusion remains that torture and other forms of ill treatment are routine, particularly in the early stages of custody.

Access to prisons

The government continues to restrict the access of representatives from Embassies, NGOs and civil society to places of detention. In October 2004 our Chargé d'Affaires in Tashkent urged the then Deputy Foreign Minister, Vladimir Norov, to allow the International Committee of the Red Cross (ICRC) full access to places of detention, including to those detained on charges of terrorism, in line with the 2001 agreement between Uzbekistan and the ICRC.

An amnesty in December 2004 marked 5,000 prisoners for release and a further 7,000 for reduced sentences. The prosecutor's office announced in March 2005 that it had released 361 convicts who had been jailed on extremism charges.

Judicial system

We welcomed President Karimov's announcement in a speech to Parliament on 28 January 2005 that Uzbekistan aimed for true independence of the judiciary, as provided for in the Uzbek constitution. In practice, the judiciary is an extension of the executive in both civil and criminal cases. Public prosecutors play the decisive role in criminal investigations and trials. The President continues to appoint judges.

Monitoring of terrorist trials in September and October 2004 showed that prosecution cases are largely built on confessions,

Andizhan

During the night of 12–13 May 2005 a group of armed men attacked an army garrison and prison in Andizhan, a town in Uzbekistan's densely populated and impoverished Fergana Valley. An unknown number of prisoners were reportedly released, including 23 men currently on trial for belonging to the Akromiya religious movement. Armed men stormed the mayor's office and took police hostages. Reports suggest that a crowd of several thousand gathered in the city centre during 13 May, initially voicing support for the 23 accused, but also calling for jobs, an end to corruption and injustice and the President's resignation. According to eyewitness reports, towards the end of the afternoon Uzbek troops fired indiscriminately on the crowds with live ammunition, using armoured personnel carriers.

Many accounts suggest that around 500 people may have been killed, including women and children, and many wounded. The Uzbek authorities deny this, claiming that they used force only against the armed rebels when freeing the hostages. They give the official death toll as around 170, claiming that all of those killed were either extremists or members of the security forces. More than 500 people fled Andizhan into Kyrgyz territory, where a refugee camp was established. On 14 May unrest also spread to the town of Kara-Su around 30 kilometres east of Andizhan on the border with Kyrgyzstan, where there were reports that more than 1,000 people rallied outside offices of the local administration and briefly took the district mayor hostage.

Protesters also attacked a customs and border post. On the night of 18–19 May Uzbekistan government forces regained control of Kara-Su, apparently without significant force or casualties.

The Uzbek government attempted to place a shroud over events in Andizhan. State-run media outlets provided very limited coverage of the events as they unfolded, without pictures. On 14 May, authorities detained journalists working for western news agencies, including the Institute for War and Peace Reporting and Reuters, and made them leave the city. Journalists from Russia's NTV and Ren TV were also detained and had equipment confiscated.

Since the events of 13 May, independent journalists and human rights activists have reported a climate of fear in Andizhan, with pressure on people not to talk to outsiders. We have received reports of detentions and house arrests, including of Saidjahon Zainabuddinov, the head of the human rights NGO Appeal and an eyewitness to events in Andizhan. He has been arrested and, we understand, charged with calumny (slander).

Since 13 May the UK has been forthright in its condemnation of reports that Uzbek troops indiscriminately fired on demonstrators in Andizhan. We have called upon the Uzbek authorities to accept an international, independent enquiry.

even if they are retracted in court. Some of those on trial for their involvement in the March–April 2004 terrorist attacks did not see their lawyers until they met in the courtroom. We were encouraged that during those trials, judges occasionally asked defendants how they had been treated in custody. But when defendants said they had been ill treated there was no evidence that the courts treated such claims seriously. Courts usually find defendants guilty and judges seldom demonstrate independence. But the quality of defence is improving gradually and this year we are funding training for defence lawyers through Embassy grants.

In one trial monitored by the Embassy throughout 2004, the court released three defendants sentenced to 15–17 years for a vigilante killing in Andizhan region after a retrial and reduced sentences against the 10 other defendants. The court reduced the sentences against two defendants to two years labour and released one defendant, Ziedullo Mamadaliev, on medical grounds. The defendants had credible and serious claims that they had been tortured in pre-trial custody. Mamadaliev maintains he lost his sight as a result of the beatings he suffered. We believe that the early attention of the British and other EU embassies in February 2004, including visits to relatives and the regional court, and follow-up action with the supreme court, had a positive influence on the supreme court's decision to send the case back for a retrial. It is extremely rare in Uzbekistan for convictions to be overturned. An investigation into the conduct of four police officers is still under way.

There were several high-profile cases of people convicted for corruption. Former adviser to the President on agriculture, Ismoil Jurabekov, was convicted for embezzlement in December 2004 and former Tashkent judge, Komila Abduvaliyeva, was sentenced to seven years in February 2005 for taking bribes. But both were given an immediate amnesty. We were encouraged that several police, customs and national security officials were prosecuted for planting drugs in February 2005.

Death penalty

We welcome recent signals that the government is changing its attitude to the death penalty. President Karimov has expressed his personal opposition to the death penalty on three separate occasions since December 2004. In his address to parliament on 28 January 2005, he announced plans to educate the people over a period of two to three years, with a view to abolition.

Large scale round-ups led to the trials of over 100 people in connection with terrorist attacks in March–April 2004. None received the death penalty. Since independence in 1991 the government has gradually reduced the number of articles carrying the death penalty from 36 to two. Despite this, we were disturbed by reports during 2004 that Uzbekistan

continued to execute prisoners on death-row, whose cases were lodged with the UN Human Rights Committee (UNHRC). By the end of 2004, Uzbekistan had executed 14 death row prisoners on whose cases the UNHRC had intervened. In December 2004 the President said that 50–60 people were executed during the year.

We understand that in 2003–04 the Uzbek Ministry of Foreign Affairs received 18 appeals from the UNHRC, concerning 31 people sentenced to death. Of those 31 people Uzbekistan executed 15, commuted the death penalty to life imprisonment for seven and suspended the executions of nine others while the pardon commission examined their petitions. The Uzbek authorities also commuted the death sentence of Ikrom Mukhtarov and said that they had granted stays of execution in other cases being considered by the UNHRC, including that of Sodik Kodirov, following UK and EU representations in late 2004.

We were disturbed by reports that Akhrorkhuza Tolipzhukaev was secretly executed on 1 March 2005, despite having an appeal lodged with UNHRC. We have asked the Uzbek authorities for further information and will continue to press for a response.

Our Embassy in Tashkent recently monitored the trial of Yuldash Kosimov, who was sentenced to death in February 2005 for murdering his parents. The defendant alleged he was tortured during pre-trial custody and video testimony showed evidence of bruising on Kosimov's face.

One of the most serious aspects about the application of the death penalty in Uzbekistan is that it is shrouded in secrecy. The Special Rapporteur on Torture recommended that relatives of people sentenced to death should be treated in a humane manner with a view to avoiding their unnecessary suffering. However, the date of execution and burial place of those executed remain classified as state secrets.

Civil society

In his speech to parliament on 28 January 2005 President Karimov talked about developing civil society. On 5 March 2005 he received Mjusa Sever, then the head of Freedom House in Uzbekistan and praised the organisation's work.

While we welcome these developments, they do not obscure the government's mistrust of civil society, which has been hardened by the Orange Revolution in Ukraine (see page 114). President Karimov's speech contained a thinly veiled warning to NGOs to keep their activities within "acceptable limits". He stated that "it needs to be pointed out that sometimes so-called NGOs and non-commercial organizations that are being created and



A local resident carrying a child walks by an Uzbek soldier in Andizhan, Uzbekistan, 13 May 2005. Soldiers opened fire on protesters in eastern Uzbekistan after demonstrators stormed a jail to free 23 men accused of Islamic extremism.

funded by foreign sponsorship deal with issues which stand far beyond the limits of their own charters and programmes”.

International NGOs remain under pressure. In November 2004 we received reports that the Uzbek authorities might not renew the visas of Human Rights Watch (HRW) officials in Uzbekistan, Allison Gill and Carlo Boehm. This would effectively halt the activities of HRW in Uzbekistan. We joined EU partners in bringing the issue to the attention of the then Foreign Minister, Sodiq Safayev, on 11 November 2004. The Foreign Secretary Jack Straw followed this with a letter to Mr Safayev pressing for the renewal of Ms Gill's visa, in which he said that “the activities of civil society groups such as Human Rights Watch are an essential part of a healthy democracy”. Former Foreign Office Minister Bill Rammell raised the issue in February 2005 with Foreign Minister Ganiev and with Uzbek Ambassador, Tukhtapulat Riskiev. Ms Gill and Mr Boehm were granted 30-day visas and were able to resume their work in Tashkent after a two-month absence during which the office was closed. The local partner of Internews Network, an international NGO whose mandate is to promote press freedom, was temporarily closed down for six months in September 2004 on minor technical grounds, including inconsistencies in staff job titles. Despite assurances that the local partner would be allowed to resume activities in March, its offices remain closed.

Local NGOs continue to feel the adverse effects of a resolution signed by President Karimov in February 2004, which has the ostensible aim of increasing financial transparency and combating money laundering. Instead, the resolution is stifling the foreign funding on which local NGOs extensively rely. The authorities now delay payment of grants for up to six months and some they simply never process. They give no reasons for returning grants.

The government puts particular pressure on NGOs working in sensitive areas, notably human rights. Since our last Annual Report, no new independent human rights societies have been

registered. Only two - the Independent Human Rights Organisation of Uzbekistan (IHROU) and Ezgulik - are currently registered. Ezgulik was warned in February 2005 by the justice ministry for collecting signatures on behalf of the opposition Birlik People's Movement Party. Local human rights activists face continued harassment, including of their families. Women's NGOs, which form one of the stronger local NGO sectors, have also been forced to reregister.

Prior to events in Andizhan the authorities generally allowed small demonstrations to take place across the country. It is now unclear whether this policy will continue. Previous disturbances were sometimes dispersed by police or broken up by agent provocateurs. For example, on 3 May 2005 the police forcibly broke up a demonstration outside the US Embassy in Tashkent. Several dozen protesters, mainly from one family, had demanded the government return farmland and property in the Kashkadarya region in southern Uzbekistan, as well as the resignation of Prime Minister Shavkat Mirzoyev.

One promising development was the first consultation between the main investigation department of the ministry of the interior and human rights defenders. Two meetings took place in March and May 2004. Further meetings took place in 2004 with the national security service. In January 2005 we witnessed representatives of the prosecutor's office and respected local human rights defenders participating in a panel looking into the death in custody of Samandar Umarov. These are important steps for reducing mistrust between the government and non-governmental communities.

Supported by the UK, the EU issued a letter in December 2004 to Foreign Minister Ganiev, which raised the repeated refusal to register Mothers Against the Death Penalty and Torture, despite international recognition for its leader Tamara Chikunova.

Freedom of expression

The Uzbek authorities retain tight control over the media, despite the occasional critical article. While censorship does not officially exist, having been abolished in 2002, most editors and journalists are cowed into practising self-censorship for fear of reprisals from the authorities. Subjects that may reflect badly on the government, such as poverty or child labour in the cotton sector, are no-go areas for the press, radio and TV. Articles on torture and human trafficking appeared in the press during 2004 and early 2005, but did not criticise the government or officials. The election campaign in the run-up to the December 2004 parliamentary elections featured no overt criticism of government policies. In September 2004 the national press covered corruption in the education system. In March 2005 national newspapers featured political cartoons criticising taxes and corruption by police officials.

President Karimov has on several occasions called for journalists to be more critical. We have made clear to the authorities that we would like to see the government support this by a commitment to protect and accredit journalists, including those writing critical articles.

We are not aware of any journalists imprisoned in 2004, although several remain in jail on what some observers believe to be trumped-up bribery charges. They include Tuhtamurad Toshev and Boimamat Jumaev, who were jailed in 2003. Majid Abduraimov, who we included on the FCO's freedom of expression list last year, was released in April 2004. The independent journalist Ruslan Sharipov (see Chapter 8, page 220) is now living in the US.

We have continued to raise with the Uzbek government recent reports of harassment and violence against journalists. In May 2005 our Embassy in Tashkent made representations expressing our concern for the journalist Sabir Yukubov, who was charged on 14 April 2005 with attempting to overthrow the constitutional order and belonging to an extremist organisation. His friends believe the arrest might be connected to an article published in the *Hurriyat* newspaper, in which Mr Yakubov linked the case of the murdered Ukrainian journalist, Georgiy Gongadze, to the administration of the then Ukrainian President, Leonid Kuchma. We were also disturbed to hear of the beating of independent journalist and human rights activist Ulugbek Haydarov on 23 April 2005 and the harassment experienced by Galima Burkhabaeva, reporting for the Institute for War and Peace Reporting.

In the aftermath of the events in Andizhan (see box on page 84), we were concerned by reports of the arrest and harassment of eyewitnesses, independent journalists and human rights activists. Our Ambassador to Tashkent, David Moran,

conveyed this point in a meeting between EU ambassadors and Foreign Minister Ganiev on 1 June 2005. On 25 May 2005 our Embassy had delivered a note to the Uzbek authorities, registering our concern at the arrest of Saidjahon Zainabuddinov, the head of the human rights NGO Appeal.

Religious freedom

We are disturbed by reports of religious intolerance and persecution in Uzbekistan. Discrimination, harassment and criminal prosecutions of Muslims and harassment of religious minorities, notably Protestant Christians, remain commonplace. The government continued to imprison followers of the outlawed religious organisation Hizb-ut-Tahrir (HT) throughout 2004. The organisation is labeled a terrorist organisation in Uzbekistan and many of those sentenced for terrorist crimes in 2004 were alleged HT followers. It is commonly acknowledged that the authorities plant HT leaflets on suspects to obtain convictions.

There have been many arrests and convictions of followers of the Jamoat Tabligi (JT) religious organisation, which has origins in Pakistan but is banned in Uzbekistan. The courts sentenced dozens for their membership of this group during 2004. Eleven followers received sentences of five years in Andizhan in October 2004. One exception was the decision by Tashkent's Shayxontur district court in March 2005 to amnesty or fine six suspected JT members. Multiple procedural violations had been reported during the trial. We continue to raise cases of religious persecution with the Uzbek authorities bilaterally and with international partners.

Cases against JT have fallen but in February 2005, 23 men went on trial in Andizhan accused of being members of the banned Akromiya group and of anti-constitutional activity. Akram Yuldashev, a mathematics teacher from Andizhan, has been serving a 17-year prison sentence since 1999. The trial against the 23 prompted a series of significant protests in Andizhan in May 2005, in the run-up to the violent events that unfolded in Andizhan on 13 May 2005. Protests reportedly grew to number in the thousands in the days immediately before those events. Some observers claim the 23 were no more than local entrepreneurs.

Constraints on religious freedoms are an important factor in the emergence of radical and extremist ideologies in Uzbekistan. We were pleased that, least one Ministry of Internal Affairs official proposed drawing distinctions between religious extremists and pious Muslims practising religion outside state structures. In October 2004, the then Deputy Foreign Minister Norov welcomed the opportunity to learn from UK thinking on the role of Islam and how to develop a common approach.

UK/EU actions

On 14 May 2005 the Foreign Secretary Jack Straw responded to events in Andizhan by condemning the reported disproportionate and indiscriminate use of force by the Uzbekistan government. In a speech to the Center for Strategic and International Studies in Washington DC on 18 May, Mr Straw called on President Karimov to agree to full and immediate access to Andizhan for NGOs, international agencies and diplomats. He urged Mr Karimov to take action to address the root causes of the discontent, by implementing urgent economic and political reforms and to agree to an independent, credible and transparent international enquiry to find out why the killings happened, the full nature of them and who was responsible. We are pleased the UN, EU partners and OSCE have also been forthright in their condemnation of the reported violence in Andizhan and that they have also called for a similar international enquiry. The UK was at the forefront in condemning the reported violence in Andizhan.

The Foreign Secretary also asked our Ambassador to Tashkent, David Moran, to urge the Uzbekistan government for unrestricted access to Andizhan for the international community, including organisations such as the UN High Commission for Refugees and the ICRC. The UK's stance was instrumental in the authorities' decision to organise a visit to the region on 18 May by diplomats, members of international organisations and the world's media. For several days beforehand, David Moran repeatedly stressed to the Uzbek authorities that for the trip to be fully satisfactory, diplomats and journalists had to be able to move around freely and speak to local people. Despite prior assurances that this would be possible and protests by David Moran and other EU ambassadors on the day, the Uzbek authorities restricted the itinerary, supposedly for security reasons. This visit was therefore insufficient and could only be seen as a first step towards securing the necessary transparency into the events of 13-14 May in Andizhan.

During his time as Foreign Office Minister, Bill Rammell intended to visit Uzbekistan on 2-3 February 2005. Unfortunately, the Uzbek authorities cancelled the visit, referring to a press statement that noted Mr Rammell would be pressing them on human rights issues. Mr Rammell subsequently noted: "We have consistently made clear to the Uzbek government the extent of our concern regarding human rights in their country. It should have been no surprise that a discussion of human rights issues would have been an important objective of my visit."

Looking ahead

We will continue to insist, with our partners in the UN, EU, OSCE and NATO, that the Uzbekistan government accepts an independent investigation into the events in Andizhan. We shall

continue to urge the government to respect its wider international commitments to democracy, the rule of law and human rights. Central to this should be action by the Uzbeks to address the root causes of popular discontent through economic and political reform.

We will continue our policy of critical engagement with Uzbekistan. Human rights and democracy are at the core of this. Where we see the Uzbek authorities making genuine efforts to reform, we will offer support. We remain ready to work with the government in implementing its national action plan against torture and the Special Rapporteur's recommendations. One example is our part-funding of a project with the International Rehabilitation Council for Torture Victims (IRCT) to train medical staff to recognise torture and ill treatment in the penitentiary system. We will also encourage the government to implement a moratorium on the death penalty, as a first step towards abolition.

2.19 Vietnam

Overview

Vietnam has taken some positive steps forward with regard to civil and political rights over the past year, but its overall record remains poor. We are particularly concerned about the country's high rate of executions and restrictions on freedom of expression, freedom of religion and access to justice.

Developments

Executions have continued at a high rate and may have increased. The government has released nine people on the EU's list of prisoners and detainees of concern but, as at May 2005, 16 remain. The government has introduced a new ordinance on belief and religion but has eased restrictions on Protestants.

Current concerns

Freedom of expression

Despite constitutional safeguards, there is no free media in Vietnam. The state controls all domestic media, which may not report on sensitive issues. Some media are slowly gaining some freedom in areas such as reporting corruption, but this is still within tight confines. In January 2005 the authorities arrested journalist Nguyen Thi Lan Anh following her newspaper report on corruption. This was despite the fact that the story had already been reported elsewhere and Prime Minister Phan Van Khai had recently urged the media to "declare war on corruption". Following an outcry, charges were dropped in April. Foreign journalists face numerous restrictions. The government occasionally censors foreign publications and periodically blocks foreign websites. Internet use is taking off in Vietnam, but regulations restrict access and ban "subversive" material.

Vietnamese websites must register with the government and have their content checked before being posted. As well as blocking “subversive” websites, internet service providers must allow security agencies to monitor usage.

Vietnam has sentenced “cyber-dissidents”, to long prison sentences for expressing views on the internet. Businessman Pham Hong Son was sentenced to 13 years in prison (reduced to five years on appeal) in 2003 for posting a translated article on democracy in the internet. Journalist Nguyen Vu Binh was sentenced to seven years in prison in 2003 for circulating articles on the internet that were critical of the government.

Freedom of religion

Vietnam’s constitution guarantees freedom of religion and individuals are generally permitted to worship without restriction. However, the government maintains tight control on religious organisations and generally only permits state-approved religious groups. We remain concerned about the situation of non-recognised Buddhist and Protestant groups. The non-recognised Unified Buddhist Church of Vietnam (UBCV) sought to re-establish itself at a congress in Vietnam in September 2003. The previous April, its leader Patriarch Thich Huyen Quang had met Prime Minister Phan Van Khai, raising hopes of an accommodation. Following the congress however, the authorities cracked down on the UBCV in October 2003 and Quang and his deputy Thich Quang Do were placed under *de facto* house arrest in their pagodas. Despite official denials that they are under house arrest, the authorities continue to impose tight restrictions on their movements.

The government remains suspicious of Protestantism which, for example, in the Central Highlands region, is often equated with separatism. A small minority of Protestants in the region are alleged to have links to a separatist movement. The government permits official Protestant churches, with restrictions, in northern and southern Vietnam and recently allowed them to

hold congresses unmolested by the authorities. Non-authorized Protestant groups face greater difficulties.

Land disputes, local corruption and restrictions on unofficial Protestant groups triggered unrest among ethnic minorities (often called Montagnards) in the Central Highlands over Easter 2004, probably fomented by outside activists. Following the Easter unrest, many hundreds of Montagnards crossed into Cambodia to seek asylum. UNHCR has rejected most of their claims as unfounded and, following a UNHCR agreement with Vietnam and Cambodia in January 2005, has begun returning failed asylum-seekers to Vietnam. Vietnam has given assurances that no returnees will face punishment. We are pressing Vietnam to allow international UNHCR staff to visit returnees. Relations between Protestant groups and the authorities have improved nonetheless over the past year. In November 2004 Vietnam introduced a new ordinance on belief and religion. While codifying many of the tight restrictions on Protestants and other religious groups, it at least sets out the terms under which religious groups may gain official recognition. This was followed by a prime ministerial instruction in February 2005 ordering local authorities to grant recognition to more Protestant groups, so long as they met certain conditions. The government has recently recognised some new Protestant congregations in the Central Highlands, but there has been less progress in the North West Highlands region where implementation appears to be lagging.

Death penalty

Vietnam has one of the highest execution rates in the world, although state secrecy makes collection of accurate statistics difficult. In 2003 Amnesty International counted over 100 death sentences handed down in Vietnam and over 60 executions. This trend appears to have continued in 2004, with Amnesty International reporting at least 88 death sentences and 64 executions. The true figure is likely to be significantly higher. Most executions are for drug offences, but economic crimes



A Montagnard hill-tribe woman from the central highlands of Vietnam during an orientation course for refugees run by the International Organisation for Migration.

such as corruption may also attract the death penalty. Execution is generally by firing squad. Some Vietnamese ministers have spoken publicly in support of restricting use of the death penalty, even eventual abolition - although this remains a distant prospect.

Access to justice

The laws in Vietnam are often unclear, with different bodies passing multiple, ambiguous and sometimes conflicting provisions. Common knowledge of legal rights and remedies is poor. A nationwide shortage of qualified lawyers further hampers access to justice. In criminal cases, the justice system weighs heavily in favour of the prosecution. Judges' powers are largely unchecked and verdicts are in practice pre-determined before trial. Suspects are routinely detained for long periods without access to a defence lawyer: over one year is not uncommon. Revised criminal and civil procedure codes entered force in 2004, which give greater rights to defendants and defence lawyers, but they have yet to have significant impact in practice.

UK/EU action

With our EU partners we raise human rights issues with the Vietnam government regularly. In the past year, we have discussed freedom of expression, freedom of religion, the death penalty and access to justice.

Our main fora for raising human rights concerns are the biannual meetings of the EU-Vietnam Human Rights Dialogue. The EU and Vietnam formally established a human rights dialogue in 2003 to facilitate regular, two-way discussion on human rights. The British Ambassador attended the most recent meeting in June 2005 in Hanoi. The EU maintains a list of prisoners and detainees of concern to raise with the Vietnamese authorities. In addition, UK and EU diplomats undertake field missions. Most recently, EU ambassadors including the British Ambassador visited the Central Highlands in January 2005. The EU also undertakes *ad hoc* intervention. In March 2005, for example, the EU wrote to the minister of culture detailing instances of censorship of EU-sponsored cultural activities in 2004.

UK ministers raise human rights issues with Vietnam at every suitable opportunity. We discussed human rights with Minister for Public Security Le Hong Anh during his visit in September 2004 and with National Assembly President Nguyen Van An during his visit in March 2005. UK ministers also raised human rights concerns during their visits to Vietnam. We will continue to press the Vietnam government to adhere to its international human rights obligations.

UK and EU engagement with Vietnam on human rights is showing some results. At the request of the Vietnamese, we have funded human rights training for Vietnamese officials. In November 2004, to inform internal discussion on the death penalty, the EU funded a seminar on the death penalty attended by senior Vietnamese officials and international death penalty experts.

Impact of this action

Human rights are a sensitive issue for Vietnam and drawing the government into a regular, constructive dialogue with the EU is a positive step in itself. By funding training, we should increase Vietnam's expertise on international human rights standards. The EU-funded death penalty seminar built on public comments by Vietnamese ministers in favour of restricting use of the death penalty.

International concern and lobbying has led to the release of nine prisoners and detainees on the EU list so far in 2005. Under the Lunar New Year amnesty in February 2005, the government released Catholic priest Nguyen Van Ly, writer Nguyen Dan Que, Buddhist monk Thich Thien Minh and journalist Nguyen Dinh Huy. Under an amnesty timed to coincide with the anniversary of the end of the Vietnam war in April, the government released Catholic priest Father Pham Ngoc Lien (also called Pham Minh Tri) and four ethnic minority Protestants, Vang Minh Ly, Ly Xin Quang, Ly Chang Xeng and Vang Chi Sang. Le Thi Hong Lien, a follower of the Mennonite Church, was also released. Although not on the EU list, the EU had expressed concern about Lien's case. As of May 2005, 16 people remain on the EU list.

Looking ahead

We see some positive trends in Vietnam's adherence to its international obligations on civil and political rights. On freedom of expression, the Vietnamese media show an increasing willingness to test the boundaries but we remain concerned at continued official determination to muzzle the media. On freedom of religion, the new ordinance on belief and religion and the prime ministerial instruction on Protestantism should have a positive, if slow and modest, impact. We remain concerned at the situation of the UBCV and Protestants in the North West Highlands. On the death penalty, we are concerned at the continued high rate of executions but we hope to see further restriction on its use in coming years. On access to justice, we expect that full implementation of new criminal and civil procedure codes should lead to fairer trial procedures.

2.20 Zimbabwe

Overview

The human rights situation in Zimbabwe remained very negative over the last 12 months, culminating in yet another flawed election. The government retained its repressive laws and in some cases strengthened them. Zimbabwe continues to breach its international human rights obligations. This negative environment reflects the highly authoritarian rule of President Robert Mugabe and his ruling party, the Zimbabwe African National Union Patriotic Front (ZANU-PF). They have retained control by progressively reducing democracy and using intimidation and violence. There was some relaxation in the period immediately before the parliamentary elections on 31 March 2005, giving the opposition limited access to parts of the government media and allowing them to hold rallies. However, there were widespread cases of intimidation throughout this period. Throughout most of the year the Zimbabwe government has continued to enforce repressive laws to limit anti-government sentiment, including by closing two independent newspapers.

The government has sought to introduce new curbs on NGO activity. The government also barred a crop-assessment study, intended to provide the UN with an accurate evaluation of Zimbabwe's food-aid needs. It has continued to use food supplies and distributions as a political tool.

Parliamentary elections

Zimbabwe held parliamentary elections on 31 March 2005. These extended ZANU-PF's control of parliament. Together with the seats that the constitution allows President Mugabe to appoint directly, ZANU-PF will have more than the two-thirds majority required in order to change the constitution.

The government had introduced, belatedly, some changes to Zimbabwe's electoral procedures claiming that these brought them in line with the Southern Africa Development Community's (SADC) principles governing the conduct of elections, to which they had committed themselves. The elections were also characterised by less overt violence than in the two previous campaigns. But there remained serious doubts about the prevailing political environment and most aspects of the electoral system. The EU and other members of the international community judged that the elections were not free and fair. Their main areas of concern were:

- that people's real fear of persecution, born out of the violence and abuse that many Zimbabweans have suffered, was supported by the intimidation and threats aimed at the opposition Movement for Democratic Change (MDC) and its supporters;

- the authorities' careful selection of observers (they refused those who were critical in 2002) and late invitation (the SADC principles say that observers should be invited 90 days before an election);
- the voters' roll contained many inaccuracies and the authorities denied the opposition access to a user-friendly format;
- access to the media was not equitable; and
- the government increased the level of threat by incorporating war veterans and youth militia into the military and passing legislation allowing the use of the uniformed services to assist in managing the polling. Although uniformed members of the armed services were not, in the end, used widely on polling day, the threat was blatant.

In addition to these concerns, international observers and domestic NGOs considered the published results for a number of constituencies as highly suspect. The opposition has alleged widespread electoral fraud. At the time of going to press the government and the electoral commission it appointed and controls, had not responded authoritatively to these accusations.

Civil and political repression

In the past year the authorities have continued to oppress and victimise those who oppose or speak out against the ruling party. An International Parliamentary Union report, submitted after a visit to Zimbabwe in August 2004 said that the government had done little to stop ZANU-PF youth militias from persecuting and torturing MDC parliamentarians. We are concerned about reports of war veterans and ZANU-PF youth militia blocking or forcibly closing down parliamentary constituency information centres in MDC MPs' constituencies.

There are numerous reports from international human rights NGOs, such as Human Rights Watch and Amnesty International, cataloguing the abuse and harassment that has occurred over the past year. In December 2004 the Zimbabwe human rights NGO Forum provided figures for political violence for the whole of 2004. There were 401 alleged incidents of assault and 760 alleged incidents of restrictions on freedom of expression. In addition, there were 62 alleged abductions or kidnappings and 35 alleged incidents of politically motivated attempted murder. The government does not repress only the official opposition. For example, in November 2004 Philip Chiyangwa, the ZANU-PF MP for Chinoi and the party's provincial chairman, was imprisoned on an espionage charge. He has since made allegations that he was tortured.

Freedom of expression

In the past 12 months the government continued to clamp down on freedom of expression and strengthened the oppressive legislation already in place. On 7 October 2004 the government tabled changes to the access to information and protection of privacy act (AIPPA), making it illegal to criticise the President publicly, with the threat of 10 years' imprisonment for those who do. It also made it illegal for Zimbabwean journalists to work for any organisation other than the one for which the government has accredited them. The Media Institute of Southern Africa's 2004 report on the state of the media in Zimbabwe said:

"Not content with having promulgated draconian legislation, such as the AIPPA, which culminated in the banning of *The Daily News* and *The Daily News on Sunday* on 12 September 2003, followed by that of *The Tribune* in June 2004, the government still went ahead and introduced the criminal law (codification and reform) bill".

Tabled before parliament in November, the bill contains a clause that tightens a section of the repressive public order and security act, which deals with the publication or communication of a statement prejudicial to the state. It imposes a harsh prison term of 20 years in the event of a conviction.

In February 2005 the government also closed the *Weekly Times*, which had only been publishing for a matter of weeks. The government's media and information commission chairman, Dr Tafataona Mahoso, said the newspaper had misled regulators by purporting to register a certain type of publication promising to meet certain social needs, while in fact intending to do something else. Reporters Sans Frontières have cited Zimbabwe to the UN for blocking transmission of SW Radio Africa programmes into the country before the elections and contravening its obligations under international treaties (both UN and SADC).

In February 2005 Reporters Sans Frontières said: "The coverage that Zimbabwe's state media are giving the main opposition party during the campaign for parliamentary elections on 31 March is clearly unfair." At the same time they condemned the threat by the head of the government's press regulatory body to impose sanctions on a new weekly newspaper, *The Zimbabwean*, on the grounds that it is a "propaganda tool".

Food crisis

In May 2004 President Mugabe told international donors to take food assistance away as Zimbabweans "were choking" on the surplus. This was at a time when the government continued to import food to supplement dwindling reserves. From February to May 2005 the government also refused to allow the UN-commissioned Crop and Food Assessment to review the crop situation; their report is a vital component of the UN's food-security review mechanism for targeting humanitarian relief. With drought a major concern, food security is critical. In March 2005 President Mugabe acknowledged that the country was confronted by widespread food shortages. In early June 2005 the President finally allowed a visit by the UN envoy for humanitarian affairs. With food becoming increasingly scarce, and foreign exchange limited, this concession was very late.

There have been allegations that the government used access to food as a means of intimidation in the run-up to the parliamentary elections. The agricultural sector, which once contributed 40 per cent to Zimbabwe's GDP, has been critically damaged by the President's disastrous land policies, in which thousands of successful farms were violently repossessed and many redistributed for political patronage. The food situation has been exacerbated by climatic conditions, which have seriously affected food production. The President continues to repossess farms and in May 2005 said that his party is considering amending the country's constitution, to make it easier for the government to take over land owned by the country's former white farmers.



A security guard, centre, yielding a whip, attempts to control people queuing outside a foodstore in Harare, 19 May 2005.

NGOs

The government has used existing legislation (the private voluntary organisations act) to increase harassment of NGOs. This includes refusing work permits and temporary entry permits for foreign (predominantly European) NGO staff and demands by the government for details of NGOs' use of funds.

The NGO bill, which passed through parliament in December 2004, was designed to stifle further NGO activity. It required Zimbabwean NGOs to register annually with a government-controlled body. It banned domestic NGOs concerned with governance and human rights from receiving foreign funding, and it banned international NGOs from work in this area. The President referred the bill back to parliament in May 2005, but it has already led NGOs to circumscribe their activities and focus on how they will deal with the consequences of the bill, reducing their focus on their core functions. Unless significant amendments are made when it passes again through parliament, the implications of the bill would be severe if passed into law. It would restrict the operations of NGOs, many of whom perform vital functions in areas where the government is failing; and severely curtail freedoms of expression and association.

UK/EU action

Bilaterally and with the EU, we continue to express our concerns to the government about specific cases of human rights abuses, as well as the prevailing political climate, the lack of democracy and the rule of law. We have reinforced our message with firm and coordinated international action: the EU's targeted measures against the government comprise an assets freeze and travel ban on 95 senior ZANU-PF figures (including President Mugabe), plus an arms embargo and a prohibition of technical assistance to the military. The EU extended these measures for a further 12 months in February 2005. There are no trade or economic sanctions because they would harm ordinary Zimbabweans.

In addition to EU and UK statements made annually at the UN Commission for Human Rights, in December 2004 the EU tabled a resolution on human rights and democracy in Zimbabwe at the UN General Assembly Third Committee in December 2004. This fell to a no-action motion, a procedural device tabled by African states. It remains on the General Assembly agenda for consideration in 2005.

The UK provides substantial assistance to vulnerable people in Zimbabwe through humanitarian programmes. The assistance is implemented mainly by NGOs and private not-for-profit organisations. DFID has contributed £71 million since the food crisis began in late 2001 towards humanitarian assistance in the form of food aid, seeds and fertiliser, and supports programmes to prevent HIV/AIDS and care for those affected by the

epidemic. DFID recently approved a new phase of humanitarian support to improve food security and to protect the livelihoods of 1.5 million vulnerable people in Zimbabwe, particularly households affected by AIDS, over the next two years. DFID will implement the programme with UN agencies, including UNICEF, the Food and Agriculture Organisation (FAO) and the World Food Programme (WFP).

At the time of going to press the Zimbabwe government were engaged in a brutal crackdown on the urban poor, rendering over 300,000 peoples homeless and destitute. We have led broad international condemnation of this further evidence of the Zimbabwe government's lack of concern for the welfare of the people and abuse of their human rights.

Looking ahead

The determination of Zimbabweans and the will of the international community, including the UK, mean that the Zimbabwe government remains under severe pressure for its appalling human rights abuses and broader governance failures. We will continue to work to extend the growing consensus with African states on governance into a real commitment to tackle the Zimbabwean crisis. We will, with international partners, maintain support to Zimbabwe's brave civil society. International pressure through sanctions on the government and debate within international organisations will continue until the government begins to show serious commitment to positive internal reform. When it does, we will lead international efforts to repair the long-term damage done to Zimbabwe by the Mugabe regime and help build a prosperous and democratic society with real respect for human rights.



Albanian supporters of the main opposition Democratic Party of former president Sali Berisha, cheer at a rally held in Tirana, 21 May 2005, to mark the launch of the electoral campaign.

Human rights and Europe

With over 450 million inhabitants, and as the world's largest economic area, the European Union (EU) has considerable influence in promoting human rights, democracy and good governance as essential aspects of its common foreign and security policy. The UK is a major contributor to the EU, both in finance and policy. In many countries, FCO posts represent the local EU Presidency as few EU Member States have as many representations around the world.

This chapter examines what the EU has been doing over the past year to fulfil its objectives. It is clear that, while still imperfect, the EU structures for formulating and implementing its stances and activities on human rights are now largely in place. EU Guidelines on torture, on the death penalty, on children in armed conflict and on human rights defenders, as well as common strategies and positions, and joint actions, provide a framework for cooperation and action by Member States. EU agreements with third countries, and more specific human rights dialogues with individual countries, provide the opportunity to raise issues of concern and to urge countries to live up to their international undertakings.

The UK also plays an active role in the Organisation for Security and Cooperation in Europe (OSCE), particularly as regards the Office of Democratic Institutions and Human Rights (ODIHR). We have supported ODIHR's work and continue to defend OSCE principles on human rights and democracy.

The European Convention on Human Rights is the world's most effective regional human rights mechanism. The 46 members of the Council of Europe adhere to the Convention, which continues to have a major impact in all member countries, but particularly in those from Central and Eastern Europe that

joined the Council more recently. Most of these countries have now brought their legislation into line with the Convention; however they still face major challenges in implementing it.

We examine progress in a range of countries, including the EU accession and candidate countries; some countries from south-east Europe and also some of the EU's near neighbours, including examples from eastern Europe, the south Caucasus and from north Africa.

3.1 Common Foreign and Security Policy in the European Union

"The Union shall define and implement a common foreign and security policy ... the objectives of which shall be ... to develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms."

Article 11, the Treaty on the European Union

Respect for human rights is one of the five overarching policy objectives for Common Foreign and Security Policy (CFSP) written into the Treaty on the European Union. The UK's actions to promote human rights are complemented and strengthened by its membership of the EU. Common action by the EU's 25 Member States can often be more effective than bilateral action.

An example of EU common action was seen in the run-up to Ukraine's Presidential elections in autumn 2004, when the EU made it clear that it regarded their free and fair conduct as a crucial test of Ukraine's commitment to European standards. Meeting the day after the fraudulent second round of the Presidential election, EU foreign ministers sent a strong collective message condemning the election and called for a

peaceful resolution of the crisis. This action, coupled with the mediation efforts of the EU's High Representative for CFSP, Javier Solana, the Polish and Lithuanian Presidents and the EU Presidency, was important in helping Ukraine address the falsified elections and rerun them in accordance with international standards.

EU Member States can agree a common policy towards other countries at three levels:

- ministers and officials of the 25 Member States can agree policies, and make declarations and statements on events in non-EU countries;
- officials of Member States can agree common negotiating positions in human rights in other international organisations, such as the UN; and
- embassies of EU Member States in third countries can identify human rights concerns and lobby their host governments on human rights issues.

CFSP also uses a series of legal instruments - Common Strategies, Common Positions and Joint Actions - to underpin and implement its political dialogue with third countries. Many of these contain substantial human rights elements.

Joint actions set out specific EU operational action. In February 2005 the EU adopted a Joint Action for a rule of law mission for Iraq. This mission will provide training for high and mid-level officials in the criminal justice system and improve the capacity, coordination and collaboration of the different components of the Iraqi system, by exposing Iraq's formerly isolated criminal justice mechanisms to modern practice.

Démarches, though not a legal instrument, are an important part of CFSP. A démarche is a formal expression of the EU's concern at a country's action and frequently addresses human rights. Démarches are sometimes confidential, but are often supplemented by a public declaration calling on a government to respect human rights or welcoming positive developments.

Within the period of this report, the EU has carried out over 100 démarches promoting human rights and democracy in a wide range of countries. Many of these focused on death penalty cases. One result has been the introduction of a moratorium on executions in Tajikistan. Tajikistan introduced this moratorium on the death penalty in July 2004. In February 2005 the upper chamber of the Tajik parliament endorsed a bill replacing the death penalty with terms of imprisonment, although this has yet to be signed by the president and to come into force.

In the same period, the EU also made over 80 declarations relating to human rights and democratisation in different

countries. These included declarations on the Burmese government's extension of detention of Aung San Suu Kyi and a declaration welcoming the abolition of the death penalty in Senegal.

The EU has structured human rights dialogues with China and Iran. The EU and China met for a dialogue session in September 2004 in Beijing. This was preceded by a field trip to Tibet. The EU's evaluation of the dialogue found that it continued to be a valuable process, with the potential to have a positive impact on human rights in China. The EU made recommendations to improve the dialogue's effectiveness by, for example, focusing the dialogue on a theme, and the following round of dialogue in Luxembourg in February 2005 was held under the theme Human Rights and the Rule of Law. At the dialogue, the EU raised issues including China's progress on ratification of the International Covenant on Civil and Political Rights (ICCPR); the death penalty; Re-education Through Labour (a form of administrative detention); and torture and ill treatment.

The most recent EU-Iran human rights dialogue was held in June 2004. An evaluation in October 2004 by the EU Presidency found that there had been little overall progress since the dialogue began. The EU is seeking a renewed commitment to the dialogue from the Iranian authorities and agreed improvements to the dialogue process.

The first EU-Russia human rights consultations took place in Luxembourg on 1 March 2005. These discussed human rights and fundamental freedoms in an open and constructive manner. The talks included exchanges on Chechnya, the UN Commission on Human Rights, media freedom, racism and minorities. Both sides agreed to continue these consultations on a regular basis. The next round will be held in autumn 2005, under the UK Presidency.

The EU mainstreams human rights within its wider contacts with third countries and regional groupings. For more detail, see the separate section on human rights in the EU's agreements with other countries (page 98).

The EU has also taken forward work on its thematic priorities. Following the adoption of new EU Guidelines on Human Rights Defenders in June 2004, the Dutch Presidency focused the December 2004 EU-NGO human rights forum on this issue, working towards a manual on practical implementation. There is now general consensus that the EU should concentrate on implementing its existing human rights Guidelines on the Death Penalty, Combating Torture, Human Rights Defenders and Children and Armed Conflict, before tackling new thematic priorities.

The EU held consultations in advance of the 2004 UN General Assembly Third Committee and the 2005 Commission on Human Rights. While the EU was disappointed by the increased use of no-action motions at UNGA Third Committee, it successfully ran country and thematic resolutions, including resolutions on Turkmenistan and Burma. The EU ran a number of successful initiatives at CHR, including on the Democratic People's Republic of Korea, Belarus, Colombia and Afghanistan. In addition to this the EU secured strong consensus texts on Nepal (with Switzerland) and Sudan (with the African group).

The EU continues to work closely with NGOs and civil society in promoting human rights. The main EU working group on human rights, COHOM, meets with NGOs before and after each CHR. The EU consults NGOs as part of the preparations for its structured human rights dialogues and there is an annual EU NGO human rights forum.

Further detail on EU action can be found in the EU's Annual Report on Human Rights, available at: http://europa.eu.int/comm/external_relations/human_rights/doc/index.htm

Michael Matthiessen

In January 2005 the EU High Representative for Common Foreign and Security Policy, Javier Solana, appointed Michael Matthiessen as his Personal Representative on Human Rights. Mr Matthiessen said:

"I am honoured to have been appointed as the first Personal Representative for Human Rights for the EU High Representative. This is a very challenging post, as it is not easy to ensure that human rights are taken fully into account in the EU's Common Foreign and Security Policy. I very much look forward to working closely with the incoming UK Presidency on this important matter."

The European Council had welcomed the appointment in principle the month before, "as a contribution to the coherence and continuity of the EU human rights policy, with due regard to the responsibilities of the Commission." The UK attaches great importance to improving the EU's ability to promote human rights effectively as part of its wider foreign and security policy. Mr Matthiessen's appointment is a welcome step.

Prior to his appointment, Mr Matthiessen was Director for Civilian Crisis Management within the General Secretariat of the Council. He had previously served in Mr Solana's Policy Unit. Before joining the General Secretariat of the Council, Mr Matthiessen had enjoyed a long career with the Danish foreign service.

Mr Solana also has a Personal Representative on Weapons of Mass Destruction and a Coordinator on Counter-Terrorism. These posts are

Further related information is available at: <http://ue.eu.int/Human-Rights>

Promoting human rights through trade policy

The EU has proposed a new Generalised System of Preferences (GSP) for the period 2006-2015. GSP is the main mechanism through which the EU grants preferential access (reduced tariffs) to the EU market for products from developing countries. In 2002, EU imports under GSP amounted to €53.2 billion (total imports from developing countries amounted to €360 billion).

The new GSP aims to be a more simplified and generous scheme. Part of the simplification is to replace three special incentive arrangements - which gave additional preferences to countries which met certain international labour standards, environmental standards or were involved in the fight against drug production and trafficking - with one special incentive regime for sustainable development and good governance. This regime is called GSP+.

The EU will grant GSP+ preferences to countries which it deems "vulnerable" on the basis of economic criteria and which have ratified and implemented certain ILO and human rights international conventions.



Michael Matthiessen, EU Personal Representative on human rights.

distinct from the EU Special Representatives, who are appointed by EU Member States and typically focus on a country or geographical region.

Mr Matthiessen has identified areas where he can usefully contribute to the coherence and continuity of EU policy. These include implementation of the EU's Human Rights Guidelines; the EU's human rights activity within the UN; the continuity of EU human rights dialogues with third countries; relations with the European Parliament; the promotion of human rights in the EU's third country contacts; contacts with NGOs; and greater mainstreaming of human rights throughout CFSP.

Further information is available on the EU Council Secretariat webpage on human rights at: <http://ue.eu.int/Human-Rights>.

The UK encourages countries to adopt international conventions, particularly those addressing labour standards, human rights, illegal drug production and trafficking, good governance and the environment. GSP+ is likely to encourage more countries to implement international conventions, by offering additional preferences to countries that make further efforts towards implementation.

Overall, GSP+ will improve the existing scheme. However, the UK has some concerns with the Commission's proposals. With some other Member States, we opposed including Conventions that have not been ratified by a majority of EU Member States, such as the Convention on the Suppression of Apartheid. However, most Member States did not agree with our point of view. We also argued that the timescales for meeting the criteria, as well as the criteria themselves, were overly restrictive, and we would like to see more developing countries qualify. However, the Commission had to cut short the negotiations on GSP in order to bring the scheme forward to help those countries affected by the Asian tsunami, following lobbying from Member States, including the UK. At the time of going to press Member States had not reached an agreement on the draft Regulation, which is the basis for the entire GSP scheme. This was because some Member States blocked agreement, due to domestic concerns that their textiles industries will suffer because the scheme is overly generous to developing countries in this sector.

Human rights in the EU's agreements with third countries

The EU has included a human rights clause in all its bilateral trade and cooperation agreements with third countries since the early 1990s. These agreements include association agreements, such as the Europe Agreements with accession countries, the Euro Mediterranean Agreements with countries in North Africa and the Near East and the Cotonou Agreement with 77 African, Caribbean and Pacific (ACP) states. Since 1995 all bilateral agreements of a general nature have included a human rights clause, which includes:

- respect for democratic principles and fundamental human rights, as laid down in the United Nations Universal Declaration of Human Rights, and for the principle of the rule of law;
- the promotion of sustainable economic and social development and the equitable distribution of the benefits of association with the EU; and
- the importance of the principle of good governance.

Over the last year the EU has continued to increase its agreements with human rights provisions and use existing provisions as a basis for dialogue with third countries.

The Cotonou Agreement governs the relationship between the EU and the ACP states. The Agreement is based on shared values of human rights, democratic principles, the rule of law and good governance, supported by regular political dialogue. When countries fail to respect these values, the EU will open consultations and ultimately can suspend non-humanitarian development aid.

In 2004-05 the EU renewed its suspension of aid to Haiti. In March 2004, the EU opened on-going consultations with Guinea, which will not be closed until the government addresses problems with democracy and the rule of law. In September 2004 the EU concluded its consultations that began with Guinea-Bissau in January 2004 after the coup d'etat. By September, the country's judiciary was again independent and the government had established civilian control over the armed forces, consolidated public finances and set a timetable for elections, including presidential elections. The EU also concluded its consultations with Togo in November 2004.

Negotiations continued on an Association Agreement with the South American common market, Mercosur. Once these negotiations are concluded the EU will have a formal mechanism for dialogue on human rights with the whole of Latin America and the Caribbean, except Cuba. We expect



EU Development Commissioner Louis Michel, centre, stands with EU development ministers and other officials during a global anti-poverty campaign at EU Commission headquarters in Brussels, 24 May 2005. Britain's Hilary Benn is fifth from left.

negotiations to start soon with certain south-east Asian countries.

The EU initiated an Association Agreement with Syria on 19 October 2004. Negotiations are under way for a Free Trade Agreement with the Gulf Cooperation Council and a Political Dialogue Agreement with Iran. Both will include a human rights clause. The EU has used the mechanisms in the Euro-Mediterranean Association Agreements to raise human rights at a formal level with third countries. On 31 January 2005 we raised concerns about freedom of expression and association in Tunisia at the EU-Tunisia Association Council. During 2005 the EU intends to hold human rights sub-committees with all Mediterranean partner countries that have a functioning Association Agreement: Tunisia, Morocco, Jordan, Israel and Egypt. Similar structures will come into force once the EU-Lebanon and EU-Algeria Association Agreements are ratified. The UK will co-chair with the Commission any sub-committees that fall under the UK's EU Presidency.

The European Initiative for Democracy and Human Rights (EIDHR)

The European Initiative for Democracy and Human Rights (EIDHR) is the largest European fund working in countries outside the EU to promote civil and political rights. In 2004 EIDHR received over £87 million from the EU budget to support its activities, of which the UK contributed approximately 17 per cent. The EIDHR used this fund to support four goals in 30 countries:

- the abolition of the death penalty;
- fighting impunity and promoting international justice;
- combating racism, xenophobia and discrimination against minorities and indigenous people; and
- strengthening democratisation, good governance and the rule of law.

In 2005 the EIDHR introduced some changes to its campaigns that will allow more flexibility in the geographic scope for activities and better focus on their target. This year the EIDHR received over £82 million from the EU budget and Member States agreed to fund four campaigns in 54 countries:

- promoting justice and the rule of law;
- fostering a culture of human rights;
- promoting the democratic process; and
- advancing equality.

These campaigns will continue in 2006.

The EIDHR grants the bulk of the fund to large projects, following calls for proposals that are managed from Brussels. In

2004 the EIDHR allocated 13 per cent of the fund to EC Delegations in 37 countries to support small projects identified by local calls for proposals, open only to local organisations. In 2005, the EIDHR has extended this small project facility to 54 countries and increased the fund allocation to 30 per cent.

The Commission's lengthy administrative procedures mean that it now takes around 18 months to decide on priorities, identify and contract large projects and make the first payments. This is a substantial increase on the 1990s, when similar procedures took only six months. As a result, most of the large projects to be funded from the 2004 budget will not begin before late 2005 while those to be funded from the 2005 budget will not begin until late 2006. At the deadline for publication of this report, no large projects had been selected from any of the calls for proposals launched in 2004.

One improvement is that there has been a substantial debate on performance and impact indicators. The Commission will produce these for the 2005-06 programming document and project operators must include the indicators in their proposals. Unfortunately, no such progress can be reported on the results of EIDHR projects funded from previous years: the Commission has still not produced a report on the impact of such projects since the previous one was published in 2000.

For more information on EIDHR, see: www.europa.eu.int

EU Monitoring Centre on Racism and Xenophobia

The EU Monitoring Centre on Racism and Xenophobia (EUMC) is based in Vienna and has been operating since 1998. Its primary task is to provide objective, reliable and comparable information on racism, xenophobia and anti-Semitism within Europe. On the basis of this information the EUMC produces comparative reports on subjects such as legislation, education, employment and racist violence; highlights examples of good practice; and makes recommendations for action to Member States and the European Commission. The EUMC collects its data through a network of national focal points in each Member State. Until 2005, the national focal point for the UK was the Commission for Racial Equality. The University of Warwick has now taken over this role.

During 2004-05, the EUMC produced regular reports analysing racism and racial inequalities across the EU. In April 2004 it published a major report on anti-Semitism, covering each Member State and including recommendations to improve data collection and proposals for action. It also published comparative reports on education and racist violence, as well as regular newsletters.

The European Council decided in December 2003 to extend the remit of the EUMC to create a Fundamental Rights Agency. In October 2004 the European Commission sought the views of Member State governments and civil society on this Agency. The UK Government published its response to the Commission in January 2005. We welcome the proposal for an independent Agency that builds upon the existing functions of the EUMC but with expanded responsibilities to encompass human rights. The main task of the Agency should be to gather information and provide guidance on good practice. This will enable the EU institutions and Member States to access expert advice on human rights across the EU.

The EUMC's website is available at <http://www.eumc.eu.int>

The Charter of Fundamental Rights

At the June 2004 European Council in Brussels, EU heads of state and government agreed to include the Charter of Fundamental Rights in the EU Constitutional Treaty. This would give the Charter, which is currently a political declaration, legal treaty status once the Constitutional Treaty comes into place.

The UK Government welcomes the Charter of Fundamental Rights. It makes plain to EU institutions the rights that they must respect when exercising any of the powers conferred upon them. Although governments of the Member States guarantee fundamental rights, freedoms and principles in accordance with national law, there is no statement of rights binding the EU. The Charter sets out such a statement. The Charter should help to protect citizens' basic rights and liberties at EU level, as they are protected in their own countries.

The rights, freedoms and principles referred to in the Charter are drawn from a wide variety of sources: EU law on citizens

rights (such as voting, administration and the ombudsman); the European Convention on Human Rights (ECHR); and the constitutional traditions common to all the Member States. Charter provisions in the latter category, which have not been legislated upon by the EU and are not common to the constitutional traditions of the Member States, should be regarded as "principles" within the meaning of Charter Article II-112(5), and not as fundamental rights. In addition, some of the Charter's provisions are subject to national laws and practices, as stated in the Charter.

The incorporation of the Charter into the Constitutional Treaty creates no new powers for the EU, nor does it alter any of the EU's existing powers. It would only apply to the Member States when they are implementing EU law.

As the Charter was originally a political statement, we always made it clear that the UK could only support its incorporation in the Treaty if it had legal certainty. As a result, during the Intergovernmental Conference (IGC), Member States negotiated four new "horizontal" provisions for the Charter governing the interpretation and application of its provisions. In addition, a detailed set of technical explanations is now available, addressing the legal bases for each Charter article. (More information is available at www.europarl.eu.int/charter/.) These explanations are now the subject of a specific duty, placed directly upon the courts to give them due regard.

As the Charter is part of the EU Constitutional Treaty, it would only come into force upon successful ratification of the Treaty by the 25 Member States, which is planned for the end of 2006.

To date, ten Member States have successfully concluded ratification procedures, thereby expressing their commitment

EU Presidency goals.

The UK takes on the Presidency of the European Union from July–December 2005.

The EU Presidency is held by each Member State for six months on a rotating basis. As Presidency, the UK will take forward the programme agreed with the three previous Presidencies: Ireland, The Netherlands and Luxembourg; and those to follow: Austria and Finland.

There is a large inherited programme of work in the area of human rights within the EU's Common Foreign and Security Policy. In addition to the action which the EU takes to promote human rights in individual countries, or to lobby on specific cases of concern, the UK will chair the Human Rights Working Group. This leads on the implementation of the EU's Human Rights Guidelines; structured human rights dialogues, such as those with China and Iran; coordination of EU input in multilateral fora, including the UN

General Assembly's Third Committee; and the EU's Annual Human Rights Report.

Our first priority is the effective delivery of this substantial inherited agenda. However, we will also look for further opportunities to mainstream human rights into wider EU policy and activities, cooperating closely with Javier Solana's Personal Representative on Human Rights, other Member States and the European Commission.

We hope to use our Presidency – as far as possible – to highlight the issue of freedom of expression. Freedom of expression underpins many aspects of human rights protection and efforts to build democracies. In promoting it, we will also build on existing work by the EU to support human rights defenders. Freedom of expression will be the theme of the 2005 EU-NGO Forum, which we will host on 8–9 December 2005.



to the Constitutional Treaty. However, until the consequences of France and the Netherlands being unable to ratify the Treaty are clarified, the future of the Constitutional Treaty is uncertain. In the meantime, the Charter will remain as a political statement of human rights in the EU system.

3.2 EU enlargement

“Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”
From the Copenhagen Criteria

EU enlargement is a powerful force for the extension of human rights in Europe. Article 6 of the Treaty of the European Union guarantees the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law. Those principles are enshrined in the accession criteria for all new member states.

The prospect of EU membership, with the opportunities it offers for growth, security and a role in regional and world affairs, has acted as a powerful incentive for countries to undertake political and economic reforms. The impact has been particularly dramatic in the fields of democracy, governance and human rights: the massive strides taken by new Member States in introducing democratic systems, safeguarding minority rights, developing a free media and more are testimony to the powerful pull of the EU. The prospect of further EU integration is now acting as a continuing spur to reform in the two accession countries, Bulgaria and Romania, the two candidate countries, Croatia and Turkey, as well as elsewhere in the western Balkans and the wider European neighbourhood.

The EU's accession criteria were set out at the Copenhagen European Council in 1993. These are known as the Copenhagen Criteria. Central to these are the political criteria, which require the candidate country to achieve stability of institutions guaranteeing democracy, the rule of law, human rights and

respect for and protection of minorities. All candidate countries must fulfil these criteria before opening accession negotiations with the EU.

The European Council meeting in December 2004 confirmed the EU's intention that Romania and Bulgaria should accede in 2007 and both countries signed a joint accession treaty on 25 April 2005. However, they still face considerable challenges to be properly prepared for membership. In particular, they must implement the commitments made during the negotiation process and ensure that their public administrations and law enforcement agencies have the capacity to function fairly and effectively.

For the two candidate countries, Croatia and Turkey, 2004–05 was a key year. The December 2004 Council agreed to open negotiations with Croatia and Turkey on, respectively, 17 March and 3 October 2005, subject in each case to certain conditions. Negotiations did not open with Croatia in March because it has failed to meet its condition of cooperating fully with the International Criminal Tribunal for Yugoslavia. We are committed to Croatia's EU membership and have been encouraging the

Copenhagen Criteria

In 1993, at the Copenhagen European Council, EU Member States took a decisive step towards EU enlargement, agreeing that the associated countries in Central and Eastern Europe could become members of the EU. At the same time they designed the membership criteria, which are often referred to as the Copenhagen Criteria. These require the candidate country to achieve:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the EU; and
- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

Croatian government to take the urgent action necessary to enable negotiations to start.

Bulgaria

Bulgaria has ratified all the main human rights conventions. The government continues to respect human rights and freedoms and works to improve its legislative base and practices. The parliament passed a new law on the integration of disabled people in September 2004. However, the government needs to improve its implementation of other laws, strategies and action plans.

Most Roma in Bulgaria live in extreme poverty, reflected in high school drop-out rates, high unemployment and poor access to healthcare and decent housing. A new 10-year initiative, launched in Sofia in February 2005, is encouraging the integration of Roma. Launched by eight Central and Eastern European countries (Bulgaria, Czech Republic, Croatia, Hungary, Macedonia, Romania, Serbia and Montenegro and Slovakia), the Decade of Roma Inclusion, 2005-2015 aims to improve living conditions for Roma minorities in these countries. The programme focuses on the basic infrastructure of Roma settlements; de-segregating Roma pupils and reducing school drop-out rates; professional training for Roma unemployed; and encouraging anti-discriminatory attitudes in society.

We are concerned about the plight of institutionalised children in Bulgaria, whose living conditions are generally inadequate. The government has been establishing six regional offices of the state agency for child protection since early 2005, which should improve the situation. Amendments to the family code in early 2005 make international adoptions a last resort but the Bulgarian authorities still face problems in implementing the code. The central commission on international adoption is now up and running. The commission is subordinated to the minister of justice and headed by a deputy minister of justice. Its other members are representatives of the ministries of justice, healthcare, education, labour, exterior and the state agency for

child protection. However, municipal councils on national adoption encounter serious difficulties with their set-up because of insufficient guidance and funding. Moreover, there is still no nationwide database of children eligible for national adoption, making it difficult to match institutionalised children with would-be adopters.

The new law on integration of disabled people took effect at the beginning of 2005 and is a major step forward. Yet despite this regulatory improvement, in practice disabled people are still limited in their access to public services, social life and employment, if indeed they have any access at all. People with mental disabilities are particularly disadvantaged with most social-care homes lacking basic supplies and opportunities for rehabilitation. There are reports of ill treatment. In 2003 the government closed down eight social-care homes and in late 2004 made a comprehensive survey of living conditions in all the remaining establishments. The results of this survey are expected soon and we expect prompt action from the Bulgarian government.

Complaints about ill treatment during detention have been declining steadily for six years. However, we are still concerned about ill treatment of prisoners, police discrimination against Roma detainees and limited access to legal aid and medical care. The European Court of Human Rights continues to rule against Bulgaria in such trials. Living conditions in prisons remain far below European standards despite certain improvements, such as the construction of five new facilities and the closure of non-compliant buildings for pre-trial detention.

Bulgaria is a source and transit country for trafficking in women and children for sexual exploitation. Victims are traditionally poor people from border and minority regions and Roma are especially vulnerable. The government has been making efforts to fight trafficking: a new law on countering illegal trafficking in human beings and an action plan have been in force since mid-2004. However, local NGOs have been critical of the impact this



Bulgaria's Prime Minister Simeon Saxe-Coburg (left), President Georgi Parvanov (centre) and Foreign Minister Solomon Passy (right) before signing an agreement with the EU in Luxembourg, 25 April 2005. Romania and Bulgaria signed agreements allowing them to join the EU.

law has had on the victims of trafficking as they claim the law further criminalises the victims and isolates them.

The UK has provided financial support and expertise for projects promoting human rights practices and minority awareness in the police. The numbers of allegations of police excesses have dramatically fallen in those areas where police have received this training. We have also run several projects addressing minority issues, with a particular focus on Roma and education. We have supported projects to train government and NGO officers working with trafficking victims and on penal reform.

Romania

Since 1989 Romania has made major advances in human rights. Romania is a member of the Council of Europe and has ratified associated treaties, such as the Revised Social Charter and the Framework Convention for the Protection of National Minorities, as well as all the main international human rights treaties. Romania joined NATO in March 2004 and concluded negotiations in December 2004 for entry to the EU in 2007. The prospect of greater integration with the EU and NATO has been a powerful catalyst for change and the UK is committed to supporting the Romanian government in its aim of EU accession.

Despite these efforts, we remain concerned about allegations of police brutality; treatment of disadvantaged children; treatment of minorities, particularly Roma; and press freedom. Poverty is widespread, affecting Roma and pensioners in particular. According to the World Bank's 2004 Romania Country Brief, 25 per cent of the population live below the poverty line.

Parliamentary and presidential elections took place in Romania in November and December 2004. Although there were some reports of irregularities, the elections met international standards. The new government was elected on an anti-corruption ticket and has expressed its determination to deal with the problem. It has removed some senior police officers accused of corruption and promised more action. A British adviser dealing with corruption in the customs service took up his post in 2004. The UK is also involved in a twinning project with the ministry of public administration and interior to develop anti-corruption mechanisms within the ministry. An additional British adviser on corruption, working to the Romanian president and funded by the Global Opportunities Fund, was appointed in May 2005.

Although the government demilitarised the national police force in August 2002, police brutality remains a concern. According to recent reports by Amnesty International, there are many instances of ill treatment by police officers, particularly against Roma. Too often, the authorities do not follow up complaints

properly and rarely prosecute the offenders. Plans are under way to strengthen the independence of the judiciary. The UK provides training and equipment in specialised police work and runs a series of assistance programmes related to judicial reform. We have provided training for judges on recognising and handling refugees and we have been involved in the preparation of a model on restorative justice. People trafficking is another issue of concern, as Romania is both a source and transit country. Although the government has introduced new laws over the last couple of years to tackle the problem, people trafficking continues. British and Romanian authorities are working together to tackle immigration crime, including trafficking.

Conditions in children's institutions are slowly improving and the number of children in care has decreased considerably. In December 2000 more than 57,000 children were in institutions and more than 30,500 with foster parents or relatives; in December 2004 there were more than 32,000 children in institutions and more than 50,000 living with foster parents or relatives. However, the authorities do not properly regulate the selection and supervision of foster parents. Over the last few years, experts funded by DFID advised the Romanian government on child-care legislation and experts from the European Commission advised on adoption. The Romanian government introduced new laws on adoption and child protection on 1 January 2005. The new regulations have tightened up procedures and the government has set up a Romanian office for adoptions.

There is no evidence of systematic, officially sanctioned discrimination against Roma. But, despite anti-discrimination legislation, Roma are still routinely discriminated against individually, particularly in employment, justice, education and social services. DFID helped fund identity cards for Roma so that they can receive essential services. The government's 10-year Roma strategy, adopted in 2001, offers practical ways of improving political, social and civil rights for Roma. Roma officers have been appointed in every county prefecture to evaluate the strategy, make recommendations and to act as liaison between the local authorities and local Roma communities. However, the level of commitment to the strategy by local authorities varies. The UK supports the strategy through various programmes. The British Council is running a three-year project to promote democratic participation and appreciation of diversity in schools; we have awarded Chevening scholarships to several Roma candidates to study in the UK; and our Embassy in Bucharest funded a film about the daily life of a Roma student to raise public awareness of the problems that minorities face. The film won a prize for best documentary at the 2004 Sibiu Film Festival.

Media organisations have in the past been subject to external and political pressure, particularly in the regions. NGOs have raised concerns about state intervention, which may take the form of overlooking large debts, and the media's dependency on one or two powerful advertising clients. Prime Minister Calin Popescu-Tariceanu announced in parliament in March 2005 that his government would regulate state advertising and work with civil society to ensure freedom of the press and access to information. He also gave a commitment to tackle intimidation and violence against journalists - another issue of concern to civil society in recent years. Our Embassy co-sponsored a seminar in 2004 on media freedom.

Turkey

On 17 December 2004 the EU decided to open accession negotiations with Turkey for full membership of the Union on 3 October 2005. In taking this decision, European leaders endorsed the European Commission's view that Turkey had sufficiently fulfilled the Copenhagen political criteria (see box on page 101). The European Commission's Regular Report on Turkey's progress towards accession, published on 6 October 2004, noted: "substantial institutional convergence in Turkey towards European standards", the reform process having "clearly addressed major issues and highlighted a growing consensus in favour of liberal democracy".

The government has continued its progress during 2004-05. It passed important pieces of legislation, including a new penal code that strengthens women's rights and hands down harsher penalties for torture. It passed a law that compensates losses resulting from terrorism and a new law on associations that removes the need for government permission to set up an association and allows local associations to join international organisations. For the first time, the government appointed a civilian as the head of the national security council.

The government also continued its efforts to implement the new legislation, increasing the number of provincial human rights boards and intensifying the work of the human rights presidency. Many national training programmes were completed successfully, including one co-sponsored by the UK to train more than 8,000 judges and prosecutors in human rights and European law. The judiciary is increasingly citing European law in its judgements.

Penal reform

On 1 June 2005 a new Turkish penal code came into force along with several related laws, including a code on criminal procedure and a law on execution of sentences. This package of new legislation has effectively overhauled the Turkish penal system, aligning it more closely with EU models. Further improvements to the penal code are expected to come into force later in 2005.

All six pieces of outstanding legislation called for in the December 2004 European Council conclusions are now in force (penal code, code on criminal procedure, establishment of judicial police, law on execution of sentences, establishment of intermediary courts of appeal and associations law).

Torture and ill treatment

The Turkish government continued to work towards implementing the recommendations of the Council of Europe's Committee for Prevention of Torture (ECPT) and back up its policy of zero tolerance of torture. Senior members of the Turkish government continue to stress to their officials the importance of dealing with torture stringently. The government has set up training programmes in human rights for law enforcement officers. The new penal code hands down harsher penalties for torture, increasing the maximum sentence for public employees found guilty of torture from five to twelve years, with provision to extend the sentence to life imprisonment if torture results in death. The government has taken steps to facilitate the registering of complaints through the internet and other media and established bodies to investigate human rights allegations made against the gendarmerie and the police, although these are not independent of the relevant ministries.

The government needs to do more to tackle impunity in the security forces. There has been some action against security force members who break the law, but the number of cases opened and the number of successful prosecutions remain very low. On 9 May 2005, seven police officers were sentenced to 20 months' imprisonment in connection with the torture and death of former Kurdish party HADEP executive Metin Yurtsever in 1998. On 21 October 2004, the court sentenced Ali Tasdemir, a policeman from Trabzon, to eight years' imprisonment for killing a 16-year-old who failed to stop his stolen car. On 21 February 2005, the trial began of three police accused of the extra-judicial killing of Ahmet Kaymaz and his son Ugur on 21 November.

Although the human rights association, one of Turkey's main human rights NGOs, believes that incidents of torture have decreased in number and severity, allegations of physical torture continue. This underlines the need for independent monitoring of detention centres, including unfettered access by bar and medical counsel members of the human rights boards. It was therefore welcome that, on 25 May 2005, the human rights presidency announced that local human rights boards would begin making unannounced visits to police stations to check that human rights abuses were not being committed.

Freedom of expression and association

There have been several examples of acquittals and sensible

Foreign Secretary Jack Straw, left, and his Turkish counterpart Abdullah Gul speak to a press conference at the Foreign Office in London, 14 March 2005.



decisions in freedom of expression trials. On 24 January 2005, the chair of the human rights association in Diyarbakir Province, Selahattin Demirtas, was acquitted of "inciting hatred" in his statements in a local newspaper. On 2 March 2005, an Ankara court acquitted Özden Bayram, Ismet Erdogan and Fikret Baskaya of insulting the state in connection with Baskaya's book, *Articles Against the Flow*, which alleged state involvement in the Sivas massacre. However, cases continue to be opened for freedom of expression "offences". In early November 2004 the Ankara public prosecutor launched an investigation to establish whether the Chair of the human rights advisory board, Ibrahim Kaboglu, had incited religious and ethnic hatred in a report on Turkey's approach to minorities. On 25 May 2005, the high court of appeals general council unanimously overturned two earlier lower court verdicts and ruled that the education union, Egitim-Sen, should be closed down on the grounds that its byelaws contradicted the constitution by advocating mother-tongue education. In the first half of 2005 the Turkish Prime Minister Recep Tayyip Erdogan brought a string of successful defamation cases, such as that which resulted in a \$3,500 fine against cartoonist Musa Kart in February 2005 for a cartoon critical of the government's education policy.

The new penal code has narrowed the scope for convictions of those expressing non-violent opinion and the judiciary has started to apply the new code. On 4 November 2004 journalist Nurettin Sirin was released from prison in line with the provisions of the new code. The government demonstrated the importance it attaches to implementation by its decision to pass an extra law on 12 November 2004 instructing courts to apply the new code provisionally, ahead of formal entry, where differences in sentencing exist. On 29 November 2004 the high appeals court quashed two verdicts against journalists charged with inciting hatred through their pro-Islamic writing. The courts found that neither Abdurrahman Dilipak nor Selahattin Aydar had literally incited people to violence as required for a conviction under the new code.

A new law on associations entered into force on 23 November, removing limitations on the establishment of associations on the basis of race, ethnicity, religion, sect, region or any minority group. The law also removes the requirement to seek permission to open branches abroad, join foreign bodies or hold meetings with foreigners; and requires the security forces to obtain a court order before entering an association's premises. In August 2004 the authorities granted permission for the establishment of several ethnic and religious associations (including Kurdish and Syriac), which had previously been denied permission to open.

The EU condemned heavy-handed policing of unsanctioned International Women's Day demonstrations on 6 March 2005 in Istanbul, an incident which highlighted the need for further measures to tackle inappropriate behaviour by individual police officers. The government apologised for the incident, gave reassurances that the police officers responsible would be punished and promptly opened an investigation.

The European Court of Human Rights (ECtHR)

In accordance with Article 53 of the ECHR, the Contracting States undertake to abide by the decisions of the European Court of Human Rights. Turkey has made increased efforts since 2002 to comply with the decisions of the ECtHR as demonstrated by the decision that enabled a second retrial of Leyla Zana and her former Democratic Party (DEP) co-applicants. On 12 May, the ECtHR Grand Chamber ruled that the 1999 trial in Turkey of the leader of the Kurdistan Workers' Party, Abdullah Ocalan, had not been fair. The Turkish government confirmed that Turkey would comply with the ECtHR judgement and would reopen the Ocalan case file to see whether the ECHR violations could have affected the verdict. They indicated that any re-examination of the case would be conducted in a manner acceptable to the Committee of Ministers (whose role it is to oversee the implementation of Court judgements).

Freedom of religion

The European Commission's 2004 Regular Report noted that freedom to worship was largely unhampered, but that non-Muslim religious communities continued to experience problems related to legal personality, property rights, training, education and interference in their management. A new law on foundations is expected soon that should take account of comments from the European Commission and civil society, and go part of the way towards resolving some of these problems. The Head of the Syrian Orthodox Church in Istanbul, Archbishop Cetin, told the UK that the EU reform process had made it easier for them to worship and that attitudes towards them were changing. Other religious leaders, such as Ali Yildirim of the Istanbul Alevi Cultural Foundation, have credited the EU debate for raising awareness and tolerance, while pointing to areas where further progress is required. The UK has lobbied at a high level for the Greek Orthodox Seminary on Heybeliada to be reopened. The Seminary remains closed despite the Turkish government's repeated commitment to its reopening. The EU is still concerned about properties the state expropriated from religious minority foundations and sold to third parties.

Civil-military relations

In August 2004 a civilian was appointed for the first time as the secretary-general of the national security council, a landmark step in reform of civil-military relations. The armed forces are playing an increasingly less prominent role in Turkish politics, though the European Commission's 2004 Regular Report notes that they continue to exert influence through informal channels.

The South-east and Kurdish issues

The year 2004 brought further evidence that the government's domestic reform process is transforming the south-east region and extending the democratic rights of the Kurds. Broadcasting (both radio and TV) in non-Turkish languages, including Kurdish dialects, began on 7 June 2004 on the state-owned national broadcaster TRT. Private language courses in Kurdish opened across Turkey in 2004, including in Van, Batman and Sanliurfa. However, harassment of Kurdish groups and political parties is still common among the general population. It also remains illegal to carry out political campaigning in any language other than Turkish.

The European Commission's 2004 Regular Report referred to the Alevi and Kurdish constituencies in Turkey as minorities. This is a label that leaders of both communities have rejected. They prefer the Turkish approach of non-discrimination and guaranteed equal rights for all citizens. On 1 November, the human rights advisory board (a group of academics, NGOs and officials consulted by the Prime Ministry's human rights team) produced a report that criticised Turkey's approach to minorities as "restrictive" and "mistaken" and called for Turkey to protect

and develop minority rights. The report met a hostile reception from some politicians and NGOs, while the President and Prime Minister defended Turkey's approach. It was encouraging to see Turkish groups ready to question government policy in such areas, but of concern that the Ankara state prosecutor started legal proceedings against some advisory board members.

On 4 March 2005 the governor of Diyarbakir told UK officials that the reforms were eating away at the arguments traditionally used by the Kurdistan Workers' Party to advocate revolt. The government passed a new law on compensation of losses resulting from terrorist acts at the end of July 2004. However, the government needs to make more effort to help internally displaced people return to their homes in the south-east; in November 2004 it announced plans to establish an agency to reshape the return to village and rehabilitation project. It also announced plans to collaborate with the United Nations Development Programme in meeting the needs of displaced people. A Human Rights Watch paper released in March 2005 concluded that the government's current proposals have the potential to address the recommendations of the UN Special Representative on Internal Displacement, if it implements them quickly and thoroughly. In a welcome step concerning the village guard system, highlighted by the Commission and Human Rights Watch as an obstacle to people's return, on 11 September 2004 a number of village guards were forcibly evicted from Syriac-owned houses, which they had been illegally occupying.

Women's rights

The government has made considerable progress in 2004-05 in strengthening women's rights. The new penal code removes sentence reductions for honour killings and abolishes the reduction in sentence for a convicted rapist if his victim marries him. In the past year the courts have handed down several landmark sentences for honour killings: in September 2004 in Erzurum and Diyarbakir the courts gave two sentences for 30 and 36 years, respectively. The government also showed its commitment to address honour crimes and protect women's rights when it co-tabled with the UK a successful resolution in the UN General Assembly on honour crimes. Parliament passed a law on 28 October 2004 to establish a new directorate-general for women's status which will protect women's rights and in December passed a new municipalities law requiring municipalities to open shelters for women in communities of more than 50,000 people. This law is expected to come into force later this year. In May 2005 parliament agreed to establish a commission of 15 members of parliament to examine the causes of honour killings and look for ways to prevent them. However, violence against women remains an issue in Turkey. On 18 January 2005 the human rights association publicised four honour killings that took place on the same day. NGO

shadow reports to CEDAW in January 2005 highlighted the problem of endemic domestic violence.

Implementation of reform

Following the pace of legislative reform in 2004-05, the Turkish government informed the UK that its focus was now on tackling the inconsistencies in implementation. The government remains committed to legislative reform where it is still required, but is investing in training and monitoring programmes. In 2004 the government increased the number of provincial human rights boards from 859 to 931 and the human rights presidency intensified its work. The government now needs to make sure that it monitors, reports and prevents human rights violations in practice.

There has been intense bilateral contact between Turkey and the UK over the past year, based on our common interest in making a success of Turkey's EU bid. Turkey's reform process featured prominently on the agendas of Foreign Secretary Jack Straw's meetings with Foreign Minister Gül on 14 March 2005 and Interior Minister Abdulkadir Aksu on 31 March 2005.

We are working with Turkey on human rights reform bilaterally and through the EU. In addition to the UK's contribution to European Commission programmes for Turkey, which exceed €29 million, last financial year we provided over £2.3 million to support a wide range of bilateral activities, including human rights, and will make a similar sum available in 2005-06. In 2004-05 we co-sponsored with the ministry of justice a programme to train over 8,000 judges and prosecutors in human rights and European law. Building on this successful project, in 2005-06 we will co-sponsor with the ministry of interior similar training for deputy governors and district governors. In 2004-05 the UK also sponsored a project that brought together some 20 agencies (including police, jandarma, judiciary, medical and bar associations, NGOs and media) to develop effective tools for campaigning against honour crimes.

The project saw a public awareness campaign launched in April 2005 with billboards and fliers and television spots scheduled to be broadcast on at least 10 television stations and hundreds of radio stations nationally. In 2005-06 we will again support projects on women's rights, as well as others on prisons and strengthening the effectiveness of provincial human rights boards.

Senior UK officials are in regular dialogue with the Turkish government on human rights issues to encourage further progress in particular areas and to raise individual cases. Our Embassy in Ankara monitors human rights on the ground, attends key trials, meets regularly with human rights contacts and raises individual cases with the Turkish authorities.

The EU has decided to open accession negotiations with Turkey. Turkey has undergone a fundamental transformation over the past few years, for which the government and the Turkish people deserve recognition. However, some concerns remain. Our human rights strategy for Turkey in 2005-06 will focus on full implementation of reform. We will continue to press for improvements in judicial reform, religious freedoms, women's rights and the return of internally displaced people. Turkey's human rights record will remain subject to intense scrutiny during accession negotiations and we expect the government to address all remaining concerns as it continues its drive to align with European standards.

Croatia

The human rights situation in Croatia is generally positive. Croatia's candidacy for EU membership has acted as an incentive for the government to tackle most areas in need of reform, including refugee return, minority rights and the judiciary.

However, the EU has postponed Croatia's EU membership talks, which were due to start on 17 March 2005. A majority of EU Member States, including the UK, agreed that Croatia had not



A poster of General Ante Gotovina, who is wanted by the UN war crimes tribunal, in his hometown Pakostane. President Stipe Mesic alleged that Croatia's late army chief of staff Gen. Bobetko and Gen. Gotovina were responsible for the death of 185 Croat soldiers in a 1993 offensive against rebel Serbs.

cooperated fully with the International Criminal Tribunal for the former Yugoslavia (ICTY) - which was a condition for opening accession negotiations. Croatia failed to make sufficient progress in locating the fugitive general Ante Gotovina and transferring him to the Tribunal. Gotovina is accused of serious war crimes during the operation to re-take Serb-held territory in Croatia in 1995.

Croatian law provides well for minority rights. A number of minority representatives, including the Serb minority representatives, support the current Croatian Democratic Union (HDZ) government in the Croatian parliament. But minorities are under-represented in public bodies, including the judiciary and the police and the government must take action to remedy this.

Croatia's Roma minority suffers discrimination and social exclusion. The government has adopted a programme to assist the Roma and signed up for the Decade of Roma Inclusion regional initiative. It is important that the government now funds and implements these initiatives properly.

During the fighting, 320,000 Croatian Serbs left Croatia. Ten years after the fighting ended in Croatia, refugees continue to return, although at a slower rate now. The government's aim is to work with the governments in Serbia and Bosnia Herzegovina to complete return initiatives by the end of 2006. While there has been much progress in reconstructing destroyed housing and repossessing occupied properties, the government has yet to start providing social housing for those Croatian Serbs who lost their tenancy rights during the conflict. In 2005 the UK is providing £110,000 in assistance to refugee return and £750,000 to train local police in community policing techniques in war-affected areas.

We are concerned about the functioning of the judiciary and a backlog of 1.6 million cases. OSCE reports have revealed ethnic bias against Serbs in war crimes trials. The government must take action to tackle problems in the judicial system in order to

sustain access to justice, the right to a fair trial and the existence of the rule of law.

The EU is working with the Croatian government on all these human rights issues, providing substantial assistance particularly for judicial reform. The EU monitors minority rights, refugee return and judicial reform and makes representations, working in close cooperation with the local OSCE Mission.

Serbia and Montenegro

The positive outcome of the European Commission's Feasibility Studies in April 2005 marked the first key step in Serbia and Montenegro's (SaM) progress towards closer EU integration. This, along with SaM's membership of the Council of Europe, provides an effective mechanism for monitoring and encouraging progress on human rights and the rule of law. While the human rights situation has improved, some major challenges remain. SaM must cooperate fully with the ICTY; improve protection of minority rights; and develop the rule of law.

The UK and other partners share the view of the ICTY Chief Prosecutor, Carla del Ponte, who believes that SaM must take more sustained and decisive action to cooperate with the ICTY and transfer fugitive alleged war criminals in accordance with SaM's international legal obligations. There was some progress in early 2005 with voluntary surrenders to The Hague, including Serbian Generals Lazarevic, Pavkovic and Lukic and several new indictees. While many of the transferred indictees have been on Serbian territory, the Republika Srpska authorities have also been involved in the transfers of Bosnian Serbs, such as Drago Nikolic and Gojko Jankovic. Domestic prosecution of war criminals is also important and the first trials began in March 2004. The Serbian government has established effective courts and judges. However, the courts need to set higher prosecution standards in order to deal effectively with new cases. It is particularly important to introduce a witness protection programme. Resolution of these cases will enable communities



Three elderly Serb women, refugees from Kosovo, wait in Belgrade for a visit by Serbia's President Boris Tadic to their refugee shelter.

to move on from SaM's past and encourage refugees and internally displaced persons (IDPs) to return. We use all opportunities to remind the SaM authorities of their responsibilities, and encourage them to work towards a public and political climate that allows further reconciliation and recognition of past crimes relating to the Balkans conflicts in the 1990s.

Minority rights in SaM rose up the political agenda during 2004, following apparently ethnically motivated low-level incidents in the Serbian province of Vojvodina, where Hungarian, Roma and other minorities constitute 30 per cent of the population. The incidents involved verbal abuse, graffiti and physical attacks against non-Serbs. The situation improved significantly after local elections in September 2004 and intervention by the Serbian government. The government's response included setting up a national minority rights council to improve the monitoring and handling of such incidents in the future.

Inter-ethnic tensions still exist in South Serbia, due largely to poor economic progress and the fact that ethnic Albanians are not sufficiently included in public institutions. There were few serious incidents in 2004, but in January 2005 a Serbian border guard killed an ethnic Albanian youth. The Serbian government is renewing its efforts in the region by re-invigorating the coordinating body for South Serbia which works on issues such as minority language textbooks. We will continue to press the Serbian government to engage fully in the region and focus on economic regeneration and further integration of the ethnic Albanian community into the public sector.

We continue to urge the SaM government to address minority rights and create a more integrated tolerant society. The country's most disadvantaged people include the Roma and IDPs, who still number around 140,000. It is crucial to train law enforcement agencies and judicial practitioners in human rights awareness and their obligations under international conventions and, to this end, in 2004 we funded a training programme on the European Convention of Human Rights. It is also important to integrate minorities into mainstream education. In 2005-07 the FCO will co-fund a Save the Children project in SaM, Kosovo and Bosnia Herzegovina to help move Roma children into mainstream education. SaM was required to ratify the European Charter for Regional and Minority Languages by April 2005 under her Council of Europe accession obligations (along with three other conventions). At the time of going to press the SaM government had failed to ratify the charter and we urge her to do so soon. We also urge Montenegro to introduce long-awaited legislation on the protection of minorities, which will establish minority councils for all the main minorities, except ethnic Albanians who have chosen not to participate. With this in mind,

we are funding a project to develop a government strategy for Roma integration in Montenegro.

An independent, responsible and professional media keeps people aware of human rights issues. Media reform is an FCO priority and through the FCO's Reuniting Europe Global Opportunities Fund we are funding training for journalists in SaM and South Serbia on minority rights and professional reporting techniques. We also sponsored a visit to the UK by senior editors of Serbian daily newspaper *Danas* in March 2005. Reform of media regulation in SaM has been slow. While the Serbian government passed new broadcasting legislation in 2002, it has not yet fully implemented this legislation. However, we welcome recent indications from the Serbian government that it will soon decriminalise libel and defamation laws.

Judicial reform is another priority. In November 2004 the Serbian government prepared a strategy for judicial reform, which we hope will drive the process forward. We welcomed the formal transfer of military justice to civilian authorities in 2004. Following pressure from the UK, international partners and NGOs, Montenegro adopted legislation to introduce witness protection systems in 2004 and Serbia is due to follow. This is a major development in the fight against corruption and organised crime and in facilitating trials of local war crimes. We will continue to look for opportunities to assist in their implementation of legislation on witness protection systems. DFID will continue its Access to Justice programme in 2005, addressing judicial reform and building capacity.

In both Serbia and Montenegro there is an urgent need to reform the legislative framework for police and security services in accordance with Council of Europe standards and to strengthen supervisory mechanisms. Torture and ill treatment in police detention continues in both republics and is rarely punished. There is still no provision in Serbian criminal law for making torture a criminal offence, although the draft criminal code includes the criminal offences of torture and maltreatment. In 2004 we funded the translation, publication and distribution of 500 Combating Torture manuals (produced by the Human Rights Centre, University of Essex, with FCO funding) for legal practitioners and training seminars.

Organised crime, including human trafficking, remains a problem, although both republics have now developed strategies and better operational capacity for tackling the issues. With assistance from the OSCE, a new Serbian agency for the protection of victims of trafficking in human beings was set up in 2004. In the same year, the UK funded equipment for the Belgrade police anti-trafficking team and supported a project to tackle child trafficking. We are also funding a criminal intelligence adviser to the republics' ministries of interior in

2005-07. During our Presidency of the EU (July-December 2005), we will maintain the momentum for tackling organised crime in all states in the Balkans region.

OSCE, ODIHR and Council of Europe international observers considered the Serbian presidential and local elections in June and September 2004, respectively, to be in line with international democratic standards. There was no requirement for an additional Short-Term Observation Mission, which is a welcome development. We also welcomed the new provisions for voting abroad, in prisons and at home.

Kosovo

Under UNSCR 1244, Kosovo has been administered by the UN since June 1999 while remaining legally a part of SaM pending a final political settlement.

International attention has focused on the position of Serbs and other minorities in Kosovo. There are, however, human rights issues in the territory that affect all residents. Two in particular stand out. The judicial system is weak, often making arbitrary decisions. Secondly, the status of the territory is undetermined.

The level of inter-ethnic violence has dramatically declined, with the exception of riots in March 2004 in which nine Serbs and 11 Albanians died and some 4,000 homes were destroyed or damaged. The Kosovo government volunteered €11 million to rebuild destroyed or damaged buildings and work on houses is virtually complete. Recently, cooperation between the Kosovo government, UNMIK and the Serbian Orthodox Church has improved, leading to the signature of a Memorandum of Understanding that should lead to progress on the reconstruction of churches and other cultural heritage sites in Kosovo. In the year following the riots, only one Serb was killed in an inter-ethnic incident, although this was not necessarily ethnically motivated.

A comprehensive review of UN-endorsed Standards, designed to ensure that Kosovo is making good progress towards becoming a sustainable multi-ethnic democracy, will now take place in summer 2005. If the outcome of the review is sufficiently positive, a process will begin on Kosovo's final status. The Standards include: freedom of movement (Serbs in Kosovo still have a perception of danger); property rights (illegal occupation of Serb-owned property remains common); and, crucially, the establishment of conditions under which any IDPs who wish to return home can do so. Estimates of Kosovo Serb IDPs in Serbia vary from 65,000-200,000. Since 2003 the Kosovo government and political leaders have repeatedly called on Serb IDPs to return and the Kosovo government is the leading contributor to projects helping returnees. The government also appointed a Serb minister for returns and communities in December 2004.

In February 2005 the government announced two Serb-majority pilot municipalities to add to the five (out of 30) existing municipalities where Serbs are in the majority. Modalities for implementation of this de-centralisation process are still under discussion.

Progress has been hampered by an unwillingness of Kosovo Serbs to participate in the institutions. In the 2004 parliamentary elections, fewer than one per cent of Serbs voted following calls by Serbian Prime Minister Zoran Zivkovic for a boycott. Serb deputies have only once invoked (successfully, in summer 2004) assembly procedures to ensure that minority community interests are not ignored in legislation. The international community has made clear that it will not hold obstruction in the Standards review by third parties against the Kosovo government.

Trafficking in women is a problem in Kosovo although its scale is hard to estimate. Kosovo is a source of trafficked women as well as a point of transit and destination. The UK is working with UNMIK's anti-trafficking team to develop Kosovo's capacity to combat trafficking.

The UK has funded projects through the Global Conflict Prevention Pool (GCPP) to improve human rights in Kosovo during 2004-05. We have provided expert support to UNMIK's Office of Missing Persons and Forensics to help resolve the fate of over 3,000 people still unaccounted for. We have supported political parties by providing training in conflict resolution for senior Kosovo politicians. We have sponsored projects to help displaced people return to their homes and a series of TV documentaries to give accurate information to potential returnees. We also supported the only Kosovo Serb magazine, *Glas Juga*. In a two-year project funded jointly by GCPP and GOF, we developed micro-credit and business training for minority communities. This project will enable returnees to provide for themselves and their families, thus helping to secure a long-term future for minority communities in Kosovo.

Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) continues to make progress in promoting and protecting human rights. The BiH authorities are increasingly taking ownership of the reform process. However, they must do more to implement human rights legislation, to strengthen the rule of law and to ensure appropriate services for returnees and minorities. The UK continues to support the High Representative, Lord Ashdown, and the BiH authorities in their efforts to implement institutional reforms and strengthen rule of law structures at state level.

As part of its commitment to reconciliation and a sustainable multi-ethnic state, BiH must deliver those indicted by the ICTY

to The Hague for trial (see section on the ICTY on page 158). The BiH authorities, particularly those in the Republika Srpska (RS), have increased their cooperation with the ICTY since January 2005 with the first transfer of fugitive indictees from the RS. However, they must do significantly more before the international community will be satisfied that they are cooperating fully.

We remain committed to international efforts to develop and strengthen BiH's capacity to prosecute war criminals. On 9 March 2005 the authorities inaugurated the War Crimes Chamber in the BiH state court to prosecute war crimes cases, including cases transferred from the ICTY in The Hague. The UK has pledged substantial financial support (£2.6 million) over five years to the War Crimes Chamber. Our funds are supporting the state-level detention facility, close protection teams and secondments of international experts.

Acknowledgement of war crimes and identifying those still missing or buried in unmarked mass graves is an important part of reconciliation. Following a ruling by the BiH human rights chamber, the RS government set up the Srebrenica Commission to provide information about those still missing following events in Srebrenica from 11-19 July 1995. Its report in November 2004 concluded that some 7,800 people were killed around Srebrenica in July 1995. The RS government has apologised to the families of victims. The UK is supporting a memorial room near the site of the Srebrenica massacre. This room will serve as a poignant memorial for the victims and will have significant educational and historical value. Since 2001 we have also donated nearly £1 million to the International Commission on Missing Persons (ICMP). The ICMP projects strengthen domestic initiatives and strategies for missing people and include releasing information on the location of missing people.

Before refugees can return to their homes, they need reassurances on economic and security matters. The authorities have made progress on refugee returns and we continue to help foster a climate that encourages people to return. The authorities have ruled on about 93 per cent of housing claims resulting from forced migration during the conflict. By January 2005, 1,005,958 refugees and displaced people had returned to their homes, nearly half of them to areas where they were not the ethnic majority. The UK-sponsored Srebrenica Recovery Programme focuses on economic development, business support and youth development, and comprises several projects implemented through the UN Development Programme addressing refugee return and the development of the Srebrenica region.

BiH's Roma minority continues to suffer severe social exclusion. During the war Roma communities were displaced internally and

abroad. Political problems have prevented their return, as have practical issues - their housing was destroyed. Roma face difficulties and discrimination in education, employment, housing, political participation and health services. The UK funds a regional project with Save the Children UK to promote the integration of ethnic minorities in education, with a special focus on the inclusion of Roma children.

The educational system needs further reform to improve the infrastructure and ensure special care for returnee children and children with special needs. The reform process has begun, led by the OSCE, but faces obstruction based on nationalist concerns. The Council of Europe and the OSCE continue to press the BiH authorities to eliminate the practice of "two schools under one roof", which continues in 54 schools, violating BiH's commitment to eliminate segregation and discrimination based on ethnic origins. Contradictory higher education systems continue to co-exist in the absence of a state-level law on higher education to provide a countrywide system.

October 2004 saw the first municipal elections in BiH administered entirely by local institutions. The elections were well organised, free from violence and broadly met international standards. Further progress is required, however, on implementing the European Charter on Local Self-Government. BiH also needs to build on the increased political participation of women and tackle discrimination against women in political appointments. The UK continues to fund programmes fostering civil society in BiH. We support the work of the OSCE, which is very active in civil society, through FCO secondments and financial support to projects. The FCO is supporting a human rights and good governance project, which strengthens working relations between citizens and municipal governments and trains local officials and NGOs in developing organisational abilities. We also support parliamentary exchange programmes, and DFID continues to assist BiH in reforming its civil service. New draft public broadcasting legislation, a requirement of the European Commission's Feasibility Study, is now awaiting adoption after opposition from some members of parliament. The authorities launched a national television service in August 2004, which has been well received.

BiH needs to implement police reform to meet European Commission requirements and to tackle the fight against crime more effectively. We provide important practical support to the BiH police force through the EU Police Mission (EUPM). Fifty-nine British officers and nine civilians are part of the multi-national mission tasked with mentoring and monitoring their Bosnian counterparts to help them develop the high standards and sophisticated techniques expected of a modern European force. We fund a Crime Scene Management Training Project, in which UK-trained BiH police crime-scene investigators train BiH

officers. We also provide experts to help the state prosecutor investigate and pursue organised crime cases. We support the ministries of justice in developing their capacity and we also support community policing. BiH continues to have a problem with the illegal trafficking of people and with domestic violence. The EUPM is working to improve the capacity of the Bosnian police to tackle serious crime, in particular all forms of human trafficking. The BiH authorities have reformed legislation to define human trafficking and domestic violence as criminal acts in the criminal code, and continues reform of the family law to offer better protection to victims of domestic violence.

BiH needs to pass more human rights legislation before it can meet the requirements of the European Commission's Feasibility Study and the Council of Europe's accession criteria. BiH has not yet ratified some Council of Europe conventions. The Council of Europe's Venice Commission also raised concerns in its March report that some elements of the BiH constitution are not compatible with the European Convention on Human Rights. It found that elements of the constitutional system, which are designed to ensure the collective equality of ethnic groups, do not always fit with individual rights. As BiH works towards European integration, pressure to improve the standard of human rights will increase. We hope BiH will build on last year's progress and improve the human rights situation on the ground.

Albania

Although Albania has introduced legislation to protect and improve human rights, particularly in policing and judicial standards, the country still faces major human rights challenges. Effective implementation of the new legislation is now paramount.

Corruption permeates all areas of Albanian life, hampering access to justice and the rule of law. Until the government tackles corruption, it can only make limited progress elsewhere. Organised crime is another major problem, particularly trafficking in drugs and people. Albanian criminals can be particularly ruthless in pursuing their objectives.

We still hear allegations of isolated incidents of police brutality. There are incidents of violence linked to traditional blood feuds, particularly in the north of the country. On the whole, civil society is weak although there are some well-organised NGOs developing, with which the British Embassy has strong links. The government must increase the independence of the media, which is too often subject to political and financial pressure.

Local elections in 2003 did not meet international standards. Parliamentary elections on 3 July 2005 will be a test of the government's progress since then. Following international community representations in autumn 2004, Albanian political

parties have drawn up constituency boundaries and agreed the composition of the central election committee. The OSCE is leading on assistance with electoral preparations and we hope that the Albanian government will implement all OSCE recommendations before the elections. As in previous elections, the UK will be sending a delegation of election observers to monitor the process.

Albania has introduced human rights legislation in areas such as policing and rule of law partly to enhance its prospects for EU integration. The UK continues to support Albania's EU aspirations and we fund a range of programmes in the country. We continue to fund the Essex Police to establish a forensic policing unit in Tirana to increase criminal convictions. Through the European Commission we contribute to a large police assistance mission in Albania (PAMECA) and a customs assistance mission (CAM-A) to help Albania respond to organised crime, including human trafficking. We have provided vocational training for women at risk of trafficking and women whose families are affected by blood feuds. We are helping to develop civil society organisations through our work with the European Commission and the OSCE (in particular in the northern city of Shkodra). In January 2005 we worked with the OSCE and the Northern Ireland Assembly to bring officials from Albania's parliament to the UK to learn from our practice. We held seminars in 2005 in Tirana on good governance, standards in public life and investigative journalism.

Macedonia

The Macedonian government is focused on completing the implementation of the Ohrid Framework Agreement (OFA), which ended the inter-ethnic conflict in 2001 and guarantees legal and political rights for ethnic minorities in Macedonia. It has made good progress on legislation, with only one controversial law on community symbols still to be passed. However, there is still some way to go and we now press the government to implement these reforms. EU and NATO accession requires key reforms, such as the application of the rule of law throughout the country and judicial and economic reform.

Macedonia held municipal elections on 13 and 27 March 2005 (re-runs in 11 municipalities were held on 10 April). The international OSCE election observation mission concluded that these elections were conducted in a generally orderly manner in most of the country. However, serious irregularities observed in some municipalities undermined the universality and equality of the vote and there was widespread violation of the secrecy of the ballot. This is a disappointing setback for a country that has widely been seen to be making steady, if slow, progress. The EU made strong statements urging the Macedonian authorities to deal appropriately with those behind these irregularities and to



Members of a polling commission check a list of voters in Macedonia's capital, Skopje, 27 March 2005. The supreme court ordered a repeat of first-round voting in some polling stations after irregularities were reported. The EU urged the Macedonian authorities to deal appropriately with those behind the irregularities.

take measures to ensure such irregularities do not recur in future elections. The UK has funded several projects to educate voters and train election officials. We also funded the local NGO MOST, which monitored all polling stations during the elections.

We remain concerned about mistreatment in detention centres, particularly of ethnic minorities, and about inadequate provision for disabled people. The British Embassy in Skopje has worked to improve rights for the disabled. With UK backing, Polio Plus, a local NGO, has established an inter-party parliamentary lobby group for the rights of people with disabilities which lobbies for the introduction of a universal law, that incorporates supporting protection mechanisms. In other fields, we continue to promote tolerance between ethnic groups; economic development in deprived communities; and an independent media. We are also funding a community policing project (July 2004 - February 2006) to complement the work of the EU Police Mission PROXIMA and other EU and OSCE Police and Access to Justice projects.

We will work bilaterally and multilaterally to support Macedonia as it works towards EU and NATO standards. FCO project funding will be concentrated increasingly on security and public sector reform. The UK contributes about 20 per cent of the budget of the European Agency for Reconstruction, which channels multilateral EU funding to Macedonia.

3.3 The EU's European Neighbourhood Policy (ENP)

The ENP is designed to develop relationships with the EU's near neighbours' based on a mutual commitment to common values, particularly as regards the rule of law, good governance, respect for human rights and the principles of market economy and sustainable development. Substantial financial assistance will

support the implementation of this policy. The European Commission is developing Action Plans with each country to define a set of priorities, tailored to reflect the specific state of relations with each country, its needs and capacities and the interests of the EU and the country. Once approved by Member States, their implementation will be regularly monitored by the joint bodies set up by the Association or Partnership and Cooperation Agreements signed by each country with the EU. We look in closer detail at the human rights situation in some of the EU's near neighbours. We have included countries from eastern Europe (Moldova and Ukraine), the South Caucasus (Armenia, Azerbaijan and Georgia), and north Africa (Algeria, Morocco and Tunisia). We examine democratisation and reform in other Middle Eastern and north African countries which fall under the EU's ENP in Chapter 8.

Moldova

Since independence in 1991, Moldova has achieved a generally credible record on human rights and democracy. In 2004 the government decriminalised libel and has promised key political reforms as set out in the ENP Action Plan, while the OSCE judged the March 2005 parliamentary elections to have generally met international standards. However, the OSCE also identified shortcomings such as the authorities' failure to guarantee equal campaign conditions and restricted media coverage. The EU has called on the Moldovan government to address these shortcomings without delay.

There are also continuing allegations of ill treatment and torture of suspects and prisoners by Moldovan police officers, as well as reports of worrying levels of corruption within the Moldovan police force and judiciary. UN Committees on Human Rights, Racial Discrimination and the Rights of the Child have also expressed concern in the past year at Moldova's human rights record in their respective areas.

The human rights situation in the secessionist Transnistria region is more worrying. The authorities curtail political and

¹ Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority, Syria, Tunisia, Ukraine

linguistic rights and freedom of expression and we continue to receive reports of torture, arbitrary arrest and detention. A recent report by the office of the OSCE's Representative on Freedom of the Media criticised the media situation in Transnistria, although it welcomed the authorities' willingness to open a dialogue with the OSCE. In July 2004, the Transnistrians began a campaign of intimidation against Latin script schools, ultimately forcing their closure. The schools taught Moldovan in the Latin script under the curriculum of the Moldovan ministry of education. Other schools in Transnistria teach Moldovan using the Cyrillic script under the Transnistrian curriculum. In response, on 26 August 2004 the EU imposed travel restrictions against Transnistrians responsible for the measures. The EU has also regularly called on the authorities to improve the overall human rights situation.

In the past year, we have funded human rights projects in Moldova focusing on the March 2005 parliamentary elections. Through the GOF programme, we funded projects aimed at promoting greater transparency, accountability and participation in the elections. We created an impartial centre where electoral information could be collected and distributed to media and

voters; we monitored the media's coverage of the whole election period; and we supported advertising campaigns targeting young people in particular. We also funded a project designed to build the capacity of the Central Election Commission, helping them to provide relevant information on the elections to civil servants, political parties, the mass media and the general public.

Ukraine

Democracy and media freedom were the main issues in Ukraine last year, coming to a head during the autumn 2004 presidential election. The flawed second round on 21 November led to the Orange Revolution and in the re-run election on 26 December 2004 opposition leader Viktor Yushchenko was elected President. Since then, both democracy and media freedom in Ukraine have improved significantly.

Ukraine's constitution provides for freedom of speech and freedom of the press. Under former President Kuchma the government interfered with the news media and restricted its rights through tax inspections and libel cases, by subsidising friendly media and intimidating journalists. Through the

Ukraine's Orange Revolution

The Orange Revolution in Ukraine provided a vivid image of people power as hundreds of thousands of Ukrainians came on to the streets of Kiev and other major cities to stand-up for their basic human right to vote. The Revolution marked a watershed for democracy: it demonstrated the importance of, and universal desire for, democracy in a country that was once a core constituent of the Soviet Union. The repercussions continue to echo around Ukraine and other countries of the former Soviet Union.

The election in 2004 was always going to be important as it marked the end of the era of President Kuchma. A free and fair presidential election was a priority for the EU and the UK. We funded a series of projects during the 18 months before the elections to raise peoples' awareness of the elections and help Ukraine prepare for them. Our work incorporated training for journalists and election observers. We co-funded a project to make sure Ukrainians living outside Ukraine could vote. We contributed substantially to the OSCE election observer mission, providing over 230 observers at a cost of £500,000.

From the start of the Ukrainian election campaign early last summer, we worked with European partners to urge the Ukrainian government to run the campaign in accordance with OSCE standards. We intensified our efforts after the OSCE declared that the first round of the election on 31 October did not meet its standards for free and fair elections. EU High Representative Javier Solana spoke to President Kuchma to stress the importance of a free and fair second round and the Presidency of the EU made a statement calling for the government to address all deficiencies.

The second round on 21 November was even more fraudulent than the first. EU foreign ministers issued an immediate statement setting out their concerns, calling for the government to follow legal processes and to address all irregularities in the election process. They urged the authorities to show restraint in dealing with protestors. All EU members called in their resident Ukrainian ambassadors to express similar concerns.

Huge demonstrations continued during the week following the election. Mr Solana and the presidents of Poland and Lithuania flew to Kiev to help broker a settlement to the crisis. With the pressure mounting and the parliament voting to invalidate the election, President Kuchma agreed to a settlement, though further EU efforts were needed to implement it. This agreement included reforming electoral rules to limit the use of absentee ballots and mobile voting, which were at the centre of the electoral fraud. It also provided more equal resources for opposition media and administration.

On 3 December Ukraine's supreme court invalidated the second round of the election and called for a re-run. The re-run election took place on 26 December in the presence of a massive number of international election observers and with the UK providing over 100 of the OSCE's 1,000-strong observer mission. The OSCE endorsed the re-run election process, saying that it brought Ukraine substantially closer to meeting OSCE and other European standards. The people of Ukraine had elected the president of their choice – an important step forward for democracy in Ukraine and across Europe.

presidential administration, the government issued instructions called 'temniki' to put pressure on journalists to cover President Kuchma and his government positively.

The government increased its control of the media during the election campaign, resulting in an overwhelming bias against the opposition and for the official candidate, Prime Minister Yanukovich. After the first round of the election some journalists defected from major television channels in protest at the government manipulation, thus weakening the media bias. The government's control of the media was further weakened when opposition mounted after the second, fraudulent round of the election. Media coverage of the re-run on 26 December was comparatively free, as many official media outlets supported the opposition and the "temniki" system ended.

Freedom of the media and freedom of expression is a priority in Ukraine's European Neighbourhood Policy (ENP) Action Plan which was launched on 21 February 2005. President Yushchenko's new government has maintained the improvements in media freedom and respect for the constitution. It has taken forward the investigation into the murder more than four years ago of journalist Georgiy Gongadze, as well as the cases of other missing journalists. The UK and EU have been pressing the Ukrainian authorities over the last four years to investigate and bring to justice those responsible for these crimes. We welcome these moves by the new government.

Fraud and irregularities had marked previous presidential and parliamentary elections in Ukraine. We were particularly concerned about the autumn 2004 presidential election as it marked the end of the era of President Kuchma and because there had been serious cases of fraud in some local and regional elections earlier in 2004. A free and fair presidential election was a priority in the ENP Action Plan. International concerns about the election proved to be correct (see box opposite). However, immediately after the second fraudulent round of the

presidential election, the authorities reformed the electoral rules by limiting the use of absentee ballots and mobile voting, which were at the centre of the electoral fraud in the first rounds. These reforms helped to run elections on 26 December in a manner which the OSCE endorsed as bringing Ukraine substantially closer to meeting OSCE and other European standards. Since then, the new government has promised to entrench these reforms and to implement other OSCE recommendations. Ukraine's progress will be monitored through the ENP Action Plan and put to the test in the parliamentary election in March 2006.

In a welcome departure from the past, Ukraine's new government aligned itself with the EU by voting in the UN's Commission on Human Rights and helping to secure crucial votes condemning human rights abuses in neighbouring Belarus and other countries.

Armenia

There are several human rights concerns in Armenia, including on freedom of assembly, judicial independence, the electoral code and corruption. While Armenia has often adopted good legislation, implementation is deficient. For example, the independent Investigative Journalists Union won a court case against the mayor of Yerevan, citing the law on freedom of information, but the court decision is not being enforced.

The current law on demonstrations does not meet international standards on freedom of assembly. The Armenian parliament is currently discussing amendments to this law with the Council of Europe to bring it into line. According to the current constitution, the President appoints and dismisses key posts in the judiciary. The parliament and the Council of Europe's Venice Commission are currently discussing ways to amend the constitution to give the judiciary more independence. A referendum on these amendments should be held this summer.



Azerbaijan: police officers in riot gear stand guard around a central square in Baku, where some 10,000 opposition protesters staged a rally on 4 June 2005 urging the government to step down. In the background is a portrait of the late Azerbaijani president Geidar Aliev.

The Armenian parliament is currently drawing up reforms to the electoral code, in discussion with the Venice Commission and the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE. However, the final text is unlikely to fully address ODIHR and the Venice Commission's main concern, which is that the president and current political parties control the administration of the elections through the electoral commissions.

The Council of Europe also asked Armenia to make the balance of power between the president, the parliament and the government more equitable as part of the country's membership obligations. The current constitutional amendments should address this issue, but it is unlikely that the final agreed text will be acceptable to the Council of Europe in this key area.

The Armenian government adopted an anti-corruption strategy in 2003, the prime minister chairs an anti-corruption council, and NGOs have been co-opted into an anti-corruption monitoring commission. However, there is little evidence of vigorous political action to tackle corruption.

The UK supports human rights in Armenia in a number of ways. We have contributed to an official publication in Armenian of Armenia's international commitments. This tool should help judges throughout the country to implement these in court decisions. We have supported the training of regional trainers to teach members of the judiciary about the European Court of Human Rights (ECHR) and how to apply decisions of the ECHR in local cases. The UK has also supported local NGOs in monitoring the implementation of Council of Europe standards in prisons, mental hospitals and institutions.

Under the GOF Reuniting Europe programme we are training trainers in electoral observance to promote the development of strong authoritative local observer organisations in Armenia. Under this programme we are also promoting public awareness of, and participation in, changes to the electoral code and the constitutional amendments mentioned above.

Azerbaijan

A Partnership and Cooperation Agreement between the EU and Azerbaijan came into force in 1998. Azerbaijan joined the Council of Europe in 2001 and signed the European Convention on Human Rights and its associated protocols. The government has made some progress on human rights. It abolished the death penalty in 1998 and in 2002 established an ombudsman's office and a constitutional court. We welcome the continued cooperation between the Council of Europe and the government on the issue of political prisoners.

Despite these steps Azerbaijan's human rights record remains poor. The judiciary does not function independently of the executive and is widely perceived to be inefficient and corrupt. According to the OSCE, national elections have consistently failed to meet international standards. The justice ministry continues to deny registration to many NGOs, hampering the development of civil society. Although the government abolished censorship in 1998, it still exerts strong control over the media.

We were deeply concerned at the murder on 2 March 2005 of the journalist Elmar Huseynov (see also Chapter 8, page 223). EU Heads of Mission in Baku issued a press release on 3 March paying tribute to the contribution made by Elmar Huseynov to the development of a free media, democracy and pluralism in Azerbaijan. EU Heads of Mission welcome the high priority that the Azerbaijan government attaches to investigating this crime and bringing Huseynov's killer or killers to justice.

The UK is closely following the development of the media in Azerbaijan in the run-up to the parliamentary elections in November 2005. It is essential that the state media should develop a neutral, objective and informative editorial line and its reporting should be balanced, including when covering government activities during an election period. We welcome plans to establish public TV in Azerbaijan, which will need to meet the standards laid down by the Council of Europe.

Last year, the FCO and the OSCE co-sponsored a leading British QC to observe the trials of people accused of involvement in the disturbances that followed the flawed presidential elections of October 2003. The subsequent report produced by OSCE/ODIHR (published February 2005) brought together a working group from the government and international legal experts to help find a solution to deficiencies in the legal system. In March 2005 most of the people accused of involvement in the disturbances received a presidential pardon and were released from prison.

Georgia

Since the Rose Revolution in 2003 the Georgian government has continued to carry out political, social, legal and economic reforms. However, in its haste to deliver reforms the government has neglected certain democratic and human rights issues.

Prisons in Georgia are severely overcrowded and torture is rife. Despite some improvements in 2004, problems remain. The police regularly use torture and ill treatment to extract confessions; conditions in places of detention are deplorable; allegations of torture and ill treatment are not properly investigated; legislation on torture is unclear, as is the punishment for public officials convicted for torture-related

offences; and medical treatment for victims of torture and compensation are inadequate.

There have been some positive developments in 2005, including a decrease in the number of detainees registered with injuries on entering the detention facilities.

The public defender's office (PDO) has become more active since the appointment of a new public defender in September 2004. A Memorandum of Understanding between the PDO and the ministry of internal affairs allows monitors from the PDO to perform surprise checks in police stations and isolation cells in the city police department. The PDO aims to spread this practice throughout Georgia. The government has recently established an independent monitoring mechanism made up of members of civil society. They are allowed to enter the detention facilities subordinated to the ministry of justice without any special permission. The board reports to the minister of justice and the president. Although the board has yet to prove fully effective it has provided hope for real progress.

The ombudsman's office is active in torture prevention work. In February 2005 new staff were appointed to the office and the government increased its budget.

We are supporting Penal Reform International to undertake an 18-month project (September 2004 - March 2006) to develop a national monitoring mechanism for human rights. In a second project across the South Caucasus we aim to improve prison conditions by developing procedures for monitoring and evaluation, in cooperation with each country's independent monitoring board and ministry of justice.

Georgian Orthodox Church extremists have in the past been linked to cases of harassment, defamation and violent attacks against religious minorities. Jehovah's Witnesses, Baptists and Pentecostal churches have all been victims of such religious intolerance. But the incidence of attacks appears to have reduced.

Freedom of expression remains an issue in Georgia. The government claims that the media self-censors but there have been complaints that some media owners practise censorship. In 2004 the authorities banned some programmes critical of the government and closed a number of TV stations, including 9th Channel, Iberia. The situation is worse in the regions. Protests by journalists at Ajaran state television over censorship resulted in the station's leaders resigning and the appointment of a new manager. Local media sources and civil society supported the journalists' action.

We have provided support through the Public Diplomacy Challenge Fund for training to transform the state TV company into a public broadcasting service, modelled on the BBC. Parliament elected a board of supervisors in April 2005, a positive step towards creating a media company free from the authorities' influence.

Trafficking in women for exploitation and violence against women remain ongoing problems. Our Embassy in Tbilisi is financing projects to address these issues. We funded the copyright for a 10-episode series on human trafficking. *Matrioshki* (made by Channel 4) is broadcast on one of the leading TV stations (Stations Rustavi-2) to raise awareness of problems and change views. Our Ambassador recorded a short introductory speech on the dangers of trafficking and what the UK is doing to help. The Embassy also supports an anti-violence network in training police to deal with domestic violence.

The government has made progress respecting the rights of ethnic minorities, but NGOs such as Multinational Georgia still complain that minorities are barred from participating in self-government and representation in the government and the executive. The government has agreed to sign and ratify the Council of Europe's Framework Convention for Protection of National Minorities and the European Charter for Regional or Minority Languages. Our Embassy supports two projects in this field. In association with the parliamentary human rights committee and *pro bono* lawyers we are providing free legal advice to ethnic minorities in the regions. We are also helping to integrate and empower Azeri and Armenian minorities within the Georgian state through the NGO Georgian Foundation for International and Strategic Studies.

Algeria

Ratification of Algeria's Association Agreement is expected to be complete by September 2006. Once in place, this Agreement will give the EU a formal mechanism through which it can address human rights issues with Algeria.

In early 2005 President Bouteflika announced ambitious plans to upgrade Algeria's basic infrastructure, including its housing. He also announced a major economic, judicial, educational and bureaucratic reform programme. However, Algeria still suffers the aftermath of a decade of civil war and insurgency in the 1990s. As well as the violence committed by the Islamic armed groups during this period there are many documented allegations of human rights abuses by the security forces and state-armed militias, including the enforced disappearances of at least 6,000 people, abductions, torture and extra-judicial killings. Armed insurgency by Islamist groups continues, despite action by the government.

In an effort to end the internal conflict, in November 2004 President Bouteflika announced his plans for a general amnesty. This is likely to grant impunity to members of all sides to the internal conflict, thus preventing any member of an armed group, state-armed militia or the security forces being tried. This has raised concerns among the families of the disappeared and NGOs, who also suggest that the amnesty would breach Algeria's obligations under international human rights law, notably the International Covenant on Civil and Political Rights.

President Bouteflika's proposals for an amnesty are backed up by Farouk Ksentini, President of the state-appointed national consultative commission on the promotion of human rights, who presented his report into the fate of the disappeared in March 2004. We urge the Algerian authorities to grant access to the UN Special Rapporteur on Torture.

We are concerned about restrictions in Algeria on freedom of expression, association and assembly, which curb open debate. None of the organisations of families of people who have disappeared are able to operate as legally recognised associations. Several journalists have been imprisoned for making defamatory remarks about the government. We continue to express our human rights concerns to the Algerian authorities, both bilaterally and with our EU partners.

Morocco

Developing relations with the EU is a political priority for Morocco, where an EU-Morocco Association Agreement has been in force since 1 March 2000. Morocco has welcomed the new European Neighbourhood Policy (ENP) and was one of the first countries to agree an ENP Action Plan with the EU in December 2004. The Action Plan sets out priorities and actions, including on human rights, with specific actions on ensuring respect for human rights in accordance with international standards

Morocco is party to all core UN human rights conventions and has made progress in improving its human rights record in recent years. On 25 January 2004 the government adopted a new family law, developed from the Moudawana (personal status code), which supports women's equality and grants them new rights. These include allowing adult women the right to self-guardianship and giving husband and wife equal and joint responsibility over the family. Using funding from our GOF Engagement with the Islamic World Programme, the British Embassy has worked with Moroccan NGOs and the Moroccan state secretariat for literacy to produce a booklet informing women of their rights under the new family code. The booklet will benefit up to 40,000 women and men, who are currently taking literacy courses facilitated by more than 186 associations throughout Morocco.

The Moroccan human rights consultative council, which reports to King Mohammed VI, promotes and protects human rights. In 2004 it set up the equity and reconciliation commission to look into allegations of human rights abuses during the reign of the current King's father, King Hassan II, 1956-99. This is unique in the region. Over 22,000 Moroccans have submitted their cases. State-owned television has broadcast live public hearings of victims telling their stories of torture. The commission is expected to submit its report later this year.

The terrorist attacks in Casablanca in May 2003 and the subsequent introduction of a new anti-terrorism law challenged the balance between respect for human rights and the fight against terrorism. Amnesty International and others have criticised Morocco's failure to act on recent allegations of torture, arising from arrests connected to the Casablanca bombings. The King has publicly accepted that there were cases of arbitrary detention in the aftermath of the bombings. The courts are examining these cases and the ministry of justice has promised to look into allegations of torture. In April 2005 the King pardoned 40 prisoners who were arrested in connection with the bombings.



A man chats with Moroccan truth commission president Driss Benzekri, right, at the opening of the 7th public session of the truth commission in Al Hoceima, 3 May 2005. The commission's mandate is to uncover human rights violations in Morocco from 1956 to 1999.

Tunisia will host the World Summit on the Information Society (WSIS) in November 2005.

NGOs, including Reporters Without Borders, have protested against the choice of Tunisia as a venue. Tunisia has a poor record on freedom of expression and the government restricts internet access, which is central to the WSIS process. NGOs have also voiced concerns about the recent escalation in intimidation and violence against peaceful demonstrators in Tunisia in the run-up to the WSIS Summit. With EU partners, we have made clear that we expect all states and institutions, including civil society, taking part in the WSIS – both in the summit and the preparatory process – to respect fully the right to freedom of opinion and expression. This includes the right to share these ideas through any medium without interference.

There is a relatively free press in Morocco, although criticism of Islam, the monarchy and Morocco's presence in the Western Sahara remain sensitive. In April 2005 the Moroccan journalist Ali Lamrabet was banned from practising his profession in Morocco for 10 years. Mr Lamrabet had been jailed in 2003 but released in 2004. His ban has attracted widespread criticism in the Moroccan media. A media reform bill in 2005 is expected to liberalise the media further.

Morocco's constitution provides for freedom of association but only if the interior ministry has granted permission ahead of any public meeting. Nevertheless, civil society is becoming increasingly dynamic. We work with civil society in a number of areas. Under the GOF Engagement with the Islamic World programme we are co-funding alternative dispute resolution mechanisms. The project, run in cooperation with the Moroccan ministry of justice and the NGO Search for Common Ground, aims to improve public access to justice without recourse to costly and lengthy court action.

Tunisia

Tunisia was one of the first EuroMed countries to ratify its Association Agreement with the EU. However, the Tunisian government has yet to adopt fully its European Neighbourhood Policy action plan setting out a programme of economic and political engagement, including on human rights, with the EU.

Tunisia has pursued economic and social reform. Women enjoy full rights to education and employment. There has been a substantial investment in education, training and human resource development over the last 15 years. The government has invested heavily in poverty alleviation and has developed infrastructure to bring essential services to urban and rural communities throughout the country.

However, the government has made little effort to promote civil liberties, in particular freedom of information, expression and assembly. All newspapers, books, textbooks and magazines have to be cleared with the ministry of interior before publication. The authorities use provisions for subversion and defamation under the press code to punish journalists who challenge the government. Lawyer Mohammed Abu faces a prison term of up to 10 years for posting an article online about the torture of political prisoners in Tunisia. Following his release, Abadallah Zouari, a journalist jailed for libel and who was reportedly tortured in prison, went on hunger strike in January 2005 in protest against his confinement many miles away from his family, his subjection to constant police surveillance and the refusal to allow family visits. He only gave up his hunger strike after falling gravely ill after 34 days. We receive reports of many more incidents.

In Tunisia's presidential elections in October 2004 President Ben Ali won convincingly. However, the government restricted freedom of expression in the run-up to the elections. It discouraged open debate, restricted TV coverage for the main opposition party leader Halouani and did not allow journalists to report on Halouani's press conference. The police regularly break up meetings of associations and organisations, such as the Tunisian human rights league, and prevent delegates from attending. In October 2004 the police prevented the anti-globalisation organisation, Raid-Attac, from holding its second meeting.

Prison conditions in Tunisia remain poor. Food is of poor quality, there is limited access to medical treatment and there have been many claims that the police use torture to obtain statements from suspects in custody. There are reports of many political prisoners being held in prolonged solitary confinement – a violation of international norms on the treatment of prisoners, and indeed Tunisia's own laws. On the positive side, Human Rights Watch reported in April 2005 that the government had promised that it would no longer place prisoners in solitary confinement for more than 10 days. The authorities gave approval for Human Rights Watch to visit prisons during its next visit to Tunisia – a significant step forward as no independent human rights organisation has received access to prisons in Tunisia since 1991. While the government released scores of political prisoners (mainly associates of Ennhada, the unauthorised Islamist movement) in November 2004, most of them would have soon completed their sentences.

We continue to express our human rights concerns to the Tunisian authorities, both bilaterally (most recently in January 2005 when Minister of State Baroness Symons visited Tunisia) and with our EU partners.

3.4 The Organisation for Security and Cooperation in Europe

The Organisation for Security and Cooperation in Europe (OSCE) is the world's broadest based international security body. It brings together 55 states from North America, Europe and Central Asia (as well as 10 other partners for cooperation), with the shared aim of preventing conflict through a comprehensive approach to security in the OSCE region. An integral part of this approach is promoting human security by setting standards, monitoring and helping states to implement their OSCE and other international commitments in human rights. These standards are upheld through peer review and monitoring. The UK's total financial contribution to the OSCE last year was £24.8 million.

The OSCE makes a particularly effective contribution to human rights through its missions, field presences and special representatives in 18 countries, mainly in south-east Europe and the former Soviet Union. The UK contributes to these missions through core budgetary costs and by providing personnel; the current Head of the OSCE Mission in Georgia is Roy Reeve, a UK secondee. In 2004 approximately 10 per cent of international OSCE mission staff were seconded from the UK and, at any one time, there were at least 70 British secondees working in OSCE missions at a cost to the UK of approximately £4 million. Eleven per cent of these secondees were serving police officers with extensive training skills. They made a significant contribution to the success of the Kosovo police service school and the police development unit in Macedonia. Another UK secondee, Richard Monk, is the OSCE's Senior Police Adviser; serving British police officers seconded to the OSCE missions in Croatia and Serbia have also advised on police reform in both countries over the last year.

More information on the OSCE and the work of its missions and institutions is available at: www.osce.org. Application forms for secondment to an OSCE field mission are available in the OSCE section of the FCO website: www.fco.gov.uk.

The OSCE has developed several structures and institutions as a result of political decisions agreed by its participating states. These include:

OSCE High Commissioner on National Minorities

The OSCE High Commissioner on National Minorities (HCNM) was established in 1992. The office operates independently to identify ethnic tensions that endanger peace, stability or friendly relations between and within OSCE participating states and to engage in preventive diplomacy at the earliest stage. In the past decade HCNM's effective, quiet diplomacy has demonstrated that this intrusive yet discreet instrument

remains a vital means of conflict prevention. The HCNM makes recommendations to the concerned country on specific issues, such as language, education and political participation of minority groups. The HCNM also produces general recommendations for the whole of the OSCE area on the situation and treatment of minority groups.

The current High Commissioner is Rolf Ekeus, who was appointed to the position in July 2001. His mandate was renewed for a further three years in July 2004. John de Fonblanque, a British national, is Director of the HCNM's office. The UK has supported several of the HCNM's long-term projects. These include a conflict prevention and integration plan for the Samtskhe-Javakheti region of Georgia, now in its fourth year. The project's objective is to reduce ethnic tensions in the region by encouraging the integration of minority groups into society. Language barriers are one of the main reasons for exclusion - the official state language is Georgian which most of the mainly Armenian minority do not understand. In addition to providing language training, the project is improving the flow of information between minority regions and Tbilisi; improving the legal framework on minority issues; providing better access to legal information and advice; reducing tensions between different ethnic groups; and improving training for teachers, journalists and other professions.

The UK has been supporting a successful long-term project since 2000 to improve ethnic relations in Kyrgyzstan by providing seminars in managing inter-ethnic relations. Based on role-play, the seminars are for civil servants, such as teachers and police officers, who encounter inter-ethnic issues in their daily work. This project is particularly important in the context of events following the recent presidential elections in Kyrgyzstan (see page 208).

The Representative on Freedom of the Media

On 10 March 2004 the OSCE appointed Hungarian writer, journalist, human rights advocate and university professor Miklos Haraszti as the Representative on the Freedom of the Media for a three-year term. The role of the Representative is to assist participating OSCE states in their commitment to free, independent and pluralistic media. He highlights cases that infringe freedom of the media and reports to the OSCE Permanent Council on a quarterly basis with his observations and recommendations. He spoke out in March 2005 on the murder of Azeri journalist Elmar Huseynov, encouraging the authorities to investigate swiftly and thoroughly.

In 2004 the UK continued to contribute to a project run by Mr Haraszti's office on criminal libel laws within the OSCE region. Some governments have restricted freedom of expression by using these laws to imprison writers and journalists who have

been critical of the regime. The project has now been completed, with the compilation of a matrix of existing criminal libel laws in the OSCE region. Mr Haraszti is using this as a basis for lobbying for the abolition of these laws. The matrix is available at the OSCE website.

Office for Democratic Institutions and Human Rights

The Office for Democratic Institutions and Human Rights (ODIHR) began as the Office for Free Elections in 1991. It is now the largest OSCE institution. The ODIHR's Director, Christian Strohal, took office in March 2003.

The ODIHR's role is to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy, to build, strengthen and protect democratic institutions and to promote tolerance throughout society. It is particularly valued for its role in election observation. It also promotes wider democracy by combating human trafficking, promoting gender issues and freedom of movement and acting as a contact point for issues relating to Roma, Sinti and to NGOs. The ODIHR's assistance in rule of law is increasingly in demand and the UK supports this work in Central Asia. Trial monitoring is an important area: this year the FCO has contributed £50,000 to the ODIHR's Fair Trials Programme, which operates in the Commonwealth Independent States (CIS) and south-eastern Europe, assisting them to develop and strengthen legal institutions, mechanisms and practice to ensure fair trials. We also funded the participation of a UK legal expert in an ODIHR project to monitor the trial of the political leaders accused of instigating the post-election riots in Baku, Azerbaijan. This project is one way in which the ODIHR and the UK are supporting Azerbaijan's progress towards fulfilling democratic standards and upholding human rights and the rule of law (see page 116 for details of the project's outcome.)

The ODIHR's unrivalled expertise in observing elections is widely recognised within Europe and beyond. The elections in Ukraine placed particular attention on the organisation (see page 114). Last year, FCO grants to ODIHR for election observation and follow-up work and for projects to combat torture and trafficking and develop civil society totalled over £1.5 million. The projects varied from raising awareness in Bosnia and Herzegovina of individuals' roles and responsibilities in a democratic society to the ODIHR Criminal Justice Reform Programme, which assists countries in the CIS and south-eastern Europe in improving their administration of criminal justice. The ODIHR's approach is comprehensive, focusing on legislative reform as well as prison conditions and strengthening the professionalism of prison staff.

The OSCE's Human Dimension work

Some OSCE participating states have recently expressed concern about the balance between the OSCE's three dimensions (Human, Economic and Environmental, Political and Military). Russia and some CIS states believe there is too much emphasis on the human dimension and are uneasy about the ODIHR's election observation missions in the CIS. They accuse the OSCE of double standards and of focusing on human rights and democracy only east of Vienna. In fact the OSCE simply demands compliance with commitments to which all OSCE members have signed up and applies its resources in areas of greatest need. The UK, our EU partners, Canada, the US and other like-minded states believe any re-balancing of the OSCE cannot be at the expense of the organisation's democratic values and commitments, or the broader human dimension work. A formal process on OSCE reform is now under way, including an Eminent Persons Panel due to report in June 2005 with a view to decisions being taken at the Ljubljana Ministerial Council in December 2005. The UK will be working with its partners listed above to ensure the process of reform does not disadvantage OSCE work on the Human Dimension.

OSCE Human Dimension Implementation Meeting

Every year the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) organises a meeting to review the implementation by member states of the full range of OSCE commitments in the fields of human rights and democracy. In 2004, this Human Dimension Implementation Meeting (HDIM) took place from 4 - 15 October in Warsaw. During the first week, member states, NGOs and international organisations discussed progress against existing OSCE human dimension commitments, including on the death penalty, torture, democratic institutions and freedom of expression. The second week was devoted to forward-looking discussions of key areas in which the OSCE is working. These included the promotion of tolerance and non-discrimination, freedom of assembly and association, and complementarity and cooperation between international organisations in promoting human rights. Discussions in the second week were particularly significant as they refined and developed the work of the OSCE in these particular areas, identifying new risks and challenges. A number of side events took place at HDIM. The British Embassy in Warsaw and the Polish ministry of the internal affairs and administration co-hosted a side event on building cooperation between central government, local government and NGOs to improve the situation of Roma in Poland.

A fundamental element of HDIM is the active involvement of NGOs in all sessions, and the fact that their recommendations are taken into account when deciding the direction of future OSCE human dimension work. In 2004, for the fourth consecutive year, we hosted an NGO forum in advance of HDIM,

to discuss OSCE work in the field of human rights and the human rights situation within the OSCE region and to encourage UK NGOs to attend HDIM.

In 2005 HDIM will take place from 19-30 September in Warsaw. As Presidency of the EU, the UK will speak on behalf of the EU during the working sessions and represent the EU in talks with other countries. We look forward to engaging with other OSCE states, NGOs and international organisations during the meeting. Key issues in 2005 will include the promotion of tolerance and non-discrimination, freedom of the media and prevention and combating of torture.

OSCE efforts to combat intolerance

The OSCE held a conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination from 13-14 September 2004 in Brussels. This was the last in a series of three OSCE events on tolerance in 2004, following the Berlin anti-Semitism Conference in April and the Paris Meeting on Hate Speech on the Internet in September. Home Office Minister Fiona Mactaggart led the UK delegation at the Brussels conference. She was accompanied by Sheila Rogers, the Chief Executive of the Commission of Racial Equality (CRE); Dr Abduljalil Sajid of the Muslim Council of Great Britain; and Home Office and Foreign and Commonwealth Office officials. In her speech, Fiona Mactaggart spoke of the multicultural character of the UK and the benefits of new migrants to our economy, our society and our cultural life. Sheila Rogers explained the work of the CRE, including its projects to bring young people from different backgrounds together and work to tackle institutional racism. Dr Sajid gave a keynote speech in the session on interfaith dialogue. Together with Cobi Benatoff, President of the European Jewish Congress, and Cardinal William Keeler from the US, he called for dialogue and mutual understanding between faith and race communities.

OSCE Personal Representatives on Intolerance and Discrimination

Building on the outcome of the OSCE events in Berlin, Paris and Brussels, and as part of the ongoing work of the OSCE to combat discrimination and promote tolerance, the Bulgarian Chairman in Office appointed three personal representatives in December 2004. They are:

- Anastasia Crickley as Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of other Religions;
- Gert Weisskirchen as Personal Representative on Combating anti-Semitism; and
- Ambassador Ömur Orhun as Personal Representative on Combating Intolerance and Discrimination against Muslims.

The Personal Representatives will focus and drive forward the work of the Office of Democratic Institutions and Human Rights (ODIHR) in addressing particular cases and trends in intolerance within the OSCE region.

OSCE conference on anti-Semitism and other forms of intolerance

The Solicitor General, Mike O'Brien, led a UK delegation to the OSCE conference on anti-Semitism and other forms of intolerance in Cordoba on 8-9 June 2005. The delegation included representatives of the Board of Deputies of British Jews, the Muslim Council of Britain, the Church of England, parliamentarians from both Houses and officials from the Home Office and FCO. In his address during the opening session of the conference, Mr O'Brien focused on the need to implement the commitments undertaken by member states at previous conferences.

Although this was the third OSCE conference at which anti-Semitism was discussed it was the first to cover all manifestations of intolerance. Apart from tackling anti-Semitism

Combating human trafficking

Dr Helga Konrad, a former federal minister for women's issues in the Austrian parliament, was appointed OSCE Special Representative on Combating Trafficking in Human Beings on 10 May 2004. Dr Konrad has long been involved in combating human trafficking. Most recently, from 2000 – October 2004 she chaired the Stability Pact Task Force on Trafficking in Human Beings for south-eastern Europe, established under the auspices of the OSCE. Dr Konrad's current mandate is to carry out the OSCE's Action Plan on Trafficking in Human Beings, first proposed in 2000. Her main objectives are to:

- assist OSCE participating states in combating human trafficking;
- ensure co-ordination of OSCE efforts in combating human trafficking across all three dimensions of the OSCE; and
- raise the public and political profile of fight against human trafficking.

Dr Konrad established the Alliance Against Trafficking in Persons in Vienna on 23 July 2004. The alliance consolidated the existing partnership between international and regional actors on human trafficking and held its second conference on 18 March 2005. The FCO strongly supports Dr Konrad's work and we funded her visit to the UK in March 2005. Dr Konrad met with ministers and officials from across Whitehall, the Metropolitan Police Force, local councils and the Poppy Project, a Home Office-funded project that helps victims of trafficking. She was pleased to hear that together with the Home Office, the FCO is working to focus the UK/EU Presidency's anti-trafficking work on developing effective investigations and successful prosecutions.

President of the Council of Europe Parliamentary Assembly Rene van der Linden, right, opens the first plenary session at the Council of Europe Summit in Warsaw, Poland, 16 May 2005.



the conference considered Islamophobia, discrimination against Christians, general religious freedom, racism and oppression of minorities. The UK's main focus now will be how the outcomes and declarations of Cordoba and previous conferences are implemented.

3.5 The Council of Europe

The Council of Europe was established in 1949 to protect and promote human rights, the rule of law and pluralist democracy throughout Europe.

The Council of Europe played a key role in reconstructing and strengthening the shattered societies of post-war Europe and more recently helped shape the new democracies that emerged after the Cold War. There are 46 member states; Monaco was the last to join in October 2004. The Council of Europe has concentrated on developing institutions and consolidating the rule of law and freedom of expression in its newer member states.

The Council of Europe enforces human rights through legally binding instruments. The most prominent is the European Convention on Human Rights (ECHR), adopted in 1950. The ECHR is now the foundation of European human rights protection and all member states must ratify the ECHR as a condition for Council of Europe membership. Under the ECHR, all member states guarantee their citizens basic civil and political rights in a state governed by the rule of law.

The Parliamentary Assembly of the Council of Europe (PACE) also plays an important role in protecting human rights. The PACE, which comprises MEPs from across Europe, sends rapporteurs to monitor member states' compliance with the commitments they made on joining the Council of Europe. It then makes recommendations on where countries can improve human rights and other related issues.

The European Court of Human Rights

The European Court of Human Rights in Strasbourg enforces the ECHR. Member states set up the Court to ensure that all parties observe their obligations under the ECHR. The Court and the ECHR together offer a unique system of access to justice. The Court is the only one to offer such comprehensive protection of human rights. It deals with inter-state petitions and a large number of individual applications. Member states are legally obliged to comply with the Court's judgements, including changing domestic legislation where necessary.

The accession of new member states and increased awareness of human rights in the established Council of Europe states resulted in the number of applications to the Court increasing by 500 per cent from 1993-2000, threatening the Court's efficiency. An evaluation group has since made recommendations to improve procedures and increase funding. The evaluation group's reform programme began in January 2003 and will run until the end of 2005. The UK is contributing an extra £2.7 million during this period. At the Council of Europe Ministerial in May 2003 at which Lord Goldsmith, the Attorney-General, represented the UK, ministers agreed the remaining reform proposals to prevent national violations and improve domestic remedies; optimise the effectiveness of the filtering and processing of applications; and improve and accelerate the execution of the Court's judgements. The resulting amending protocol (No 14) to the ECHR was adopted at the May 2004 ministerial, where Lord Goldsmith again represented the UK.

The Protocol will enter into force once all 46 member states have signed and ratified it. The UK signed Protocol 14 in July 2004 and ratified it in January 2005.

Member states are also required to take domestic action that avoids the need for applicants to take their cases to the Court. Since October 2000 the UK has incorporated the rights and freedoms guaranteed under the ECHR into domestic law through the Human Rights Act, so that people in the UK can

claim these rights in UK courts instead of taking their case to Strasbourg.

More information is available at:

The Council of Europe: www.coe.int;

The European Court of Human Rights: www.echr.coe.int; and

The Parliamentary Assembly: www.assembly.coe.int.

The Council of Europe Commissioner for Human Rights

The Council of Europe established the Office of the Commissioner for Human Rights in 1999 as an independent institution within the Council of Europe, with a mandate to promote the effective respect for human rights and their full enjoyment in its member states. The Parliamentary Assembly of the Council of Europe (PACE) elected Alvaro Gil-Robles as the first Commissioner in 1999. Mr Gil-Robles' activities focus on the identification of shortcomings in the law and practice of human rights.

Official visits to member states of the Council of Europe form a key part of the Commissioner's mandate. Following these visits the Commissioner produces public reports to present to the Committee of Ministers and the PACE. These reports contain recommendations for improving the respect for human rights, based on discussions with senior government officials, members of the legislature and judiciary and civil society organisations. The Commissioner also visits places such as prisons, asylum centres and psychiatric institutions where the respect for human rights is particularly sensitive.

During the period covered by this Report, Mr Gil-Robles visited Switzerland and the UK (November 2004) to investigate human

rights. In the UK Mr Gil-Robles met the former Home Secretary, David Blunkett; the former Secretary of State for Northern Ireland, Paul Murphy; the former Minister of State for Northern Ireland, Rt Hon John Spellar MP; the Attorney General, the Rt Hon Lord Goldsmith; Lord Chief Justice, Lord Wolff; the former Foreign Office Minister Bill Rammell, responsible for human rights; the Joint Committee for Human Rights; and Her Majesty's Inspector of Prisons of England and Wales, Anne Owers. Among the issues discussed were the UK's anti-terror laws; immigration and asylum; prison conditions; and the criminal justice system.

The Human Rights' Commissioner's report on the UK was published on 8 June 2005. A copy of the report can be found on the Council of Europe's website at the following address: www.coe.int/T/E/Commissioner_H.R/Communication_Unit.

Council of Europe Third Summit

The Council of Europe has held three Summits for heads of state and government since its inception in 1949, the first in 1993 and the second in 1997. The Council of Europe's Third Summit was held in Warsaw, 16-17 May 2005 where the UK was represented by the Deputy Prime Minister.

The Declaration and Action Plan adopted at the Summit reflected the UK's priorities in reaffirming the centrality of human rights, democracy and the rule of law. The summit also set out the Council of Europe's principal tasks for the coming years. These include threats to the security of European citizens such as terrorism, corruption and organised crime, as well as preventing torture and combating racism. The Third Summit also looked at strengthening the Council of Europe's cooperation with other international organisations, such as the EU and the OSCE in areas of common interest.

Member states of the Council of Europe with accession dates – as at March 2005

<i>Albania (13.07.1995)</i>	<i>France (05.05.1949)</i>	<i>Poland (26.11.1991)</i>
<i>Andorra (10.11.1994)</i>	<i>Georgia (27.04.1999)</i>	<i>Portugal (22.09.1976)</i>
<i>Armenia (25.01.2001)</i>	<i>Germany (13.07.1950)</i>	<i>Romania (07.10.1993)</i>
<i>Austria (16.04.1956)</i>	<i>Greece (09.08.1949)</i>	<i>Russian Federation (28.02.1996)</i>
<i>Azerbaijan (25.01.2001)</i>	<i>Hungary (06.11.1990)</i>	<i>San Marino (16.11.1988)</i>
<i>Belgium (05.05.1949)</i>	<i>Iceland (07.03.1950)</i>	<i>Serbia and Montenegro (03.04.2003)</i>
<i>Bosnia and Herzegovina (24.04.2002)</i>	<i>Ireland (05.05.1949)</i>	<i>Slovakia (30.06.1993)</i>
<i>Bulgaria (07.05.1992)</i>	<i>Italy (05.05.1949)</i>	<i>Slovenia (14.05.1993)</i>
<i>Croatia (06.11.1996)</i>	<i>Latvia (10.02.1995)</i>	<i>Spain (24.11.1977)</i>
<i>Cyprus (24.05.1961)</i>	<i>Liechtenstein (23.11.1978)</i>	<i>Sweden (05.05.1949)</i>
<i>Czech Republic (30.06.1993)</i>	<i>Lithuania (14.05.1993)</i>	<i>Switzerland (06.05.1963)</i>
<i>Denmark (05.05.1949)</i>	<i>Luxembourg (05.05.1949)</i>	<i>“The former Yugoslav Republic of Macedonia” (09.11.1995)</i>
<i>Estonia (14.05.1993)</i>	<i>Malta (29.04.1965)</i>	<i>Turkey (09.08.1949)</i>
<i>Finland (05.05.1989)</i>	<i>Moldova (13.07.1995)</i>	<i>Ukraine (09.11.1995)</i>
	<i>Monaco (05.10.2004)</i>	<i>United Kingdom (05.05.1949)</i>
	<i>Netherlands (05.05.1949)</i>	
	<i>Norway (05.05.1949)</i>	

The Council of Europe and OSCE adopted a joint statement at the Summit, highlighting their cooperation. The aim of the accord is to ensure that OSCE and Council of Europe's combined expertise on human rights and rule-of-law issues is properly channelled and used effectively, taking into account their respective work in the field and starting with questions concerning the fight against terrorism, the protection of the rights of persons belonging to national minorities as well as promoting tolerance and non-discrimination.

EU/Council of Europe relations

The Third Summit tasked the two organisations to draft a Memorandum of Understanding based on guidelines outlined at the Summit to create a framework of enhanced cooperation and political dialogue. Particular focus should be placed on how the EU and its Member States could make better use of Council of Europe instruments and institutions and on how all Council of Europe members could benefit from closer links with the EU.



East Timor's President Xanana Gusmao inspects UN peacekeepers in Dili during a ceremony to mark the end of the UN peacekeeping mission, 19 May 2005.

Human rights and international actions

Human rights are rights inherent to each and every one of us. Violations of those rights, wherever they occur, are a concern for all of us: not only because of our common humanity, but also because respect for human rights is one of the best guarantees of global security and prosperity. Just as the responsibility for protecting those rights lies with states, so does the ability to violate them. In order to safeguard human rights effectively, we need a truly international system, which applies the same standards across the board and which ensures that governments everywhere are held accountable for implementing their obligations, so their citizens can realise their rights effectively.

The United Nations (UN) is the single most important body for promoting human rights worldwide and offers a natural context in which to take forward this work. This chapter examines the work of the Commission on Human Rights (CHR) and UN General Assembly (UNGA) Third Committee; the ongoing work on developing human rights standards; and the wider work of the UN. It looks at proposals to strengthen the UN machinery on human rights, in the context of a wider debate on UN reform initiated by the UN Secretary-General in his report, *In Larger Freedom* which has far-reaching implications for the UN's work. It also looks at other areas of UN work which have an impact on human rights, such as sanctions and peacekeeping.

Other international bodies such as the EU, the Council of Europe, the OSCE and the G8 also devote time to activities which promote and protect human rights. This chapter looks at the G8's work in Africa, which is a particular priority for the UK's G8 Presidency this year, as well as the work of the Commonwealth on human rights.

4.1 Human rights at the UN

This section covers the UK's work with EU partners within the UN to highlight violations of human rights and to push for an improved international human rights system. We report on the main UN human rights forum, the 61st session of the UN Commission on Human Rights held in March–April 2005; we also report on the Third Committee of the UN General Assembly, which met in November 2004 and which also deals with human rights issues.

UN Commission on Human Rights

The 61st session of the UN Commission on Human Rights (CHR) took place in Geneva from 14 March – 22 April 2005. Former Foreign Office Minister Bill Rammell visited Geneva on 16 March to address the High Level Segment and to hold a number of bilateral meetings, including with the High Commissioner for Human Rights, Louise Arbour. In his speech to the plenary session, he recalled the primary purpose of the Commission: to give voice to the voiceless and hope to those unable to realise or enjoy their rights (see Annex 1).

All documents from the session, including voting records, are available at www.unhchr.ch.

Country resolutions

This year's CHR adopted all the EU's country initiatives on the **Democratic People's Republic of Korea, Burma, Belarus** (with the US), **Colombia** and **Afghanistan**. We helped secure strong, consensus texts on **Nepal** and **Sudan**, key priorities for us. We defeated a Russian no-action motion on the Belarus resolution, which was then adopted. This was a welcome change from last year when several country resolutions fell to no-action motions.

CHR also agreed consensus texts on the **Democratic Republic of Congo (DRC), Sierra Leone, Haiti and Burundi**. Liberia and Chad were kept on the agenda.

The US-tabled resolution on **Cuba** also passed by a greater margin than expected, causing the Cubans to table the same evening a resolution on Guantanamo Bay. Although the EU had no difficulty with the substance of the text, which called for cooperation with a number of special mechanisms, the disingenuous nature of the resolution (the Cubans consistently refuse to allow special mechanisms to visit their own detention facilities and the US were already in talks with the relevant rapporteurs about a visit), its timing and Cuba's own public statements made it clear that Cuba was tabling the resolution to retaliate against the US, rather than to promote human rights. The EU rejects the use of the Commission for such brazen political ploys and voted against the text, which was defeated by a large margin.

Thematic resolutions

Country-specific resolutions often grab the headlines. However, most of CHR's output consists of resolutions on thematic issues on civil, political, economic and social rights that develop the UN's approach to the rights set out in the UN treaties. There were over 70 such resolutions at the 2005 session.

Civil and political rights

The EU's traditional resolution against the death penalty was adopted by a comfortable margin, with a record 81 co-sponsors, following a concerted lobbying campaign. Denmark tabled a good resolution on torture, co-sponsored by the EU and adopted by consensus; the Mexicans tabled another good resolution on the protection of human rights when countering terrorism, also co-sponsored by the EU. This year, this resolution reasserted itself as the single and therefore definitive text on terrorism at CHR and also established a Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism. The timing is propitious, in light of the Secretary-General's call in his reform report for this position to be established and for the defence of human rights to be one of the five pillars of a UN strategy against terrorism.

The Canadian resolution on violence against women continues to be a strong, progressive document. This year's text, which passed by consensus, calls for the criminalisation of marital rape, the first UN document to do so.

The Austrian resolution on minorities created a new Independent Expert of the High Commissioner on Minority Issues, with a mandate closely tied to the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities. It scaled down a Sub-Commission Working

Group to free up resources for this new mandate. We fully supported this outcome.

Economic, social and cultural rights

The UK played an active role on the resolutions on economic, social and cultural rights. We co-sponsored the Portuguese resolution on the right to education and we supported the Cuban resolution on the right to food. Unlike previous years, the Right to Development resolution was uncontroversial, reflecting the broad consensus reached at the Working Group in early 2005.

Corporate social responsibility was a priority for us at this year's CHR. With Argentina, India, Nigeria and Russia we co-tabled a resolution on business and human rights, which passed by 49 votes out of 53. This establishes a sensible, credible UN process for addressing corporate responsibility and human rights, with civil society and business groups fully engaged throughout the process, which requests the Secretary-General to appoint a Special Representative to advance this issue through broad consultation with all stakeholders. In particular, the Special Representative will identify and clarify standards of corporate responsibility and accountability for business in the area of human rights and elaborate on the role of states in effectively regulating business in this area. (For more details on corporate social responsibility, see page 178).

Developments on rights and responsibilities were less welcome. China, on behalf of the Like-Minded Group, tabled a decision asking the Cuban Independent Expert on the Sub-Commission to draft a revised version of his Pre-Draft Declaration on Human Rights and Human Responsibilities. The Pre-Draft is an unacceptable attempt to make the enjoyment of human rights conditional on an individual's behaviour. The EU called a vote, but the decision passed by one. The decision attacks the foundation of human rights as universal and inalienable. We will continue to make clear our strong opposition to attempts to make people's enjoyment of human rights conditional on their fulfilment of certain "social responsibilities".

The African Group tabled its traditional resolution on racism. It was disappointing that the resolution effectively ignored the consensus conclusions of the last Inter-governmental Working Group and last year's UNGA. The African Group was still in negotiation with other regional groups over the text when it pushed the text to a vote - a regrettable move. The resolution passed with 38 votes for the resolution, one against and 14 abstentions.

A positive development at this year's CHR was the adoption by consensus of a resolution on human rights and transitional justice - a new Swiss initiative to which the UK contributed and

co-sponsored. The resolution welcomes and encourages implementation of the Secretary-General's report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. It also urges the Office of the High Commissioner for Human Rights to enhance its assistance to countries developing transitional justice mechanisms.

UN General Assembly Third Committee

The United Nations General Assembly (UNGA) meets annually each autumn at its headquarters in New York. The Third Committee is responsible for human rights, social development and humanitarian issues. The 59th session took place from 4 October - 24 November 2004, adopting 61 resolutions and seven decisions.

As in previous years, the resolutions seeking to name and shame countries with poor human rights performances were the most controversial. The Third Committee successfully adopted four resolutions: **Burma** (adopted by consensus), **DRC**, **Turkmenistan** and **Iran**. The EU tabled the resolutions on Burma, DRC and Turkmenistan, with strong support from the UK. For almost the first time at Third Committee, no-action motions were used to reject consideration of texts on Sudan, Zimbabwe and Belarus.

On the thematic side, for the first time the UK co-ran in a national capacity (rather than as part of an EU initiative) with Turkey a resolution on honour crimes. UNGA adopted the text by consensus. It contained important new language on sexual and reproductive healthcare, as well as on the role of men and boys in combating violence against women. Both our partnership with Turkey and the adoption of a strong text with growing support from the Organisation of the Islamic Conference (OIC) were major successes.

UNGA adopted the joint EU and Latin group resolution on the rights of the child by a large margin, as usual. However, we were disappointed that this resolution was subject to a number of

votes on individual paragraphs, as well as on the whole resolution. The EU's other thematic resolution, on religious intolerance, has unfortunately become a forum for debate on how to refer to anti-Semitism. This year, for the first time, some countries objected to the use of the term itself.

Finland's biennial resolution on extra-judicial killings remained controversial because of the reference to sexual orientation, which some UN members vigorously oppose. However, we were pleased that this year there were only six votes on paragraphs, down from 14 the last time Finland presented the resolution (2002). The vote on the retention of the words "sexual orientation" was won by a large majority.

Another positive development was that consensus was restored on the Mexican text on the importance of respecting human rights in the fight against terrorism. Last year this had been subject to a vote. The EU continues to work closely with Mexico to establish this as the authoritative text on terrorism at UNGA, as it became at this year's CHR.

The 60th session of UNGA in 2005 will fall during the UK's Presidency of the EU. During our Presidency we will make UNGA a key element of our human rights programme.

New human rights standards

We agree with the Secretary-General in his speech to the UN Commission on Human Rights in April that "the focus must now be on implementation". However, the UK continues to participate in efforts to elaborate new human rights standards, where these add value to the existing canon of human rights law. Recent developments include:

- On 17 March 2005, the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women came into force in the UK. (See page 227 for details.)
- On 24 November 2004, the UN Food and Agriculture



UN Secretary-General Kofi Annan listens to Louise Arbour, the UN High Commissioner for Human Rights in Geneva.

Organisation (FAO) adopted a set of voluntary guidelines to support the progressive realisation of the right to adequate food in the context of national food security. (See page 172 for details about the right to food.)

- We continue to participate in negotiations towards new human rights standards. For example, we are involved in elaborating new international instruments on the rights of disabled people (see page 215) and protection from enforced disappearances (see page 203).

The Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights (OHCHR) supports the special procedures of the CHR and the appropriate UN bodies. It monitors human rights through its offices in the field and provides technical assistance at the request of governments in many countries. The office assists the development of national human rights institutions and supports their participation at international fora. It supports UN treaty monitoring bodies - the six committees that monitor the implementation of the six core UN human rights treaties. OHCHR is also responsible for making sure that human rights are fully integrated into the work of the UN.

However, the OHCHR is increasingly overstretched given its limited resources (it currently receives less than two per cent of UN Regular Budget funds) and the growing number of mandates it receives from the Commission on Human Rights. This includes requests to undertake research, seminars and workshops and to provide support to a growing number of Special Procedures and technical cooperation to an increasing number of states. In 2004 the UK continued to support the OHCHR in securing more financial support from the UN's regular budget and through voluntary contributions made directly to the OHCHR. The UK provides most of its support through DFID. In June 2005, DFID agreed a new institutional strategy agreement with OHCHR, which will contribute £2.5 million each year until 2008. The funds will be focused on:

- improving the effectiveness of the OHCHR to deliver their mandates at the international, regional and national levels; and
- enhancing the contribution of the OHCHR in the promotion and protection of human rights at country level.

In 2004 DFID provided £2 million bridging funding, while it was negotiating the agreement.

In addition, DFID have agreed to provide £100,000 per year, for two years, to support OHCHR's work on HIV/AIDS.

FCO contributions to OHCHR focus on project work, complementing DFID's institutional approach. In 2004 the FCO contributed the following:

£150,000 to the UN voluntary fund for the victims of torture

The fund provides small grants to organisations that support victims of torture through means such as drop-in centres and counselling. OHCHR estimates that about 75,000 victims of torture benefited in 2004 from the grants.

£180,000 to the UN voluntary fund for technical cooperation

This contribution was shared between three different programmes:

OHCHR's **Sudan** office. We are the primary supporter of this office, which aims to improve the administration of justice, legal reform and human rights education by funding judicial training seminars, organising systematic processing of information on violations and abuses and promoting a national human rights plan of action. In 2004, the activities focused on a human rights training programme for Sudan's armed forces.

OHCHR's **Mexico** office. With the Mexican government, this office has played a major role in developing a national plan of action on human rights. In the last year the office has assisted the government in designing and adopting a new national programme on human rights, addressing issues raised in a diagnostic study conducted in 2003.

An OHCHR regional representative for the **Arab region**. The role of the regional representative is to mainstream human rights and promote approaches based on human rights within the UN country teams. Activities included a workshop on development and human rights in Qatar and integrating human rights in the UN's Common Country Assessments in the region.

£150,000 support for peacebuilding, peacekeeping and peacemaking activities

This contribution was shared between two different programmes:

Follow up to the **Sierra Leone** truth and reconciliation commission (TRC). This represents the first substantial undertaking in support of a transitional justice mechanism anywhere in the world. The OHCHR focused on community reconciliation initiatives and district reconciliation committees established by the TRC; an effective framework for providing quarterly reports, and verification of those reports, on measures taken by the government to implement the recommendations of

the TRC; and a national human rights commission capable of protecting and promoting human rights.

OHCHR office in **Colombia**. In 2004 the office concentrated on four areas: observing respect for human rights and humanitarian law; advising national authorities and institutions, civil society and the UN system on human rights issues; providing technical cooperation and assistance to strengthen national institutions and to mainstream human rights into the UN system; and disseminating information on human rights.

£27,500 to the UNMIL Office in Liberia

The FCO supported the UN's Liberia operations after receiving an urgent request for funding outside the normal funding cycle. The OHCHR aims to support the August 2003 peace agreement in Liberia and facilitate the processes of a truth and reconciliation commission.

£27,500 to a seminar on the rule of law and democracy

This seminar took place in March 2005 in Geneva, following calls for such an event at CHR in 2004. It brought together a range of governments to take forward action on strengthening the rule of law and democracy, and the links between the two, in all UN members.

£8,000 to a seminar on good governance and human rights

This seminar, which took place in Seoul in September 2004, was also called for at CHR in 2004. It was an important step forward in linking the importance of good governance in protecting and promoting human rights.

£21,000 for the OHCHR's commission of experts on East Timor

The Commission of Experts is an important part of justice and reconciliation in East Timor. The Commission will review serious human rights violations committed in East Timor in 1999.

We envisage that in 2005 the FCO's contribution to the OHCHR will be around £400,000.

4.2 Sanctions

Under Chapter VII of the UN Charter, the Security Council can impose sanctions in an effort to maintain or restore international peace and security. Resolutions passed by the Security Council, which impose sanctions, are binding upon all UN Member States. In recognition of this instrument as a way of influencing state behaviour, the UN Secretary-General said in

March 2005 in his response to the UN High Level Panel report (on UN reform) that sanctions are a vital tool and "constitute a necessary middle ground between war and words".

Sanctions are designed to change behaviour. They should be coercive rather than punitive. Sanctions should exert maximum pressure against those individuals who are responsible for, and have the ability to influence positively, the situation in the state. Sanctions are therefore commonly targeted against leadership elites and constructed so that they minimise collateral impact on the civilian population. Sanctions traditionally include arms embargoes, targeted assets freezes or travel bans on senior figures and selective embargoes on trade or financial flows. The objectives of all sanctions and the criteria for lifting them must be clear. The UK continues to play a key role in formulating these objectives and criteria and in making sure that sanctions are implemented and enforced internationally. We fully implement all mandatory UN and EU sanctions. We also implement the OSCE arms embargoes on Armenia and Azerbaijan and we operate a national arms embargo against Iran.

The UN Security Council continues to deploy targeted sanctions in response to developments in a number of countries, developing the measures according to the situation. For example, Security Council Resolution 1521 of 22 December 2003 updated sanctions against Liberia to reflect the departure of former president Charles Taylor and the improving, but fragile, situation in the country. They comprised an arms embargo, a travel ban and a ban on the import of diamonds and timber from Liberia. On 12 March 2004 the Security Council adopted UNSCR 1532, which imposed an assets freeze against Charles Taylor, his close family and associates, to prevent them using misappropriated funds to undermine peace and stability in Liberia. The Liberia sanctions committee in New York keeps the travel ban under quarterly review. A panel of experts has been tasked to investigate the humanitarian impact of sanctions as, well as their implementation and enforcement. In December 2004 the Security Council reviewed and renewed all the measures against Liberia. In Resolution 1579 of 21 December 2004 it acknowledged the progress made by the national transitional government of Liberia, but decided that progress towards the criteria for lifting the sanctions, including prescribed goals relating to the control of the diamond trade and of timber-producing areas, had been insufficient.

The UK played an important role in the development and agreement of the EU's *Guidelines on the Implementation and Evaluation of Restrictive Measures (sanctions) in the Framework of the EU Common Foreign and Security Policy*. Details of the guidelines can be found at: www.europa.eu.int The guidelines help ensure that the EU's own sanctions regimes are developed in an efficient and consistent manner and inform the EU's

implementation of UN sanctions. The EU presented the guidelines in New York on 22 March 2005 at a seminar on the use of sanctions, which included a panel discussion on arms embargoes chaired by the UK. The seminar provided the opportunity for representatives, experts and secretariat staff of the EU and UN to share views on how to develop sanctions measures more effectively.

Common Positions define the EU's approach to a geographic or thematic issue. In human rights policy, these positions often establish restrictive measures or sanctions against third countries. Common Positions in 2004 included a travel ban on people indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia. In light of the political situation in Burma the EU retained restrictive measures, including an arms embargo and financial sanctions, together with an assets freeze and visa bans on members of (and those associated with) the Burmese military regime. These measures were strengthened in October 2004 in view of the continuing detention of Daw Aung San Suu Kyi and other detainees in addition to wider human rights abuses. The EU reviews Common Positions imposing restrictive measures annually and will extend, strengthen or lift them in line with the lift criteria. The EU renewed Common Positions on Liberia flowing from the UN measures to restore international peace and security, and on Zimbabwe for good governance and human rights reasons.

4.3 UK involvement in UN peacekeeping missions

With the recent addition of a UN peacekeeping mission to Sudan (UNMIS), there are now 17 UN missions deploying military, civilian police, political personnel and experts in human rights, child protection, gender and HIV/AIDS. In addition to their military and political tasks, many of these missions are also involved in promoting and protecting human rights; working with national governments and civil society towards elections; the demobilisation, disarmament and reintegration of ex-combatants, paying particular attention to women and children; and helping to establish justice and the rule of law.

By integrating all these elements within a single mission, the UN aims to provide just and lasting peace settlements, which promote and protect human rights and help end impunity.

The Brahimi report of August 2000 proposed better integration of human rights into peace-support operations. UN missions are now routinely implementing the report's reforms. For example, the UN mission in Liberia, UNMIL, has made steady progress in integrating human rights into its restructuring and training of the Liberian national police. UNMIL has also conducted training courses for prosecutors and law enforcement officers and will

start courses for circuit court judges, magistrates and justices of the peace, as soon as their appointments are finalised. At UNMIL's initiative, a Case Flow Management Committee is addressing the problem of pre-trial detainees held for excessive periods. The mission is pursuing other legislative reforms related to rape and human trafficking, and is tackling the issue of children and juveniles being tried as adults. Due to the lack of state services UNMIL is also supporting investigations by facilitating medical examinations and locating safe houses for victims.

However, disturbing allegations of sexual exploitation and abuse by civilian and military peacekeeping personnel deployed in the DRC have caused serious concern. There have been similar allegations against personnel in the missions deployed to Haiti, Burundi and Liberia. The UN responded quickly, putting into place a zero-tolerance policy. The UN Secretary-General appointed the Jordanian Permanent Representative to the UN as his special adviser on this issue. The UN has published a report on 25 March 2005, which is the first comprehensive analysis of the problem of sexual exploitation and abuse by UN peacekeeping personnel with recommendations for both the UN and member states to ensure there are no further cases. We welcomed this report and we will work with the UN and member states to implement the recommendations.

As a permanent member of the Security Council, we continue to take a leading role in the establishment and tasking of UN missions. We can ensure that missions address human rights appropriately, through our involvement in drafting the resolutions that set the mandates for missions. We continue to monitor our contribution carefully to ensure that UN missions are effective. We remain the fourth largest contributor to the UN regular budget and to the budget for peacekeeping operations. In 2004-05 we are providing over £195 million to support UN peacekeeping missions.

In addition, we contribute military and civilian personnel to UN missions, in which we have particular interests and involvement or skills to offer. We anticipate increasing our involvement with the new UN mission in Sudan (UNMIS), established in 2005. The main focus of this mission is to support the implementation of the comprehensive peace agreement between the Sudan government and the Sudan People's Liberation Movement/Army (SPLM/A). This includes promoting the rule of law and protecting human rights for all people of Sudan. UNMIS will ensure adequate human rights presence, capacity and expertise within the mission to carry out human rights promotion, civilian protection and monitoring activities.



A soldier of the UN Mission in Sierra Leone (UNAMSIL) stands in front of the Special Court for Sierra Leone in Freetown.

4.4 UN reform

This year 2005 will be a crucial one for the UN as it considers how to deal with the challenges that the international community faces. At the Millennium Review Summit in New York on 14-16 September 2005, the UN will shape its agenda, including on human rights issues, for years to come. Many world leaders are expected to attend the Summit.

In 2003 the UN Secretary-General established a High Level Panel to report on how the UN could more effectively tackle threats to peace and security. The Panel's report, *A More Secure World: Our Shared Responsibility*, was published in December 2004. The Secretary-General also asked the Millennium Project,

Inter-mission cooperation and possible cross-border operations between UN missions in Sierra Leone, Liberia and Côte d'Ivoire.

In March 2004 the UN Secretary-General indicated his intention to submit recommendations to the Security Council on how the three UN missions presently deployed in West Africa could work better together. The aim is to share lessons and best practice between three missions in all areas of their work and, in particular, on common issues, such as disarmament, demobilisation and reintegration.

The three missions regularly exchange information on human rights issues and the activities of NGOs and collaborate in training programmes. A workshop held in Monrovia in July 2004 on the role of truth commissions in transitional justice and peacebuilding is a good example of cooperation between missions.

The three missions will continue to share monthly reports and other information on programmes and activities. This will include periodic meetings of human rights officers to exchange experiences, particularly on training.

British citizens working in UN peacekeeping missions, as of April 2005:

	Military	Civilian police
MONUC	7	·
UNAMSIL	13	6
UNFICYP	282	·
UNMIK	1	92
UNMIL	3	·
UNOMIG	7	·
UNMIS	3	1

led by Jeffrey Sachs, to report to him on progress towards the Millennium Development Goals (MDGs) and a programme of action to hasten their achievement. The Millennium Project published its report, *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*, in January 2005. The UK welcomed both reports.

These two documents helped the Secretary-General compile his fundamental report, *In Larger Freedom*, published in March 2005. The report is the major policy input to the UN Summit in September 2005 to review the Millennium Declaration (September 2000). As a committed supporter of the UN, and during our EU and G8 Presidencies, we will play a prominent role in agreeing a substantial package of reforms at the Millennium Review Summit in September.

In Larger Freedom outlines a bold package of reform for the UN and sets a clear framework for addressing the linked challenges of development, security and human rights. Kofi Annan's report

outlines one inescapable truth: there needs to be a single global agenda, which realises that security, development and human rights are not competing priorities, but fundamentally inter-related goals. Nations will never be secure within their borders or their regions unless they are built on stable institutions, social progress, respect for fundamental human rights and economic development.

The report makes several important recommendations for heads of state to consider at the Millennium Review Summit in September.

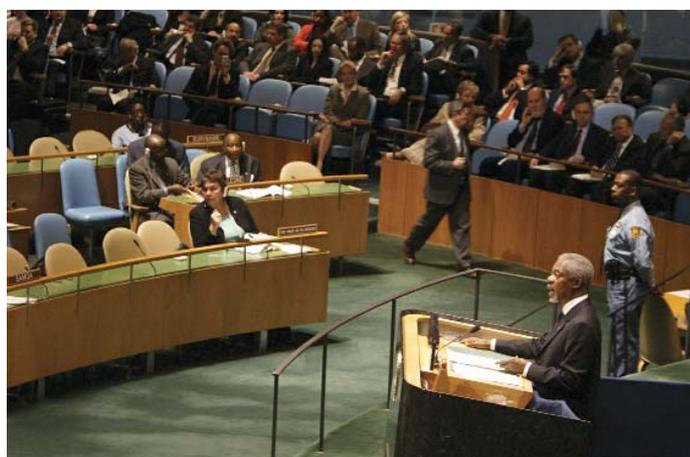
We have welcomed the strong language and proposals that the Secretary-General has made throughout his report on human rights. It is vital to build respect for human rights, democracy and good governance into all aspects of the UN's work. The Secretary-General has made the groundbreaking suggestion of a Human Rights Council to replace the Commission for Human Rights. We fully support the goal of raising the profile, status and effectiveness of the main intergovernmental human rights forum in the UN system. We will play a positive role in discussions on the proposed Council as debate on its mandate, role and positioning in the UN system develops. We agree with the Secretary-General's view that those elected to the Council should undertake to abide by the highest standards.

The relationship between the UN's human rights work and the other parts of the UN system is vital. We strongly support the proposal in the report that the High Commissioner for Human Rights, Louise Arbour, should play a more active role in the deliberations of the Security Council and of the proposed Peacebuilding Commission, including by bringing matters of concern to their attention on her own initiative. Her Office must have sufficient resources to fulfil its mandate effectively, and we support the High Commissioner's plan of action for strengthening her office.

The Secretary-General makes important recommendations on development. He has called for renewed commitments to meet the 2015 MDGs and related sustainable development targets. We agree that there should be increased resources from donors, domestic sources and the private sector, and improved market access for developing countries. We want to see more aid, debt relief and work on innovative development financing initiatives. We have welcomed the Secretary-General's call for the UK's proposed International Finance Facility to be launched in 2005. We must achieve more comprehensive responses to the threat of HIV/AIDS and steps to achieve environmental sustainability, not least through tackling climate change. We also welcome the Secretary-General's endorsement of the recommendations of the Prime Minister's Commission for Africa.

We support the Secretary-General's call on the international community to embrace the concept of "responsibility to protect". This is a basis for collective action against countries that are unwilling or unable to protect the fundamental human rights of its population. We support this concept as a reaffirmation of the international community's willingness to ensure respect for human rights and freedoms. The UN and the Security Council must act decisively in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law. We have welcomed the proposal to develop comprehensive strategies to respond to the threat of terrorism, including an agreed definition on terrorism.

We strongly support establishing a Peacebuilding Commission and Peacebuilding Support Office. This would strengthen the UN's ability in conflict prevention, management and resolution for countries emerging from conflict. We welcomed the Secretary-General's proposals for establishing a Rule of Law Unit in the proposed Commission, which will make sure that human rights are considered in counter-terrorism work and recognise that successful development strategies must incorporate good governance.



UN Secretary General Kofi Annan unveils his report "In Larger Freedom: Towards Security, Development and Human Rights For All" to the General Assembly on 21 March 2005.

In Larger Freedom makes important recommendations for reform of the UN system, including expanding the UN Security Council, revitalising the work of the General Assembly and ECOSOC and strengthening of UN institutions.

4.5 The Africa Union - New Partnership for Africa's Development (AU/NEPAD)

The New Partnership for Africa's Development (AU/NEPAD) is an African initiative addressing sustainable growth and development within Africa. The Africa Union has adopted the NEPAD as its socio-economic programme. It is a long-term strategy that recognises the need for sound political and economic governance, conflict resolution and regional cooperation as preconditions for the continent's economic regeneration. We have supported the NEPAD Secretariat in developing its work programme in areas such as peace and security.

We welcome AU/NEPAD's progress in developing the innovative African Peer Review Mechanism (APRM). The APRM seeks to raise governance standards in Africa through national reviews, information-sharing and learning. Twenty-three African countries have volunteered to participate in the African-led process, which will cover political (including human rights), corporate and economic governance and socio-economic development.

The first peer reviews started in Ghana (May 2004), Rwanda and Mauritius (June 2004) and Kenya (October 2004). The Ghana, Kenya and Rwanda reviews are due for completion later in 2005. The UK has supported the government and local civil society in the wide consultation and analysis that underpins the review process in Kenya, Rwanda and Ghana. We are committed to supporting countries to implement the findings of the reviews. Mozambique, Senegal, Mali, South Africa and Algeria are due to begin the review process later this year.

We support AU/NEPAD's broader goals through our bilateral assistance to African governments for strengthening institutions and governance. For 2004-05, DFID provided £265 million of aid to African countries in the form of general budget support, up from £189 million for 2003-04. This approach underpins the increasing volume of development aid provided through direct budgetary support to African governments. DFID also funds FCO posts to improve their monitoring of the implementation of the Organisation for Economic Cooperation and Development (OECD) anti-bribery convention. Our Embassies and High Commissions are promoting the OECD anti-bribery convention with UK businesses abroad. The governments in Nigeria, Ghana, Congo and Sao Tomé and Príncipe are implementing the

Extractives Industries Transparency Initiative (EITI). Niger and Cameroon have recently announced their plans to implement EITI. Equatorial Guinea and the Democratic Republic of Congo have announced their commitment to EITI principles. Discussions continue with Angola on possible implementation.

The G8 Africa Action Plan

The G8 Africa Action plan was formulated in 2003, in response to an invitation from NEPAD to build a new partnership between African countries and the G8. The UK has made further progress on its commitments under the G8 Africa Action Plan and continues to lobby governments on priorities including HIV/AIDS (South Africa/Zambia), rights of women and access to education. We will publish a further report in 2005 during the UK Presidency.

The African Court on Human and Peoples' Rights

The protocol to establish the African Court on Human and Peoples' Rights came into force in January 2004. Twenty of the AU's 54 countries have ratified the protocol. These countries are Algeria, Burkina Faso, Burundi, Côte d'Ivoire, Comoros, Gabon, Gambia, Kenya, Libya, Lesotho, Mali, Mozambique, Mauritius, Nigeria, Niger, Rwanda, South Africa, Senegal, Togo and Uganda. We continue to encourage those countries, which have not yet ratified the protocol, to do so.

The AU decided in July 2004 to integrate the African Court of Human and Peoples' Rights with the African Court of Justice. It declared in January 2005 that this integration will not prejudice the operation of the African Court of Human Rights. The African Court seeks to reinforce the protective functions of the African Commission on Human and Peoples' Rights (ACHPR) and thus strengthen the human rights framework in Africa. But much work still needs to be done on appointing the court's judges and drafting the court's rules of procedures. In addition, more countries must ratify the protocol. State parties and inter-governmental bodies have access to the court and we hope that the court will extend this access to individuals and NGOs. For this to happen, countries will need to make a declaration additional to the protocol.

4.6 The Commonwealth

The Commonwealth is a free association of 53 independent and sovereign states. It has no formal constitution or code, though its principles and aims are set out in a series of declarations and statements issued after Commonwealth Heads of Government Meetings (CHOGMs), which take place every two years. The most recent restatement of the Commonwealth's core values and beliefs was the 1991 Harare Declaration. Commonwealth principles include;

Commission for Africa

Prime Minister Tony Blair launched the Commission for Africa in February 2004 to take a fresh look at the challenges the continent faces. There were 17 independent Commissioners, with the majority coming from Africa. The Commissioners met in London in May 2004; in Addis Ababa in October 2004; and in London in February 2005. During the consultation process they met widely with governments, civil society, NGOs and business.

The Commissioners launched their report, *Our Common Interest*, at the British Museum, London, on 11 March 2005. In his opening remarks, the Prime Minister quoted the report: "There can be no excuse, no defence, no justification for the plight of millions of our fellow human beings in Africa today. There should be nothing that stands in the way of our changing it."

The Commission proposes actions within a coherent package for Africa. The problems they address are interlocking and must be tackled

together. To do that Africa requires a comprehensive "push" on many fronts simultaneously. The Commission made recommendations in the following areas:

- governance and capacity building;
- peace and security;
- investing in people;
- growth and poverty reduction; and
- trade and resources.

This year the UK will aim to secure international support for the recommendations of the Commission for Africa.

The report can be found on the Commission for Africa website: www.commissionforafrica.org.

- respect for diversity and human dignity, and opposition to all forms of discrimination, be it rooted in race, ethnicity, creed or gender; and
- adherence to democracy, the rule of law, good governance, freedom of expression and the protection of human rights.

The next CHOGM will be at Valletta, Malta, from 25-27 November 2005. The agenda has yet to be fully determined, but Malta has proposed "Networking the Commonwealth for Development - Bridging the Digital Divide" as the keynote theme.

Commonwealth declarations and statements provide the mandate for the work of the Commonwealth Secretariat, the Commonwealth Fund for Technical Cooperation (CFTC) and the Commonwealth Foundation, which manages links with civil society. The UK remains the largest financial donor to all three, contributing 30 per cent of each organisation's budget.

Following the Abuja CHOGM in December 2003, the Commonwealth Secretariat and CFTC published a strategic plan which outlined two long-term Commonwealth goals. These were:

- to help prevent or resolve conflicts, strengthen democracy and the rule of law and achieve greater respect for human rights; and
- to support policies in favour of poor people for economic growth and sustainable development.

To help deliver these goals, the Commonwealth Secretariat and CFTC administer four Peace and Democracy programmes: Good Offices Work, which aims to prevent conflict; Democracy and Consensus Building; the Rule of Law; and Human Rights.

The Commonwealth Ministerial Action Group (CMAG) continues to monitor the credentials of Commonwealth countries that have seriously or persistently violated the Harare principles. **Pakistan**, though readmitted to the Councils of the Commonwealth in May 2004, remains on the CMAG agenda. At the CMAG meeting in January 2005, CMAG members recognised and further encouraged democratic reforms in Pakistan, while noting that President Musharraf's decision to remain as Pakistan's army chief of staff was unacceptable as a permanent arrangement for a Commonwealth government.



A security guard stands near boxes of documents in front of the International Criminal Court in The Hague. The UN turned over evidence it has gathered about atrocities in Sudan's Darfur region to prosecutors at the ICC.

Human rights and conflict

Conflicts around the world pose a serious threat to human rights. Not only is there loss of human life caused directly by fighting, there are indirect consequences for those caught up in it. Loss of property, of livelihood, of access to education and healthcare services and a general breakdown of local economies caused by conflict all violate human rights. The atmosphere of mistrust and marginalisation that often surrounds conflict can also give rise to governments and belligerents preventing freedom of expression and transparency in judicial processes. The impact on local populations can be very severe, as thousands of inhabitants are displaced or seek refuge from fighting. As we highlighted in Chapter 1, there is a particularly strong relationship between security and human rights, since violations of human rights can often be the precursor to armed conflict.

In this chapter we set out what the UK is doing in the international arena to end conflict and rebuild countries devastated by fighting or insecurity. We outline some of the main conflicts around the globe, how we are working to break the cycle of conflict and our support for post-conflict justice mechanisms.

5.1 Conflict prevention

Conflicts can destabilise regions, displace people, provide havens for criminal and terrorist activity and have a devastating impact on the world's poorest and most vulnerable people. In an increasingly interdependent world, the consequences of conflict are more often than before felt directly in the UK. With this in mind the FCO, the Department for International Development (DFID) and the Ministry of Defence (MOD) work closely together developing strategies to reduce

the likelihood of conflict beginning. Critical to this work are the Conflict Prevention Pools.

Conflict Prevention Pool

The UK set up the Global Conflict Prevention Pool (GCPP) and the Africa Conflict Prevention Pool (ACPP) in 2001 with the aim of reducing the number of people around the world whose lives are affected by violent conflict. The pools recently updated the joint Public Service Agreement (PSA) target, which now reads:

“By 2008, to deliver improved effectiveness of UK and international support for conflict prevention by addressing long-term structural causes of conflict, managing regional and national tension and violence and supporting post-conflict reconstruction, where the UK can make a significant contribution, in particular in Africa, Asia, Balkans and the Middle East.”

By working together to develop common understanding and pooling resources, the FCO, MOD and DFID have agreed where and how best to focus our conflict prevention efforts. This joined-up approach to conflict prevention is now embedded within the three departments, bringing a better focus and cohesion to the UK's response to changing situations around the world. The pools primarily address the medium- and long-term causes of conflict and tension, although there is the occasional short-term intervention. The long-term factors we address include social exclusion and the human rights abuses that so often go hand in hand with conflict.

Global Conflict Prevention Pool (GCPP)

The FCO chairs the GCPP, which has a budget of £74 million for 2005-06. This money funds programmes in a wide range of

countries outside sub-Saharan Africa and thematic strategies, such as security sector reform, which aim to improve our understanding of the types of intervention that are successful in preventing conflict and to spread best practice.

The GCPP currently has 15 geographical strategies, 12 of which cover conflicts or potential conflicts in Afghanistan, the Balkans, Latin America and Belize/Guatemala, the Caribbean, Central and Eastern Europe, Russia/CIS, India and Pakistan, Indonesia/East Timor, Iraq, the Middle East and North Africa, Nepal and Sri Lanka. In addition there are three thematic strategies dealing with security sector reform (SSR); small arms and light weapons (SALW) (for more details see page 152); and the UN's capacity to manage conflict and its peacekeeping operations (for more details see chapter 4). The strategies are reviewed annually and they are approved by ministers to ensure that GCPP funds continue to meet the Government's conflict prevention objectives.

For example, UK and Iraqi ministers and other international donors have highlighted human rights in Iraq as a key area for training programmes. The GCPP-Iraq strategy has contributed to this objective by funding projects supporting the Iraqi Special Tribunal (IST), which will try members of Iraq's former regime, and the newly formed human rights ministry. Projects to support IST, such as training forensic scientists to give evidence at the tribunal, organising a mock trial to train IST judges and helping to pay for training for court investigators, have received £1.3 million from the GCPP. The GCPP also funds a human rights adviser to give expert advice to Iraqi ministers and to provide human rights training for Iraqi civil servants at middle to senior levels.

The GCPP's UN Strategy supports reforms to make conflict management in the UN more effective and efficient. Many projects also support a human rights agenda. For example, this year is the fifth anniversary of Security Council Resolution 1325 on women, peace and security. The UK is supporting the Urgent Action Fund for Women's Human Rights (UAF), which responds at short notice to protect endangered women activists in situations of armed conflict, escalating violence or in environments that are politically volatile. UAF works with women helping to build inclusive civil societies that recognise their experiences, in particular in areas of armed conflict where they are most at risk. We also work to ensure that human rights is integral to projects tackling the development of rule of law; helping provide police training for peace support operations; enabling child protection in armed conflict; and developing the UN's institutional capacity in work to prevent conflict.

The GCPP booklet describes the GCPP's strategies and the activities it funds. *The Global Conflict Prevention Pool: a joint UK Government approach to reducing conflict* is available at the

FCO website: www.fco.gov.uk; the DFID website: www.dfid.gov.uk; and the MOD website: www.mod.uk. A revision is expected to be published in the autumn.

5.2 Conflict prevention in Africa

There has been solid progress in tackling some of Africa's big conflicts, but fundamental challenges remain. In this section we set out what those challenges are and what progress has been made to resolve conflict and its causes in Africa.

Great lakes

The **Great Lakes region** of central Africa has been seriously affected by conflict since the 1990s, with millions killed either directly by fighting or indirectly. The ongoing conflicts within the region are inter-related and have dragged in neighbouring countries, with the region's porous borders allowing arms to move freely and illegal trade in natural resources used to finance them. A climate of impunity has meant that human rights abuses have gone unpunished, with civilians bearing the brunt of these abuses. Peace processes have been put in place across the region and fighting has stopped in many areas. This is beginning to improve conditions for civilians, but the human rights situation in parts of the region remains poor.

There are long-term human rights problems yet to be addressed in the Great Lakes region. Impunity remains the major problem, particularly in **Burundi** and the **Democratic Republic of Congo (DRC)**, where justice systems have been shattered by years of war. Despite some action to prosecute those guilty of sexual violence, rape has been a weapon during conflicts and an everyday reality. Continued pressure from EU Member States has not yet succeeded in eliminating the death penalty from the region. Ethnic prejudice against minority groups, such as the Banyamulenge and the Batwa, remains a problem, particularly where media channels are used to promote racial hatred. This was particularly acute during the unrest in the Sud-Kivu town of Bukavu in the middle of 2004. Since then there have been further instances of radio and TV channels broadcasting alarmist and provocative material about these minority groups. We have made it clear to the DRC government that, while freedom of the media is welcome, broadcasts that promote racial hatred are unacceptable. We have provided support to the Congolese media watchdog (the Haute Autorité des Médias) to build its capacity to monitor and act upon such broadcasts.

Although the transitional government of the DRC has remained intact and has been able to assert its authority over most of the country, factional conflicts continue in the east of the country and militia groups continue to cause misery for civilians in Ituri district. The DRC military and militia groups have not been brought under unified command. The presence of ill-disciplined

members of the supposedly integrated Congolese armed forces and foreign armed groups in eastern DRC has created a situation where atrocities are still being committed against the civilian population by troops on a daily basis. Armed groups from outside the DRC, such as the Forces Démocratiques de la Libération de Rwanda (FDLR), - a group containing elements of the pre-1994 Rwandan army (FAR) and the militias that carried out the 1994 genocide in Rwanda (Interahamwe) - and Burundian Forces Nationales de Libération (FNL), have used eastern DRC as a base for attacks on Rwanda and Burundi, respectively.

There have been continued allegations that the Ugandan government has politically and materially supported armed groups in eastern DRC, and that Ugandan nationals have benefited from natural resource exploitation in the area. The Ugandan government denies these allegations despite some evidence provided by human rights groups. We have repeatedly reminded Uganda that it should refrain from any activity that contributes to instability in the DRC.

The FDLR poses a threat to civilians in western **Rwanda**. In 2004 there were several reports of attacks by the FDLR on villages in Rwanda, in some cases targeting survivors of the 1994 genocide. The FDLR continues to harass, threaten and illegally tax local civilians in the Kivu provinces of eastern DRC and perpetrates other human rights abuses on Congolese people. The FDLR's declaration on 31 March 2005 that they intended to cease hostilities represents an opportunity for progress, but we need to see early disarmament by the FDLR if this process is to succeed. The UK has urged the Rwandan and Congolese governments to support the process of disarming and reintegrating the FDLR.

Since the withdrawal of Rwandan troops from the DRC in 2002, allegations have continued that Rwandan troops are operating inside the DRC. UN forces on the ground in the DRC have found no concrete evidence that proves this and the Rwandan

government has always denied these allegations. The UK and international partners have consistently urged the Rwandan government and all of the DRC's neighbours to work constructively in support of the peace process in DRC and to respect the territorial integrity of the DRC. UK ministers and officials strongly reiterated that any military operation inside the DRC would be unacceptable when we spoke to the Rwandan government in November 2004, following reports that they would send troops into the DRC to disarm the ex-FAR/Interahamwe.

Rwanda has made enormous progress since emerging from years of conflict and the genocide of 1994 in rebuilding the country and achieving consistent economic growth. It is stable, has a well-drafted constitution and an elected parliament, with women constituting 48 percent of its members. However, the process of democratisation and improving the human rights situation is not progressing as fast as we would like. There is still limited space for political opposition - the current government is cautious about allowing opposition, believing that this would be racist in nature and would open the door to inter-ethnic strife.

National reconciliation remains the Rwandan government's highest priority and it is committed to promoting a state where ethnic tags do not exist. They are using traditional, community-based justice methods (gacaca) to help with this process. While not perfect, gacaca is giving many survivors of the genocide a chance to rebuild their lives. However, there is concern that the charges of "divisionism" and "harbouring genocidal ideology" are being used against anyone who disagrees with government positions on any subject. Dissenting politicians and journalists have faced harassment and prosecution. President Kagame announced in late 2004 a national campaign to make all Rwandans aware of their human rights, but few details have yet emerged. The Rwandan government has a major programme under way to decentralise power to local levels, with the stated aim of bringing decision-making to the people. It is not clear though whether this will allow formal opposition to the current



Rebels from the FDLR stand in the yard of a house in eastern DRC. The young gunmen in this picture said they were ready to return home to Rwanda after living like fugitives for 11 years.

government. The latest state of play on the International Criminal Tribunal for Rwanda is covered later in this chapter (see page 159).

Burundi, a central African state with a population of almost seven million, is composed of three main ethnic groups (Hutu, Tutsi and Twa), which share the same language and culture. It gained independence from Belgium in 1962. Burundi's post-independence political life has been characterised by rivalry and conflict between the larger two ethnic groups, the Hutu (85 per cent) and Tutsi (14 per cent).

The Arusha Accords, signed in 2000, were designed to share power between both main ethnic groups and bring a permanent end to fighting, but the major Hutu rebel groups refused to stop fighting. The Accords, brokered by Nelson Mandela, provided for a transitional government, which was installed in November 2001.

One by one, the former rebel groups signed up to become part of the transitional government. Only one group now remains outside the peace process, the FNL (Rwasa). This group continues to fight with government forces and harass the civilian population. While the FNL has periodically stated its intention to join the peace process, it has not shown any real commitment to ceasing hostilities and negotiating.

The transition was supposed to culminate in November 2004 with the holding of free and fair elections. Due to political inertia and technical and legislative difficulties, elections could not be staged by this deadline and the transition was extended to 22 April 2005 and then again to 26 August, with the agreement of the Regional Peace Initiative and the international community. Domitien Ndayizeye (a Hutu) is President, with Frederic Ngenzabuhoro (a Tutsi) as Vice-President and former CNDD-FDD rebel leader Pierre Nkurunziza as Minister of State.

The last 12 months have been positive for Burundi. The UK

supported the establishment of a UN peacekeeping force (ONUB) for Burundi, which replaced the African Union force (AMIB) in July 2004. The demobilisation of former combatants (including nearly 3,000 child soldiers) has begun and an integrated army is being created. The people of Burundi voted overwhelmingly in favour of the draft post-transitional constitution at a referendum on 28 February 2005. The Burundian parliament took the first steps to establish a truth and reconciliation commission, although doubts have been expressed about its legitimacy and effectiveness.

Despite these positive developments, human rights abuses continue to occur in Burundi on a large scale. The situation is particularly poor in Bujumbura Rural province, where the FNL remains a serious threat to the civilian population. This was most tragically demonstrated by the killing of over 150 refugees at the Gatumba camp in August 2004. However, members of the Burundian national defence forces (including both former CNDD-FDD and FAB elements) have also committed extra-judicial killings and other acts of violence against the civilian population. There have also been several incidents of torture, illegal detention and looting of property committed on all sides. The UN Secretary-General's report on Burundi, published on 8 March, outlined serious concerns that CNDD-FDD forces have operated a parallel justice system, in which its soldiers have arrested, detained and mistreated civilians who they suspect to be collaborating with the FNL. The CNDD-FDD have since admitted that they have had some difficulties in maintaining the discipline of their troops, and have requested assistance from ONUB.

Cases of sexual violence, particularly against women, remain at a high level. There have also been reported incidents of women suspected of witchcraft being burnt alive. The international community, led by ONUB and international NGOs, and local civil society organisations have been conducting a major public campaign to increase awareness and provide support to victims of sexual violence.



A Burundian votes in Bujumbura, 3 June 2005. Burundians gathered at polling stations before dawn to cast ballots in local government elections that are a key part of efforts to end the long-running war in the country.

Assessments by ONUB indicate that prison conditions have not improved since 2004, with abuses continuing to occur within the justice system. ONUB noted examples of ill treatment of detainees in prisons in Bujumbura. ONUB officers have carried out systematic monitoring visits to police-holding cells nationwide, resulting in the release of some individuals. However, over 500 prisoners remain on death row. The prison buildings themselves remain overcrowded and unhygienic.

The UK, through DFID, has increased its bilateral programme budget for Burundi to £10 million in 2005-06. The principal focus is on supporting peacebuilding and conflict prevention and resolution, as well as providing substantial humanitarian assistance and supporting the electoral process. The UK is also working in conjunction with the Burundi government to provide technical support to the Poverty Reduction Strategy Programme (PRSP) and on capacity building. DFID is also contributing to the International Partnership against AIDS in Africa from which Burundi benefits. We contributed over £300,000 to a project completed in December 2004 through the NGO Action Aid, which addressed conflict through a rights-based approach.

Sudan

In Chapter 2 we set out our main human rights concerns in **Sudan**, in particular on the situation in Darfur. As regards conflict in Sudan, the signing of the Comprehensive Peace Agreement (CPA) on 9 January 2005 was an historic step, bringing to an end more than 20 years of civil war between the Sudan government and the Sudan People's Liberation Army/Movement (SPLA/M). Implementation of this agreement will not be straightforward and the Sudanese will need the support of the international community. We and others remain very concerned about the crisis in Darfur and have made clear that there can be no comprehensive peace in Sudan without peace in Darfur. But we recognise that the CPA is the best hope for peace in the whole of Sudan.

The latest round of peace talks, mediated by the Inter-Governmental Authority on Development, began in 2002. The UK has been a key supporter. We have provided financial and diplomatic support to the mediators, as well as facilitating the involvement of experts on a number of issues. We have also provided funding and personnel to the monitoring missions in the Nuba Mountains, southern Sudan and Darfur.

The talks between the Sudan government and the SPLM concluded on 31 December 2004, when the parties signed a permanent ceasefire and a protocol on security arrangements. Together with the protocols signed earlier (see our 2004 Annual Report) these documents provided the political framework for the comprehensive peace agreement.

The Secretary of State for International Development, Hilary Benn, attended the official signing ceremony of the CPA in Kenya on 9 January 2005. He took the opportunity to meet senior figures from both sides and to reiterate the UK's commitment to support the implementation of the peace agreement.

Among other things the CPA provides for the creation of a new government of national unity (including the ruling national congress, SPLM and others) and a reallocation of seats in the national assembly for the period prior to parliamentary elections (due four years after the creation of the government). It also provides for the establishment of a government of southern Sudan with wide-ranging powers, and a referendum on self-determination for the people of southern Sudan after a six-year interim period. Equitable sharing of wealth, including oil revenues, will reduce economic disparity between southern Sudan and northern states.

The CPA also contains important provisions to address the human rights situation in Sudan. It commits the Sudan government to ratify human rights treaties, which it has signed, and to comply fully with all those to which it is a party, including the Convention Against Torture. The CPA reaffirms the parties' commitment to respect for human rights, states that the International Covenant on Civil and Political Rights (ICCPR) shall be reflected in the new constitution and provides for the establishment of a human rights commission. Among the other provisions of the CPA are commitments to judicial reform, democratic governance, oversight of the security service and respect for indigenous languages. The parties have also agreed to initiate a process of national reconciliation.

The key now is implementation over the next six years. We have made clear that we expect the parties to abide by the commitments they have made, including to free and fair elections. A genuinely inclusive, democratic system of governance, which respects the rights of all Sudanese people, is the best way to ensure popular ownership of the post-peace arrangements and so the sustainability of the peace. To this end we are encouraging dialogue between different Sudanese groups (notably in the South between the SPLM and other southern groups) in preparation for the broad-based regional government and institutions envisaged in the Machakos Protocol. The latter forms a key part of the CPA.

Only the Sudanese can bring peace to Sudan. But the international community has an important role to play in supporting them. On 24 March 2005 the UN Security Council unanimously adopted SCR 1590, which mandated the UN to deploy a peace support mission in Sudan (UNMIS) of up to

10,000 military personnel and 715 civilian police. Deployment is ongoing, with completion due by the end of October 2005. The mission will have a key role to play over the next six years supporting the CPA and monitoring the permanent ceasefire. We are providing support to UNMIS: a specialist UK recce team carried out some pre-deployment assessment work for the mission on behalf of the UN; and we have contributed three staff officers and one police officer.

Our plans to support implementation include the delivery of basic services (water and sanitation, health and education), security sector reform (including disarmament, demobilisation and reintegration of ex-combatants), work to improve access to justice (including legal reform and training for Sudanese police) and, once the situation in Darfur improves, debt relief. Further information can be found in DFID's country strategy paper for Sudan available on their website: www.dfid.gov.uk.

Donor coordination will be key to successful delivery of assistance and we are working closely with other donors, NGOs and UN agencies. We played a full part in an international donor conference in Oslo on 11-12 April 2005 and we are working to mobilise wider international support, both in the EU and more widely. It is clear that there must be a swift resolution of the conflict in Darfur before we can engage fully in support of the peace agreement.

The CPA contains provisions that relate directly to Darfur, as well as to other states of northern Sudan. There will be broader participation in the new government of national unity and national assembly and a more representative national civil service. The CPA also provides for judicial reforms and for other human rights provisions that will cover Darfur. Elections are envisaged throughout the country after four years. At the federal level, there will be new state executives and legislatures, which include representation for the opposition. State governments will have greater powers than at present, including defined revenue-raising powers.

We fully support the African Union-mediated peace talks for Darfur based in Abuja. At the time of going to print, the fifth round of talks had just begun. The UK Special Representative for Darfur, Mr Alan Goulty, was present for the opening session and a UK observer will be present throughout to provide support to both sides, as well as to the AU mediation team. Some progress has been made in previous rounds: on 9 November the parties signed security and humanitarian protocols. These are crucial to creating a secure environment for the delivery of humanitarian assistance to the innocent victims of the current crisis and to creating the necessary space for a political resolution to this conflict. Little progress has been made in implementing these protocols and continued insecurity on the ground made it

difficult to get the parties to engage fully and in good faith. We continue to press all sides to negotiate constructively and in good faith at the talks in Abuja.

Political negotiation is the only way to address the underlying causes of the conflict and bring peace to Darfur, so we will continue to support the Abuja process over the coming months. Tribal reconciliation will also play an important role in the long-term recovery of Darfur. We therefore support the Libyan tribal initiative, which seeks to facilitate negotiation and reconciliation between the government, the rebels and tribal leaders. It will, of course, be important to ensure that agreements for Darfur complement the provisions of the CPA.

Rest of Africa

In **Côte d'Ivoire**, a new peace agreement has brought hope. President Mbeki of South Africa led efforts to resolve the crisis after renewed fighting in November 2004 and brokered a peace deal in Pretoria in April 2005, which highlighted key elements of the Linas-Marcoussis Peace Agreement of 2003, including nationality laws and disarmament. On the contentious issue of Article 35 President Mbeki subsequently announced that all the main candidates, including the exiled Alassane Outtara, should be allowed to run in October's presidential elections. Time will tell whether all sides will implement the agreement; many previous deals have failed.

In November the government of Côte d'Ivoire breached the ceasefire with northern rebels and crossed the UN-held zone of confidence to attack the rebels in contravention of UNSCR 1528. Subsequently, nine French peacekeepers were killed in a government airstrike. France retaliated by destroying the government's airforce. This led in turn to (almost certainly pre-orchestrated) mass anti-French demonstrations and attacks by pro-government militia on French civilians, businesses and schools. Between 20 - 60 Ivorians were killed in clashes between militia and French soldiers in Abidjan.

Since the start of the crisis in November 2002, human rights abuses and breaches of international law have become commonplace: summary executions of civilians; executions of soldiers who have surrendered; executions of POWs; and aerial bombings of civilians. None of these violations has been properly investigated by the Ivorian legal system. The government continues to promote and support militia groups, and rebels have refused to begin disarming. In addition, the November report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression found evidence of continued use of hate media to promote ethnic hatred and exclusive nationalism. Violence, uncertainty and fear continue to be part of ordinary life in Côte d'Ivoire.

The first batch of 500 Liberian fighters who crossed into Sierra Leone to seek refuge when fighting intensified in 2002, seen here returning home across the Mano River at the Liberian town of Bo, 6 April 2005.



The international community, including the AU, the UN Security Council and the EU, condemned the government's actions in November and called for all parties to return to the Linas-Marcoussis Peace Agreement. In Resolution 1572, the UN Security Council imposed an arms embargo on Côte d'Ivoire with immediate effect. As a permanent member of the UN Security Council, we are keen to ensure that all sides carry out their commitments in the Pretoria peace agreement, including by implementing targeted sanctions (consisting of an assets freeze and travel ban) on individuals in the event that progress is halted.

We continue to work with the international community to find a way through the present stalemate in the **Ethiopia/Eritrea** border dispute. The commission set up by the two countries to determine the disputed border delivered its final and binding border ruling in April 2002. We urge Ethiopia and Eritrea to implement the ruling and to normalise their relations. The stalemate continues to absorb resources that are needed to alleviate poverty in both countries.

While the border is stable, tensions have increased in the past year. Ethiopia increased its military presence in the border area towards the end of 2004. The UN Mission in Ethiopia and Eritrea (UNMEE) plays a critical role in maintaining stability and preserving peace. The UK supported the extension of the mission's mandate on 14 March 2005.

Since the fighting in **Liberia** ended following the signing of a ceasefire in June 2003 and the deployment of the UN Mission in Liberia (UNMIL) from October 2003, there has been a limited improvement in the human rights situation. Much of Liberia's population remains displaced by the conflict. There are an estimated 350,000 refugees in camps in the neighbouring countries of Guinea, Sierra Leone and Ghana and a further 200,000 internally displaced persons (IDPs) within Liberia. UNHCR has started the repatriation of refugees and return of IDPs, but progress is slow. Concerns over security have

prevented many people from returning to their homes; human rights abuses, including sexual violence, are common in the rural areas where UNMIL coverage is limited; law enforcement and judicial structures remain ineffectual.

Although disarmament ended in October 2004, many ex-combatants are still waiting to join rehabilitation and reintegration schemes. Unemployment runs at 85 per cent and it is estimated that only 10 per cent of the population has access to healthcare, due to a lack of facilities and general poverty. Education has been disrupted and 70 per cent of the population is illiterate. Although on a much more limited scale than before, the state continues to use sporadic intimidation and corruption is rife.

At a broader level, there has been some progress. The large-scale human rights abuses - including massacres - associated with the war have ceased, the former fighting forces have been disbanded and the police and armed forces are being restructured. The national transitional legislative assembly passed an act to establish the independent national commission on human rights on 1 March 2005 (although its head has publicly defended female genital mutilation as a Liberian tradition). UNMIL and the national transitional government of Liberia are currently developing a national human rights action plan. UNMIL is conducting public awareness activities and lobbying to raise public consciousness of human rights issues. In 2004-05 the UK provided £3 million for the disarmament and rehabilitation process and around £5 million towards humanitarian aid, as well as support for the European Commission's governance and institution support programme.

Plateau State in the heart of **Nigeria's** Middle Belt region has suffered from a cycle of violent conflict since 2001. Thousands have lost their lives and many more people have been displaced. The root cause of the conflict is competition for land and political power, but high levels of religious and ethnic diversity have exacerbated the situation.

We have been supporting Coventry Cathedral's International Centre for Reconciliation's work to decrease violence in Plateau State since 2003. The Centre's effective programmes build trust at grass-roots levels between the affected communities. Their activities included a series of workshops for young people involved in violent clashes and another for journalists on responsible reporting techniques. They have also engaged in low-profile dialogues with some of the more radical religious leaders and initiated a community-based early warning and response system in two local government areas of the southern senatorial district. This involved installing satellite telephones for local community leaders and training in conflict management. In January 2005 this system was used to avert fighting, after a dispute between a Christian Tarok farmer and Muslim Fulani herder led to the violent death of the latter.

We also remain concerned at the worrying situation in Nigeria's oil-rich Niger Delta, where a cycle of violence, criminality and corruption has bred poverty and instability. Resolving the Niger Delta's complex problems will take considerable effort from all parties concerned. We commend President Obasanjo and Coventry Cathedral's International Centre for Reconciliation for their efforts to bring about a reconciliation agreement between the Ogoni and Shell. We hope that this peace agreement will act as the catalyst for resolving other disputes in the region.

The long-standing conflict in **Senegal** between the Senegalese government and the Mouvement des Forces Démocratiques de Casamance (MFDC) ended in December 2004 when the two sides signed a ceasefire. The MFDC had been fighting for independence in the southern region of Casamance since 1982.

Through our Embassy in Dakar, we have supported dialogue between the government and the MFDC and we are engaged in post-conflict resolution activities. We supported a peace conference in the Casamance capital of Ziguinchor, which brought the main parties to the table and reinforced the importance of peace for the region's development. We also

worked with the Senegalese NGO, *Association pour la Promotion Rurale de l'Arrondissement de Nyassia*, on a reconciliation scheme. This brings together people from five communities for structured dialogue about the reality of definitive peace in Casamance. The project aims to reconcile long-standing hatred and distrust and develop a culture of forgiveness and peace.

Sierra Leone is peaceful but fragile. The government continues to rebuild its institutions and economy after many years of war and UK programmes to retrain and restructure the police and armed forces have made significant progress. But Sierra Leoneans are still denied many basic rights and the justice sector is inefficient and corrupt. There is a free press, but the government has shown a tendency to react harshly when criticised (see page 222).

While the Special Court for Sierra Leone (see page 159) is making rapid progress, its high-profile indicted Charles Taylor, former president of Liberia, is still in exile in Nigeria. In June 2003 the Special Court indicted Charles Taylor for crimes against humanity and violations of international humanitarian law. We continue to press at the highest level for Taylor to face justice in the Special Court and our posts in the region are concentrating on building a coalition of support for Taylor's surrender. While we recognise that Nigeria's actions helped to end the fighting in Monrovia, we believe that his surrender would be in the long-term interest of regional stability and an important step towards ending the culture of impunity.

The truth and reconciliation commission completed its report and presented it to President Ahmad Tejan Kabbah in October 2004. The commission involved about 10,000 people in its process and produced a separate child-friendly version. The full report has not yet been made public, but it is expected to detail the causes of the conflict in Sierra Leone and provide an account of abuses committed during the civil war. Some recommendations have been made public, including the abolition of the death penalty and upholding freedom of



Gunmen keep guard as the speaker of the Somali parliament, Sharif Hassan Sheikh Aden, arrives in Mogadishu, 6 February 2005. The UK has been working to bring about the government's successful return from Kenya to Somalia.

expression. The government has not yet taken any action on these recommendations.

Speaking about **Somalia**, in December 2004 Jan Egeland, Head of UN Emergency Relief Agency, said: "It is morally outrageous for us to accept this level of mortality and malnutrition."

Somalia has had no functioning national government since 1991. Somalia's population, many of whom have been displaced both internally and across borders, lacks access to basic economic, social and political rights, as well as formal judicial systems. The country has become divided into two relatively stable regions: Somaliland, which seeks independence, and Puntland, which wishes to remain part of Somalia; and an unstable southern region under the control of various clan and religiously based factions. The resulting insecurity remains a major obstacle to delivering humanitarian relief efforts.

The international community, led by the UN and the Inter-Governmental Authority on Development (IGAD), has played an active role in promoting the national reconciliation process and enabling the formation of transitional federal institutions in Nairobi. The UK has supported this process and, with other donors, has funded the reconciliation talks. With the rest of the international community, we engage closely with the transitional federal government (TFG), to try to bring about the government's successful return to Somalia and a transition to a democratically elected government after five years. The UK has jointly funded specialist support to give advice to an African Union peace support capability and to UNDP to design effective programmes for security and the rule of law. The UK also lobbied the authorities in Somaliland in support of international concerns raised by the judicial process against a minor, Zamzam Ahmed Duale.

The efforts of the joint FCO-DFID office for Somalia based in Nairobi was increased in March 2005 by the addition of an FCO officer dedicated to relations with the TFG. A regional human rights adviser based in the British High Commission in Nairobi contributed to work on Somalia as a whole and participated in a mission to Somaliland and Puntland in connection with the proposed Comprehensive Plan of Action for returning Somalis. Further development assistance will be available if the peace process stays on track and the TFG can create the security conditions in which it can be delivered effectively.

The Lord's Resistance Army (LRA) has been terrorising the population of northern **Uganda** for over 18 years. They claim to be defending the community from the government of President Museveni but have in fact been abducting people (including over 20,000 children), murdering, looting, mutilating and forcing children into combat and sexual slavery.

More than 1.4 million civilians now live in temporary camps in northern Uganda. In the late 1990s, when this figure was much lower, the Ugandan government launched a military operation - Iron Fist - against the LRA. Like many preceding military operations, Iron Fist failed to defeat the LRA and merely forced ever-greater numbers of civilians into camps. The operation exposed serious corruption and mismanagement in the Ugandan army (UPDF), leadership problems and a culture of failing to protect civilians. It also increased public awareness of the impunity with which military and intelligence officials operate in the region. Alleged abuses include arbitrary arrest and detention, torture and profiteering. Local people were caught in a difficult position: they had no time for the LRA but little confidence in the government or its armed forces.

In late 2004 some countries and international organisations, including the UK, backed a local initiative to end the conflict through mediation. Led by a former government minister for Northern Uganda, Betty Bigombe, dialogue with the LRA leadership made intermittent progress. A number of LRA commanders and footsoldiers sought amnesty and a draft ceasefire document was passed to the LRA. But attempts to start a formal dialogue between the parties stalled on 31 December, when the government brought forward the time-frame for signing the ceasefire. Up to that point, the LRA had failed to indicate a timetable for entering formal dialogue. Betty Bigombe continued to try to rebuild mutual confidence.

The UK believes that the problem in northern Uganda cannot be resolved solely through military action. We believe that the solution lies in supporting locally led initiatives, such as Betty Bigombe's, rather than imposing solutions from the outside. Betty Bigombe came close to success during her last mediation effort in 1994. It remains to be seen if she can succeed this time. The process requires commitment from the key stakeholders: the government must embrace an holistic and long-term strategy for peace; and the LRA must commit itself to the same and also end the violence, if it expects its concerns to be taken seriously. We will continue to support peace efforts wherever possible.

Western Sahara has been a disputed territory since Spain, the former colonial power, left in 1975. Initially, Morocco and Mauritania both moved in and since 1979, when Mauritania renounced its territorial claims, Morocco has occupied the territory apart from an eastern strip controlled by the Polisario. The Polisario Front (Frente Polisario) is a group set up in 1973 with the aim of winning independence for the Saharans. The Polisario has established a state-in-exile, the SADR (Saharan Arab Democratic Republic), based in Tindouf, Algeria. The UK, in common with EU partners, does not recognise the SADR.

The status of Western Sahara remains undetermined pending UN efforts to broker an agreement between Morocco and the Polisario. The UN Mission for the Referendum in Western Sahara (MINURSO) continues to work in the region. Its primary role is to monitor the ceasefire, which has held for over 13 years, but so far a lasting solution has not been found. Within the UN Security Council, we support the efforts of the UN Secretary-General Kofi Annan to help resolve the situation. UNSCR 1598, adopted on 28 April 2005, reaffirmed the Security Council's commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara. The UN extended MINURSO's mandate until 31 October 2005.

We believe that it is necessary to distinguish between the humanitarian and political aspects of this conflict. Resolution of humanitarian questions should not await the conclusion of a political settlement. We regularly call upon Morocco and the Polisario to deal with outstanding human rights issues and implement measures that will increase people's confidence, such as setting up a regular telephone and mail service between Tindouf and the territory. In March 2004 the UNHCR began a schedule of visits between families in Laayoune and Tindouf; by the end of the year 1,476 people had benefited from the programme. There are plans for a second phase of visits in 2005, pending donor support.

We have encouraged all parties to cooperate with the International Committee of the Red Cross (ICRC) to account for those missing in the conflict. The Polisario continues to hold 408 Moroccan prisoners of war, some of whom have been in detention for over 20 years. This is in contravention of international humanitarian law. We have led calls within the EU for their immediate and unconditional release.

5.3 Conflicts in Asia

The wider human rights situation in **Nepal** is covered in Chapter 2. The Maoist insurgency in the country began in 1996 in the Mid-West region and has since spread to all parts of the country. The government only maintains effective control in the main urban areas and district headquarters. The Maoists are ruthless, well organised and well armed. While they enjoyed some initial popular support, this has now declined and they now rely on violence, intimidation and extortion. However, the response of successive governments has been heavy handed and has also alienated many ordinary people.

King Gyanendra came to the throne in 2001 following the palace massacre by the then crown prince Dipendra, who shot his mother and father, then king and queen, and most of the members of the royal family before killing himself. Under King

Gyanendra's reign two rounds of peace negotiations got under way and then collapsed. Poorly trained and equipped, the security forces have been unable to contain the Maoists. The conflict intensified and in 2001 the Royal Nepalese Army (RNA) was deployed for the first time, taking over from the police. Since the RNA became involved, the conflict has grown increasingly violent and the human rights situation has rapidly deteriorated. Despite having better equipment, organisation and training, the RNA has made little progress in its military campaign, nor has its behaviour towards ordinary citizens improved. In addition, the topography of the country is such that it is most unlikely that either side would be able to win the conflict militarily.

In May 2002 the King dissolved parliament at the request of the prime minister and in October 2002, following the prime minister's failure to hold elections, he replaced the prime minister with a technocratic government, creating tensions with the political parties. In July 2004 the King appointed a multi-party government under Prime Minister Deuba, with a mandate to begin a peace process or, failing that, to hold elections. Neither got under way. The King and the government failed to cooperate and on 1 February 2005 the King assumed direct control of the country, sacking the prime minister and the government and putting the party leaders in jail.

The King's takeover of power is likely to reduce the chances for peace. While the army appears intent on pursuing a more aggressive military solution, the Maoists have indicated they are unwilling to enter negotiations. The conflict is likely to intensify and with a number of human rights defenders still being detained, harassed and intimidated, the human rights situation is likely to deteriorate further. The conflict has given rise to other humanitarian problems, such as the internal displacement of people and trafficking of women.

The conflict is characterised by widespread abuses against civilians by both the Maoist insurgents and the state security forces. We are particularly concerned about Maoist practices of killing, abducting and forcibly recruiting soldiers, including child soldiers. We are equally concerned about the culture of impunity within the RNA: extra-judicial and summary killings, rape, enforced disappearances, arbitrary arrests, illegal and incommunicado detention and torture all go almost entirely unpunished.

Protecting human rights is a top priority in the UK's strategy for resolving the conflict in Nepal. Under the Global Conflict Prevention Pool (GCPP) we have funded a broad package of assistance to improve Nepalese capabilities in counter-insurgency through bomb-disposal expertise and human rights training for the security forces. We have also been providing



Labourers repair a road damaged by Indian artillery in Chakoti in Pakistan-administered Kashmir. The new bus service that plies the road across divided Kashmir is proving a boon for businesses on the frontier.

non-lethal military assistance to improve the security forces' capabilities in intelligence gathering, so they can carry out their operations with greater professionalism. The King's assumption of power in February 2005 led us to review our policy of providing military assistance to Nepal and we have withdrawn proposals we made in January 2005 to give a further tranche of military equipment. However, we intend to continue with our moral and financial support to human rights organisations - monitors, defenders and lawyers - as well as the office for the high commissioner for human rights and the Nepalese national human rights commission, although we remain concerned about threats to the independence and effectiveness of the latter.

DFID operates a large bilateral aid programme in Nepal to tackle the underlying causes of conflict: poverty, social exclusion and inequality. In addition to major investment in health, education, HIV/AIDS and safer motherhood initiatives, DFID also runs programmes with a strong humanitarian and human rights focus.

The composite dialogue between **India** and **Pakistan** covering all of their outstanding issues, including Kashmir, is making a positive impact on the lives of Kashmiris and is an important signal to the outside world of a new phase in Indo-Pakistan relations: the region has come a long way since the dark days of early 2002 when war seemed imminent. Since April 2005 the reintroduction of an intra-Kashmiri bus link allows families divided by the line of control to meet again, some for the first time in decades. The ceasefire across the line, introduced in November 2003, is also improving people's lives. We have warmly welcomed the progress. However, we remain concerned by continuing reports of human rights abuses by the Indian security forces in Jammu and Kashmir. The Foreign Secretary Jack Straw raised our concerns when he met Indian government leaders in New Delhi in February 2005; he encouraged them to ensure that their security forces take further steps to improve their approach towards human rights.

We condemn the continuing militant violence. Violence cannot solve the Kashmir issue and we urge the militants to cease fighting. A durable solution to Kashmir can only be achieved through dialogue between India and Pakistan, taking into account the wishes of all of the peoples of Kashmir. We welcomed Indian Prime Minister Manmohan Singh's public statement during his visit to Srinagar in November 2004 that India is ready to talk to all Kashmiri leaders.

A "no peace no war" situation continues in **Sri Lanka**. The ceasefire signed in February 2002 by the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) is holding, despite occasional violations. However, there have been no direct talks since March 2003. The two sides continue to be committed to a negotiated solution and Norway is energetically maintaining its peace process facilitation role by regular dialogue with both sides. The main blockage has been on an agenda for direct talks and to what extent talks on a proposed interim administration for the north and east of the country should be linked to negotiations on a final solution to the conflict. However, since the tsunami on 26 December 2004, both sides have made it clear that agreement on a mechanism for coordinating reconstruction assistance to the north and east is their first priority, and that no talks will take place on the peace process until such a mechanism has been agreed. Differences within the governing coalition and continuing political assassinations in eastern Sri Lanka have reinforced mistrust between the two sides and mean that an early return to talks remained unlikely at the time this Report went to press.

We support the peace process, politically and practically. In concert with the international community, including through the EU's role as one of the Tokyo Co-Chairs, we have continued to urge both sides to respect the ceasefire and to resume direct talks as soon as possible. We have been trying to ensure that post-tsunami assistance is conflict sensitive and fully considers the needs of local populations. The Secretary of State for

International Development, Hilary Benn, and HRH the Prince of Wales have both visited Batticoloa in the east since the tsunami.

The prevention of large-scale conflict in Sri Lanka in recent years has reduced human rights abuses significantly. But there are still real problems. The LTTE continues to engage in political assassinations, intimidation and underage recruitment. Other armed groups are also engaged in violence. The local EU Troika, which included the British High Commissioner, delivered tough messages on these issues to the head of the LTTE's political wing in August 2004. We and EU partners have also expressed concerns about apparent extra-judicial killings carried out by the police.

The UK's Peacebuilding and Reconciliation Strategy (PBRs) in Sri Lanka informs our human rights work. The GCPP funds projects under the PBRs. Human rights activities have included support to the Sri Lanka human rights commission's programmes for disadvantaged and vulnerable groups and to an important justice project with the Asia Foundation. The GCPP has also continued to fund a diploma in conflict resolution and readiness for peace for medium-level decision-makers, and an innovative human security project in the troubled east of Sri Lanka.

5.4 Conflict in other areas of the world

In December 2002 the AUC paramilitaries (United Self-Defence Forces of **Colombia**) announced a unilateral ceasefire, a condition insisted on by President Uribe in order to commence formal peace talks with the government. These talks officially got under way in July 2003, in Santa Fe de Ralito in the northern Department of Cordoba. The AUC undertook to demobilise completely by December 2005, and publicly expressed their support for "a Colombia without drugs trafficking".

Since the 1980s Colombia has witnessed various attempts at peace negotiations with the guerrilla, but Uribe's administration is the first to initiate a demobilisation process with the paramilitaries, which number between 13,000 and 20,000. Paramilitary groups were created and sanctioned by the government around 1985, with the aim of fighting the guerrilla groups, which have been active since the 1960s in areas of the country with scarce or no state military presence. The present AUC leaders therefore regard themselves as heroes and patriots for having responded to threats and attacks by the guerrillas, and for having provided security in areas of the country where the state was unable to do so.

In the early 1980s leadership of the existing paramilitary groups was taken over by large land and cattle owners, along with drugs traffickers. New groups were also formed, creating large

illegal armies at the service of private interests. Paramilitary groups lost the official sanction of the state in 1989, although a relationship between the paramilitaries and certain members or units of the armed forces - be it active collaboration or passive acceptance - continues to this day. According to government institutions and NGOs, the paramilitaries were responsible for the majority of contraventions of international humanitarian law - assassinations, massacres, torture and forced displacements - committed during the course of the internal armed conflict between 1994-2002.

In the 20 months since the beginning of negotiations, the talks have survived many crises and near breakdowns. Numerous violations of the ceasefire, regularly denounced in 2003 and 2004 by Peace Commissioner Restrepo, resulted in continued murders and massacres, albeit at a much reduced level. The disappearance and probable murder of AUC leader Carlos Castano in April 2004 threatened to derail the talks, but in the event this did not occur. Castano, in an apparent effort to seek political legitimacy, had begun divulging details of AUC participation in atrocities and drug trafficking and had called for an end to AUC involvement in drugs. This made enemies within his own circle and he was more than likely killed by paramilitary rivals.

There are no signs that the left-wing guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), is considering peace talks with the government. The government has turned down their proposal for a humanitarian exchange of hostages and prisoners because of the guerrillas' unacceptable conditions. The extradition to the US of senior captured FARC leaders, Simon Trinidad and "Sonia", in recent months has also helped harden the FARC's position. The armed forces have been hitting the FARC hard in their homeland in the south-east of Colombia in an operation named Plan Patriot. But the FARC have demonstrated their strength in a series of attacks in which they killed 60 members of the armed forces in the first two months of 2005. In April 2005 the FARC again flexed its muscles in two bloody attacks in Cauca and Arauca provinces. The FARC's aim is clearly to show that President Uribe's policy of democratic security is failing. The suspension of the UN's work to bring about talks between the FARC and the government is a clear indication of how the situation has stagnated.

Contacts between the National Liberation Army (ELN) and government, helped by the Mexicans, seemed more encouraging for a time. However, in April this year the ELN rejected the Mexican mediation. The guerrilla group undertook demining in a conflict-ridden zone in early 2005. At the same time, a senior ELN commander suggested that the group might try to politicise its fight against the government by forming a coalition of left-wing groups to compete in the 2006 election. While this

UK support for an international arms trade treaty

would be welcome, it remains to be seen if they will choose the ballot box over the bullet - ELN continues to commit acts of terrorism in Colombia.

For information on UK-funded projects in Colombia in conflict resolution, see Chapter 2 (pages 46-50).

The conflict between **Armenia** and **Azerbaijan** over Nagorno Karabakh has remained frozen since Russia brokered a ceasefire in 1994. The two countries continue to take part in negotiations to resolve the conflict under the auspices of the OSCE Minsk Group. Although the UK is not a member of the Minsk Group we monitor its activities through the work of the UK Special Representative for the South Caucasus, Sir Brian Fall, and the EU Special Representative, Heikki Talvitie.

The conflicts in Abkhazia and South Ossetia in Georgia are also unresolved. Sir Brian Fall is the senior UK representative on the Friends of the UN Secretary-General, who are party to the Georgian-Abkhaz talks that are chaired by the UN.

Since 2003 the GCPP has fully funded a £2 million, three-year project to improve the prospects for permanent settlement of the conflicts in Nagorno Karabakh. Through linked activities, the Consortium Initiative develops an understanding of the conflict among all stakeholders and implements initiatives that will help to develop peace in the region. The four Consortium members - Conciliation Resources (CR), International Alert (IA), the London Information Network on Conflicts and State-building (LINKS), and the Catholic Relief Services (CRS) - have many years' experience of working in the region and an extensive network of local partners.

The Consortium's activities incorporate four strands: civil society; politics; conflict-sensitive development of the NGO sector in consultation with Azerbaijan; and media and public awareness. Within these fields, the Consortium has funded a variety of projects, including:

Foreign Secretary Jack Straw announced during a speech at the Institute of Civil Engineers London on 15 March 2005 that the UK will work to secure an international Arms Trade Treaty (ATT) covering all conventional weapons. This would be a legally binding treaty, negotiated at the UN and backed by the UN's authority that would make the responsible transfer of all conventional arms a statutory requirement. In his speech the Foreign Secretary explained how the UK would work towards achieving an ATT. This includes setting criteria within an ATT based on standards such as those in the UN Declaration on Human Rights and other international laws. The aim would be to better regulate arms transfers that could otherwise be used to abuse human rights or fuel internal or regional conflict. The Foreign Secretary said:

"The spread of conventional weapons has a profound effect on international security and prosperity, and on our own well-being at home. Controlling that spread therefore requires action by the whole international community."

- The South Caucasus Parliamentary Initiative (SCPI), which brings together parliamentarians from Georgia, Armenia and Azerbaijan. This successful programme builds confidence and is an example of a regional initiative that could usefully be developed as part of the European Neighbourhood Policy (ENP) process. (See page 113.)
- A Russian language BBC web page. This aims to improve the quality and diversity of media coverage about the conflict and peace process and increase public access to information. The project challenges stereotypes and counter-misinformation.
- A network of journalists and radio stations throughout the South Caucasus, producing and broadcasting radio diaries about the challenges of daily life in the region.
- Three resource centres in Baku, Yerevan and Nagorno Karabakh. Supported by International Alert, the centres facilitate communication and the supply of information for civil society leaders.



A young boy runs past a police bunker in Toribio, Colombia in April 2005. Eleven days of fighting in the region forced the closure of all local schools. One nine-year old boy died in the conflict.

The GCPP has funded other projects, which have looked at all the conflicts together, or only at the Georgian conflicts. One example of the former is a project that is focusing on the relationship between economy and conflict. A research project, facilitated by International Alert, aims both to examine the nature of economies in the region with a view to exploring economy-related, peace-building opportunities and to promote dialogue and cooperation between the project researchers from all the regions.

The GCPP has funded the NGO Conciliation Resources in promoting and supporting dialogue and measures to build confidence between opposing parties of the Georgian conflicts. This work has included trips to Northern Ireland by parliamentarians, NGOs and womens groups' representatives, to learn from experiences there.

The conflict in **Chechnya** is currently the most serious on the territory of the former Soviet Union. This conflict, and human rights concerns in this context, are covered in the Russia Country Report in Chapter Two.

The prevalence of such weapons creates a general climate of fear and insecurity, which holds back development and deters foreign investors, stifling hope of building a better future. The threat is far reaching: developing countries that spend their over-stretched budgets on armaments for which they have no clear need have little left for health, education and vital infrastructure. For example, it is estimated that the government in El Salvador spends more than a tenth of GDP on security in response to violence: this is double the amount it spends on health and education.

Governments and civil society are increasingly concerned at the effects caused by the proliferation of small arms and light weapons and the international community has been forming agreement on common standards of control. The first UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York in July 2001, and resulted in establishment of the UN Programme of Action on Small Arms and Light Weapons. The UK has pledged its full support to the Programme of Action and continues to take a leading role in its implementation.

As one of the largest donors, the UK combats the supply, availability and demand of SALW through progressive policies and programmes. The FCO, DFID and Ministry of Defence (MOD) work together to implement UK strategy, which is supplemented by the £13.25 million SALW strategy (2004-07) under the GCPP. In the past year UK funding has assisted UN agencies, regional organisations, governments and NGOs to combat the proliferation and misuse of small arms, including setting up and running local, national, regional and international measures to combat small arms. These measures include weapons collection, management and destruction programmes, assistance in setting up and implementing new regional and country-specific agreements, and support for civil society and NGOs, including the International Action Network on Small Arms (IANSA). Funds also support policy-focused analysis and evaluation of the problems of small arms and their impact. The UK looks forward

5.5 Small arms and light weapons

"Almost one person every minute is killed by a bullet from a gun. The first piece of modern technology which a child in parts of the developing world will see is often a Kalashnikov." Foreign Secretary Jack Straw, speaking at the Institute of Civil Engineers, London, 15 March 2005

Every year hundreds of thousands of people die and millions more are left injured from gunshot wounds. Assault rifles and other small arms and light weapons (SALW) are widely available and are the weapons of choice in many internal conflicts. SALW often end up in the possession of drugs traffickers, crime syndicates and warlords. They are light and easy to use and are therefore also suitable for use by the world's estimated 300,000 child soldiers.



This dramatic sculpture is fashioned out of rifles collected under amnesty since the end of arms collection in Mozambique in 1992. The 'Throne of Weapons', by Mozambican artist Kester, transforms arms into pieces of public art as a symbol of hope.

to assessing developments and results to date at the second biennial meeting following the UN Conference in July 2005. The supply of SALW is so widespread that it is not enough simply to try to restrain the traditional suppliers. We need a broader international approach. The UN Programme of Action contains important guidance on controlling transfers but we need to build on this. We must identify key common factors for states to consider before issuing a licence for an international transfer of SALW and we need to support regions and countries in developing their capacity to deal with the problems.

An agreement on reducing illicit transfers of SALW would be a major achievement and help to prevent instability, conflict and repression. Working within the framework of the UN Programme of Action, in 2003 the UK launched the Transfer Controls Initiative. This initiative aims to secure international agreement on common standards on the export, import and transshipment of SALW at the UN Programme of Action Review Conference in 2006. We are taking a bottom-up and region-by-region approach, working through dialogue, meetings and workshops around the world to establish common ground. We recently funded seminars in Algiers, Buenos Aires, Nairobi and Managua, which made excellent progress; and we are planning more regional workshops over the next year, including in regions where the problem of small arms is particularly acute. There are signs that an increasing number of countries support improved transfer controls. The UK will push for agreement on minimum common international standards when the UN Programme of Action is reviewed in 2006.

Over the last year the UK and EU partners have supported and participated in the UN Open-Ended Working Group to negotiate an international instrument for identifying and tracing illicit SALW. We fully support a legally binding instrument that includes SALW ammunition and we hope, along with many other countries, that the Group will produce a worthwhile agreement. We also support the establishment of a UN Group of Governmental Experts to consider further international cooperation in eradicating illicit brokering in SALW.

We cannot hope to stop gun violence unless we tackle the problem of illicitly held weapons. The UK is the largest and most influential international donor in practical initiatives to remove small arms from society, reduce conflict and prevent armed violence. We are committed to helping governments secure their weapons' stocks and destroy surplus weapons. This is one of the most immediate, practical and inexpensive ways of breaking the cycle of weapons' proliferation.

We have given £7.5 million to the UNDP Small Arms Reduction and Demobilisation Unit's work on programmes to collect, manage and destroy weapons in over 25 developing countries.

These programmes are closely linked to the social and economic reintegration of former combatants and to community development projects. Over the last three years, the UK has helped to destroy more than 310,000 weapons and thousands of tonnes of ammunition. In the last year we have funded training and destruction of weapons and ammunition in Latin America, East Africa, the Caribbean, Southern Africa and South-Eastern Europe (including Albania). In Belarus, we are leading a pioneering OSCE project, which offers expertise and funding on stockpile management, destruction and record keeping. We are also one of several countries contributing to a NATO ammunition destruction programme in Albania, which aims to destroy 11,600 tonnes of SALW ammunition over several years. In February 2005 we announced £400,000 of funding towards a long-term NATO project destroying SALW, ammunition and surface-to-air missiles in Ukraine. We are the main donor (contributing over £500,000) to a project to destroy 250,000 SALW and 10,000 tonnes of ammunition in Bosnia-Herzegovina.

In the last year we funded gun-crushing machines for the Jamaican police and the South African defence forces for the efficient destruction of seized illegal weapons. We continue to support programmes to reduce armed violence, such as that run by Viva Rio, a local NGO in Rio de Janeiro, which organises mediation, community policing and neighbourhood campaigns. Weapons' amnesties and destruction ceremonies are strongly supported by local communities and the state and federal governments, and have now become regular events in Rio. So far, over 300,000 weapons have been surrendered and destroyed. These projects prevent weapons being used in violent crime, conflict and terrorism.

The demand for SALW stems, in part, from economic and physical insecurity. We believe that by reducing poverty and encouraging development, we can counter people's perceived need for such weapons. We have commissioned research into the impact of arms and armed violence on poverty, which will encourage donors and developing countries to integrate small arms issues into wider poverty reduction programmes.

The UN Programme of Action commits member states to national, regional and international measures to control small arms and light weapons, but the 2003 Biennial Meeting showed that much remains to be done to implement these commitments. At the February 2005 UN Security Council debate on small arms, the UK called on states to help those countries that are seriously affected by armed violence to build their capacity to control small arms. Such assistance is most effective within development partnerships aligned with broader development goals. At the 2006 UN Programme of Action Review Conference we must aim for significant progress in international efforts to tackle this problem.

Conflict diamonds

In 2003 the Kimberley Process Certification Scheme (KPCS) was introduced with one goal: to break the link between illicit sales of rough diamonds and conflict. To date 43 countries have become participants of the KPCS, including the EU as one member. All the major traders and producers have signed up with the notable exception of Liberia, which has made good progress putting in place the internal framework needed to join the KPCS but still has much to do. The Government Diamond Office, a section of the FCO, works to implement the KPCS in the

UK and is known as a KP authority. Belgium, Germany and the Czech Republic are also KP authorities within the EU.

Although we hoped review visits would be mandatory this voluntary system seems to be effective and so far 31 participants have volunteered for a visit. In November 2004 a team led by Botswana reviewed the EU. The team visited Antwerp and London and made some recommendations in a mostly favourable report. Review visits are planned to the Russian Federation (the current Chair of the KPCS) and the US.

Holocaust education, remembrance and research

This year marks the 60th anniversary of the end of the Second World War and, with it, the end of the Holocaust.

Lord Janner represented the UK at a special session of the UN General Assembly on 24 January 2005 to commemorate the 60th anniversary of the liberation of the Nazi death camps. It is now accepted that over one million people were murdered at Auschwitz. About 90 per cent were Jewish. Tens of thousands of Russians, Roma, Poles and Western prisoners of war also died from murder, brutality or neglect. Lord Janner spoke about the role of the UK in the liberation of the camps; the need to commemorate victims; and the importance for the international community to learn the lessons from this dark chapter in European history. He said:

“We must do everything in our power to ensure that the next generation learns the lessons of the Holocaust, learns from the history of the Holocaust and does everything in its power to fight genocide – whenever, and wherever, it appears. The Holocaust was a crime unknown to mankind. It had no name. Today, the word embodies the vision of murders and mass graves, and the Nazis’ grim efforts to wipe out peoples whom they despised.”

Holocaust Memorial Day is an annual event in the UK on 27 January, the anniversary of the liberation of the Auschwitz death camp by Soviet troops. The day is marked by community and educational events. This year, the national commemoration for the UK’s fifth Holocaust Memorial Day was held in London, attended by HM The Queen and Prime Minister Tony Blair. The Memorial Day has a twofold purpose. Firstly, to offer modern society the opportunity to remember those who suffered and died during the Holocaust, including those still living with the consequences. Secondly, it offers an opportunity for people to reflect on the lessons learned and apply them to more recent human tragedies and continuing forms of intolerance in the world.

Many other countries across Europe commemorate Holocaust victims on 27 January. This year international delegations attended a commemoration at Auschwitz in Poland. HRH the Earl of Wessex led the UK’s delegation, which included Foreign Secretary Jack Straw, Minister for Europe Denis MacShane and Minister for War Veterans Ivor Caplin, as well as representatives of the Jewish community.

Other Holocaust memorial events this year include a series of commemorations marking the 60th anniversary liberation of concentration camps. Bergen-Belsen in North Germany was the first concentration camp to be liberated by British troops. The concentration camp was set up in 1942 in a former prisoner-of-war camp. It was not a death camp and had no gas chambers, but conditions were appalling as a result of disease, neglect and administrative inefficiency. British Forces liberated the camp on 15 April 1945, finding some 40,000 prisoners, many dying each day, and thousands who had died recently but had not been buried. Deaths at Bergen-Belsen totalled about 70,000. The camp was subsequently destroyed; the site now has a visitors’ centre and a House of Silence for quiet reflection. On 17 April 2005, the Duke of Gloucester led the UK delegation to the commemoration at Bergen-Belsen.

The UK continues to work with the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, which now comprises 20 member countries. Together, we establish national programmes to develop Holocaust education, remembrance and research. The Task Force invites countries to join it in creating programmes in Holocaust education or to develop their existing information materials and activities. To this end, we maintain our liaison relationship with Ukraine and we are now working with The Netherlands on projects in Ukraine.

In December 2004 the FCO hosted a book launch for the translation and publication of a Ukrainian collection of Holocaust survivor testimonies. The Holocaust in Ukraine is written by Dr Boris Zabarko of the Institute of Jewish Studies in Kiev. The UK publishers are Vallentine Mitchell, and the project has been supported by Ben Helfgott of the Yad Vashem UK Foundation.

Building on previous NGO engagement in the Ukraine and Lithuania, the London Jewish Cultural Centre has been working with the Tkuma Holocaust Education and Research Centre in Ukraine and the International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupational Regimes in Lithuania. In January 2005 they delivered a teacher-training seminar on Holocaust education in Kiev, supported by the FCO.

Preparations are currently under way for the KPCS itself to be reviewed. We hope the review will improve the scheme and make it more robust. It has already made a positive impact; for example, the Democratic Republic of Congo (DRC) exported around \$200 million of rough diamonds through legitimate routes in 2001; in 2003 this increased to \$640 million, after the KPCS began; and in 2004 DRC exported \$800 million of rough diamonds legitimately. Sierra Leone had rough diamond exports of \$10 million in 2003; these rose to \$75 million in 2004, again in part helped by the KPCS.

5.6 Justice and the rule of law in post-conflict societies

Experience of peacekeeping over the last decade demonstrates that establishing the rule of law is the foundation for short-term stability and lasting peace, as well as for sustainable human rights, democracy and prosperity. Post-conflict societies need to have confidence in the institutions that make, enforce and adjudicate the law. But invariably those institutions have been victims, if not active participants in the war: the courts neglected and corrupt, the prisons dangerous and overcrowded, the police feared and unpaid. Rebuilding functional, independent, trusted rule of law institutions is therefore a key task.

Not only do people want order; they also want justice both for present crimes and for past widescale human rights abuses. Thus, we need to take a comprehensive transitional approach to justice, which may include internationally supported war crimes trials, truth commissions and processes for vetting and reparations.

The UK Government recognised that this crucial aspect of peacebuilding needed greater international attention and in September 2003 Foreign Secretary Jack Straw launched a Justice and Rule of Law initiative at the UN Security Council. We followed this through with a further two sessions during the UK Presidency of the Security Council in October 2004. We have also sponsored a series of meetings and seminars to focus and enhance international thinking on justice and the rule of law in post-conflict societies. To take forward this work, we have set up a dedicated Justice and Rule of Law Team within the FCO's Conflict Issues Group.

Establishing the rule of law in a post-conflict society is a difficult and long-term task. But we have now made some initial progress in improving the international community's willingness, capacity and expertise to assist in the process. As a direct result of the UK initiative, the UN Secretary-General, Kofi Annan, produced a landmark report in August 2004. The report indicates that the international community needs to devote more attention and

resources to building the rule of law and transitional justice in post-conflict societies, while ensuring that existing efforts are more coordinated and strategic.

We strongly support the Secretary-General's recommendations and have worked to mobilise the international community behind them. We have worked in the Security Council to make justice and rule of law fundamental to new peace operations, such as those in Burundi and Sudan. With our backing, Mr Annan is looking to establish a dedicated Rule of Law Assistant Unit within the UN Secretariat, to make these areas a priority in all future peacebuilding efforts.

Through the Global Conflict Prevention Pool (GCPP), we have funded projects to support the UN's work. For example, we are funding UN guidance for peace operations on best practice in the rule of law and prisons and a project that looks at the impact of war crimes tribunals on wider justice systems in Sierra Leone. Transparent vetting procedures offer another important opportunity to re-establish police and justice systems in which

The Post-Conflict Reconstruction Unit

The Post-Conflict Reconstruction Unit (PCRU) was established, following a joint announcement to Parliament in September 2004 by the Secretaries of State for International Development, Foreign Affairs and Defence. The Unit has a mandate to lead work on improving the UK's capacity to deal with immediate post-conflict stabilisation, with a double remit of:

Policy: *developing government strategy for post-conflict reconstruction, linking to concomitant military and humanitarian planning, and working with the international community on capacity building and burden sharing and to spread best practice.*

Operational: *planning, implementing and managing the UK's contribution to post-conflict reconstruction. This includes identifying and training a core group of civilian experts to deploy alongside the military in post-conflict situations.*

The PCRU is an inter-departmental unit hosted by DFID and is currently recruiting its core staff from across Whitehall and beyond. The Unit is working with its founding departments – DFID, FCO and MOD – drawing upon UK experience of recent conflicts to produce guidance on best practice in stabilisation and reconstruction for use in the field. The Unit is also developing contacts with other countries and international organisations who are seeking to address the same post-conflict issues.

More information on the PCRU is available on our website: www.postconflict.gov.uk.

Lessons learned

Post-Conflict Team/Conflict Issues Group is undertaking a lessons-learned exercise with FCO staff, who have knowledge and experience of post-conflict and peacebuilding work. The Team has contacted over 100 staff, who have served (or are serving) in post-conflict countries covering the Balkans, Afghanistan, Sudan, East Timor and Iraq, among others.

The objective is to assess our experience and effectiveness in post-conflict situations and to improve our efforts in assisting states emerging from violent conflict. It is part of the government's wider efforts to improve planning and preparation for post-conflict situations.

The project's main aims are:

- *to provide information on the lessons identified by staff so that the FCO can learn from past experience;*
- *to provide an implementation strategy to address any gaps; and*
- *to inform, and ensure consistency with, the post-conflict and peacebuilding policy and practice developed by the UK's inter-departmental PCRU.*

the public can have confidence, and we are funding the International Centre for International Justice to assist the UN in its work on vetting. We are also looking at the feasibility of new initiatives that might enhance the international community's ability to assist countries wishing to prosecute grave human rights abuses, such as judicial rapid reaction teams.

We also work with international organisations, such as the EU and OSCE, to enhance the rule of law. The EU runs policing missions in countries such as Macedonia and the DRC, and has deployed its first rule of law missions in Georgia and Iraq, as part of its Civilian Crisis Response capacity. We are improving our own efforts through the Post-Conflict Reconstruction Unit (PCRU), set up jointly by DFID, FCO and MOD in September 2004, which will boost our ability to deploy rule of law specialists rapidly.

5.7 The International Criminal Tribunals

The UN-sponsored International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda together represent a formidable contribution to the strengthening of international justice and the fight against impunity for war crimes, crimes against humanity and genocide. The ground-breaking work of the tribunals, not only in terms of case law but in establishing rules and procedures, has helped clear the way for the world's first permanent International Criminal Court. The Court has the potential to become a powerful tool in fighting tyranny. The first Security Council

referral to the Court in March 2005 - which was sponsored by the UK - sent a powerful message that there will be no escape from justice for those accused of committing heinous crimes.

The International Criminal Court

The International Criminal Court (ICC), which became operational in 2003, is continuing to establish itself as a major force in international justice. The UK is a firm supporter of the ICC.

On 31 March 2005 the UK sponsored the first Security Council Resolution referring a case - Darfur in Sudan - to the ICC. Under the terms of the Rome Statute, only the Security Council can refer a state which is not a party to the Court's Statute. The Foreign Secretary Jack Straw said:

"This, the first-ever Security Council referral to the International Criminal Court, is a further step forward in the development of international justice and the fight against impunity for the perpetrators of war crimes, crimes against humanity and genocide. The UK is a firm supporter of the Court, so we are glad that the Council was able to reach agreement on a referral. The ICC was established precisely for this kind of purpose - to ensure that those individuals responsible for committing heinous crimes will be held accountable."

Following a preliminary examination, the Prosecutor of the International Criminal Court announced, on 6 June, his intention to open a formal investigation into the situation in Darfur.

The ICC is investigating two other conflicts on the basis of referrals made to the Court by states parties in early 2004: the conflict in the Democratic Republic of Congo (DRC), focusing on the Ituri region; and the conflict in Northern Uganda, in particular the activities of the Lord's Resistance Army (LRA).

In January 2005 the ICC received a third referral from the Central African Republic (CAR) and, in February, Côte d'Ivoire accepted the ICC's jurisdiction over crimes committed on its territory since 2002. The Prosecutor will carry out a preliminary examination to determine whether to initiate investigations into these situations.

Management of the ICC

Over the last year the ICC has made progress towards becoming fully operational. In September 2004, the Assembly of States Parties (ASP) elected Fatou Bensouda (Gambia) as the second Deputy Prosecutor. The ASP agreed the ICC's budget for 2005 at £46.4 million (of which the UK pays £5.9 million - 12.8 per cent). It also established a contingency fund of £6.8 million for unforeseen costs. The ICC continued its work on regulations for the Victims' Trust Fund, which will provide compensation to

victims. The ASP will continue its consultations before meeting again in November 2005.

Ratifications and support for the ICC

Five more states - Burundi, Liberia, Guyana, Kenya and the Dominican Republic - have ratified the Rome Statute for the ICC in the past year, increasing the states parties to 99. It is a UK and EU objective to increase the number of states parties so that the ICC can operate within the widest possible jurisdiction. The EU carried out more than 50 lobbying exercises from July 2004-June 2005, urging states to ratify the Rome Statute. We need a better geographical spread of states parties; in particular, we need more representation from Arab and Asian states. So far, Jordan is the only Arab state to ratify the Statute. South Korea is a state party, but India, China and Japan have yet to accede to the Statute.

The UK's activities in support of the ICC this year have included part-sponsorship of a seminar on the ICC in Samoa in January 2005. We are co-funding a course in the autumn for legal professionals and people involved in legislation from countries of the Asia-Pacific region. We are also co-sponsoring training for investigators from regions likely to give rise to ICC investigations.

A related UK and EU goal is to help existing states parties enact legislation to implement their obligations under the Rome Statute. Last year we co-sponsored the Commonwealth Secretariat to produce model legislation for common law states. This year we will offer consultancy to states wishing to introduce such legislation but who lack the necessary expertise.

The ICC increasingly will need practical support from its states parties. In November 2004 the UK became the second state to sign a witness relocation agreement with the ICC. We are negotiating further bilateral agreements with the court on sentence enforcement and information sharing. We encourage

EU partners to make similar commitments and to consider practical ways in which they can support the ICC.

US and the ICC

Not all states support the ICC. Some, most notably the US, are concerned that their citizens could be subjected to politically motivated "nuisance" cases. We understand these concerns but we do not share them. We are satisfied that the safeguards in the ICC Statute will prevent the Court from pursuing such cases. We welcomed the flexibility shown by the US in allowing the Security Council to refer Darfur to the ICC. The compromise reached in the Council, which included an exemption from ICC investigation for non-ICC states parties taking part in the Sudan mission, opens the way for Security Council referrals to the ICC in the future.

We are confident that the ICC will establish itself as a credible, responsible and indispensable player in international justice. Once states see the Court in action and it is clear that the safeguards against politically motivated nuisance cases are working, we hope that those states currently uncomfortable about the ICC will consider becoming a party to the ICC Statute. This is a long-term goal. In the meantime, with our EU partners we will continue to lobby for ratification of the ICC Statute.

More information on the ICC is available at: www.icc-cpi.int.

Genocide prevention

Events in Darfur have put genocide prevention in the spotlight (see page 80). Since his appointment in July 2004 the UN Special Representative on Genocide Prevention, Juan Mendez of Argentina, has visited Sudan and Côte d'Ivoire. He endorsed the International Commission of Inquiry's recommendation for referring the situation in Darfur to the ICC (see page 80). In Côte d'Ivoire, he has made recommendations to the national authorities on ending impunity and hate speech and fostering confidence. He welcomed Côte d'Ivoire's self-referral to the ICC.



A view of courtroom one at the International Criminal Court during a pre-trial hearing on the Democratic Republic of Congo.

The Special Representative's role is part of the Secretary-General's five-point action plan published in April 2004. His mandate is to:

- collect existing information on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that could lead to genocide;
- act as an early warning mechanism to the Secretary-General and Security Council to bring to their attention potential situations that could result in genocide;
- make recommendations to the Security Council on actions to prevent or halt genocide; and
- liaise with the UN on activities for the prevention of genocide and enhance the UN's capacity to analyse and manage information relating to genocide or related crimes.

Action to prevent genocide is linked to the controversial issue of humanitarian intervention or, as it is now more commonly known, "the responsibility to protect". In a further development, in December 2004 the UN High-Level Panel on Threats, Challenges and Change made its report. We welcomed the panel's endorsement of the "emerging norm that there is a collective international responsibility to protect, exercisable by the Security Council authorising military intervention as a last resort, in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of humanitarian law, which sovereign governments have proved powerless or unwilling to prevent". Indeed, many of the concepts outlined by the panel on responsibility to protect are reflected in a speech made by the Prime Minister in Chicago in November 1999. The Secretary-General endorsed the panel's conclusions in his own report, *In Larger Freedom*, published in March 2005 (see chapter 4). The UK has and will play a prominent role in taking forward the debate on the Secretary-General's proposals, including on "responsibility to protect".

International Criminal Tribunal for the former Yugoslavia (ICTY)

The International Criminal Tribunal for the former Yugoslavia (ICTY) is now in its 13th year. Established by UNSCR 827 (1993), the ICTY aims to prosecute those responsible for serious violations of international humanitarian law committed in the former Yugoslavia since 1991. To fulfil its mandate the tribunal relies on assistance and cooperation from all countries, especially those in the region. The Security Council has consistently upheld this principle.

The ICTY has now completed the first phase of the completion strategy it agreed with the UN Security Council in October 2003. The first phase involved the completion of all investigations by the end of 2004. The second phase is the completion of first-instance trials by the end of 2008; the third

phase is the completion of appeals by 2010 and winding up the tribunal. Meeting the completion strategy will present a tough challenge as the schedule depends on countries apprehending and surrendering fugitive indictees to the tribunal. The Security Council has consistently demanded the surrender of fugitive indictees, in particular Radovan Karadzic, Ratko Mladic and Ante Gotovina. The Security Council has made it clear that they must be tried at The Hague notwithstanding the completion strategy; they cannot wait out the tribunal. A number of indictees were surrendered in early 2005, particularly those recently indicted; however, with our EU partners we continue to support the tribunal's calls for greater cooperation throughout the region and to make this a condition, including for countries' further integration within the EU (see Chapter 3).

The tribunal is making good progress. By June 2005, 128 accused had appeared in proceedings before the tribunal, 52 were at the pre-trial stage and nine were at trial. Fifty-six of the accused have been tried, of whom 13 are currently at appeal and have received their final sentences. This increase in output is due in part to maximised use of trial chambers and a recent increase in guilty pleas, which allow for shorter trials.

The ICTY's most high-profile and longest-running case is that of the former Yugoslav president, Slobodan Milosevic. The trial is now in its third year; the case for the prosecution closed in February 2004 and Milosevic started his defence in July 2004. Because of ongoing health concerns, the trial chamber has assigned defence counsel to assist Milosevic when his health prevents regular attendance at the tribunal.

The UK continues to support the ICTY by providing documentary and eyewitness material and through financial contributions. In addition to our annual payment (£5.8 million in 2005) in line with an agreed UN scale, we have funded some initiatives to complement the tribunal's work. These include the ICTY witness-protection programme and appellate training for 21 counsel from ICTY and ICTR. We have signed a sentence enforcement agreement, under which a small number of individuals convicted by the ICTY can serve their sentences in the UK.

To complete its mandate, the ICTY needs to transfer middle-to lower-level cases to regional courts. With international funding, a special war crimes chamber in the Bosnia state court was inaugurated in March 2005. The chamber will start hearing cases in mid-2005. We are providing almost 10 per cent of the total costs: £2.6 million over five years. The ICTY is currently considering several cases for transfer to the region.

The ICTY brought forward the elections for 14 of the 16 seats as permanent judges by a year to November 2004. This will allow more efficient planning of the chambers' time and help the ICTY

adhere to its completion strategy. Of the 13 sitting judges that stood for re-election, all but one were returned to office. British judge Lord Iain Bonomy was re-elected.

In January 2005 the Security Council passed UNSCR 1581 to make trial proceedings more efficient and thus contribute towards the completion strategy. UNSCR 1581 allowed for *ad-litem* judges at the ICTY to finish hearing cases on which they were already engaged, should the cases continue beyond the judges' expected term of office, which ends in June 2005.

More details about the ICTY are available at: www.un.org/icty.

The International Criminal Tribunal for Rwanda (ICTR)

The International Criminal Tribunal for Rwanda (ICTR) was established in October 1994 to prosecute those people most responsible for the genocide and other serious violations of international humanitarian law committed in Rwanda from 1 January 1994 - 31 December 1994 when up to a million people, mostly members of the Tutsi tribe, were murdered. Ten years on, the tribunal is well on the way to fulfilling that mandate.

By May 2005 the ICTR had handed down 19 judgements, involving 25 accused. Twenty-two of them were convicted and three acquitted. The judgements delivered so far involve one prime minister, four ministers, one prefect, five bourgmestres (sub-prefects) and several others holding leadership positions during the genocide. Nine trials were in progress as of May 2005, involving a total of 25 accused.

The tribunal has now completed the first phase of the completion strategy it agreed with the UN Security Council in October 2003. The first phase was the completion of indictments by the end of 2004. The second phase is the completion of first-instance trials by the end of 2008; the third phase is the completion of appeals by 2010 and winding up the tribunal.

The UK fully supports the tribunal and has contributed over £4.1 million towards its regular budget in 2005. In order to give practical support to the tribunal's demanding completion strategy, we have co-funded (providing £63,000) with Norway, a fourth courtroom, which was inaugurated on 1 March 2005.

We are further assisting the tribunal by negotiating witness-protection and sentence-enforcement agreements. We are trying to persuade more EU partners to conclude similar agreements. In addition, we want to develop broader diplomatic and political support for the tribunal (which is geographically remote) and have set up a Friends of the ICTR group in Dar es Salaam. The Group is chaired by the British High Commissioner and includes

the Ambassadors of Norway, Belgium, Germany, France and the US. The Friends help to raise the profile of the tribunal among key donor states and informally advise the tribunal on discharging its mandate as part of its completion strategy.

More information on the tribunal is available at: www.ictr.org.

Post-conflict justice mechanisms

Ending impunity and establishing the rule of law are crucial to sustainable peace in post-conflict societies. By ignoring these issues, we risk conflict re-emerging. Each post-conflict society is unique and there is no single model we can use to address all war crimes and grave human rights abuses. We must consider a range of transitional justice mechanisms: domestic or international courts (or a combination) to try perpetrators; fact-finding mechanisms, such as truth commissions; vetting processes to exclude human rights abusers from public institutions; and reparations to give practical and moral redress to the victims. These mechanisms can be complementary: in Sierra Leone, for example, a Special Court and a Truth and Reconciliation Commission have operated simultaneously.

Special Court for Sierra Leone

The Sierra Leone government and the UN established the Special Court for **Sierra Leone** (SCSL) in January 2002. Its mandate is to prosecute "persons who bear the greatest responsibility for serious violations" of international humanitarian law and domestic law committed in Sierra Leone since 30 November 1996. The court is a new type of body in international justice; it is a hybrid tribunal made up of domestic and international judges and other staff and uses both international and domestic case law. The court's jurisdiction covers gender crimes and the crime of recruitment of child soldiers, reflecting the particular suffering of these groups during the conflict.

The court has attempted to learn some lessons from the experience of the International Criminal Tribunals for former Yugoslavia and Rwanda (ICTY and ICTR, respectively) and it builds on some of their pioneering work in case-law and rules and procedures. ICTY and ICTR have been seen as geographically too remote from the victims. The Special Court's establishment in Freetown means it is visible to Sierra Leoneans. It also helps sensitise foreign court staff to the social and political situation in Sierra Leone. This should also make the court's processes more transparent and relevant to its society. Sierra Leoneans make up almost a quarter of the court's professional staff and over half of the overall staff numbers.

The international community, including NGOs and academics, monitor the court's progress. It is the first time that a part-international tribunal has been set up in the state where the



The UN International Criminal Tribunal for Rwanda sentenced Mika Muhimana (left) on 28 April 2005 to imprisonment for the remainder of his life after finding him guilty of genocide and crimes against humanity.

crimes it is prosecuting took place. Once its work is finished, the Special Court will leave an inheritance for the people of Sierra Leone: a new courthouse and trained legal professionals who live locally and can carry on the court's work.

The court is concentrating its efforts on a small number of accused whom it holds to be most responsible for the crimes in Sierra Leone and it is raising relatively few counts against them. There have been 13 indictments so far (two of these were withdrawn because of the death of the accused). Nine accused are in the court's custody, one is at large (presumed dead) and the other, Charles Taylor, former president of Liberia, is in exile in Nigeria. (The number of indictees is small in comparison to the ICTY and the ICTR, which have indicted around 120 and 60 people, respectively.)

The court originally expected to complete its work by summer 2005. It will miss this target and now has a new completion target for the first half of 2006. Nonetheless, the rate of progress is good. The first permanent officials arrived in Freetown in July 2002 and the courthouse officially opened on 10 March 2004. The trial of civil defence force members, Samuel Hinga Norman, Allieu Kondewa and Moinina Fofana, opened in June 2004. The trial of revolutionary united front members, Issa Hassan Sessay, Morris Kallon and Augustine Gbao, began in July 2004. The second trial chamber opened in March 2005, starting the third and possibly final trial of armed forces revolutionary council members, Alex Tamba Brima, Brima Bazzy Kamara and Saptigie Borbor Kanu. British judge Teresa Doherty is presiding judge of the second trial chamber.

The court indicted Charles Taylor in June 2003. We continue to press at the highest level for Charles Taylor to face justice in the Special Court and our posts in the region are building a coalition of support for his surrender. We believe that his surrender would be in the long-term interest of regional stability and an important step towards ending the culture of impunity.

The UK currently chairs the management committee in New York that assists the court with advice and policy direction on non-judicial aspects of its operations, such as efficiency, approving its budget and encouraging other states to cooperate with and contribute to the court.

The original plan was to fund the court entirely from voluntary contributions. The UK has committed £6.6 million (around 16 per cent of an overall budget of around £42.2 million) to cover the court's expected three-year lifespan. But though the court has been financially disciplined, voluntary funding has been insufficient. The UN Secretary-General requested the UN General Assembly to make available a one-off \$40 million subvention for the court. The sum of \$20 million has been made available and a further \$13 million agreed in May 2005. This will provide sufficient funds for the court to operate until the end of 2005. Any overrun in meeting the completion strategy will have difficult financial implications. We are examining contingency options.

More information on the SCSL is available at: www.sc-sl.org.

Khmer Rouge Tribunal

In June 2004 a new government formed in Cambodia after almost a year of internal political deadlock, following elections in July 2003. On 4 October 2004 the Cambodian parliament ratified legislation to establish the Khmer Rouge Tribunal. In December 2004 agreement was reached on the formation of the tribunal. The tribunal is supported by the UN and will bring to justice those most responsible for the deaths of around 1.7 million people - over 20 per cent of the Cambodian population - during the Khmer Rouge era from 1975-79. The tribunal will play a vital role in fighting the culture of impunity, which has prevailed in Cambodia since 1979.

The tribunal is expected to run over three years and will cost an estimated £29.7 million. The UN is providing \$43 million (£22.6 million) of the tribunal's budget and the Cambodian government

\$13.3 million (£7 million). On 27 January 2005 the UK announced an immediate contribution of £500,000 and we hope to pledge similar amounts for the second and final years, subject to matching contributions from other donors. In March 2005 the UN held a pledging conference to seek donations from the international community to fund the court. Work is now under way to recruit staff and prepare the court buildings. The tribunal is likely to begin proceedings in early 2006.

5.8 Refugees

A refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country." (1951 Refugee Convention)

The UN High Commissioner for Refugees (UNHCR), which holds the UN mandate for protection of the world's refugees, estimates that there are 17 million asylum seekers, refugees and "others of concern". Although this number is unacceptably high, since 2001 the number of refugees around the world has fallen by nearly 22 per cent. This is the lowest level in a decade and despite any new crises, senior UNHCR officials predict that the numbers will continue to fall steadily in 2005. In particular, the situation for refugees in Angola and Afghanistan improved significantly in 2004.

However, 2004 was also a year of continued violence in Côte d'Ivoire, Nepal and parts of the DRC. In Sudan's Darfur region, the world faced one of its most complex humanitarian crises. The UK remains committed to reducing the number of people who remain desperately in need of solutions.

Refugees around the world

The reasons why people become refugees vary from region to region. Conflict is the most obvious reason, but not the only one. State repression can also drive large numbers of people to flee their country, as witnessed in the plight of so many refugees in China from the Democratic People's Republic of Korea (DPRK).

The international community's greatest displacement challenge of the past year stemmed from the ongoing conflict between **Sudan's** government and the Sudanese People's Liberation Movement (SPLM). The challenges are multiple. Continuing violence in Sudan's Darfur region poses a complex humanitarian situation. Long distances, visa rules, tight controls and rains have hampered access to a displaced population, which is susceptible to conflict, famine and disease and whose ability to seek assistance has been hindered by the heavy presence of the Janjaweed militia. Political strife threatens to lead to another

crisis in eastern Sudan, where local communities already receive assistance after decades of hosting refugees from Ethiopia and Eritrea. The signing of the peace agreement between the government of Sudan and SPLM in January 2005 could, in time, lead to hundreds of thousands of people returning to areas still devastated by conflict and neglect.

Providing adequate security for both refugees and local communities is another challenge. In West Darfur, UNHCR has been trying to improve security by sending regular monitoring missions, to ensure refugee protection, throughout the state and in particular along the border with Chad. These missions have improved protection and physical security for some communities and internally displaced people, but they cannot substitute for a political settlement.

In **Chad**, UNHCR continues to stabilise the situation of over 200,000 Sudanese refugees who fled the conflict in Darfur. It has established 11 camps and moved those near the border inland for safety. An estimated 18,000 refugees remain settled along the border, but are being advised by UNHCR to move into camps. Despite daunting logistical challenges, UNHCR and partner agencies are meeting basic needs and standards.

On 31 January 2005 the Sudan government and SPLM concluded a Letter of Understanding (LoU) on the voluntary return of IDPs to and within west Darfur. At present, the lack of security means that it is not safe for large numbers of people to return home. There have been some limited voluntary returns and these people now need protection and assistance from the international community. The LoU safeguards people's right voluntarily to return to their villages of origin, without preconditions and in safety and dignity. It also provides a framework for the implementation of durable solutions as and when the political and security situation allows. Since September 2003 the UK has contributed over £66 million to humanitarian relief in Darfur. The UK has allocated £110 million in humanitarian and development aid for Sudan and eastern Chad for this financial year, of which £55 million has been contributed towards the UN's \$1.5 billion workplan for the whole of Sudan for 2005.

Over 3.5 million Afghan refugees have now returned to their homes and we expect to see similarly high numbers in 2005 and 2006. Many factors have contributed to this record rate of return: **Afghanistan** held its first presidential elections in October 2004; the new government is in place and establishing a national army and police force; demobilisation and disarmament have accelerated; and the economy continues to improve.

There has been increasing pressure on Afghans in Iran to leave, from the Iran government, bringing into question whether their

repatriation is voluntary. It is vital that the UNHCR has access to all deportees and sees documentation belonging to Afghans in Iran so it can identify those Afghans who have genuine concerns about their security and to make sure that refoulement does not take place.

The pattern of returns from **Pakistan** shows that more people are returning from urban areas than from the old camps in North West Frontier Province (NWFP) and Baluchistan. In 2004 the new camps were closed by UNHCR. From these, 80,000 Afghans returned to Afghanistan and 14,000 vulnerable Afghans were relocated and continue to receive assistance. Very few refugees have returned to areas in Afghanistan where security is problematic and there has been limited reconstruction.

The European Commission Humanitarian Office (ECHO) and Europeaid are funding an initiative led by UNHCR, known as the Afghanistan Comprehensive Solutions plan or Afghanistan Plus. This involves Afghanistan, Iran and Pakistan in creating conditions for durable solutions and addressing the longer-term challenges of migration in the region. Last year, DFID provided £2.5 million to UNHCR's annual appeal for Afghanistan.

In **Cambodia**, there was a major breakthrough for the Montagnards - refugees from the central highlands of Vietnam - when Vietnam initiated tripartite consultations in January 2005. This led to the signing of a Memorandum of Understanding (MoU) between the Cambodian and Vietnamese governments and UNHCR, which institutionalises and confirms temporary protection in Cambodia and provides a framework for the resolution of the situation of Montagnards, mainly through return or resettlement. The agreed mechanism makes asylum and protection more predictable and includes a commitment from Vietnam that its authorities will not prosecute or discriminate against refugees for departing their country illegally. Under the MoU, UNHCR expects to be able to visit returnees.

In West Africa, the repatriation of Sierra Leonean refugees has been completed and some 270,000 refugees have returned home, with UNHCR assisting 179,000 of them. The UK helped vulnerable people and refugees in **Sierra Leone** by providing £200,000 to the International Committee of the Red Cross (ICRC). UNHCR and its partners, alongside the UN country team and the government, will assist reintegration through various community projects until the end of 2005. These small-scale projects range from skills training and construction of local health clinics and wells to the upgrading of schools. In response to the 2004 UN consolidated appeal for Sierra Leone, we provided £400,000 to UNHCR's work in caring for Liberian refugees.

The UN Mission for **Liberia** (UNMIL) has now deployed 15,000 peace-keeping troops in Liberia and declared that all but two districts are now safe for return. The organised repatriation of Liberian refugees, which began in October 2004, is gaining momentum. We provided £1.1 million to assist UNHCR's repatriation both of refugees and internally displaced people and we donated £1 million to the World Food Programme's operation, which primarily supports repatriation, but also cares for other refugees within Liberia. In October 2004, there were around 78,500 Liberian refugees in **Guinea** and in response to the 2004 UN consolidated appeal, we gave £500,000 to help UNHCR care for them and a further £500,000 towards the ICRC's work in the country. We also provided £500,000 to UNICEF to improve healthcare services in refugee camps and host communities.

UNHCR is facilitating, but not yet encouraging, the return of Liberian refugees to Liberia from Côte d'Ivoire. While there is a lot of informal movement across the border, we do not expect any large-scale, formal repatriation to Liberia until after the Liberian elections or unless the situation in Côte d'Ivoire deteriorates.

There is widespread internal displacement of people within **Côte d'Ivoire** as a result of ethnic tensions and recent conflict. The main displacement occurred at the start of the conflict in September 2002 and includes 7,000 mostly Burkinabe people now living in two large camps near Guiglo. Elsewhere, IDPs have been able to find work and integrate into host communities for varying periods of time.

West Africa hosts more than 300,000 refugees and challenges for the future include developing long-term strategies for issues such as unemployment and for disarmament, demobilisation, reintegration and rehabilitation (DDRR) of armed groups. DDRR is a pre-requisite to socio-economic recovery and political stability, including conflict prevention, throughout the region. In 2004 the UK committed £3 million to DDRR in Liberia; of this, £2 million went to the DDRR Trust Fund, administered by the United Nations Development Programme, which funds the disarmament, demobilisation and reintegration of ex-combatants, and £1 million to rehabilitation and repatriation activities run by UNICEF. UNICEF is running an education and reintegration programme for Children Associated with the Fighting Forces (CAFF) and an accelerated learning programme for children whose education has been disrupted by war. We have committed a further £2 million to reintegration and rehabilitation programmes in 2005.

The situation of the Sahawari refugees in Algeria improved in 2004. Saharawi refugees fled **Western Sahara** to neighbouring Algeria after a Moroccan invasion followed the withdrawal of

Spain, the colonial power, in 1975. Morocco continues to occupy the territory and they have been refugees for about 28 years. The Moroccan government, Algeria, as the country of asylum, and the Polisario - the Sahawari independence movement - agreed to implement the first phase of a series of confidence-building measures operated by UNHCR, to facilitate individual contacts between Sahawari communities in their place of asylum and place of origin. The programme was considered a success by all, and a second phase will be implemented in 2005, pending donor support.

Conflict in the **Democratic Republic of Congo (DRC)** has claimed the lives of around three million people and caused massive population movements. More than three million Congolese are still internally displaced. Despite ethnic violence in parts of eastern DRC, the political and security situation has improved significantly and UNHCR is assisting the government and partners to facilitate voluntary repatriations of Congolese refugees from around the region. Some areas to which refugees wish to return are still under the control of opposition groups and militias. UNHCR is working with the UN Development Programme (UNDP), UN Mission in the DRC (MONUC) and the World Bank on initiatives for demobilisation, disarmament and reintegration (DDR), and on the multi-country demobilisation and reintegration programme (MDRP) to complement repatriation and reintegration efforts for refugees from the DRC. Most of them are living in neighbouring countries, but many are also in Europe, Kenya, South Africa and the US. In March 2005 DFID allocated £500,000 to UNHCR's appeal for £8 million through UNCAP, which will help repatriate and reintegrate refugees returning to DRC from the Central African Republic in 2005.

Rwanda has been rebuilding since 1994 and has seen lasting peace since it underwent major political changes in 2003, including a new constitution and presidential and parliamentary elections. This has encouraged high numbers of Rwandan refugees to return from neighbouring countries, primarily the

DRC and Tanzania. Voluntary repatriation programmes will continue throughout 2005.

Similarly, more than 90,000 refugees returned to **Burundi** last year. However, concerns about worsening food shortages and increasing tensions in northern Burundi may deter many more Burundians from returning. UNHCR anticipates helping 150,000 people to return home this year from neighbouring Tanzania. The UK has been leading a pilot project on strengthened humanitarian coordination in Burundi since 2003. The Burundi Good Humanitarian Donorship Pilot focuses on improving the planning, prioritisation and allocation of resources, enabling donors and NGOs to coordinate and participate in the Common Humanitarian Action Plan (CHAP) more effectively.

Decades of internal conflict have continued to produce new internally displaced people (IDPs) in **Colombia**. The cumulative total of IDPs is now well above two million. The conflict also has regional implications and produces refugee movements to the surrounding countries (mainly in Costa Rica, Ecuador, Panama and Venezuela). In the affected border areas, security continues to be problematic, causing serious protection concerns. UNHCR is therefore reinforcing its field presence in these areas and further promoting the strategic use of resettlement for providing protection and durable solutions and for sharing responsibility. UNHCR will continue stressing the need for the government to comply with existing legislation and to make its response to the internal displacement crisis more effective.

Hundreds of thousands of refugees from the DPRK still remain in **China**, having first left their home country in large numbers in 1995 following widespread famine. China does not permit North Koreans to apply for asylum or recognise them as refugees, and allows UNHCR virtually no direct access to North Koreans in the north-east. UNHCR's involvement is mostly limited to the growing number of individuals who force their way into embassy premises and most recently international schools, in attempts to move out of China. Concerns about alleged deportations mean



Somali refugees demonstrate in Nairobi, 18 March 2005. Somalia's parliament stood by its decision to reject the use of peacekeeping troops from neighbouring countries.

that UNHCR continues to engage the Chinese government on these issues.

The roots of the current conflict between Russia and Chechnya, involving the latter's struggle for independence, go back several centuries. A significant number of Chechens continue to seek asylum abroad. Despite this and an ongoing volatile security situation in the **Northern Caucasus**, progress is being made in relation to increased UNHCR operations in the area seeking to address the needs of both IDPs in Chechnya, and refugees in this region of the Russian Federation. Returns to Chechnya have resumed from neighbouring Ingushetia, although at a lower rate than earlier in 2004.

Thailand continues to host some 140,000 refugees from Burma, many having fled human rights abuses committed by the army of the state peace and development council (SPDC). Previously, Burmese seeking refuge in Thailand, primarily ethnic minority peoples from eastern Burma, have had limited or no access to a status-determination process, and thus no legal access to refugee status or protection, with many newly entering Thailand being classified as "illegal migrants". However, Thailand conducted a successful migrant workers registration in late 2004, which ensures that people who wish to migrate have options other than resorting to the asylum system. Some 850,000 migrant workers from Burma were registered. Thailand is also establishing a national asylum procedure through the provincial admission boards (PABs) for asylum seekers from Burma. The PABs, in addition to the criteria of "fleeing fighting" for admission to the camps, will now also use the criteria of "fleeing persecution" for temporary asylum pending resettlement, a significant and positive revision of the previous arrangement.

Convention Plus

The UN's 1951 Convention and 1967 Protocol cannot address all the challenges of refugee protection in today's changing world. In 2002 UNHCR announced Convention Plus, which aims to produce multilateral special agreements and use Comprehensive Plans of Action to improve refugee protection worldwide and facilitate the resolution of refugee problems.

Through Convention Plus, UNHCR uses discussion and negotiation with states and other partners to mobilise support and to agree firmer commitments in three priority areas. These areas are: the strategic use of refugee resettlement in combination with other durable solutions; addressing irregular secondary movements of refugees from first countries of asylum; and targeting development assistance to meet refugees' needs, as well as the needs of their host communities. The UK has participated in the deliberations on the three priorities and we welcomed the agreement in 2004 on a multilateral

framework of understanding on the strategic use of resettlement.

The UK Government's Five-Year Strategy for Asylum and Immigration, published in February 2005, reaffirms the UK's support for Convention Plus. In 2004 the UK contributed around £30 million to UNHCR, making us the seventh largest donor to the UNHCR. We have agreed to accept up to 500 refugees a year under the UNHCR's Gateway Protection scheme, and have so far resettled Liberian refugees from Guinea and Sierra Leone, and Congolese refugees from Uganda and Ghana. This year we plan to accept Sudanese refugees from Uganda and Burmese refugees from Thailand.

The UK, Denmark and The Netherlands are co-funding two EU-supported protection projects led by UNHCR. The first project will formulate a Comprehensive Plan of Action for Somali refugees. The second, the Strengthening Protection Capacity Project, is devising tools and approaches to strengthen the capacity in Kenya, Tanzania, Benin and Burkina Faso to receive and protect refugees; this includes enhancing self-reliance and expanding opportunities for durable solutions. The projects are being rolled out in three phases and the countries are at various stages of completing the process. The first phase involves a comprehensive analysis of protection in each country, using a framework to identify shortcomings. National consultations based on these reports concentrate on prioritising refugees' needs and examining how best to meet them. Through regional consultations, we can identify common themes of protection, problems and best practice. Through the consultations, the project will determine strategies for implementation. A steering committee monitors and evaluates all progress.

EU proposals

As part of the drive to improve refugees' access to lasting solutions, the EU is planning one or more Regional Protection Programmes (RPPs). These programmes would be developed for specific situations, enhancing people's protection in their regions of origin through actions on asylum and migration. The programmes will comprise a range of measures including assistance to third countries in complying with international obligations under the 1951 Refugee Convention and other international instruments. These measures will improve security, help refugees to register and integrate locally and help countries improve their local infrastructure and manage migration.

The proposed RPPs would be flexible in order to respond to specific situations. They could include measures to enhance protection, registration schemes (which might employ biometric technology) and assistance for improving local infrastructure.

Each RPP would be drawn up in close cooperation with the countries concerned and in collaboration with the UNHCR and other stakeholders.

The European Commission is also proposing the development of an EU-wide resettlement scheme. The UK supports the principles of such a scheme and looks forward to engaging in constructive discussion with the Commission and member states to consider their ideas in more detail over the coming months.

Wider humanitarian reform

The Secretary of State for International Development, Hilary Benn, is proposing changes to the international humanitarian system, the means by which the international community responds to humanitarian crises. These changes would improve the quality and speed of assistance that the international community provides to all vulnerable people, including displaced people, in times of emergency. Mr Benn proposes improving UN leadership at country level; better needs assessments; channelling resources in a more coordinated fashion; and benchmarks to measure the scale and speed of response required of the humanitarian system. Mr Benn suggests that donors pool humanitarian funds and offered to commit up to £100 million from DFID. He is calling for donors to invest 10 per cent of their funding in reducing the risk of disaster. We hope that these reforms will benefit internally displaced people, who often fall between the remits of different agencies.

The UK is a member of the Good Humanitarian Donorship Initiative (GHDI), established in June 2003 by a number of donor governments. The Initiative is an attempt to improve the international community's response to humanitarian crises. Members have established 23 principles of good practice in humanitarian donorship, an implementation plan and an implementation group. They have also identified GHDI priorities of assessment, flexible funding and transition from humanitarian aid to recovery and development.

The UN Secretary-General's recent report, *In Larger Freedom: Towards Security, Development and Human Rights for All*, examines the need for collective action against genocide, ethnic cleansing and crimes against humanity. The report recommends ratifying and implementing all treaties relating to the protection of civilians; strengthening cooperation with the International Criminal Court and other international or mixed war crimes tribunals; and strengthening the International Court of Justice. The Secretary-General also intends to strengthen the Secretariat's capacity to assist national efforts in re-establishing the rule of law in conflict and post-conflict societies.

UK asylum policy

The UK is committed to its obligations under the 1951 Refugee Convention and providing a safe haven to those genuinely in need. This necessarily entails a swift and effective process to determine a person's status and to identify and return those who do not require protection.

The Government's Five-Year Strategy for Asylum and Immigration incorporates measures to sustain the progress we have already made in speeding up processing times. Over 80 per cent of asylum claims now receive a decision within two months of the application being lodged, against an average of 22 months in 1997. In particular, we are introducing a new, more tightly managed asylum process in which we will make decisions as quickly as possible. We will underpin this process with a programme we are running with support from UNHCR to improve the quality of our decision making on asylum cases and streamlining the asylum appeals system.

In reaching decisions on asylum, we refer to country reports produced by the Home Office Country and Information Policy Unit; we also use these reports when making decisions to designate countries whose citizens are in general free from persecution. To further ensure that these country reports are comprehensive and accurate, the Nationality, Immigration and Asylum Act 2002 established the Advisory Panel on Country



New UN High Commissioner for Refugees, Antonio Manuel de Oliveira Guterres, arrives for his first visit to his staff at the UNHCR headquarters in Geneva, 2 June 2005.

Information (APCI). This independent panel of experts on migration is tasked with making recommendations on the quality of information contained in the Home Office's country reports.

Where we approve an application for asylum, we will grant the person concerned refugee status. They may be joined by their immediate family and we will encourage them to find work and participate in local communities.

The UK Government believes that it is important that once it grants a person refugee status, they are able to lead a full and productive life in the UK. In March 2005 we launched *Integration Matters: a National Strategy for Refugee Integration* to support refugees in three key areas: assisting refugees in achieving their full potential; contributing to communities; and accessing services.

Based on the belief that effective returns are essential to a credible asylum system, the strategy also includes a commitment to remove from the UK more failed asylum seekers than there are unfounded new applications by the end of 2005. We will achieve this by maintaining regular contact with asylum seekers while their claims are being processed; dealing swiftly with claims that are clearly unfounded; prosecuting those who arrive without documents; working with countries to ensure that they accept back failed asylum seekers; and expanding voluntary returns schemes. Our strategy also tackles the difficult issue of unaccompanied asylum-seeking children, through programmes to facilitate and support their return.

We will return only those we find not to be in need of international protection, or without any other form of leave to remain, and who do not depart voluntarily. We believe that it is preferable for people to return to their countries of origin voluntarily, rather than through compulsion. Voluntary return is more dignified and it offers returnees assistance with their reintegration, which then makes their return more sustainable. The Voluntary Assisted Return and Reintegration Programme (VARRP) has been operating since February 1999. It assists asylum seekers, failed asylum seekers and those with exceptional leave to remain, who wish to return to their country of origin. The Home Office's Immigration and Nationality Directorate confirms which applicants are eligible for assistance under VARRP, and the programme is implemented by the International Organisation for Migration (IOM).

We run two special voluntary returns programmes for Afghans. The Return to Afghanistan Programme offers cash grants to eligible applicants to assist in their reintegration. The Explore and Prepare programme enables eligible Afghan nationals with refugee status in the UK to return to Afghanistan for up to a

year, to assess the situation and prepare for the return of their family or community. The UK has given more than £303 million to help Afghan people rebuild their country and we are committed to helping people return home in a safe and sustainable manner.

The broader migration agenda

As part of our commitment to address the root causes of forced migration and encouraging development in regions of origin, the UK is examining the links between migration and development. The House of Commons International Development Committee Report of June 2004 sets out a comprehensive agenda, which the Government has welcomed. We look forward to working with EU partners to take forward proposals set out in the European Commission Paper on Migration and Development during the UK Presidency this year.

We also look forward to further work in the UN on issues such as the promotion and protection of the human rights of migrants. The UK has been following with interest the work of the Global Commission on International Migration (GCIM). Established in January 2004, it aims to study how to improve cooperation among UN and other international agencies, and to provide a comprehensive response to migration issues. The Commission's final report, to be published later this year, will analyse shortcomings in current approaches to migration, examining links with other issues and presenting recommendations to the international community. It will help set the scene for a high-level dialogue on Migration and Development during next year's UN General Assembly.



A man enters an AIDS clinic in Uganda. Uganda has possibly the most open attitude in Africa against AIDS and HIV.

Economic, social and cultural rights

There has probably never been a time when the link between economic, social and cultural rights and civil and political rights has been so clear and so strong. The report of the Commission for Africa, published in March 2005, demonstrates the fundamental importance of good governance and the rule of law to improving the economic and social life of millions of Africans.

The annual report of the UN Secretary-General on the implementation of the UN Millennium Declaration reiterates that millions of poor people afflicted with HIV/AIDS are suffering from the failure of governments to implement the right to health. As a result, every year more than two million of the most economically and socially active people in developing countries die unnecessarily, threatening not just economic development but the fabric of society itself.

Where government is weak and lacks democratic legitimacy, it creates space for criminal organisations to flourish. Endemic corruption undermines the rule of law and allows a shadow economy to flourish, fuelled by the illicit profits of crime. This in turn undermines legitimate business with unfair competition, reducing the revenue base from which governments can fund education, healthcare and other social services.

In the past year the UK has used its influence to promote new ways of thinking and acting that will help the hundreds of millions of people living in extreme poverty to realise their economic, social and cultural rights. The UK made great progress in getting G8 Finance Ministers to agree an historic debt relief deal when they met on 10-11 June 2005. As a result, 38 of the world's poorest countries will benefit from total cancellation of debts owed to multilateral agencies such as the

World Bank and the IMF. The debt cancellation of US\$55 million will give these countries a fresh start.

The Commission for Africa's report seeks to restore faith in the benefits of development and trade in achieving the Millennium Development Goals (MDGs) in sub-Saharan Africa. As well as making the moral case, the report offers practical guidance on how to bring about desirable change.

At the Commission on Human Rights in April 2005, the UK voted in favour of resolutions on the rights to health, food and development. We co-sponsored a resolution on the right to education, which was adopted by consensus, as were others we supported dealing with extreme poverty and with the general realisation of economic, social and cultural rights.

This chapter examines ways in which the UK is working internationally to promote the realisation of these rights.

Individual complaints mechanism

Over the last year the international human rights community has continued to debate the feasibility and benefit of an optional protocol to the International Covenant on Economic, Social and Cultural Rights, which might allow individuals to bring complaints of violations before the UN Committee on Economic and Social Rights. A UN working group, established to examine the options and possible scope of such a mechanism, met for the second time in January 2005. The UK believes some questions remain over economic, social and cultural rights and how an optional protocol would function in practice. We are playing a constructive role in the discussions on the need for a new mechanism and the complex legal issues that surround it.

6.1 Human rights and sustainable development

Sustainable development is about enabling people worldwide to satisfy their basic needs and enjoy a good quality of life, without compromising the quality of life of future generations. In March 2005, the UK Government published its sustainable development strategy, *Securing the Future* (available at www.sustainable-development.gov.uk). The Strategy places sustainable development at the centre of all UK domestic and international policies. It recognises that countries which are democratic, with governments that respect human rights and observe the rule of law, are responsive to the needs of their people, and by promoting good environmental governance are more likely to achieve sustainable development.

Flowing from *Securing the Future*, the FCO published its Sustainable Development Strategy in March 2005 (available at www.fco.gov.uk/sustainabledevelopment). This sets out how we will work bilaterally and multilaterally to help promote international sustainable development during 2005-08. The strategy includes the following aims:

- delivering the commitments the UK made at the 2002 World Summit on Sustainable Development. In particular, delivering the two commitments for which the FCO is the coordinating department: exploring the relationship between the environment and human rights; and achieving more effective action by international organisations in promoting sustainable development. We have published separate delivery plans for both of these commitments, available at the FCO website above;
- reducing poverty through the Millennium Development Goals;
- promoting the mutual supportiveness of trade liberalisation, environmental protection and sustainable development;
- increasing international development assistance and tackling international debt through the Monterrey Consensus;
- increasing global economic growth and competitiveness in ways that promote sustainable production and consumption;
- spreading democracy, good governance and better protection of human rights;
- promoting better protection and equitable and sustainable use of natural resources; and
- enhancing international action to tackle climate change.

We will focus on priority countries that face particular challenges in sustainable development, especially those eligible for the GOF Sustainable Development Fund (see Chapter 1, page 18), or which are emerging economic powers or are influential in international organisations.

6.2 Human rights and the environment

Environmental degradation can place a great burden on states in fulfilling their human rights obligations. Human rights violations can in turn preclude good environmental management, which is central to achieving sustainable development and is a necessary part of implementing a number of economic, social and cultural rights.

Economic, social and environmental development will only endure if they are built on solid foundations of good governance. This means the sound and equitable management of human, natural, economic and financial resources; clear decision-making procedures within public bodies; the full participation of civil society; transparent and accountable public institutions at all levels; the rule of law (including access to justice and due process in legal proceedings); and the democratic legitimacy of government serving all of its citizens. It also includes promoting and protecting the human rights of environmental activists.

When individuals can participate in environmental decisions, the result is likely to be more equitable and legitimate and therefore more likely to be enforced successfully. For this, it is essential to implement Principle 10 of the Rio Declaration on Environment and Development (1992). This provides for access to information, public participation in decision-making and access to justice in environmental matters, in order to promote good environmental governance and enable people to realise related economic, social and cultural human rights.

The FCO supports the Partnership for Principle 10 (PP10), a partnership of states, international organisations and civil society groups around the world, which promotes national implementation of Principle 10. We contributed £200,000 in 2003-05 to support the partnership's secretariat and project work. In June 2004 former Foreign Office Minister Bill Rammell announced a set of UK commitments to PP10 at the second full meeting of partners, hosted by the World Bank. This included a commitment to fund environmental governance projects totalling £100,000 in 2004-05 that support Principle 10 in partner countries Chile, Hungary, South Africa, Thailand and Uganda. In **Thailand**, we are supporting a project by the environment institute to assess Thailand's implementation of Principle 10. The project is increasing awareness among government officials of public participation, empowering NGOs and citizens and identifying priorities for policy reform to promote public participation in environmental decision-making.

We also support The Access Initiative (TAI), a global coalition of civil society groups dedicated to promoting Principle 10. In 2003

we sponsored a project in **Latin America**, coordinated by the Mexican Centre of Environmental Law (CEMDA), to evaluate government performance on access to information, public participation and access to justice among regional partners in Bolivia, Ecuador, Costa Rica, El Salvador, Peru and Chile. In November 2004 we funded an extension of this project to Brazil, Colombia and Venezuela.

DFID is strengthening environmental governance through a £2.2 million programme in **Kenya** (2003-07), in which it is developing accountability for environmental decisions. The programme's activities are improving the Kenyan ministry of the environment's ability to coordinate, develop and implement environmental policies; strengthening the role of NGOs (Forest Action Network, Kenya Forest Working Group and Environmental Liaison Centre International) in monitoring environmental decisions and events, advocating change and disseminating information; increasing people's access to justice in environmental disputes through legal clinics and alternative mechanisms, such as the environment tribunal; and introducing approaches that comply with environmental standards, in collaboration with the UK Environment Agency and WWF-EARPO (Eastern Africa Regional Programme Office).

Within the UK, in February 2005 we ratified the United Nations Economic Commission for Europe (UNECE) Aarhus Convention, covering the public's involvement in access to environmental information, participation in environmental decision-making and access to justice in environmental matters.

6.3 Right to development

The right to development is the right of every individual to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be realised. Everyone has the right to participate in this process actively, freely and meaningfully, and to enjoy a fair distribution of its benefits. In many of the

world's poorest countries people have lost faith in the state's ability to provide the basic legal and economic framework within which development takes place, or basic social services, such as health and education. As the Commission for Africa said: "For too many, perhaps a majority, the state is an irrelevance or a burden." The very poorest and most vulnerable are unable to pay for the private provision of social services, or to pay bribes to enjoy their human rights, so they suffer disproportionately from this state failure. For many millions of people, the right to development is a theoretical concept, devoid of content or meaning.

However, in recent years development experts have begun examining practical ways to improve the lives of poor people. The Intergovernmental Working Group on the Right to Development appointed a High-Level Task Force in February 2004, comprising five experts from different regions, together with representatives of the World Trade Organisation (WTO), International Monetary Fund (IMF), World Bank, UN Development Programme, UNICEF and the UN Conference on Trade and Development (UNCTAD). The Task Force was mandated to discuss themes related to the right to development and to consider how the right to development links with the work of the participating organisations. It produced a report containing analysis and practical recommendations for the Working Group to consider at its meeting in February 2005. At that meeting, the UK presented UK initiatives for multilateral debt relief and the International Finance Facility (IFF).

The IFF is designed to frontload aid to help meet the Millennium Development Goals (MDGs). Estimates suggest that development assistance must be doubled and focused on the poorest countries if the MDGs are to be met - an increase of at least \$50 billion a year between now and 2015. The IFF, as a stable financing vehicle, could provide the critical mass of additional and predictable funding needed to make lasting progress in all these areas. The IFF would leverage in additional money from the international capital markets by issuing bonds,



Mongolians rummage through an open rubbish tip on the outskirts of Ulaanbaatar, Mongolia. Rising poverty in the country became an election issue.

based on legally binding, long-term donor commitments. It would be responsible for repaying bondholders using future donor payment streams and would disburse resources through existing multilateral and bilateral mechanisms.

The IFF is complementary to existing donors' commitments to a target of giving 0.7 per cent of gross national income in Overseas Development Assistance, and will meet the immediate need for further resources as donors move towards 0.7 per cent. Political momentum for the IFF is growing. France, Germany and Italy support the proposal and there is strong support from around 80 developing and emerging market countries. The International Monetary Fund (IMF) and World Bank have confirmed that the IFF is the most advanced proposal for delivering aid and the UK is working with potential donors on how to participate in the IFF.

We played a key role in securing balanced language in the Agreed Conclusions and Recommendations of the Working Group. These recognised that the right to development should be taken into account when trade fora, such as UNCTAD and WTO, negotiated multilateral trade agreements and developed states determined their overseas development assistance and debt relief. The Working Group stressed the importance of including women in formulating policies and strategies for attaining the MDGs. It asked the Office of the High Commissioner for Human Rights (OHCHR) to analyse the MDGs and their achievement in relation to the provisions of relevant international human rights instruments. OHCHR should then give this study to policy makers and people working in development and elaborate a compendium of partnerships for development cooperation, which also identifies best practices. The Working Group also recommended extending the mandate of the High-Level Task Force for a further year, to examine MDG 8 on global partnerships for development, with reference to the right to development.

6.4 Right to food

At the 2002 World Food Summit: five years later, heads of state and government invited the UN Council of the Food and Agricultural Organisation (FAO) to establish an inter-governmental working group, to elaborate within two years a set of voluntary guidelines to support states' efforts to achieve the progressive realisation of the right to adequate food in the context of national food security. The FAO adopted these guidelines in November 2004.

The UK participated throughout the process of the inter-governmental working group, with a delegation led by officials from the FCO and DFID. We worked to secure robust language on human rights, development and good governance in the final text of the voluntary guidelines. The outcomes included:

- reaffirmation of the principle that governments should not use food as a means of political pressure;
- emphasis on the importance of the rule of law and due process so that people can assert their human rights and hold their governments to account;
- a focus on national action to protect and promote the right to food so that governments are not excused from meeting their international legal obligations;
- the need for an effective institutional framework to protect human rights; and
- emphasis on the crucial role that civil society plays in contributing to government decision-making on food security issues.

The voluntary guidelines provide a basis for governments to set their food security policies against universal human rights standards. We also hope that NGOs and civil society will use the guidelines to hold their governments to account for their policies and press for greater human rights protection across the range of economic and social rights.



A malnourished child whose young brother had died days earlier is comforted by her mother at Hartesheik IDP camp, in the Somali region of Ethiopia, 29 April 2005.

6.5 Access to health and education

HIV/AIDS and human rights

“Public health strategies and human rights protection are mutually reinforcing. Their integration achieves the greatest effect in reducing HIV transmission and improving the quality of life of people living with HIV.”

Report on the Global AIDS epidemic, UNAIDS (The Joint UN Programme on HIV/AIDS), Geneva, July 2004

The International Covenant on Economic, Social and Cultural Rights (ICESCR) obliges states to recognise the right of everyone to enjoy the highest attainable standard of physical and mental health. ICESCR requires states to take steps to prevent, treat and control diseases, and to create conditions in which citizens can receive medical services and attention when they are sick.

UNAIDS estimates that there are nearly 40 million people living with HIV/AIDS and that over three million people died of AIDS in 2004. As the HIV/AIDS epidemic spreads, new challenges to public health and human rights emerge. Women, particularly young women, bear the burden of the disease. In sub-Saharan Africa, 76 per cent of young people (aged 15-24) living with HIV are female. (*AIDS Epidemic Update*, UNAIDS, Geneva, December 2004.) Though the epidemic in some African countries appears to be stabilising, the impact continues to spread, and there are increasing numbers of orphans and vulnerable children. Over 25 million people are estimated to be suffering HIV/AIDS in Africa. Between 2002 and 2004, in East Asia, the number of people with HIV rose by 50 per cent, mainly due to the increase in China. In Eastern Europe the number of people with HIV increased by 40 per cent over this period, mainly due to the increases in Ukraine and Russia. In many of these countries the HIV epidemic is concentrated in marginalised groups, such as sex workers and injecting drug users.

International commitment to fund and implement an effective response to the growing AIDS epidemic is strengthening. The UK is playing a leading role in this work and we are addressing AIDS as a priority during our 2005 G8 and EU presidencies. We have increased our bilateral spending on AIDS from £38 million in 1997-98 to more than £345 million in 2003-04. We will spend a further £1.5 billion in 2005-08. Of that funding, we have committed £150 million to help children affected by AIDS. This represents some 10 per cent of the current resources that are needed to tackle AIDS in the developing world by 2007, according to UNAIDS estimates. Other countries, including those most affected by AIDS, are similarly scaling up their funding.

The dramatic increases in funding present a major challenge for affected countries, as they must now also deal with sometimes

confusing and duplicated demands from donors to demonstrate progress. It is vital to get the money to those who need it most. To this end the UK co-hosted, with UNAIDS, the US and France, a High-Level meeting in March 2005: Making the Money Work. The meeting aimed for agreement among donors and the international system on a coordinated plan to tackle AIDS. At this meeting, government leaders from donor and recipient countries and representatives from civil society, UN agencies and other multilateral and international institutions renewed their commitment to strengthen the world's support to national responses to AIDS.

In our approach to tackling HIV/AIDS, we prioritise the rights and needs of women, young people, orphans and vulnerable children. During 2005 we are focusing on HIV prevention and the particular importance of the rights of marginalised groups, such as sex workers and injecting drug users.

We are funding projects in Asia, Central Asia and Eastern Europe, which support the rights of these marginalised groups. In **Russia** we funded two projects run by International Family Health - one in the Sverdlovsk region to establish centres for needle exchange, the other to examine the legal framework within which 'harm reduction' can function, such as needle exchanges and drug-substitution programmes.

The widespread discrimination against marginalised groups and people with HIV and AIDS further exacerbates the epidemic in many parts of the world. To address this issue, in November 2004 we funded a High-Level regional event in the **Caribbean**. The CARICOM/UK Champions for Change Conference called for action to address the stigma and discrimination surrounding HIV and AIDS in the region. Participants from government, civil society, sports and culture signed up as Champions of Change to take action to reduce discrimination against people with HIV and AIDS, as well as other vulnerable groups.

For people to enjoy their right to the highest attainable standard of health, they must have access to essential medicines. The UK continues to promote medicines and treatment for AIDS. In March 2005 Prime Minister Tony Blair launched a “good practice” framework, developed by DFID and leading pharmaceutical companies, to increase availability in poor countries of drugs for treating AIDS, tuberculosis and malaria. Key goals identified for pharmaceutical companies include engaging in “differential pricing” where medicines are sold at lower prices in developing countries; investing in research and development for diseases affecting developing countries; and working to support health and development goals set by developing countries.

The framework (available at: www.dfid.gov.uk) is supported by the pharmaceutical industry and other stakeholders, such as development NGOs and WHO.

We are improving the rights of millions of children living with HIV by funding research into treatments to extend their lives. We have invested in trials of cheap drugs (co-trimoxazole) that will prevent children with HIV dying from secondary infections. The trial has concluded that this drug could halve the death rate for HIV-infected children in Africa. We have also invested in a research programme into anti-retroviral treatment for children in areas where they cannot afford medicines.

We support UNICEF's strategic framework for the Protection, Care and Support of Orphans and Children Made Vulnerable by HIV/AIDS. The framework is guided by the UN Convention on the Rights of the Child with its underlying principles that actions should be in the best interest of the child, be non-discriminatory and respect the view of the child, and that children have the right to survival, well being and development. UNICEF is receiving additional funding from DFID to initiate action in two new areas: research into appropriate social welfare interventions for children affected by AIDS; and mobilising global opinion on the need to develop paediatric AIDS treatment.

A new initiative is protecting orphans and vulnerable children in **Zimbabwe**. With other donors, we are supporting UNICEF in a five-year programme, aligned with Zimbabwe's national plan of action for orphans and vulnerable children, which will make funds available directly to community- and faith-based organisations and NGOs. In March 2005, DFID released £2 million to UNICEF for priority activities, while it continues its work designing the £25 million five-year programme. The programme will boost children's access to education, health, nutrition, psycho-social support and other basic social services. It will also protect them from abuse, violence, exploitation, discrimination and loss of inheritance.

Education

Education is a fundamental human right. Good quality education is essential for enabling developing countries to achieve the level of economic growth needed to tackle poverty and make sustainable development a reality. It enables people to transform their own lives and the society in which they live. Quality education is crucial to the achievement of many other Millennium Development Goals.

Educating girls is considered to be one of the most cost-effective ways to improve development, in the short and long term. Yet there remain formidable cultural and social obstacles to gender equality in education. According to UNESCO's 2005 Global Monitoring Report, there are 103 million children who still

do not attend school, of whom 58 million are girls, with a disproportionate number of them in Africa, southern Asia and the least developed countries.

However, overall progress is being made, with every developing country region seeing an increase in primary school net enrolment rates between 1990 and 2002. In Africa, notable enrolment increases have been recorded in Benin, Eritrea, the Gambia, Malawi, Mali, Rwanda, Senegal and Togo.

The Fast Track Initiative (FTI) is a partnership of international agencies and developing countries designed to provide increased, better coordinated and more effective aid in support of countries' national education plans. A catalytic fund has been set up as part of FTI, specifically to help developing countries that do not have sufficient support from the international community to access quick financing and kick-start their education programmes. The UK has already committed £12 million to help countries that are off-track in meeting the education MDGs.

The Commonwealth Education Fund (CEF), launched by the Chancellor Gordon Brown in March 2002, has now identified 17 low-income Commonwealth countries to target: Bangladesh, Cameroon, the Gambia, Ghana, India, Kenya, Lesotho, Malawi, Mozambique, Nigeria, Pakistan, Sierra Leone, Sri Lanka, Tanzania, Uganda, Zambia and Zimbabwe. It is building broad-based national alliances to help local communities create a social and political environment where education becomes the number one priority. After the UK's initial £10 million grant to CEF, a further £10 million of matching funds is helping it to reach its £30 million target. Further information on CEF is available on a dedicated website: www.commonwealtheducationfund.org.

Globalising education

The DfES published its first international strategy, *Putting the World into World-Class Education: an international strategy for education, skills and children's services*, in November 2004 with the aim of instilling a global dimension into the learning experience of all children and young people. Part of that experience lies in understanding concepts such as human rights, in particular the UN Convention on the Rights of the Child.

The DfES launched the Global Gateway (www.globalgateway.org) in February 2004 as an international website. The Global Gateway encourages links between pupils and teachers across the world, through educational and curricula activities. Free to all users, it contains a facility for finding school partners and guidance. DfES hopes the website will become an important means of sharing information on education and children's services. The Department is encouraging education ministries to

Women tailor childrens' dresses at Akanshya, a care centre run by a women's action group who look after HIV positive people and their families, in New Delhi.



endorse the Global Gateway and encourage their schools to use it. It is now planning to extend the website to further and higher education sectors.

The year 2005 is the Council of Europe European Year of Citizenship through Education, with the slogan Learning and Living Democracy. The Year's objectives are:

- to draw attention to the vital role that education plays in fostering citizenship and the need for citizen participation in any truly democratic society;
- to encourage member states to implement Recommendation (2002) 12 of the Council's Committee of Ministers and make education for democratic citizenship a priority in education policy making; and
- to provide opportunities for Member States to build capacity, to network and to share practices in relation to education for democratic citizenship.

The UK has considerable expertise in developing policy and transforming it into practice for citizenship and human rights education. In 2005 we are running activities to share this expertise with policy makers and practitioners from across the Council of Europe's 46 Member States. They include a two-day seminar in Manchester in May 2005 and events under the UK's Presidency of the EU.

Further information is available on the Council of Europe's website: www.coe.int.

6.6 Globalisation and fair trade

Trade and aid are interlinked. International trade drives economic growth and can reduce poverty. Aid helps countries benefit from trade by developing basic infrastructure such as institutions for health, education, transport and communications. Progress on achieving the MDGs is closely linked to success in the World Trade Organisation's (WTO) Doha

Development Agenda, the current round of trade negotiations that was launched in 2001. This aims to reduce global trade barriers by liberalising trade, so strengthening trading links between all countries, which is crucial to world economic growth, tackling global poverty and strengthening security.

As holder of the EU Presidency, the UK will play a vital role in the negotiations on the Doha Development Agenda ahead of the WTO Ministerial Meeting in Hong Kong in December 2005. We will work closely with the European Commission, our EU partners and other WTO members to achieve progress on the Agenda.

Agriculture is one of the most important issues for developing countries in these negotiations. Developed countries have already agreed to negotiate an end to agricultural export subsidies, which will stop countries dumping produce onto the world market, depressing prices. We want to improve market access for developing countries and to reduce trade-distorting subsidies in wealthy countries. We will use our G8 Presidency to move the Doha Development Agenda forward. In addition, we will look for opportunities to help Africa through trade measures that support the Doha Development Agenda.

Development must remain at the heart of the Doha trade negotiations so that we enable poor countries to benefit from trade and to bring their trade policy reforms into broader strategies for development and poverty reduction. If we help developing countries improve their trading infrastructure, they will be ready to take advantage of new opportunities when rich countries open up their markets.

Prime Minister Tony Blair has made it clear that Africa will be a particular focus for the UK Presidencies of the EU and G8 in 2005. Building on the recommendations of the Commission for Africa, the New Partnership for Africa's Development (NEPAD), the African Union and the G8 Africa Personal Representatives will be working with EU and G8 partners on aid, trade and debt. We must move beyond the economic and social assumptions of

the past two decades. This means breaking the vicious circle of debt, poverty and economic decline and creating a virtuous circle of debt relief, poverty reduction and economic growth.

At the time of going to print, the outcomes of the G8 summit in July were unknown. However, positive outcomes on development financing, support for African peacekeeping and climate change are vital for a successful UN Millennium Review Summit in September. This will review progress in achieving the MDGs and consider wider issues of peace and security, particularly the recommendations of the High-Level Panel on Threats, Challenges and Change published on 2 December 2005 (see www.un-globalsecurity.org). We need progress at every level in order to make multilateral work mutually supportive.

We are already making progress. In spring 2004 Tony Blair launched the Commission for Africa with 17 members, mostly from Africa. Tasked with taking a fresh look at the challenges facing Africa, the Commission's report, published in March 2005, calls on the international community and Africa to provide the necessary political will and agree a comprehensive approach to Africa's development (see Chapter 4 for more detail on the Commission's report).

The UK continues to be at the forefront of the international debate on debt relief. We already give 100 per cent irrevocable bilateral debt relief for countries when they graduate from the Heavily Indebted Poor Countries (HIPC) Initiative. The HIPC Initiative is delivering \$70 billion of debt relief to 27 countries, and since 1999 has helped to increase annual social expenditure in those countries by around \$4 billion. This is equivalent to 2.7 per cent of gross domestic product (GDP). Debt relief is an effective way of giving finance for development, freeing up resources to spend on reducing poverty. For example, primary school enrolment in Uganda has increased by over 20 per cent since 1999. On average, health and education spending account for 65 per cent of the use of HIPC debt relief.

The Chancellor, Gordon Brown, and International Development Secretary, Hilary Benn, announced in September 2004 that the UK would provide deeper and broader debt relief. Deeper, because we will unilaterally provide our share (10 per cent) of 100 per cent debt service relief on all World Bank and African Development Bank loans for post-completion point HIPCs. Broader, because we will extend this relief to all low-income countries, with sufficiently robust public expenditure management to ensure the additional financing helps their progress towards the MDGs. Canada and The Netherlands have joined us in this commitment for non-HIPC countries and we will continue to encourage other donor countries to participate.

In February 2005 the G8 Finance Ministers, chaired by the UK, agreed to defer debt payments during 2005 for countries

affected by the Asian tsunami. The Paris Club of official creditors granted Indonesia and Sri Lanka a moratorium in March 2005. We have successfully argued for the HIPC Initiative to be extended until the end of 2006, making it possible for a further 10 countries to benefit from debt relief. While many bilateral donors have joined the UK in providing 100 per cent relief, the World Bank and the IMF currently only provide relief at around half this level. Since then the UK has used its G8 presidency to broker a debt deal for poor countries. The G8 Finance Ministers met on 10-11 June in London and agreed a historic debt deal to cancel \$55 billion of the debts of 38 HIPCs to the IMF, World Bank and African Development Bank. The initiative works by the G8 committing to a fair burden-share to cover the costs for the World Bank and Africa Development Bank. Eighteen countries¹ that have already completed the HIPC process will benefit by some \$40 billion (£22 billion) as soon as the proposal is approved by the Boards of the IMF, World Bank and Africa Development Bank. These "completion point" countries have a proven track record of sound financial management and using funds for poverty reduction. A further 9 countries² should benefit over the next year or two as they reach completion point of the HIPC process. An additional 11 countries³ could potentially qualify once they enter a post-conflict phase and make improvements in governance.

Increased aid is central to meeting the MDGs. In January 2005 the UN Millennium Report team led by Professor Jeffrey Sachs, special adviser to the UN Secretary-General on the MDGs, estimated that, in order to support the MDGs, high-income countries should increase Overseas Development Assistance (ODA) from 0.25 per cent of gross national income (GNI) in 2003 to around 0.44 per cent in 2006 and to 0.54 per cent in 2015. The UK is committed to the UN ODA target of 0.7 per cent of GNI. We anticipate that in 2005 EU Member States will agree to collective average ODA targets of 0.56 per cent of GNI by 2010 and 0.7 per cent by 2015. Since 1997 the UK has made substantial increases to our aid budget. In the July 2004 spending review we announced that by 2006-08 total UK aid will rise to nearly £5 billion a year or 0.47 per cent of GNI. On current progress this means we will achieve the 0.7 per cent target by 2013 or, if the proposal for an International Finance Facility (IFF) is agreed, by 2008-09.

Securing commitment from G8 partners was a priority at the July G8 Summit in Scotland. To this end, we worked with the

1 Benin, Bolivia, Burkina Faso, Ethiopia, Ghana, Guyana, Honduras, Madagascar, Mali, Mauritania, Mozambique, Nicaragua, Niger, Rwanda, Senegal, Tanzania, Uganda and Zambia.

2 Cameroon, Chad, Democratic Republic of Congo, Gambia, Guinea, Guinea-Bissau, Malawi, Sierra Leone and Sao Tomé and Príncipe.

3 Burundi, Central African Republic, Comoros, Republic of Congo, Côte d'Ivoire, Liberia, Somalia, Sudan and Togo. Lao DPR has opted not to receive debt relief.

Global Alliance for Vaccines and Immunisation, which comprises UNICEF, World Health Organisation (WHO), World Bank, Vaccine Fund, Gates Foundation and donor governments on a proposal for an IFF for Immunisation (IFFIm). France and Sweden will participate in the IFFIm and Germany and Italy have expressed strong support. We are currently finalising the \$4 billion IFFIm, which could save the lives of five million children before 2015 and a further five million adults from death caused by hepatitis B. The UK will provide one third of the sum required, and we expect IFFIm to start during 2005.

The World Commission on the Social Dimension of Globalisation

The International Labour Organisation (ILO) set up the World Commission on the Social Dimension of Globalisation at the beginning of 2002 to produce an authoritative report on the effects of globalisation on all aspects of the world of work.

The World Commission published its report, *A Fair Globalisation: Creating Opportunities for All*, in London on 24 February 2004. It included calls for greater policy coherence among international organisations and institutions; more accountable governance at international and national levels; and an emphasis on the importance of the ILO Fundamental Principles and Rights at Work to building a fair globalisation.

In December 2004 the UN General Assembly acknowledged the work of the World Commission and decided to consider the report within the framework of the 2005 comprehensive review of the implementation of the Millennium Declaration. We welcome the report and have highlighted the importance we attach to employment as a route out of poverty.

In March 2005 the ILO governing body agreed to look at strengthening ILO partnerships with multilateral organisations to develop more coherent policies. In the first instance the ILO will examine the links between growth, investment and decent work, which includes satisfactory forms and conditions of work.

6.7 Labour rights and trade unions

This section examines the problems that trade unions face in securing and promoting labour rights and the UK's efforts in support of their right of association. It then examines the plight of millions of people who suffer the severest forms of exploitation, such as trafficking, slavery and forced and bonded labour. While most governments have legal obligations to end these, this will not happen without the active support of trades unions.

Labour rights are the rights designed to guarantee workers fair employment conditions, including health and safety. They are set out in the UN International Covenant on Economic, Social and Cultural Rights. The International Labour Organisation (ILO) has given detailed expression to these rights in its conventions and recommendations, particularly the eight core conventions covering basic rights, such as freedom of association and collective bargaining, no forced or child labour and non-discrimination. The UK has ratified all of these.

We are pleased to note that since the last Annual Report, Colombia, Djibouti and Kyrgyzstan have ratified Convention 182 on the Worst Forms of Child Labour, bringing the number of countries that have ratified it to 152. This represents 85 per cent of the 178 ILO member states.

Independent trade unions play a vital role in democracy and good governance. We support the development of free trade unions overseas to help prevent worker exploitation and to encourage greater corporate social responsibility. We are committed to working with British trade unions in areas of common interest, such as governance and raising awareness of human rights violations.

A joint FCO/Trades Union Congress (TUC) Advisory Council, chaired by a Foreign Office Minister, meets three times a year to discuss foreign policy issues of mutual concern, such as aid and



Chancellor of the Exchequer Gordon Brown during a meeting of Finance Ministers from the G8 countries in London, 10 June 2005. Ministers announced a package of debt relief worth some US\$55 billion to 18 countries.

trade and the MDGs. The Council has also looked at the situation of trade unions, and labour rights more generally, in Burma, China, Nepal and Colombia.

To explore ways in which the FCO and trade unions can work together, we jointly hosted a workshop in November 2004 with the TUC. More than 50 FCO and union representatives attended the meeting, which was addressed by Foreign Office Minister Douglas Alexander and the TUC General Secretary, Brendan Barber. Participants identified impediments to their cooperation, including a lack of knowledge of each other's aims and objectives, structures and working methods. We are addressing these issues and we hope to find more opportunities for the FCO and the trade union movement to work together on projects that enhance human rights.

Through the Global Opportunities Fund (GOF) we have financed projects to improve the effectiveness of unions overseas. In January 2005 we funded visits to the UK by union representatives from **Kazakhstan** and **Angola**. They visited the TUC, British unions and other individuals and institutions with an interest in their home countries. They returned home with a better understanding of how the UK union movement is organised and the role of unions in promoting good governance. In February 2005 the GOF funded a visit to **Brazil** by two union representatives to help the Brazilian government review its labour relations laws.

We maintain a regular dialogue with the trade union movement over the situation in **Colombia**. While the number of murders of union activists has continued to fall, with 94 killed in 2004 it is still unacceptably high. Colombia is the most dangerous place in the world for trades unionists. Former Foreign Office Minister Bill Rammell met with British trade union leaders several times, including those who visited Colombia in November 2004 as part of a Justice for Colombia (JFC) delegation, both before and after their visit. Mr Rammell spoke at an event in February 2005 organised by the TUC, JFC and the Association of University Teachers, on "Colombia: What can Britain do to make a difference?" We have earmarked funds for exchange visits between British and Colombian union leaders and are discussing with the TUC how best to use these visits to improve the situation for union activists in Colombia.

Business and human rights

In 2004-05 we held a series of informal meetings with businesses and NGOs to develop a constructive debate between the private sector, NGOs and government on the role of business with regard to human rights. In December 2004 then Foreign Office Minister Bill Rammell made a speech on the subject at a seminar organised by the Business Leaders' Initiative on Human Rights, stating that "companies and other

stakeholders can play an important role in working with states to create frameworks to help promote good human rights observance".

The Commission on Human Rights (CHR) in April 2004 requested the Office of the High Commissioner for Human Rights (OHCHR) to write a report on this complex subject in consultation with all key stakeholders. The UK and EU submissions to the OHCHR are available at: www.ohchr.org.

Following the publication in February 2005 of the OHCHR's report, we worked on behalf of the EU and in close cooperation with Argentina, India, Nigeria and Russia, to produce a resolution on the next steps for this process, for adoption at this year's CHR. Corporate social responsibility (CSR) has often polarised divergent opinions within the UN. We were eager to ensure that in April 2005 CHR overcame these traditional difficulties, enabling the debate to progress in a constructive manner. Following intensive negotiations, we tabled a resolution with 47 co-sponsors calling for the appointment of a Special Representative to take forward work on this subject. The resolution was passed with overwhelming support, by 49 votes to 3.

The mandate of the Special Representative incorporates identifying standards of corporate responsibility and accountability, and elaborating on the role of states in regulating businesses. In addition, the Special Representative will research and clarify the implications for business of concepts such as "complicity" and "sphere of influence", develop methodologies for assessing the impact of business on human rights and compile a compendium of best practice.

We want an outcome that will require multinationals to support, rather than inhibit, respect for human rights through their activities. But we must also address genuine business concerns about the extent of its responsibilities and maintain the principle that only states hold obligations under human rights law. We welcome the appointment of the Special Representative as an important step towards achieving this objective.

6.8 Slavery, trafficking and bonded labour

Contemporary forms of slavery

"Despite being outlawed internationally, slavery is still widespread ... Wherever, whenever and in whatever form slavery occurs, we unreservedly condemn it, and are committed to eliminating it."

Fiona Mactaggart, Parliamentary Under-Secretary of State for the Home Department, 14 October 2004

The Korean Confederation of Trade Unions march during a rally in Seoul, 1 May 2005.



The UN General Assembly declared 2004 the UN International Year to Commemorate the Struggle Against Slavery and its Abolition, reminding people of the horrific consequences of slavery and of the struggle for liberation. Fiona Mactaggart spoke at the parliamentary debate initiated by the Government to demonstrate its support for the UN initiative and to open a discussion about how to mark the 200th anniversary in 2007 of the abolition of the slave trade in the British Empire.

The League of Nations Slavery Convention of 1926 defined slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. Today, the term “slavery” covers a range of human rights violations. It refers not only to traditional concepts of slavery and the slave trade, but also encompasses forced and bonded labour, sexual exploitation, human trafficking and the sale of human organs, the sale of children, child prostitution, child pornography, child labour and the use of children in armed conflict. Poverty, social exclusion and discrimination lie behind contemporary forms of slavery, which affect the most vulnerable in society. Fear and the need to survive make victims reluctant to come forward.

Slavery and forced labour

Thousands of people are still born into slavery, kept as property and denied their basic human rights, despite international efforts for its abolition. Forced labour means coercing a person to work under the menace of penalties, such as physical harm, constraint, being indebted to the employer or losing identity documents. Forced labour includes the abuse of women and children for sexual exploitation and labour. It exists in many countries in Latin America, parts of the Caribbean, Africa and Asia. In a report issued in May 2005, the International Labour Organisation estimated that more than 12 million people are forced labourers.

Reports of abductions and forced labour continue in **Sudan**. We share the grave concerns of the UN Secretary-General about on

going abduction of women and children in Darfur. The UN High Commissioner for Human Rights stated on 16 February 2005 that sexual slavery and enforced prostitution have taken place in Darfur and could constitute crimes against humanity. We continue to support the work of the Committee for the Eradication of Abduction of Women and Children (CEAWC) in Sudan through the EU. The CEAWC works closely with UNICEF to identify, retrieve and resettle abducted women and children.

Bonded labour

Bonded labour occurs when a person is required to give their labour or service, or that of a child, as security for a cash advance or a loan. With nothing else to offer and needing to ensure food and shelter for their family, that person is open to exploitation and trapped into working for little or no pay until the debt is repaid. Sometimes entire families are bonded or debts are passed down through generations. Bonded labourers are regularly threatened with, and subjected to, physical and sexual violence. Often they are kept under surveillance and may even be chained to their work. Many suffer from malnutrition and they all suffer from a lack of access to healthcare and education. This form of labour is consequently cheap, docile and dependent.

The UN Working Group on contemporary forms of slavery estimates that in 1999 approximately 20 million people worldwide were held as bonded labourers. Although debt bondage is prohibited under the 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery, and is illegal in nearly all the countries in which it is practised, it is one of the most widely used methods of enslaving people today. Bonded labour is particularly prevalent in South Asia - Nepal, India and Pakistan, in particular - and is also practised in Latin America and parts of Africa.

For the past three years, our Embassy in **Nepal** has supported the NGO Backward Society Education (BASE) in the production

and airing of Khyala Radio, an awareness programme to teach former bonded labourers about their legal rights and to help them set up activity groups.

Although bonded labour is outlawed in **India** under the constitution and the Bonded Labour System (Abolition) Act 1976, it is still widespread. NGOs estimate there are 20 to 65 million bonded labourers. There has been some progress in tackling it: according to the ministry of labour annual report 2003-04, the authorities identified and released over 285,000 bonded labourers across 16 states, rehabilitated more than 265,000 ex-bonded labourers and awarded over 67 million rupees under the centrally sponsored scheme for the rehabilitation of bonded labour. However, the government did not report on the number of freed bonded labourers (including children) who relapsed into bondage.

6.9 People trafficking

Trafficking in human beings affects countries and families in every continent. Every year 600,000 - 900,000 people are trafficked worldwide and subjected to sexual exploitation and forced labour. Most of them are women and children. In most cases, the victims are searching for a better life, motivated by reasons of war, social upheaval and poverty. Vulnerable to the coercion, deception and even violence of traffickers, these people find themselves used as slave labour in jobs and conditions that are very different to the better life they were promised. The victims of trafficking come from several central and eastern European countries, as well as from countries further afield such as China, India, Pakistan, Turkey and Somalia.

Trafficking is closely linked to organised crime. According to the UN Office on Drugs and Crime (UNODC), people trafficking is now the third largest source of illegal income in the world after arms and drugs trafficking. The fight against trafficking demands a multidisciplinary approach and for this reason in March 2000 the UK set up Reflex, a multi-agency Government task force chaired by the National Crime Squad, to deal with organised immigration crime. This encompasses all people trafficking and human smuggling. Reflex partners work directly with source and transit countries on projects, including initiatives to develop capacity and provide training. Some examples in the past year include:

- training in techniques to combat human trafficking for the **Pakistani** federal investigation agency, in conjunction with the International Organisation for Migration (IOM);
- training for the **Vietnamese** authorities to counter trafficking, in conjunction with UNODC;
- capacity-building projects in **Bulgaria** and **Macedonia** which involved British police officers advising local enforcement

authorities on organised immigration crime;

- continuing support for Project Reflex **Romania**, which also provides equipment and vehicles, to expand regional intelligence centres so they can deal with immigration crime;
- support for an anti-trafficking campaign and helpline in **Romania**; and
- training in **Cyprus** and **Malta** in intelligence and debriefing techniques for the immigration authorities.

Under Reflex, we have established a network of Immigration Liaison Officers (ILOs), who work in foreign countries in partnership with local law enforcement authorities to tackle, disrupt and dismantle organised crime networks. ILOs cover 30 main source and transit countries throughout Europe and Asia.

The FCO Drugs and Crime Fund also supports projects in this field. In October 2004, it provided document fraud detectors and training in their use to the federal intelligence agency at the three major international airports in Pakistan. It also funded a project in Sri Lanka to raise awareness of the dangers of illegal migration.

The FCO is currently funding two projects through GOF addressing the trafficking and forced labour of children. In the first project we are tackling the trafficking of children to the Gulf States, notably the **United Arab Emirates** and **Qatar**, for use as camel jockeys. The project assists NGOs in the source countries of **Pakistan**, **Bangladesh** and **Sudan** with the ultimate goal of enforcing existing regulations and to get legislation adopted and enforced to prohibit under 18s from being used as camel jockeys.

The second project is helping to reduce prostitution and trafficking of children in districts in Metro Manila in the **Philippines**. The project protects children who are at risk by distributing advice and materials on trafficking, child labour and child protection, and by providing counselling and running inter-agency activities.

Trafficking in people, although prohibited by law, remains prevalent in **Nigeria**. We are working with the Nigerian authorities to tackle the problem. To facilitate the work, we signed a Memorandum of Understanding on Cooperation to Prevent, Suppress and Punish Trafficking in Persons with Nigeria on 17 November 2004. Through the GOF, we are funding the Nigerian Women Trafficking and Child Labour Eradication Foundation to run an awareness raising campaign in 13 of the most affected states. Our target audience is victims of trafficking, traffickers and low-income earners who are vulnerable to trafficking.

In **Russia**, the ministry of the interior has acknowledged the problems of human trafficking and announced that Russia is a country of origin, transit and destination for victims of trafficking. Although there are no reliable statistics on the number of victims of trafficking, officials and NGOs agree that the problem is extensive, with women making up the biggest proportion of victims. According to the ministry of the interior, human trafficking has become the third most profitable type of criminal business after drug trafficking and the arms trade.

Through the GOF, we have supported a seven-month pilot project in Russia to improve the response of the police and the ministry of the interior to the problems of trafficking in human beings. The project, run by the Russian NGO Syostri ("Sisters"), was designed to work with law-enforcement officials in targeted pilot regions to implement the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, which Russia ratified in April 2004. There was strong participation by law enforcement officials, both at a senior level and from the rank and file. The results of the project, including action plans agreed in particular regions and proposed national guidelines for police forces, were presented to the ministry of the interior in March 2005 in the form of recommendations for adoption at the federal level.

In the UK, we have introduced legislation to criminalise trafficking. The Sexual Offences Act 2003, which came into force on 1 May 2004, introduces wide-ranging offences covering trafficking into, out of or within the UK for any form of sexual offence. This Act also introduces new offences covering the commercial sexual exploitation of a child under 18. To date five people have been prosecuted under the Act. The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 includes a new offence - trafficking for exploitation - which covers trafficking for forced labour and the removal of organs. All of these offences carry a maximum penalty of 14 years' imprisonment.

The Home Office supports UK and international efforts to combat trafficking at source, but recognises the need to provide for victims who have already been brought to the UK, forced into prostitution and who are fleeing abusive and exploitative situations. It works with voluntary sector organisations to support such victims, and continues to fund a service to provide safe accommodation, advice and support for up to 25 female victims, on a rolling basis, who have been trafficked into prostitution, provided they are willing to come forward and assist the authorities.

The Council of Europe is in the final stages of negotiating a Convention against Trafficking in Human Beings. The UK participated in the negotiations during the drafting of this Convention and we have been working to ensure it balances the victims' need for support and protection with the need to prevent, detect and prosecute traffickers.



A Romanian border guard returns documents to a traveller at the Romania/Moldova border. The UK has supported anti-trafficking initiatives in Romania.



A member of Saudi special forces guards the hotel where the Counter-terrorism International Conference was being held in Riyadh, 8 February 2005.

Human rights

and the rule of law

As a nation, the UK has recognised the importance of controlling power through an independent legal framework, since the Magna Carta in 1215. The modern human rights edifice is built on the same principle. This chapter examines those areas where the power of the state over the individual gives most rise to the abuse of human rights: the law, penal regimes, torture, the death penalty, and security forces and the police. In all these fields, equity, accountability, transparency and redress are essential if human rights are to be respected.

This chapter also examines one of the main challenges for all governments: how to deal with the current, unprecedented threat of global terrorism while protecting fundamental freedoms. A government's primary duty is to protect the security of its nation and people. At the same time, the UK Government thinks it crucial to respect human rights when dealing with terrorism and continues to urge other states to do the same. Respecting human rights and successfully combating terrorism are mutually reinforcing. Yet achieving this balance continues to raise difficult and important questions. Counter-terrorism measures introduced globally to deal with international terrorism since the terrorist attacks in the US on 11 September 2001 have been under increasing scrutiny. The UK is not exempt from such scrutiny. In December 2004 the House of Lords Judicial Committee ruled that UK anti-terrorism measures were incompatible with our obligations under the European Convention on Human Rights (ECHR), because they were discriminatory in that they only applied to foreign nationals and were disproportionate to the threat from terrorism. The Government responded to the Law Lords' judgement by introducing the Prevention of Terrorism Bill 2005, which entered into force in March 2005.

Torture continues to be a prominent issue. In last year's Annual Report we referred to the shameful revelations of abuse of Iraqis by US personnel in Abu Ghraib prison in Baghdad. The US has since conducted three substantial enquiries into allegations of abuse in Iraq and has investigated and punished those responsible. We referred also to allegations that members of the UK's armed forces abused detainees in Iraq. We have made it clear that we will not hesitate to act where British troops fail to uphold the high standards of behaviour set out in the Geneva Conventions and the rest of international humanitarian law. The individuals accused of the mistreatment of Iraqi civilians at a humanitarian aid distribution centre near Basra in May 2003 have stood trial and those found guilty have been sentenced.

In November 2004 the UN Committee against Torture examined the UK's fourth periodic report on our implementation of our obligations under the UN Convention against Torture. The Committee praised the UK for providing extensive and detailed responses to its questions before and during the examination of the report. It concluded that there are both positive developments and areas of concern with the UK's implementation of the Convention and made recommendations on how the UK could implement the Convention more effectively, which are dealt with in greater depth below.

This chapter contains many examples of important FCO-funded work being done by our partners in promoting human rights: NGOs, academic institutions and inter-governmental organisations. The human rights handbooks that the FCO has produced with partners over the past five years have been particularly successful. The handbooks explain key international human rights standards and how they relate to the work of groups such as judges, prosecutors, prison guards, human rights

defenders and medical officers. Governments also use the handbooks in combating torture, preventing unlawful killings and reforming their prisons. This year we have published two new handbooks: *Guidance Notes on Prison Reform* and *Ethical Investigation – A Practical Guide for Police Officers*. We will publish a third new handbook, *Guidelines for Medical Investigation and Documentation of Torture*, later this year. We have also published additional translations of existing human rights manuals. We have worked to raise awareness and promote the use of these handbooks through our High Commissions and Embassies worldwide.

7.1 Rule of law

The UK is convinced that sustainable development can only occur when based on human rights, democracy and good governance. However, these in their turn all require the rule of law to be effective; it is the thread that binds them all together.

In last year's Annual Report we identified a number of essential and inter-linked components of the rule of law, as well as the FCO's priorities in this field. This year, we have taken forward our programme of action on rule of law by developing a toolkit to assist our High Commissions and Embassies in driving forward their work on the rule of law.

The key components of the rule of law remain:

- constitutionalism – the existence of a body of accessible and understandable rules and values that people share and by which they agree to be bound. This can apply as much to an unwritten, as to a written, constitution;
- the law governs the government;
- the judiciary is independent and impartial;
- the law must be applied fairly and consistently applied;
- the law is transparent and accessible to all;
- the application of the law is efficient and timely;
- the law protects rights, especially human rights; and
- the law can be changed by an established process that is itself transparent and accessible to all.

The FCO's priorities are:

- the development and implementation of international human rights instruments and standards regarding law enforcement (encompassing judiciary, lawyers and enforcement agencies), prison conditions and standards;
- the independence of the judges and lawyers;
- professional associations of judges and lawyers;
- combating torture and ill treatment; and
- access to justice.

The underlying principle of the toolkit is that all work must be tailored to a country's specific needs. Our aim is to make existing systems more effective rather than importing foreign systems, which rarely thrive in the face of local lack of knowledge or hostility. Effective and sustainable reforms must be owned locally; thus the programme will identify local stakeholders and ensure their participation from the start. This rule of law toolkit complements a separate rule of law programme for post-conflict situations, which is discussed in detail in Chapter 5.

We set up the rule of law panel in January 2004 to advise the FCO on existing and future policy initiatives to promote the rule of law internationally. The panel includes the directors of JUSTICE, Penal Reform International, the International Bar Association, the heads of the Bar Human Rights Committee and Nottingham University Law Department, and representatives from the Law Society and Amnesty International. The panel met in May 2005 when it discussed the new rule of law toolkit, the new FCO strategy on justice and the rule of law in post-conflict situations and the FCO's project work to promote the rule of law.

The FCO's former Human Rights Project Fund (HRPF) and now the Global Opportunities Fund (GOF) continue to support our efforts to improve the rule of law around the world. The areas we work in include: reforming criminal and civil laws; reforming institutions through judicial reform, strengthening legislation, training prosecutors, police and prison reform and bolstering ombudsmen; upgrading the legal profession through support for legal associations and improving legal education; and improving access to justice through public interest reform and support for NGOs that promote legal and judicial reform.

This work is applied in countries around the world. In **Sierra Leone**, the scarcity of trained legal professionals combined with poor infrastructure has resulted in severe overcrowding and poor conditions in the country's prisons. In Freetown's Pademba Road prison, for example, a Commonwealth judge highlighted the "deplorable" conditions in which 840 prisoners are housed in buildings that were designed for 325. Prisoners have been held for up to eight years without having their cases heard. We have been working with the Commonwealth Secretariat to increase the number of judges and prosecutors. In November 2004 we announced a five-year £25 million Justice Sector Development Programme to support judicial reform, which will include the judicial, police and penal systems.

On 9 March 2004, 19 people were arrested in **Equatorial Guinea** on accusations of plotting a coup against the government. On 17 March 2004 one of the 19, Gerhard Eugen Nershz, a German citizen, died in detention at Black Beach prison, Malabo. The government reported that he died of cerebral malaria, which

was confirmed by a German autopsy. However, there were allegations that he had been tortured and that he had been denied access to medical attention.

The remaining 18 detainees went on trial on 23 August 2004, which was observed by the International Bar Association and Amnesty International. On 31 August the trial was suspended. It resumed in November 2004 with the addition of charges against nine members of the Progress Party living in exile in Spain. All were sentenced to imprisonment. In June 2005 President Obiang pardoned six Armenian air-crew members, who were sentenced to between 14 and 24 years in jail.

Amnesty International reported that the trial did not meet international standards for a fair trial. It observed that the defendants were not given access to professional translators to inform them of the charges against them and to translate the statements they were asked to sign. In addition, the defendants did not see their defence lawyers until two days before the trial, giving them insufficient time to prepare their defence. The statements of all the accused were taken in court not by the investigating judge, as prescribed by law in Equatorial Guinea, but by the attorney-general who was prosecuting the case and has no legal role at the interrogation stage of proceedings.

Progress on implementing judicial reform in **Russia** has been slow. Low salaries make corruption a serious problem. In October 2004 the Chairman of the Constitutional Court, Valery Zorkin, admitted that most Russians mistrust the judicial system as a whole. Polls consistently show that people do not trust

courts, believing that they are ineffective, unjust or generally corrupt. Mr Zorkin also said that the courts are particularly vulnerable to corruption when dealing with business. The low rates of acquittal contribute to people's mistrust of the system: in 2004, 99.2 per cent of all criminal cases tried by judge alone resulted in a conviction.

There have been cases where former judges have claimed that they were removed from office for not agreeing to rule in favour of a particular party, as dictated by their superiors. Former Moscow judge Olga Kudeshkina alleged that she was removed from a case after she refused to follow orders from the head of the Moscow city court that would have given government prosecutors an unfair advantage. Ms Kudeshkina claims that when she complained about the incident, she was fired.

The government has publicly acknowledged that there are problems within the judicial system. At a congress of judges in November 2004 President Putin emphasised the need to eliminate corruption within the courts. He announced measures to improve judicial standards, such as raising the retirement age of judges to 70 and doubling or tripling judges' salaries.

Jury trials offer the prospect of a fairer court system. Official figures show that 15 per cent of jury trials in 2004 ended in an acquittal. In Krasnodar, a court that had acquitted no one in 10 years on cases brought solely before a judge, had a 20 per cent acquittal rate for criminal cases in front of a jury. All regions of Russia except Chechnya now implement jury trials, but they account for only eight per cent of all criminal trials.

Russian judicial system: case studies

The trial of the former Chief Executive Officer of Yukos, Mikhail Khodorkovsky, and Yukos shareholder, Platon Lebedev, began in June 2004. On 31 May 2005, after 18 months in jail and 12 days listening to the reading of the verdict, Khodorkovsky and his partner Lebedev were found guilty of six out of the seven charges of tax evasion and fraud. They were both sentenced to nine years in a penal colony. Lawyers for the defendants have said they will appeal the verdicts. Mr Khodorkovsky has been in detention since October 2003, Mr Lebedev since July 2003. Prosecutors have consistently argued that their detention is necessary since they would either flee or put pressure on witnesses if released on bail. Mr Lebedev's defence team has asked for an independent medical examination of their client, who is suspected of suffering from cirrhosis or liver cancer. The court has refused these requests. In January 2005 the Parliamentary Assembly of the Council of Europe adopted a resolution on the circumstances surrounding the arrest and prosecution of leading Yukos executives. The resolution raised concern over serious procedural violations committed by different law-enforcement agencies in this particular case, although it accepted that some of the claims of the defence team were exaggerated. The report expressed regret that legislative reforms introduced in

Russia in 2001 and 2002 have not protected judges from undue influence from the government and have even made them more vulnerable to political pressure.

In November 2004 Valentin Danilov, a physicist from Krasnoyarsk, was sentenced to 14 years in a maximum security prison on charges of passing classified information to China. A local court had acquitted Mr Danilov of the charge in December 2003 but the supreme court overturned its ruling in June 2004. The jury in the second trial found him guilty of passing information to a foreign government. In a separate closed session, the judge decided that this information was secret, despite claims from the defence that it had been declassified over 10 years ago and published in scientific journals. In a series of recent espionage cases brought against scientists and environmentalists, this was the only one to have originally resulted in an acquittal. Human rights groups called the trial unfair and said that it undermined public trust in jury trials. The defence alleged that there were irregularities during jury selection and claimed that a former employee of the federal security service was on the jury.

In last year's Report we detailed the disturbances in Baku following **Azerbaijan's** presidential election in October 2003. Since then, the international community has monitored the detention and trials of the opposition leaders who were detained after the disturbances. With the OSCE, we co-sponsored a senior British lawyer, Paul Garlick QC, to monitor and report on the trials which ended in November 2004. The report found that, although Azerbaijan's legislative framework has the necessary rights and protections required for the conduct of fair trials, some of the trials fell well short of international standards. We were particularly concerned about credible allegations of torture and ill treatment of detainees, the absence of adequate judicial action or remedies in the face of these serious allegations and the courts' acceptance of evidence said to have been derived through torture and coercion.

On publication of the OSCE report, the EU issued a declaration expressing concern about the conduct of the trials. The declaration also called on the Azerbaijani authorities to undertake a wide-ranging and independent enquiry into the allegations of torture and ill treatment and to re-try or release those in custody whose trials had not been conducted properly.

On 20 March 2005 the government adopted a decree releasing all those convicted of involvement in the post-election disturbances, and stated its determination to find a solution to the deficiencies outlined in the OSCE's report. We warmly welcomed the decree.

The ministry of justice in **Turkey** hosted a meeting in October 2004 to evaluate a project it had been working on with the British Embassy and the Department of Constitutional Affairs (DCA). Funded through GOF, the project aimed to make the judiciary more effective and independent and to encourage better judicial reform through human rights training for the Turkish judiciary. This training has been cascaded to 6,000 judges and prosecutors, helping the judiciary to absorb and implement reform consistently. Just three months after the

initial training programme was completed, the first group of judges and prosecutors had identified 135 court decisions, which cited provisions of the European Convention on Human Rights and related case law. This clearly indicates that they have taken the lessons to heart and are actively implementing them in their work. In the future, this should improve Turkey's record of appeals and generate public confidence in reform.

International human right standards and principles underpin the Bill of Rights in **South Africa**. Magistrates are given the jurisdiction to directly enforce constitutional rights, but while judges at the level of the constitutional court and high court have received a considerable amount of training on the importance of applying international human rights standards and principles, this has not been systematically extended to the magistracy. As a result the public does not always receive the treatment they are entitled to in magistrates courts. To address this situation, our High Commission has worked with the Justice College of the South African department of justice and constitutional development to develop a training programme for magistrates on international human rights principles and standards.

In **Afghanistan** we are supporting a three-year project, implemented by the Bar Human Rights Committee of England and Wales (BHRC) aimed at disseminating legal skills and knowledge in the legal sector. The project will seek to increase awareness of international human rights legislation, domestic and other legislation among key individuals in the legal sector, such as lawyers, prosecutors, judges, justice ministry members, academics, and human rights activists. Women's access is particularly targeted, as well as helping to facilitate improved access to justice for all. The project complements the reconstruction of the judicial system proposed by the UNAMA/UNDP in conjunction with the Afghan judicial reform commission.



Members of the Turkish judiciary undergo human rights training, funded by the FCO's Global Opportunities Fund.

Over the past two years, we have supported the reform of judicial and semi-judicial institutions in **Morocco** through GOF. Our Embassy has worked with the European Centre for Common Ground and the ministry of justice on a project that aims to enhance confidence in the system by improving the efficiency of the administration, access to justice and addressing potential corruption. The project focused on providing legal training to Moroccan judges, enabling them to create new alternative dispute resolution mechanisms that will provide reconciliation and collaborative solutions between state and citizens.

Many foreign bar associations look to UK legal professional organisations such as the Bar Council of England and Wales or International Bar Association for assistance in developing their own professional codes of conduct and disciplinary systems. This has been done mostly on an *ad hoc* basis. In order to help these bar associations in a more structured way, we have supported the Bar Council to produce a manual that suggests ways in which lawyers can be more effectively and efficiently regulated. It will set out the common issues that need to be considered and suggest principles and advice on their implementation. When published later in 2005, they will be circulated to bar associations that have expressed an interest in receiving advice on these matters. It will also be translated into French and Arabic.

The work of judges and lawyers should be based on international standards. Unfortunately, international standards on the independence and accountability of judges and lawyers are widely dispersed, frequently unavailable and often inaccessible to judges, lawyers, prosecutors and policy makers. To address this situation, we have funded the International Commission of Jurists Centre for the Independence of Judges and Lawyers (ICJ/CIJL) to research, compile and analyse these international standards, including on the security of tenure of judges, accountability and judicial corruption. In December 2004 the *Practitioners' Guide to International Principles on the Independence and Accountability of Judges, Lawyers and Prosecutors* was published. It provides these groups with the tools to be able to make decisions relating to the independence and accountability of lawyers in accordance with international standards. This has now been disseminated widely to professional associations, international organisations, NGOs, national human rights commissions and parliamentary human rights bodies.

7.2 Human rights and terrorism

Events in the last year have reminded us of the threat from international terrorism, including to human rights. The balance between protecting human rights and effectively combating terrorism is an area of increasing debate between governments,

international organisations, NGOs and academics. The UK is keen to participate in discussion on this important and developing area.

Speaking in Moscow in February 2005, the UN High Commissioner for Human Rights, Louise Arbour, set out the fundamental issue:

“State intervention in the face of terrorism is both compelled and constrained by human rights law. The state has not only the legitimate power but the legal duty to prevent and to punish crime. The rights of individuals to turn to the state for their protection is a component of the fundamental right to life. Therefore, the state would be delinquent if it failed to protect persons within its jurisdiction, control or authority.”

The UN Secretary-General, Kofi Annan, reiterated the point when he outlined the UN's counter-terrorism strategy at the anniversary of the 11 March 2004 bombings in Madrid. He made clear that “terrorism is in itself a direct attack on human rights and the rule of law” and stressed the importance of respecting human rights in the fight against terrorism, by making human rights one of the five strands of the UN's counter-terrorism strategy.

The UK strongly supports this approach. Our experience in counter-terrorism tells us that respect for human rights is vital for long-term success in the fight against terrorism. Dealing with the current, unprecedented threat, while at the same time protecting and promoting freedoms and human rights standards, presents challenges for all governments. Some rights are absolute and cannot be derogated from, or restricted, in any circumstances. However, in maintaining human rights standards, states also have the flexibility to restrict some rights in particular circumstances, if such restrictions are lawful and proportionate.

Ms Arbour recognised this flexibility and set out four principles with which states should comply:

- states' responses to terrorism must be provided by law;
- such law must conform to human rights requirements;
- states must apply the law lawfully; and
- credible institutions should supervise this process.

In 2002 the Council of Europe adopted the *Guidelines on Protecting Human Rights in the Fight Against Terrorism*. The UK wholeheartedly supports this framework for judging states' laws and actions. We hope that these guidelines will be referred to and used in the fight against terrorism, not just by members of the Council of Europe but also more widely.

Council of Europe convention on the prevention of terrorism

The UK signed the Council of Europe convention on the prevention of terrorism on 16 May 2005. The Convention defines three new principal offences that are considered to be terrorist offences:

- public provocation to commit a terrorist offence;
- recruitment for terrorism; and
- training for terrorism.

These principal offences are coupled with aiding and abetting all three offences and attempting to commission the latter two.

The convention contains several provisions concerning the protection of human rights and fundamental freedoms, including through implementing conditions and safeguards. Further information is available at the Council of Europe website: www.coe.int.

To address concerns that some states might be acting outside these parameters, in April 2005 the UN Commission on Human Rights established a Special Rapporteur to monitor whether states' counter-terrorism laws and actions comply with human rights standards. The UK fully supports this development and co-sponsored the resolution. The Special Rapporteur is asked to:

- make recommendations on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism; and
- identify, exchange and promote best practices on measures to counter terrorism that respect human rights and fundamental freedoms.

The UK Government's response to the threat of international terrorism remains to reduce the risk so that the British people can go about their daily business freely and with confidence.

The Government's counter-terrorism strategy aims to:

- prevent the emergence of a new generation of terrorists by tackling the factors that encourage and facilitate radicalisation and recruitment;
- pursue terrorists and those who sponsor them by better understanding terrorist networks in order to track and disrupt them and, where possible, bring terrorists to justice;
- protect the British people and British interests at home and abroad so that we are a harder target; and
- prepare thoroughly to respond to any attack so that we can reduce the consequences if one occurs.

Prevention of extremism and terrorist recruitment

There is no justification for terrorism. However, to combat terrorism over the long term we need to understand and tackle the reasons why some people choose to pursue their goals by terrorising others. Motivations are complex but might be divided into:

- **Structural factors:** poor governance; unmet economic aspirations; demographic pressure and political and social alienation.
- **Motivational factors:** local and international conflicts; the perception that certain people are being deprived, oppressed and attacked by the West; and the belief that these perceived injustices will only be put right by violent means.
- **Facilitational factors:** the use of the internet for propaganda and recruitment; other recruitment and training networks; and havens from which terrorist attacks can be mounted.

The promotion of human rights, good governance and the rule of law is central to tackling the structural and motivational factors. In this Report, we describe the UK's work to promote human rights, good governance and the rule of law overseas. We also work to marginalise violent extremists, while supporting the inclusion in the political mainstream of those with genuine, peaceful aspirations. Conflict resolution is another priority, as shown by our support for the Middle East Peace Process. All of this activity supports both our human rights and our counter-terrorism objectives.

Within the UK, the Government combats discrimination, disadvantage and victimisation by working with all communities and by, for example, proposing that incitement to hatred on religious grounds and discrimination on grounds of religion or belief should be illegal.

See page 21 for details about our overseas projects to prevent extremism and terrorist recruitment.

Pursuit: reconciling liberty and security in the UK

We must address the current threat of terrorism at the same time as work to prevent future threats. There is a difficult balance to strike between liberty and security: a balance between the short-term imperative to disrupt attacks and the long-term need to retain values fundamental to our society.

There has been extensive debate on this issue in the UK, sparked by the Law Lords' judgment on 16 December 2004 that the powers under Part 4 of the Anti-Terrorism, Crime and Security Act 2001 were incompatible with Articles 5 and 14 of the ECHR. The Law Lords judged that the powers were discriminatory (as they applied only to foreign nationals) and



Home Secretary Charles Clarke speaks in the House of Commons during the debate on the Prevention of Terrorism Act 2005, 11 March 2005.

disproportionate (as they provided for indefinite detention).

The Government responded to this judgement by introducing the Prevention of Terrorism Act 2005 and repealing sections 21 to 32 of the Anti-Terrorism Crime and Security Act. Given the nature of the threat and the difficulties of prosecuting terrorist suspects, the Government judged that it required alternative powers to limit the threat posed by a small number of individuals. It concluded that a range of control orders would meet this requirement and also address the Law Lords' concerns.

The subsequent Prevention of Terrorism Act 2005 allows the Government to make control orders, which impose a range of obligations on those it believes to be involved in terrorism-related activity. These are preventative orders in which the restrictions can be tailored to address the specific threats posed by the individuals concerned.

By repealing sections 21 to 32 of the Anti-Terrorism Crime and Security Act the UK has, from 14 March 2005, been able to lift its derogation from Article 5 of the ECHR and Article 9 of ICCPR.

During the Parliamentary debate on the Prevention of Terrorism Bill there was considerable discussion on the renewal of the new Act and judicial involvement in the imposition of control orders. The outcome was that for non-derogating orders (those for which the obligations do not amount to a deprivation of liberty), the Home Secretary should be able to decide whether there were grounds to impose the control order and what obligations it should contain, but must apply to the court for permission to make the order, apart from in cases of urgency. In such cases the Home Secretary can make the order, but this must then be confirmed by the court.

For the imposition of a control order the Home Secretary must have reasonable grounds for suspecting that the person is, or

has been, involved in terrorist-related activity, and must consider the control order necessary in the interests of protecting the public from terrorism. There is an automatic review of the Home Secretary's decision to make a control order. The court will consider evidence in both open and closed sessions, depending on its sensitivity. In closed sessions, a special advocate will represent the interests of the subject. Non-derogating control orders last for 12 months but may be renewed.

There is also provision in the Prevention of Terrorism Act for making derogating control orders. Derogating orders are orders where the obligations would amount to a deprivation of liberty. They can only be made by the court, on application by the Home Secretary and only if the necessary derogation from Article 5 of the ECHR and Article 9 of ICCPR is in place. The court will make its initial decision on the basis of the papers provided by the Home Secretary. In granting the initial application, it must appear to the court that there is material which, if not disproved, could establish a person's involvement in terrorist-related activity, and that there are reasonable grounds for believing that it is necessary to impose obligations to protect the public from terrorism. Where the court makes an order, it must then refer the case for a full hearing. A derogating order lasts for six months but may be renewed by the court.

The Prevention of Terrorism Act 2005 must be renewed annually by Parliament. An independent reviewer will report annually on its operation. The reviewer will also review the impact of other counter-terrorism legislation on the provisions of the Prevention of Terrorism Act 2005. The reviewer's reports will be laid before Parliament and will help inform the annual renewal debates. The first such report will be due in December, nine months after the Act was passed. The Act also requires the Home Secretary to report on the exercise of the control order powers on a quarterly basis. This report must be laid before Parliament.

Pursuit: overseas

To reduce the threat from terrorism, we need other states to have effective counter-terrorism policies and operations. When we work with other countries on counter-terrorism we maintain our human rights standards, press them to respect their international obligations and, if possible, raise other countries' standards (see page 21 for examples of our work in this field).

We observe UK law in all our contacts with other states. There have been repeated allegations in the last year about the use by the UK of information from third countries that may have been obtained through torture. The Government has consistently made clear that it never uses torture to obtain information and would never instigate others to use torture. We condemn the use of torture unreservedly and are working hard to eradicate the practice worldwide. We accept, however, that when we receive intelligence from our partners we cannot always be sure of the circumstances under which that intelligence was gathered. The prime purpose for intelligence is to avert threats to British citizens' lives. Where we receive reliable intelligence on such threats we would be irresponsible to reject it. We do not take intelligence at face value; our intelligence agencies evaluate the reliability of all information they receive. They consider, for instance, where the intelligence comes from; whether the source was in detention; and the source's motivation and record.

The UK has also faced criticism from NGOs for its attempts to return individuals to their countries of origin based on high-level assurances from the government of the receiving state that the individual would not face abuse of their human rights. We have again made it clear that we will not deport or extradite any person to a country where we believe that they will be tortured or where there is a real risk that they will receive the death penalty. There have also been reports of a US policy of sending terrorist suspects to countries with poor human rights records for interrogation. It has also been alleged that US aircraft taking individuals to third countries for this purpose have transited the UK. We are not aware of the use of our territory or airspace for

such purposes. The UK Government has never received any requests, nor granted any permissions, for the use of UK territory or airspace for such purposes.

Guantanamo Bay detainees

In January 2005 the remaining four British nationals were released from US detention facilities at Guantanamo Bay. Approximately 200 other detainees have also been released. The US has assured us that it no longer holds any children there. Approximately 500 people remain in detention.

The UK position on the British detainees had always been clear. The Government believed that they should either be tried fairly, in accordance with international standards, or be returned to the UK. After a lengthy series of discussions with the US (led for the UK by the Attorney-General), the Government concluded that the US Military Commissions would not provide sufficient guarantees of a fair trial according to international standards. We therefore requested that the British detainees be returned to the UK. Five were returned in 2004, with the remaining four following in 2005 after further discussion between the two governments to address US security concerns.

British detainees have made a number of allegations about their treatment at Guantanamo Bay. The Government has pursued the allegations it has received with the US government.

As members of the international community and signatories to various international conventions, we remain concerned about the conditions in which individuals have been, and continue to be, held there. Within that context, we will continue to make representations about them. It is important to understand why the US government made the detentions. The attacks of 11 September 2001 were the worst terrorist atrocity the world has seen in modern times. In the subsequent operations against Al Qaida and the Taliban, coalition forces detained thousands of people believed to be Al Qaida or Taliban fighters, or their supporters. Most of these people were released. The US sent



An activist of the Mahatma Gandhi Global Amity Council holds miniature Indian flags during an anti-terrorism rally in Bhopal, 20 May 2005 on the eve of the anniversary of the death of former Indian Prime Minister Rajiv Gandhi.

those it deemed to pose a substantial risk of returning to the conflict to Guantanamo Bay, to be detained and questioned about their knowledge of Al Qaida's activities. As a result, valuable information has been gained that has helped to protect the international community from further Al Qaida and related terrorist attacks. Some of the detainees released from Guantanamo have returned to terrorism. This demonstrates the continuing dilemma the US faces in considering releases.

We welcome the fact that the US is engaging with the UN Special Rapporteurs on their request for access to Guantanamo. We note the statement by Ambassador at Large for War Crimes Issues, Pierre Richard Prosper, in Geneva on 20 April 2005 that the US "looks forward to receiving additional information from the Special Rapporteurs and to continuing to engage with them on this matter in order to facilitate the requested visits to Guantanamo". We have encouraged the US to continue these consultations in the hope that they will lead to agreement on the modalities for visits to Guantanamo as necessary. We also welcome the US's continuing cooperation with the International Committee of the Red Cross (ICRC), including the granting of access to detainees held at Guantanamo.

We will continue to raise allegations of mistreatment and wider concerns relating to international law and human rights and the value of intelligence with the US at senior levels.

7.3 Penal reform

"The way societies treat those in prison is symbolic of their commitment to justice, human rights and good governance." Former Foreign Office Minister Bill Rammell speaking at the launch of the FCO-sponsored publication, *Guidance Notes on Prison Reform*, 24 January 2005

Human rights are universal and inalienable. They apply as much to an individual convicted of the most horrendous crime, as they do to anyone else. The way a country treats its prisoners is a good test of its wider approach to human rights. There is no excuse for the deliberate mistreatment or neglect of prisoners.

The number of people incarcerated in prisons and jails around the world is rising. Very few countries have reported decreases in prison populations. Many of these prisoners have not been convicted and are being detained while awaiting trial. Hundreds of thousands of people are held in prisons that are overcrowded, unhygienic, dilapidated and lack medical care. Overcrowding is a common concern. Disease is rife, and the most common cause of death in prison. Many prisons suffer from inadequate staffing and poorly trained staff. The observance of human rights is a crucial aspect of prison management and we promote prison reform incorporating human rights worldwide.

Incarceration rates in selected nations

Number of people in prison per 100,000 population



Source: International Centre for Prison Studies World Prison Brief online, 2004

In November 2002 the Foreign Secretary Jack Straw launched the International Centre for Prison Studies (ICPS) handbook, *A Human Rights Approach to Prison Management*, which was funded by the FCO. The handbook, which offers practical guidance on the universally agreed standards on prisons, has been a worldwide success. Over 70,000 copies have been distributed around the world. It is now recognised as a leading resource on prison management and is used as a basic training text for prison staff in several countries. The UN, the Council of Europe and OSCE use the handbook as a training tool. It has been translated into 12 languages: Albanian, Amharic, Arabic, Armenian, Chinese, Japanese, Korean, Portuguese, Russian, Serbo-Croat, Spanish and Turkish. The FCO has funded most of these translations. The ICRC funded the Amharic translation; Penal Reform International funded the Armenian version; and the Council of Europe funded the Serbo-Croat handbook. The Swedish Helsinki Committee funded a translation into Albanian, which was launched in Tirana in May.

Under the GOF Human Rights Programme, the FCO and ICPS have continued to disseminate and promote the handbook through workshops and launches in Colombia, Hong Kong, Japan and South Korea. As a result of an ICPS visit, the Hong

Kong correctional services department has indicated it intends to place the handbook on its intranet for prison staff. With the **Japan** Federation of Bar Associations and the Centre for Prisoners' Rights, ICPS ran a series of events in Tokyo in September 2004 to mark the publication of the Japanese translation of the handbook. Events included a symposium on prison reform with representatives from the ministry of justice correction bureau. At the symposium, Tomiyama Satochi, one of the panellists and an official of the correction bureau, outlined proposals on prison reform from the correctional policy reform committee, a special task force formed by the ministry of justice in 2003. The government of the **Republic of Korea** has expressed its commitment to reduce imprisonment and has supported the Korean translation of the handbook. This was launched at a seminar in Seoul in September 2004, attended by senior prison personnel, officials of the corrections society, human rights activists and the media. The authorities have distributed copies of the handbook to all Korean prisons. The Office of the UN High Commissioner for Human Rights field office in **Colombia** organised a two-day, high-level seminar in Bogotá in October 2004, taking the handbook as its theme. In **Iraq**, a team of six senior officers from the UK prison service, headed by Steve Fradley, Deputy Governor of Pentonville Prison, used the English and Arabic translations of the handbook to train Iraqi prison staff in the second half of 2004.

On 24 January 2005 former Foreign Office Minister Bill Rammell launched the new FCO-funded publication, *Guidance Notes on Prison Reform*. The Guidance Notes build on the 2002 handbook. Speaking at the launch Mr Rammell said:

"As countries move to increasing openness and democracy, very often one of the first institutions which governments seek to reform is the prison system. All too frequently, those who wish to achieve reform have to start with a blank sheet of paper, feeling their way by process of trial and error."

The *Guidance Notes* identify the most common areas for prison reform - overcrowding, prison healthcare and staff training - and provide information and advice on how best to address the issues. The notes are aimed at institutions such as interior ministries, independent bodies and NGOs working on penal reform. We are now promoting the *Guidance Notes* through our overseas missions.

The **US** has the highest level of incarceration in the world. On any given day, US prisons hold 2.2 million people. Over a year an estimated 13.5 million people spend time in prison. The abuse of detainees at Abu Ghraib prison in Iraq horrified the American people and raised concerns about the treatment of prisoners in US prisons. In light of these concerns the Vera Institute of Justice set up the Commission on Safety and Abuse in

America's Prisons in March 2005. The Commission, co-chaired by former US Attorney-General Nicholas de Belleville Katzenbach and the Honourable John Gibbons, former Chief Judge of the Third Circuit Court of Appeal, comprises 21 non-partisan members, including civic leaders, correction professionals, human rights advocates and former prisoners. Over the course of one year, the Commission will investigate the most serious problems inside US prisons, including violence, sexual abuse, degradation, severe overcrowding and inhumane treatment of the mentally ill. It will look at the impact of these problems on inmates, prison officers and on society in general. The Commission will produce a report with practical recommendations for local, state and federal policy makers on how to address the issues and further reform US prisons.

The conditions inside **Brazil's** prisons are one of the country's worst and most widespread abuses of human rights. Since September 2002 the FCO (through the Human Rights Projects Fund, and now GOF) has been financing a project to improve prison management in Brazil, working with the ICPS, the Brazilian ministry of justice and individual state prisons' secretariats.

The first phase of the project exceeded all expectations by creating a permanent capacity for improving prison management in the state of São Paulo and for replicating the initiative elsewhere. This was achieved with the support, involvement and funding of both state and federal authorities. In phase two, we are extending the initiative to two states - Espirito Santo and Rondonia - and consolidating the improvement in prison management established in São Paulo and at federal level in Brasilia. UK experts continue to provide training in Espirito Santo and Rondonia, as well as strategic consultancy and trouble-shooting advice in São Paulo and Brasilia. Ultimately, the project will institutionalise methods for improving prison management across Brazil and ensure more widespread respect for the human rights of prisoners and staff.

In September 2004 our Embassy in **Libya** began a two-year project partnership with ICPS, the Libyan ministry of justice and the judicial police, who are responsible for prison management, to improve human rights in Libyan prisons. Using *A Human Rights Approach to Prison Management*, the project will raise awareness among officials and managers of prisons; develop systems for training; and train staff in evaluating their prisons against international standards. The project ran a four-day workshop on international prison standards, the extent to which these are embraced by Libyan law and how to use international standards in developing action plans for improvement. On a visit to the UK, the Director of the Judicial Police, Brigadier Belqassim Gargoom, visited prisons to observe our systems and methods of staff training. He discussed with Phil Wheatley,



Nearly 600 inmates staged a rebellion in a prison in São Paulo, Brazil, on 18 March 2005. The UK is working with the Brazilian government and others to improve prison management.

Director General HM Prison Service, about how international standards are integrated into the work of the Prison Service of England and Wales.

Russia's ministry of justice has continued to show commitment to improving prison conditions. Since its peak in May 2000, the Russian prison population has continued to fall, decreasing by a further 80,000 in 2004. The federal prison service reported in February 2005 that the total prison population had fallen to 767,000 inmates, including 142,000 in pre-trial detention centres. This decrease is due largely to amendments to the criminal procedural code in 2003 and efforts to humanise the prison system.

During one of several visits to Russia over the last year, the Commissioner for Human Rights of the Council of Europe, Alvaro Gil-Robles, said that while conditions in some Russian prisons are fairly good, there is still much need for improvement. Pre-trial detention facilities are particularly poor and are filled to capacity. The Council of Europe voiced concerns over Russia's failure to meet some of the obligations it agreed to when joining the organisation in 1996. This included the failure to transfer jurisdiction for some pre-trial prisons from the federal security service to the ministry of justice.

The government has acknowledged the problem of poor prison conditions. In January 2004 the Prosecutor General, Vladimir Ustinov, admitted that overcrowding in prisons remains a problem and that the government was not meeting the basic needs of prisoners, such as bedding and glass in cell windows. Poor conditions contribute to serious health problems: official statistics released in October 2004 show that 500,000 prisoners have serious illnesses, such as HIV/AIDS and TB. Chronic alcoholism is also a problem.

We have a number of projects in Russia. In 2003 DFID ran a successful project addressing conditions in pre-trial detention centres in Moscow. We are building on this success by funding,

through GOF, a project with ICPS, the Ford Foundation and the Russian prison service to disseminate the models of good practice developed in this first phase of the project to all seven federal districts in Russia. The programme involved workshops on methods of improving human rights for prisoners and staff. The workshops helped prison staff identify where reform was needed and draw up action plans on how to tackle the issues. The project has received strong support from the Russian government. The Deputy Minister of Justice, Yuri Kalinin, wrote an official letter to the British Ambassador expressing his thanks for our continued support of the work to develop and enhance the observance of human rights in the Russian penal system.

We are supporting through the GOF Reuniting Europe programme a project jointly run by Penal Reform International (PRI) and the Romanian prison administration to improve prison management and the professional performance of prison staff in **Romania**. The project aims to create a prison environment where human rights are protected and that contributes to the preparation for release and social reintegration of prisoners. In March 2005 PRI trained 50 trainers in seminars and workshops in Romanian prisons. This training will now be cascaded to other prisons in the country.

Reform of the prison system in **Kazakhstan** began in 1996 when a variety of restrictions on prisoners' rights dating from the Soviet era were lifted. Kazakhstan has since taken serious steps in reforming its penal system. In January 2004 Kazakhstan moved from third to 18th place in the world on imprisonment rate, with a total prison population of 58,300 (49,500 sentenced and 8,800 pre-trial). Despite these significant positive changes, Kazakhstan had no legal provisions that allow for regular public monitoring of places of detention. The Embassy in Almaty therefore supported the work of Penal Reform International to help develop public monitoring of prisons in Kazakhstan through a series of seminars and ongoing discussions with the ministry of justice. As a result significant changes have been made to criminal legislation, which has established civil monitoring

boards to supervise and make recommendations for improvements to prison conditions. Unfortunately, access to police stations and police cells remains very limited and no legislation allows for public control of these places of detention. We are now funding a further project that builds on the work already done on public monitoring of prisons, to work towards similar mechanisms for other places of detention that will help eliminate incidents of torture and ill treatment in Kazakhstan.

7.4 Torture

Torture is one of the worst human rights abuses. As torture is outlawed under general international law, as well as specific human rights treaties, when governments condone it, they risk losing their legitimacy and provoking terrorism.

The UK has been among the leading nations advocating strong international machinery and in developing practical tools to combat torture in all its forms. A major goal of UK foreign policy is the implementation of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In June 2004 the FCO launched a worldwide lobbying campaign to encourage further ratifications in order to bring it into force as soon as possible. We welcomed the ratification of the Optional Protocol by Liberia in September 2004, the first African state, Argentina in November 2004, the first Latin American and federal state to ratify, Mexico and Croatia in April 2005 and Mali in May 2005. We also welcome the recent signatures of the Optional Protocol by Benin, Czech Republic, Estonia, Gabon, Honduras, Luxembourg, Mali, Paraguay and Spain. We now encourage these countries to ratify as soon as possible.

We support the work of the Association for the Prevention of Torture (APT), the leading NGO advocating the adoption and ratification of the Optional Protocol. With UK funding and in association with the Inter-American Institute of Human Rights, APT published *Optional Protocol - A Manual for Prevention* in English, French, Spanish and Portuguese. The manual offers useful information and suggests actions and strategies for campaigns leading to ratification and implementation of the Optional Protocol.

The Optional Protocol will establish a new Sub-Committee of the UN Committee Against Torture, which will visit places of detention within countries that have ratified and make recommendations for improvement. The Sub-Committee will initially consist of 10 independent experts from countries that are party to the Protocol. The Optional Protocol requires a country to set up, designate or maintain existing independent national bodies that will conduct regular visits to places of detention. The UK is designating existing national monitoring

bodies for this purpose, including Her Majesty's Inspectorate of Prisons.

We are helping prepare the ground for the Sub-Committee that will ultimately run the Optional Protocol. In December 2004 we funded a workshop in Geneva organised by APT and the UN Office of the High Commissioner for Human Rights (OHCHR) to discuss preparations for the Sub-Committee. The workshop brought together experts from visiting mechanisms, such as the International Committee of the Red Cross (ICRC) and the European Committee for the Prevention of Torture (ECPT); representatives of the Inter-American and African Human Rights Commissions; and NGOs, members of the OHCHR, academics and key diplomats, including from the UK. This meeting resulted in setting up an informal working group to carry on the discussions in preparation for when the Optional Protocol comes into force.

As a signatory of the UN Convention Against Torture, the UK is required to submit a report every four years to the UN Committee Against Torture on how we are implementing our obligations under the Convention. The Committee comprises 10 independent experts and monitors states parties' implementation of the Convention. The UK submitted its fourth periodic report to the Committee for consideration in November 2003. On 17 and 18 November 2004, in Geneva, we engaged in constructive and detailed dialogue with the Committee about our report. We were represented by a strong delegation led by Jonathan Spencer, Director General at the Department of Constitutional Affairs (DCA), with officials from DCA, the FCO, Home Office, MOD, Northern Ireland Office, the Scottish Executive and representatives from the Isle of Man and Anguilla.

The UN Committee commended the UK for the extensive and detailed responses we provided to the questions posed by members of the Committee, both before and during the examination of the report. The Committee made conclusions about our implementation and recommendations on how we could implement the Convention more effectively. The Committee noted positive developments since our previous examination, such as the entry into force of the Human Rights Act and the Female Genital Mutilation Act 2003, and our responsiveness to its previous recommendations. The Committee highlighted concerns on issues such as detentions under the Anti-terrorism, Crime and Security Act 2001 and reports of unsatisfactory conditions in some UK detention facilities. We take these recommendations seriously. The Government is looking at the recommendations in detail and will respond to the Committee within the one-year time limit. International action against torture is an FCO priority and we were involved in important bilateral and multilateral projects in 2004. We continue our financial support to the UN Voluntary

In November 2004, the UN Commission on Human Rights appointed the Austrian human rights expert, Manfred Nowak, as Special Rapporteur on Torture. On 1 December 2004, Professor Nowak officially succeeded Theo van Boven.

The Special Rapporteur plays an essential role in eliminating torture. We consider the mandate of Special Rapporteur on Torture one of the most important within the Commission on Human Rights. The Commission first decided to appoint a Special Rapporteur to examine questions relevant to torture in 1985. The Special Rapporteur is independent from any government and serves in his individual capacity. The mandate covers all UN member states, irrespective of whether a country has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Rapporteur's mandate includes: gathering information from governmental and non-governmental sources; making urgent appeals to states to clarify situations where people have been reported to be at risk of torture; sending communications to states on alleged cases of torture;

undertaking, with the consent of the government concerned, fact-finding visits; and submitting annual reports to the Commission and the General Assembly.

Professor Nowak is Professor of Constitutional Law and Human Rights at the University of Vienna and Director of the Ludwig Boltzmann Institute of Human Rights (BIM). He has served as Judge at the Human Rights Chamber for Bosnia and Herzegovina in Sarajevo. Professor Nowak was a member of the Austrian delegation to the Commission on Human Rights for many years before being appointed in 1993 as expert member of the UN Working Group on Enforced and Involuntary Disappearances. During this term he also served as UN expert on missing persons in the former Yugoslavia.

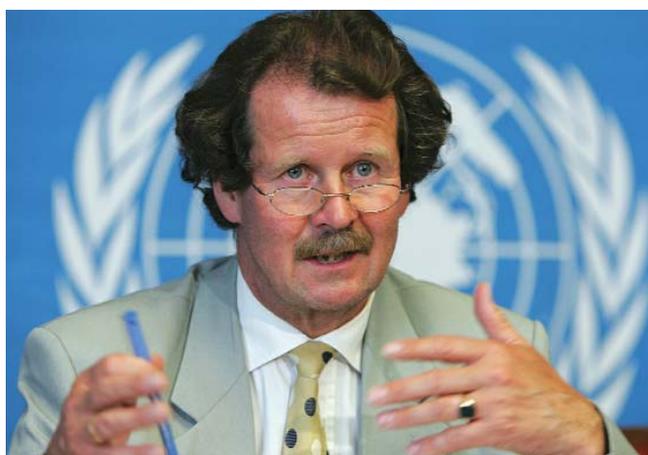
Professor Nowak undertook a fact-finding mission to Georgia from 19–25 February 2005, at the invitation of the government. During the visit, he also covered the territories of Abkhazia and South Ossetia, which are not under the government's control.

Fund for the victims of torture with £100,000 for 2005–06. We welcomed the independent review of the Voluntary Fund and the subsequent evaluation report published in November 2004. We hope the Fund will continue to implement the report's recommendations in order to increase its effectiveness.

In December 2003 we held a workshop in Almaty to mark the launch of the Russian translation of the FCO publication, *Combating Torture - A Manual for Judges and Prosecutors*. Building on its success, we held further workshops in Ankara, Buenos Aires and Mexico City. The workshops, which were for judges, prosecutors and defence lawyers, were organised by the International Bar Association (IBA) and APT. They increased awareness of international best practice and the role of the judiciary in preventing torture. The IBA, in conjunction with the Turkish ministry of justice and our Embassy, held a workshop in Ankara in December 2004 to launch the Turkish translation of the manual that the FCO had funded. The British Ambassador, Peter Westmacott, the Turkish Justice Minister, Cemil Ciek, and

Ozcan Avci, Judge at the Ministry of Interior Training Department, spoke at the opening of the workshop. The workshop in **Mexico** in March 2005 was a good example of successful cooperation with foreign justice ministries. One hundred and twenty-eight judges, prosecutors, public defenders and medical experts from 20 states and federal districts, engaged in lively discussions about the manual and declared the best practice it contains extremely useful for their daily work. A similar seminar held in **Argentina** in April 2005 was equally a great success. The Minister of Justice, Horacio Rosatti, opened the seminar attended by around 120 judges and prosecutors from all over **Argentina**. We are planning more workshops later in 2005 to promote the Russian and Arabic translations of the manual.

It is vital that we expose torturers and bring them to account through thorough investigation and documentation. Through our GOF Human Rights Programme we supported the Human Rights Centre at the University of Essex in producing, *Guidelines*



Manfred Nowak, Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, speaks at the UN in Geneva on 23 June about a request to the US government to visit Guantanamo Bay.

for the *Medical Investigation and Documentation of Torture*, which will be published later in 2005. This comprehensive handbook on medico-legal issues is for health care professionals working with survivors of torture. The guidelines will be especially useful for people with little or no experience in the field. They explain the special physical and psychological examinations that victims of torture require, the practical and ethical issues that are involved and the legal framework. The University of Essex worked on the guidelines with the Medical Foundation for the Care of Victims of Torture, an NGO with long-standing experience. In March 2005 the FCO hosted an editorial meeting, with experts from the Medical Foundation, ICRC, OHCHR, ECPT, British Medical Association, APT, Amnesty International and REDRESS.

It is important for the FCO to work with experts, NGOs and academics. In 2003 we set up the expert panel on torture to advise us on existing and future policy initiatives on combating torture. The panel comprises leading academics, NGO representatives and human rights lawyers, including Sir Nigel Rodley, former UN Special Rapporteur on Torture, Sylvia Casale, President of the ECPT, and Mark Thomson, Secretary-General of the APT. These experts all have direct experience of international and regional human rights machinery and in related issues such as penal reform and policing. In recent meetings the panel has discussed FCO priorities for the EU Presidency, including work to implement the EU guidelines on torture more effectively. The panel has also helped the FCO decide which anti-torture projects to fund through our GOF human rights programme. In the past year, we have supported a project to strengthen mechanisms to prevent torture and ill treatment in **Kazakhstan** and another to improve the treatment of defendants in criminal cases in the People's Republic of **China**.

In last year's Report, we referred to an exchange programme organised by the Medical Foundation for the Care of Victims of Torture and senior clinicians of torture rehabilitation

organisations from countries where torture is widespread. In December 2004 the Medical Foundation made a follow-up visit to two organisations in **Sri Lanka**. During the two-week visit, the Medical Foundation ran training workshops in Colombo and Jaffna for therapists working with families affected by torture. These therapists subsequently used their counselling skills to provide bereavement counselling for families affected by the tsunami in Sri Lanka.

Torture continues in the **Philippines**, due to impunity and the reliance of law-enforcement officers on confessions for filing criminal cases in court. Despite the government's commitment to combating the practice, incidents of torture are generally inadequately reported or documented. We have funded five four-day workshops by Medical Action Group on recognising, documenting and reporting torture. Participants included government and non-government medical professionals, prison officers and human rights workers.

Obtaining confessions from criminal suspects through torture in **China** is a serious problem. Torture is to some extent brought about through pressure to solve cases, a tendency to assume guilt, limited resources and poor training. The Chinese criminal justice system also places significant emphasis on confession, calling for "leniency to those who confess their crimes and severity to those who refuse". There exist no mechanisms at present to safeguard the rights of suspects. We are involved in a project to reduce the use of torture in China. (See Annex 2 for details).

The **EU** adopted guidelines in 2001 on its policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment. The guidelines set out how the EU will strengthen efforts to prevent and eradicate torture and ill treatment in all parts of the world through its contacts with third countries, as well as in multilateral human rights fora. During the period of this report the EU raised concerns about torture in Azerbaijan, Chechnya, China, Libya and Zimbabwe.



1 June 2005.
Demonstrators gathered outside the Chilean presidential palace while President Lagos was receiving a report that added children to the list of those who had suffered torture or political imprisonment during General Pinochet's rule.

The EU Presidency made statements expressing its unreserved condemnation of torture at the OSCE Human Dimension Implementation Meeting in October 2004, the UN General Assembly in December 2004 and the UN Commission on Human Rights in March 2005. During our Presidency we will continue to take forward action on EU guidelines and ensure the issue of torture is raised in EU contacts with third countries.

The UK has continued to work with its EU partners to develop a regulation on trade in equipment and products that are, or could be, used for capital punishment or torture and other cruel, inhuman or degrading treatment or punishment. We believe the Regulation will be implemented in 2006. This is an important development in the global eradication of torture. The UK has worked especially hard to ensure that it can maintain its long-standing prohibitions on the export of equipment we consider has no legitimate use other than for torture or other cruel, inhuman or degrading treatment or punishment.

Human rights groups continue to accuse law-enforcement agencies in **Russia** of using torture and ill treatment to gain information in criminal investigations or to force a confession. The role of the police, as defined by the interior ministry, is to fight criminality rather than to protect the rights of citizens or uphold the law. Despite announcements in the past that it would change the system, the government still measures police performance on the number of crimes investigated and solved. Human rights activists claim that this system encourages police to use torture to solve crime.

The prosecutor's office is responsible for investigating torture claims and is, in theory, independent and separate from the police. However, a report by the UN Committee Against Torture in 2002 pointed out that prosecutors are often responsible both for the successful prosecution of a case and for the oversight of proper conduct of the investigation. This dual role can discourage them from thoroughly investigating torture claims that could jeopardise the chances of a successful prosecution in court.

Last year, the interior ministry of the Republic of Bashkortostan reported that on 8 December 2004 about 50 people assaulted some policemen, who were trying to detain three men for disorderly conduct in the town of Blagoveshensk. The police then launched a wide-scale operation to round up those responsible and arrested over 300 people, mainly men aged 15-30. Police were accused of using excessive force and of giving no explanation to individuals for their arrest. After their release, about 100 people reportedly sought medical attention for head injuries, concussion and severe bruising. At the end of December the ministry of interior and the office of the federal human rights ombudsman set up a joint investigation to

examine law enforcement in the republic. Charges were brought against several policemen; several others were demoted or reprimanded.

Human rights organisations allege that the total number of people affected by the operation was nearer 1,000. There were reports that the authorities forced some people to sign written statements withdrawing their complaints against the police. Records of patient treatment were allegedly altered at hospital casualty departments. Despite the official investigation and the limited measures taken against some policemen, human rights groups claimed that not enough had been done to hold those responsible to account. A group of Blagoveshensk residents travelled to Moscow to picket the federal ministry of interior.

By 10 February 2005 the Interior Minister of Bashkortostan, Rafael Divayev, was forced to apologise publicly to victims. Russian Deputy Interior Minister, Sergei Shchadrin, travelled to Blagoveshensk to speak to local residents and hear their complaints against the police. Ella Pamfilova, the Chair of the Presidential Council on the Development of Civil Society Institutions and Human Rights, travelled to Bashkortostan after hearing reports that the authorities were putting pressure on some people to retract their statements in the official investigation. Ms Pamfilova said that there had been an "unprecedented lawlessness on the part of officials from the local administration and law-enforcement agencies". In a newspaper article she stated that the federal authorities could not afford to distance themselves from the investigation in Bashkortostan and warned that there could be a "new wave of tyranny" if those responsible went unpunished. In early March 2005, nearly three months after the incident, President Putin stated publicly the need for the investigation to be completed thoroughly and soon.

The publication of the Valech report into torture in **Chile** during General Pinochet's military regime is a striking example of how democracies can deal with the legacy of an oppressive past. The report is the work of a committee chaired by Bishop Sergio Valech, who was commissioned by Chilean President Ricardo Lagos to conduct the first investigation specifically into torture. The report is based on interviews with 35,000 former prisoners and family members and contains details of abuses committed from 1973-1990. President Lagos presented the report to the nation in December 2004, when he announced compensation for the victims, including life pensions and preferential access to healthcare, housing and education. The report has encouraged further national debate. The Chilean army had already accepted institutional responsibility for abuses, which its commander promised would never be repeated. The Chilean navy responded to the report by accepting for the first time that torture took place on the navy's training ship, the *Esmeralda*.

Police brutality and extra-judicial killings remain serious problems in **Nigeria**, highlighted by an incident in Kaduna in October 2004 when police killed 19 prisoners. The governor of the state convened a panel to investigate the killings. The panel has recommended that the federal government investigate the killings as the Nigerian police force is a federal body. To address the worst excesses of police brutality we are funding three projects to help eradicate torture. The first is a three-year project to monitor and document incidents of torture. Project staff will then use this research to produce campaign materials such as radio programmes and journals, to inform security forces and the general public. The project is run by Civil Liberties Organisation, one of Nigeria's leading NGOs. The Women's Aid Collective is managing a second project to rehabilitate victims of torture. The Collective is running workshops to provide victims with skills, boost their self-esteem and help them to recover from their trauma. In addition, the project provides legal aid services and improves existing torture rehabilitation centres. In the third project, Access to Justice is documenting torture victims' experiences during police custody. Separately, DFID is working with the Nigerian police by funding the Security, Justice and Growth programme; this addresses reform generally and other issues, such as community policing.

7.5 Death penalty

Working towards the universal abolition of the death penalty is a key element of the UK's human rights policy. The UK Government is opposed to the death penalty in all circumstances and actively works in a number of ways to reduce its use. It is helped in this by the Foreign Secretary's death penalty panel, which was established in 1998 and is made up of academic, legal, medical and NGO experts on the death penalty. The panel met in September 2004 to discuss recent developments on the death penalty, focusing on mental health and on the Caribbean region. It met again in June 2005 to discuss how the UK might use its forthcoming Presidency of the EU to take forward action on the EU's guidelines on the death penalty. It is also consulted "virtually" as appropriate.

The FCO funds a number of projects to tackle the death penalty around the world. Not all of these are aimed at direct abolition. Some focus on reducing the application of the death penalty - for example, by limiting the number of offences which carry the death penalty, or by improving the amount and type of evidence required for a conviction. Others address the humane treatment of prisoners on death row or seek to promote debate on issues surrounding the death penalty in countries where civil society is not yet able to inspire its own debate. This year we are funding projects in China, Kyrgyzstan and Vietnam.

China is believed to carry out more executions per year than all other countries put together. Figures from Amnesty International record 3,400 executions in China in 2004 (almost 90 per cent of the world total). However, speaking in 2004, Chen Zhonglin, a deputy to China's national people's congress, suggested that 10,000 death sentences were imposed each year. There was no progress towards the supreme people's court taking back its power to review all death penalty cases during the period of this report. Although there has been some debate about narrowing the scope of the death penalty, senior leaders have resisted calls for its abolition, citing strong public support for the death penalty. This year we are funding various projects to reduce the use of the death penalty in China. See Annex 2 for further details.

Kyrgyzstan currently has a moratorium on executions. We are funding a project that will help the government formally abolish the death penalty in law: establishing a working group with representatives of the judiciary and government to develop the necessary legislation; and promoting a debate on alternatives to the death penalty, which will help feed in to the legislative decision on how to sentence the most serious crimes. Experts involved in the project will also help develop guidelines on the treatment of prisoners sentenced to life or long-term imprisonment.

Vietnam continues to be one of the highest executing nations in the world, after the US, China and Iran. Although the government has reduced the number of crimes attracting the death penalty from 44 to 29, they still cover a broad range of offences, including economic crimes and drug-related offences. Execution is generally by firing squad.

In November 2004 the UK and other EU partners co-funded a joint EU-Vietnam seminar on the death penalty. Following this, we are considering funding a project to research the deterrent effect of the death penalty (through examining the 15 offences where the death penalty no longer applies), as it is this which is cited as a key reason for maintaining the death penalty in Vietnam and elsewhere. We are also considering funding a project which seeks to improve the use of DNA evidence in death penalty cases, in order to reduce miscarriages of justice.

Developments on the death penalty around the world

According to the UN Secretary-General's report on the death penalty to the 2005 session of the Commission on Human Rights, 85 countries have completely abolished the death penalty and 10 have abolished it for ordinary crimes, retaining it for crimes such as those committed in wartime. The report considers 39 countries *de facto* abolitionist, on the basis that they retain the death penalty but have not used it for at least

10 years. The death penalty is still used in 61 countries.

Amnesty International, a leading campaigner for abolition of the death penalty, classifies a country as *de facto* abolitionist if it believes that country has a policy or deliberately established practice of not carrying out executions, or has made an international commitment not to use the death penalty. On this basis Amnesty International assesses that 83 countries have abolished the death penalty for all crimes and 13 for ordinary crimes: 22 countries were *de facto* abolitionist and 78 countries retained the death penalty.

Overall, the global trend remains towards abolition of the death penalty for all crimes. For example:

- **Senegal** abolished the death penalty on human rights day, 10 December 2004.
- In **Tajikistan** the parliament endorsed a bill abolishing the death penalty on 11 February 2005.
- President Akayev of **Kyrgyzstan** renewed the moratorium on executions on 10 January 2005 for one year and at the same time ordered the government to prepare a draft law abolishing the death penalty altogether by the middle of 2005. We hope these positive developments will be taken forward by the new government.
- Following the announcement in December 2003 that she planned to lift the moratorium in the **Philippines** for kidnappers and drug lords, President Arroyo in February 2005 ruled out any executions during her administration and granted a reprieve to all those on death row.

- In June 2005 the constitutional court of **Uganda** ruled that the mandatory death penalty was unconstitutional.

We welcome these positive developments towards abolition of the death penalty. However there are other areas of serious concern. Some countries have reversed decisions on moratoria (see box). This is a particularly disturbing development and one we work hard to prevent.

The US and the death penalty

The UK and the US share many of the same goals for human rights and democracy around the world. But the use of the death penalty is an area where we have fundamental differences.

In the 2004 Annual Report we highlighted the case of 51 Mexican nationals who had not been given access to their own consular authorities when jailed in the US. In March 2004 the International Court of Justice (ICJ) found that the US had violated its international obligations under the Vienna Convention on Consular Relations (VCCR) and that it must reconsider the impact of those violations on the cases of the foreign nationals involved. As a result of this ruling, the US supreme court granted a writ of review in the case of *Medellin v Dretke*, to consider whether the rights of José Medellin, a Mexican national on death row in Texas, had been violated under the VCCR. In parallel, the US administration stated on 28 February 2005 that all 51 Mexican nationals should receive state court hearings to determine if they were prejudiced by the VCCR violation. However, on 7 March 2005, in a letter to the UN

Recent developments

- *The UK, along with EU partners, lobbied **India** strongly against the execution of Dhanonjoy Chatterjee, carried out on 14 August 2004, which ended a long-standing de-facto moratorium on the death penalty there.*
- ***Iran** remains the second highest executing nation in the world: only China executes more people. The Iranian authorities do not provide statistics of the number of executions carried out, but Amnesty International estimates that at least 159 people were executed in 2004. Many executions are carried out in public. We have received a growing number of reports of juvenile offenders being sentenced to death, in violation of Iran's obligations under the International Covenant on Civil and Political Rights and the United Nations Convention on the Rights of the Child. In several instances, executions have apparently been carried out. The Foreign Secretary and other ministers have expressed strong concern. We have also received reports indicating that offenders are still occasionally sentenced to stoning; it is not clear whether any sentences have been carried out. In 2002 the authorities announced a "moratorium" on stoning, but this appears to be no more than advice to judges to find an alternative sentence.*
- *The office of the president of **Sri Lanka** announced on 20 November 2004 that the death penalty would come into immediate effect for rape, murder and drug dealing. The statement followed the murders of a high court judge, Honourable Sarath Ambepitiya, and a police officer who was providing security for him, both of whom were shot on 19 November. A moratorium on executions has been in effect in Sri Lanka since June 1976*
- *We are seriously disturbed by reports that **Uzbekistan** has continued to execute prisoners on death row whose cases were lodged with the UN Human Rights Committee. However, there are some signals that the government may be changing its attitude to the death penalty. President Karimov has expressed his personal opposition to the death penalty on three separate occasions since December 2004 and in his address to parliament in January 2005 he announced plans to educate the public with a view to abolition.*

Secretary-General, US Secretary of State Condoleezza Rice announced the administration's decision to *withdraw* from the Optional Protocol to the VCCR, which is the instrument that provides jurisdiction to the ICJ in such cases. On 23 May 2005 the US supreme court dismissed the Medellin appeal, using a legal procedural mechanism covering new developments that arise following their agreement to hear an appeal. Their decision does not rule out a future appeal to the supreme court, but they concluded that Medellin should first pursue his appeal through the state courts.

Lethal injection

In April 2005 a team of doctors reported in the British medical journal, *The Lancet*, that in 43 of 49 executed inmates studied in the US, the anaesthetic administered during lethal injections was lower than that required for surgery, potentially rendering inmates sufficiently conscious to feel pain, but unable to express such pain due to the effect of the paralysing agent also administered. Toxicology reports from four states revealed that post-mortem concentrations of thiopental in the blood were below typical surgery levels, and in 21 inmates the concentrations were consistent with awareness. They concluded that a "cessation and public review of lethal injection is warranted" in order to prevent unnecessary cruelty and suffering.

EU action in the US

The UK with EU partners makes representations to the US authorities whenever we consider the application of the death penalty to be in contravention of international standards. The UK also intervenes on behalf of British nationals on death row or those on trial, who might face a possible death sentence (see Chapter 1 for details of British national cases).

On 19 November 2004, the EU sent letters to the governor of Pennsylvania and the Pennsylvania board of pardons in the case of George Banks, who has a long history of severe mental illness. Banks was granted a stay of execution on 2 December 2004.

On 30 November 2004 the EU sent a letter to the governor of North Carolina in the case of Charles Walker, who had a long and documented history of mental illness. Walker has since been granted a stay of execution but the state has appealed and it is unclear whether this will be upheld.

On 10 December 2004 the EU sent letters sent to the governor of Connecticut and the Connecticut board of pardons and paroles in the case of Michael Ross. The state of Connecticut has upheld a *de facto* moratorium for more than 40 years but Ross had requested the death penalty, despite the fact that he still had the right of appeal. Michael Ross was executed on 13 May 2005.

On 24 January 2005 the EU and members of the international community filed an *amicus curiae* brief in the supreme court in support of José Medellin.

On 24 March 2005 the EU sent letters sent to the governor of Indiana and the Indiana board of pardons and paroles in the case of Bill Benefiel, requesting pardon on the grounds that Benefiel has a long history of severe mental illness. Benefiel was executed on 21 April 2005.

The EU and the death penalty

Abolition of the death penalty is a human rights priority for the EU, which each year runs a resolution against the death penalty

Juvenile death penalty

On 1 March 2005 the US supreme court made a landmark ruling in the test case Roper v Simmons. The court held by five votes to four that the execution of juvenile offenders is "cruel and unusual punishment" prohibited by the Eighth Amendment to the US constitution. The decision could affect about 70 death row inmates who face execution for crimes committed as 16- or 17-year-olds. These individuals will have to be re-tried, with each state required to determine the maximum sentence for murder as a juvenile.

In its judgement the court recognised the national trend towards abolition. Very few of the 19 states that have maintained the death penalty for juveniles have recently carried out the practice. International pressure was also important. The judgement stated: "The opinion of the world community, while not controlling our outcome, does provide respected and significant confirmation of our own conclusions."

Before this historic ruling, the court concluded in 1989 in Stanford v. Kentucky, that the execution of 16- and 17-year-old offenders was not constitutionally barred. The court now concludes that since Stanford, a national consensus has formed against the execution of juvenile offenders, and the practice violates society's "evolving standards of decency." The court overruled its decision in Stanford, thereby setting the minimum age for eligibility for the death penalty at 18.

We joined our EU partners in welcoming this ruling in a statement issued shortly after the supreme court's decision, noting the EU's consistent opposition to capital punishment in all circumstances. In the case of Christopher Simmons, the EU took the opportunity to express its opposition to the execution of juveniles in an amicus curiae brief to the supreme court.

at the Commission on Human Rights. This year, the resolution was adopted with a record number of co-sponsors (81, up from 76 in 2004). The EU also takes action with third countries whenever the proposed or actual imposition of the death penalty falls into one of the following categories:

- in individual cases where the use of the death penalty falls below UN minimum standards (such as executing pregnant women, people who have become insane or those aged under 18 when the crime was committed); and
- in situations where a government's policy on the death penalty is in flux (for example, when they are considering lifting a moratorium, or *de facto* moratorium, on the use of the death penalty).

In the period covered by this Annual Report, the EU raised the question of the death penalty with the governments of Japan, the US, China, Pakistan, Syria, Kuwait, Barbados, Yemen, the Palestinian Authority, Libya, Iran, Uzbekistan, Sri Lanka, Indonesia and Bangladesh.

7.6 Security forces and the police

In many countries, the general population does not consider the police and security forces to be protectors of their rights. Too often, governments use law and security enforcement agencies to control the people and do not provide them with sufficient resources, including training, to protect them or to solve ordinary crimes. One consequence is that torture is used as a cheap substitute for professional investigation. Where pay is poor and discipline weak, corruption inevitably follows. Vulnerable groups such as women, children and minorities pay a high price for this. The UK advocates community policing that is professional and dedicated to serving the public, and disciplined security services that are controlled by civilian authorities and accountable to them. A number of FCO activities promote this approach internationally.

We published the manual *Ethical Investigation - A Practical Guide for Police Officers*, in June 2005. Written by a former British police superintendent with experience of international police training, the manual will be used in training and consultancy exercises to reduce human rights abuses, particularly torture and illegal detention. The manual will support national guidelines and procedures in countries by identifying practical ways of applying human rights principles to standard police investigation procedures. The book outlines and explains techniques and basic skills for investigating crime that are alternatives to less humane and unethical procedures. We are promoting the manual through our High Commissions and Embassies and will identify countries where we can offer further support through training. We will have the manual translated into Russian, Arabic and Spanish.

Five protestors were killed and three seriously injured in **Cambodia** on 21 March 2005, when security forces fired on a crowd of some 200 people in Poipet on the Cambodia-Thailand border. Villagers were protesting against their forced eviction from a disputed land plot. The Cambodian government set up an investigation into the incident and made several arrests. This was one of several recent incidents of excessive use of force by the Cambodian security forces. We expressed our concern directly to the Cambodian ambassador in London on 29 March, calling for those responsible to be brought to justice.

There is still a high level of violence in the far south of **Thailand**, where Muslims make up the majority of the local population. More than 700 civilians and members of the security forces have been killed since January 2004. Martial law remains in force in some districts of Pattani, Yala and Nathariwat. On 25 October 2004 security forces caused the death of 85 demonstrators in Tak Bai, Narathiwat; 78 of the demonstrators died largely from suffocation after being loaded onto trucks. The Thai government acknowledged that the security forces shot the seven other demonstrators.



An American guard opens an entrance to death row at San Quentin State Prison, California.



An Ethiopian policeman beating a university student with the butt of his rifle in Addis Ababa, 6 June 2005. Police arrested hundreds of students who defied a government ban to protest against the results of Ethiopia's elections.

The official Thai report into the Tak Bai incident names several officials as responsible for mishandling crowd control and the anti-riot operations. The report found that the security forces used inappropriate methods to disperse the crowd, including arms and ammunition. The government subsequently ordered an investigation into the three senior army generals found to have acted negligently. The three generals have been transferred, but the government has taken no further disciplinary action and has not brought criminal charges against them. Since the general election on 6 February 2005, Prime Minister Thaksin Shinawatra has vowed to take a softer approach to southern Thailand and govern by the rule of law. He has created a national reconciliation commission, chaired by well-respected former Prime Minister Anand Panyarachun, to advise on the government's policy in the south. The EU and the UK remain in close contact with the Thai government over developments in the far south and have expressed concern over the continuing loss of life and instability.

We continue to support the NGO Forum Asia's training programme for the Royal Thai Police. During 2004-05, the training programme extended to officers serving in the far south. This training uses a modern, professional and interactive teaching methodology to deliver basic skills for officers serving in southern Thailand. It includes components on community policing, use of force and firearms and conflict intervention. We have also supported a new module on policing in multi-ethnic communities and we have supported workshops to develop new community policing committees in the far south. We continue to support the modernisation of the Royal Thai Armed Forces (RTAF). In 2005 we helped to produce a video by the judge advocate-general's department to train members of the military in Rules of Engagement - how to respond to any combat scenario in a correct and legal manner. We also organised a training seminar for senior RTAF officers on Rules of Engagement.

On 15 May **Ethiopia** held its third national elections. Although polling day was broadly peaceful and the turnout

unprecedentedly high, we were gravely concerned by episodes of unrest and violence in the following weeks. In particular, we were alarmed about the reaction of the security forces, which resulted in over 20 deaths. British Ministers spoke to their Ethiopian counterparts to urge restraint and respect for international human rights.

At the time of writing the outcome of the elections is still being determined. During this tense time we call on all parties to respect the rule of law and to avoid any steps that might contribute to further violence. We are working with the EU, the UN, the African Union and the US to try to help the Ethiopian people secure a peaceful and democratic future.

7.7 Human rights defenders

Human rights defenders are individuals, groups and organisations that promote and protect universally recognised human rights and fundamental freedoms. It is vital that human rights defenders are protected, as an active civil society is one of the key components of a democratic society. The UK Government lobbies vigorously on their behalf. For example, Bill Rammell, then Minister for Human Rights, raised the serious situation of human rights defenders in Cuba with the Foreign Minister, Perez Roque, while on a trip to Cuba (see page 51 for more details). We also raise specific cases of human rights defenders we believe to be at risk or of concern at senior official level in our bilateral human rights dialogues with China, Russia, Turkey and Nigeria.

Support for human rights defenders is integrated into the work of all FCO staff dealing with human rights issues overseas. Many human rights defenders have stated that often simply being associated or seen with foreign mission staff provides some protection for their work. Our embassy staff are encouraged to meet human rights defenders including, if they wish, at their place of work or home.

The UK works closely with our EU partners to try to ensure greater protection for human rights defenders. When they are the targets of threats and violence, it is vital that the authorities investigate these crimes fully to ensure adequate protection for human rights defenders in the future. For example, in December 2004 gunmen murdered the prominent **Gambian** journalist Deyda Hydara at a time of increased tension between the Gambian government and the independent media. The EU quickly lobbied the government over the need to investigate fully the crime, bring to justice the perpetrators and to ensure that members of the independent media were adequately protected.

The EU also lobbies countries where legislation is used to prevent the legitimate work of human rights defenders. In December 2004 **Zimbabwe** passed an NGO law that threatens to have a serious impact on the work of foreign and domestic human rights defenders and NGOs working in Zimbabwe, by severely restricting their freedom to operate. As the EU considered that the NGO bill also breached Southern African regional agreements, the EU took the unusual step of lobbying against it and making a public declaration opposing the bill not only in Zimbabwe, but also in all Southern African Development Community (SADC) countries.

In last year's Report we highlighted the adoption by the EU of a set of *Guidelines on Human Rights Defenders* designed to enhance EU action in protecting human rights defenders. In December 2004 the Dutch Presidency of the EU organised the annual EU-NGO Human Rights Forum, which focused on promoting the implementation of those Guidelines. Based on research and discussions at the forum the Dutch plan to produce a manual for all EU missions, which will contain practical suggestions for ways to improve protection and support for human rights defenders on the ground.

7.8 Enforced disappearances

Enforced disappearances usually involve multiple violations of human rights, including arbitrary detention, denial of legal protection and often torture and extra-judicial killing. In many cases families assume victims are dead but their real fate is often never known. Enforced disappearances can be used to silence human rights defenders or opponents of government, either by targeting them individually or by creating a climate of fear among activists, which can impact on whole groups of civil society.

To increase international protection against enforced disappearances, a UN working group in Geneva is currently drafting a new legally binding human rights instrument. The

working group met for the third time in January 2005 and will meet again before the Commission on Human Rights in 2006, with a view to finalising its work.

Key elements of the proposed instrument include:

- a new human right *not to be subjected to an enforced disappearance*;
- agreement that no exceptional circumstances whatsoever, (for example a state of war or threat of war, internal political instability or any other public emergency) may be used to justify an enforced disappearance; and
- requirement on states parties to make enforced disappearance an offence under their criminal laws.

The UK supports the creation of a new international human rights instrument. We have played a positive and enthusiastic role in the negotiations towards the achievement of an effective instrument with a positive impact on the protection of human rights worldwide.



Mongolian women mark their votes at a polling station in Ulaanbaatar, 22 May 2005.

Democracy, equality and freedom

“The aspiration for democracy is universal; and the benefits which it brings should be open to all ... Democracy is the best possible guarantee of sustainable, long-term security and prosperity ...”

Foreign Secretary Jack Straw speaking to the Fabian Society in London, 10 March 2005

Democracy is a human right, guaranteed by Article 21 of the Universal Declaration of Human Rights. It is the only form of government that provides the environment for the full enjoyment of human rights. The rise of democracy was one of the great advances of the late 20th century. Between 1975 and 2005, the number of democracies increased from 40 to over 140 (out of 192) countries, covering more than 60 per cent of the world’s population. Not all of these are full democracies, but all fulfil some of the basic criteria of democracies.

Democracy that is meaningful and durable must be based on respect for individuals’ basic human rights. Democracy requires government to be transparent and fair, adhering to international treaties and institutions; it requires functioning courts and police and armed forces that are under civilian control. Democracy requires open societies with free media, fair treatment of minorities, equal access to education and opportunity, open markets and free trade unions. Democracy requires free, fair and regular elections, with strong institutions and norms to underpin democracy between the elections.

This chapter looks at what the UK has done in the past year to promote democracy and those human rights essential for genuine democracy. We promote these issues because we believe it is the right thing to do and because we have a direct interest in building the conditions for sustainable global security

and prosperity, while fostering reliable and responsible international partners.

Some people argue that democracy is a Western value and promoting it reflects a Western agenda, which we are seeking to impose on others. The Foreign Secretary Jack Straw told the Fabian Society on 10 March 2005: “That is a condescending and ignorant position, and I utterly reject it ... Humility and responding to individual countries’ needs are vital. But they are not to be confused with a misguided angst about what some caricature as the ‘imperialism of ideas’. That’s a cop-out. For a free world, we need above all a free market in ideas.” (See Annex 1 for the full text.)

8.1 Democracy

The period covered by this Report has seen extraordinary progress in the spread of democracy around the world. Events in Georgia and Ukraine, in particular, have highlighted the changes across Europe since the collapse of the Soviet Union. Elections in Iraq and Afghanistan have shown the strength of will of people to participate in the democratic process; at the same time, these elections have been an important element in the process of conflict resolution.

All these events have emphasised that there is no single, ideal model of democracy. There is no international human rights treaty to define the concept. Democracy can take many forms, depending on local circumstances, society and history. However, genuine democracies have many common features and the characteristics listed below are considered to be attributes of a true democracy:

- control over government policy decisions constitutionally vested in elected representatives;
- elected representatives chosen in regular and fair elections;
- elected representatives exercise their constitutional powers without facing overriding opposition from unelected officials;
- all adults have the right to vote in elections;
- all adults have the right to run for public office;
- citizens have the right to express themselves on political matters, defined broadly, without the risk of state punishment;
- citizens have the right to seek out alternative sources of information, such as the news media, and such sources are protected by law;
- citizens have the right to form independent associations and organisations, including independent political parties and interest groups; and
- government is autonomous and able to act independently from excessive outside constraints such as those imposed by alliances and blocs.

The UK supports countries in adopting and developing democratic institutions. We assist governments in developing formal political institutions, electoral processes, parliaments, civil society, media and political parties on a non-partisan basis. We work bilaterally through projects, such as those funded through the Global Opportunities Fund (GOF). However, much of our work is through international organisations, such as the Commonwealth and the EU. We also provide £4.1 million grant-in-aid to the Westminster Foundation for Democracy (WFD).

Westminster Foundation for Democracy

Since the FCO established the Westminster Foundation for Democracy (WFD) in 1992, the Foundation has supported the growth of democracy around the world, focusing on central and eastern Europe and Africa. WFD works with local partners to support democratic institutions - political parties, parliaments, the rule of law, civil society and free media - and to support peaceful elections and voter participation in political processes. WFD concentrates on six country programmes: Belarus; Serbia; Ukraine; Kenya; Sierra Leone; and Uganda. The Foundation is currently developing a Middle East programme.

WFD is funded principally through a grant-in-aid from the FCO currently £4.1 million for 2005-06. As a non-departmental public body, WFD agrees its strategy and priorities with the FCO and is answerable to the FCO for the public money it spends. It has a board of governors with 14 members appointed by the Secretary of State for Foreign and Commonwealth Affairs. There are six independent governors and eight representatives of the Westminster political parties: three Labour, three Conservative, one Liberal Democrat and one representative of the smaller

parties. Mike Gapes MP has chaired the Board since August 2002. WFD has 12 staff based in London. David French, appointed in January 2003, is its chief executive.

In the past year, WFD has run a variety of projects in its priority countries. In **Ukraine**, the elections provided the focus of the Foundation's work. The Ukrainian authorities have been able to manipulate elections in the past, partly because of low civic activism in eastern and southern Ukraine. In the build-up to last year's presidential elections, WFD worked with Europe XXI to develop partnerships and networks among civil society organisations working to raise wider interest and involvement. These networks proved crucial in resisting the fraudulent 2004 election and are now preparing for parliamentary elections in 2006.

WFD continued to support the Advice in Individual Rights in Europe Centre in **Serbia and Montenegro**, in developing an effective and independent judiciary. The training programme seeks to incorporate the European Convention of Human Rights into the practice of Serbia and Montenegrin law. In the four years that WFD has supported the project, more than 900 judges, prosecutors, lawyers and others have graduated from the training programme, creating a country wide network of legal reformers. In **Uganda** WFD funded the Forum for Promoting Constitutionalism to prepare local government leaders for the up-coming transition to multi-party politics. The project helped district and local party leaders and traditional authorities to develop ways of promoting accountable leadership and institutions in a multi-party context.

Elsewhere, WFD has supported broader democratic issues, such as freedom of information. In **Zimbabwe**, the government's harassment of journalists and independent media organisations makes it difficult for people to hear opposition and dissenting voices. WFD funded SW Radio Africa to provide an alternative source of information to the state-controlled media. The station broadcasts information on human rights, democracy, HIV/AIDS and voter rights. WFD worked in **Iraq** with the British union UNISON to revive trade union activity. The project brought a group of young trade unionists from the Iraqi federation of trade unions to visit the UK for training in basic trade union skills.

Women are marginalised and ignored in the political processes in many countries. In **Tanzania**, WFD funded SIDAI Women's Foundation to promote rural women's participation in multi-party politics. The project brought representatives of political parties, civil society and traditional leaders together to share information and ideas with rural women, increasing their access to political parties and their interest as voters. Greater inclusion in politics was the theme of another WFD-funded project in **Bosnia and Herzegovina**. Designed by Global Rights, the project

brought non-governmental human rights organisations to give evidence to parliamentary committees. The hearings covered the inclusion of women and the treatment of disabled people and demonstrated how civil society groups can help shape the law. The authorities have now changed the rules for parliamentary committees so that all public hearings on draft laws will include evidence from civil society groups.

In **Moldova**, WFD supported the Association for Participatory Democracy to provide leadership training and thus develop assertiveness among younger political activists. Many of the participants have gone on to organise activities within their parties, training others, developing networks of young activists and taking more substantial roles within their organisations.

In the second half of 2004, the FCO and WFD commissioned jointly a firm of consultants to complete a full review of the WFD's structure and activities. The review was in line with best practice for managing non-departmental public bodies, which advises that reviews should be completed about every five years. The final report of the review recommended some significant changes in the way in which the WFD is structured. Former Foreign Office Minister Bill Rammell decided to use the report as the basis for a wider consultation on the WFD and, on 4 April 2005, announced to Parliament a three-month consultation exercise. Ministers will decide what changes, if any, should be made to the WFD in late summer or early autumn 2005.

Community of Democracies

The Community of Democracies is an international coalition of democratic nations, which aims to promote democratic principles and consolidate democratic institutions throughout the world. The Community held its first ministerial-level meeting in Warsaw in 2000; the second in Seoul in 2002; and the latest meeting in Santiago in April 2005.

The UK is an active member of the Community of Democracies and is keen to see the organisation fulfil its potential in strengthening democracy around the world. The Community also plays a role in bringing together countries from different regions who share the same democratic principles, to work together to further their shared principles and values. To this end, the participating states in the Community have come together as a democracy caucus at the UN. This caucus may help to resolve differences between rigid ideological and geographical groupings within the UN.

At the Santiago meeting, the Community of Democracies identified four key issues:

- democratic governance and civil society;

- poverty, development and democratic governance;
- regional and inter-regional cooperation for democratic governance; and
- regional organisations, promoting democracy and responding to threats to democracy.

The Community set up working groups to address each issue. These groups will work in between the ministerial meetings, to ensure that the Community begins implementing its objectives. The UK looks forward to contributing to the working groups.

Elections

Elections are the most public part of democracy and indicate the health of democracy in any country. The ability of citizens to take part in elections is a positive and concrete way for them to participate democratically in the decision-making processes of their country. Over the year, we have witnessed the spectacular impact that elections can have, in particular after the presidential elections in **Ukraine** and in the determination of the people to participate in **Iraq** and **Afghanistan**. In Chapter 2 we highlighted electoral developments in some key countries of concern, both positive (as in Ukraine, Iraq and Afghanistan) and negative (as in Zimbabwe and Belarus). In Chapter 3 we discussed elections in **Europe** (Romania, Ukraine, Macedonia, Bosnia and Herzegovina, Serbia and Montenegro, Moldova), in **Tunisia** and in **Kyrgyzstan**, as well as taking a look forward to parliamentary elections in **Azerbaijan** in November 2005. In the section below we examine electoral developments in more detail in two key regions of the world - Central Asia and the Middle East/North Africa.

Democracy in Central Asia

Since our last Report there have been parliamentary elections in four of the five Central Asian Republics. None met OSCE standards and all were characterised by manipulation and control by the authorities. The region's national parliaments continue to provide few checks or balances on the powers of their presidents.

We hoped that **Kazakhstan's** parliamentary elections on 19 September 2004 would demonstrate real progress. The government had improved the election law, making the election process more transparent, and had registered both opposition parties and pro-government parties. However, it undermined this progress by introducing non-transparent electronic voting and there was strong media bias throughout the campaign. Further difficulties were evident in the composition of election commissions and inaccurate voter registration and meant the elections fell disappointingly short of international standards.

In **Uzbekistan** parliamentary elections were held on 26 December 2004 for the 120 seats of the lower house of a

new, bicameral parliament. The Uzbek government failed to ensure that the elections were pluralistic, competitive or transparent. It refused to register any opposition parties. Opposition attempts to register as independent candidates also failed. Five pro-government parties contested the election, all of which are loyal to the president. An OSCE statement on 27 December described the elections as falling significantly short of international standards.

There were parliamentary elections in Tajikistan and Kyrgyzstan on 27 February 2005. In **Tajikistan**, the general acceptance that the ruling party was going to win a large majority, and perhaps fears of instability borne of the civil war (1992-1997), produced an election campaign that was notable for the apathy of opposition politicians and voters. Prior to the election, international NGOs working on democracy and good governance faced bureaucratic difficulties or criticism in carrying out their work. The authorities prevented four independent newspapers from publishing, thus limiting free and fair debate in the media. On election day, OSCE observers noted that the elections fell short of international standards in many key areas. People impersonated other voters or failed to produce means of identity when signing for ballot papers; they obstructed access to observers and generally disregarded proper procedures during the counting of votes.

In **Kyrgyzstan**, the elections followed a similar pattern to those in neighbouring countries, although arguably they were the most democratic of all. Following the second round of elections on 13 March 2005, the number of protests against individual results escalated and demonstrations became increasingly assertive. By 21 March, the protesters had seized regional administrative buildings in the southern cities of Osh and Jalalabad. On 24 March a large demonstration took place in the capital Bishkek calling for President Akaev to resign. The demonstrators took control of the main government building. The government resigned and President Akaev left the country. The opposition figures have now formed an interim government

and restored order to the streets of Bishkek. The old parliament has dissolved itself, so legitimising the newly elected parliament. At the time of going to press new presidential elections had been called for 10 July.

UK and EU action

In the build-up to all of the elections, the UK and EU partners made representations to the host governments encouraging them to allow free and fair elections in line with international standards. To help this transition, we funded projects across the region. In **Kazakhstan** we funded an election observers' handbook to advise local observers on opening polling stations and voting and counting procedures. We funded a team to provide independent exit poll sampling. In **Kyrgyzstan** we funded a team of locally based election observers. We also co-financed a project with the OSCE to broadcast TV and radio adverts to raise awareness in the run-up to the elections and to underline the importance of participation. In **Tajikistan**, we funded election checklists for national local observers. We sent observers to the OSCE teams monitoring the elections in Kazakhstan, Tajikistan and to both rounds of the elections in Kyrgyzstan.

Recent events give Kyrgyzstan the opportunity to restore its reputation as a standard-bearer for democracy in the region. We will continue to encourage the new government to adopt a policy of national reconciliation and dialogue with all political forces in Kyrgyzstan and respect democratic norms and human rights. We will also work with the OSCE in this direction.

Neighbouring presidents in Central Asia publicly focused on the alleged weakness of President Akaev as the reason for his fall from power in Kyrgyzstan. Uzbek President Karimov went further, blaming Akaev's excessive tolerance of opposition activity. We can expect a further tightening of the restrictions on opposition parties and NGOs, already in evidence in several Central Asian states, including Kazakhstan, following the Orange Revolution in Ukraine. With our EU and OSCE partners, we will



Kyrgyz protestors march in the capital, Bishkek, for fair and transparent elections. Protests began after voting in February 2005 and swelled after further balloting that the OSCE said was seriously flawed.



An Egyptian woman waves an Egyptian flag outside a polling station in Cairo, 25 May 2005. Egyptians voted in a national referendum that would clear the way for Egypt's first multi-candidate presidential elections.

continue to urge the Central Asian governments to reflect more carefully on the causes of Akaev's downfall, namely popular discontent with a corrupt ruling elite, compounded by electoral manipulation and economic mismanagement. Successful presidential elections in Kyrgyzstan could highlight good governance and democratic values as the basis for long-term prosperity and security. We will lobby strenuously where we see repression of civil society or infringement of individuals' human rights. Where we see a genuine desire for reform, we will offer assistance.

Democracy in the Middle East and North Africa

Since our last Report, there has been a number of developments that have contributed to regional democratic development.

Despite the violent insurgency in **Iraq**, the historic elections on 30 January this year marked a watershed with over 8.5 million people turning out to vote. The Palestinian people further contributed to a sense of change in the Middle East by conducting generally free and fair elections for the Presidency of the **Palestinian Authority** and for local councils. In **Lebanon**, calls for free and fair elections, without the presence of Syrian troops in the country, intensified after the assassination in Beirut of the former Prime Minister Rafiq Hariri, and elections took place from 29 May-19 June on consecutive weekends.

Saudi Arabia conducted its first-ever nationwide elections in 2005 for partially elected municipal councils. We welcome the elections as an important first step and are encouraged by Saudi statements that women will participate in the next elections. We welcome the national dialogue and the establishment of the national human rights association. However, with our EU partners we continue to raise our concerns about freedom of expression and assembly.

We welcome commitments in **Egypt** by the country's leadership to political reform. In May 2005 the people's assembly and a

national referendum approved amendments to the constitution enabling multiple candidacies in direct presidential elections. We encourage further steps in this process to ensure that pluralism and the democratic environment are strengthened in practice.

There have been other encouraging signs in the region. **Jordan** is proposing to publish its national agenda for development after a process of national consultation. In May 2005 **Kuwait** approved suffrage for women and appointed its first woman minister in June. In March 2004 **Oman** appointed its first ever female cabinet minister. **Morocco** has established a truth and reconciliation commission to review past allegations of human rights violations and amended the nation's personal status laws to give increased rights to women. **Jordan** and **Morocco** have been the first to establish human rights dialogues with the EU under their Association Agreements.

However we remain concerned about the lack of progress in ensuring basic democratic and human rights in many countries of the region.

In **Tunisia**, we believe there is scope for significant expansion of civil liberties and pluralism, underpinning the government's economic reform programme in the process. For elections in **Iran** to be free and fair people should be able to choose between candidates with a range of views, not just those selected for them. We are also concerned that freedom of expression and press freedom, which are essential for a fully democratic electoral process, have been eroded in recent years. We encourage **Libya** to continue on the path of reform. We look forward to President Bashar's commitment to expand pluralism in **Syria** being translated into action. We will continue to encourage governments in the region to strengthen democracy and will use a range of bilateral programmes to support this policy, including through the Engaging the Islamic World GOF programme (see Chapter 1 for more details).

Election observation

Election observation by domestic or international groups plays a vital role in developing democracy as it verifies that governments are meeting basic conditions for free and fair elections. Full election observation must be carried out before, during and after an election. The aim of election observation is to discourage fraud and voter intimidation and to increase the confidence of the electorate. To achieve this, the observation mission needs the full cooperation of the government concerned, with complete access and sufficient resources. The observers assess the pre-election campaign period, the conduct of voting and the counting and post-election period. They report on media coverage, voters' access to polling stations, their understanding of the choices available, their ability to vote in private and the procedures for counting votes. The observers will only present their overall assessment of the election once they have considered the whole period.

The UK participates in election observation missions with the EU, the OSCE, the Commonwealth and other groups which send observation missions to a country only when invited to do so. The EU organises 8-10 observation missions a year. Each mission follows a well-documented methodology, developed over some years. This methodology is now widely regarded as the most comprehensive of any used by organisations that observe elections. The OSCE only sends electoral observation missions to its participating states, but can also provide support to those states which are partners for cooperation of the OSCE. Where the OSCE and EU observe the same election, they make sure they complement each other's efforts.

British election observers are usually volunteers from a range of backgrounds. Many have long experience of observation missions and elections both in the UK and abroad. Information about becoming an election observer is available at the OSCE

section of the FCO website: www.fco.gov.uk or the Europa website: www.europa.eu.int (EU election assistance and observation). The FCO does not recruit election observers directly - the process is contracted out to Electoral Reform International Services; the Society of Local Authority Chief Executives; and the British Russia Centre. The FCO and DFID have produced a guide for observers: *Elections and the electoral process: a guide to assistance*. The guide aids embassies and election monitoring teams in deciding whether to offer assistance to a government running an election and what sort of mission to offer. The guide is available from the publications section of the DFID website (www.dfid.gov.uk) or in hard copy by contacting DFID directly (see Annex 5).

British diplomatic staff overseas often observe elections as part of, or sometimes in place of, an official EU or OSCE presence. From August 2004-June 2005 the UK supported the EU and OSCE's work at 15 elections in 14 countries. These were mostly full election observation missions, but the missions to Afghanistan and Iraq were designed to support the election processes, rather than to observe them.

The UK has contributed to several ODIHR election projects over the year aimed at improving governance and the democratic process in the OSCE area. These range from providing extra ballot boxes to projects that assist countries in following up ODIHR recommendations. We have continued to develop our strong working relationship with UK NGOs and we have contracted to provide observers to ODIHR election missions. In January 2005 we held a round table discussion with the NGOs to exchange views on election observation.

We continue to provide significant funds for observers from Central and Eastern Europe and former Soviet Union countries to attend ODIHR election observation missions. This makes sure

Elections in Afghanistan

2004 was a momentous year for Afghanistan, which culminated in the inauguration of its first ever democratically elected President on 7 December, following successful presidential elections on 9 October. Over 10 million voters were registered to take part in the presidential elections. Eight million of those registered voted on election day, over 40 per cent of them women. Eighteen candidates from all ethnic groups took part (including one woman). Hamid Karzai won in the first round. The high number of those registered and those who participated, both in Afghanistan and in Iran and Pakistan, is an indication of the huge desire of the people to participate in the democratic process. In particular, the large number of women who took part is an encouraging sign for the future.

We expect 2005 to reinforce the democratic process started in 2004. Parliamentary and provincial elections are scheduled to take place in

September. This will lead to the first ever sitting of the new national assembly. To date, over 60 political parties have registered to take part in this year's elections.

The UK has contributed around £13 million to support voter registration, voting itself and election monitoring. We also contributed over £274,000 to voter education programmes and training journalists to report on the elections - all helping to foster the spirit of democracy in Afghanistan. We have contributed £5.1 million for the parliamentary and provincial elections. We are also studying the French-sponsored UNDP needs assessment project for the new parliament and hope to identify one or more elements for our support.

UK contributions to election observation missions

	Country	Election type	Core team	LTOs	STOs	Total	Mission
September-October 2004	Kazakhstan	Parliamentary		4	36	40	OSCE
October 2004	Afghanistan	Presidential (Not a full EOM: named "Democracy Election Support")		4		4	EU
October 2004	Bosnia and Herzegovina	Municipal		3	30	33	OSCE
October 2004	Belarus	Parliamentary	2 (including head of mission)	3	30	35	OSCE
October-December 2004	Ukraine	Presidential		17	215	232	OSCE
November 2004	Macedonia	Referendum		1	19	21	OSCE
December 2004	Mozambique	Presidential and Parliamentary		1	4	5	EU
January 2005	West Bank and Gaza Strip	Presidential	1	2	7	10	EU
February-March 2005	Kyrgyzstan	Parliamentary	2	2	20	24	OSCE
February 2005	Tajikistan	Parliamentary		2	5	7	OSCE
March 2005	Moldova	Parliamentary	1	2	15	18	OSCE
March 2005	Macedonia	Municipal	2 (including head of mission)	2	25	29	OSCE
May 2005	Ethiopia	Federal and State Parliamentary		3	5	8	EU
May 2005	Lebanon	Parliamentary		2	3	5	EU
June 2005	Guinea-Bissau	Presidential		1	3	4	EU
July 2005	Albania	Parliamentary	1	4	40	45	OSCE
July 2005	Kyrgyzstan	Presidential	2	3	30	35	OSCE

Key:

HOM - Head of Mission

Core - Core Team Members are election experts who lead missions, staying in-country for a significant time and observing longer-term trends.

LTOs - Long-Term Observers form the basis of organising the election monitoring. LTOs stay in country up to four weeks before the election.

STOs - Short-Term Observers form the bulk of the observation mission and are seconded to the country for a week surrounding the election.

that election observers come from a variety of backgrounds and gives them a unique learning experience to take back to their own countries. It also feeds in a high quality of reporting to form the final ODIHR report.

8.2 Equality and discrimination

There are many examples of why equality and non-discrimination are essential to the full enjoyment of human rights, from brutal treatment at the hands of the security forces to segregation of children at school and denial of access to social and welfare services. The vulnerable, marginal, disadvantaged and socially excluded often suffer disproportionately from human rights violations.

Racial discrimination

The UK condemns racial discrimination and is committed to combating racism and intolerance at home and abroad, as an integral part of protecting and promoting human rights. The UK has been party to the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) since 1969. We condemn racial discrimination and undertake to develop and implement, without delay, a policy of eliminating all forms of racial discrimination and to promote understanding among all races.

We are continuing our follow-up work to the 2001 UN World Conference Against Racism (WCAR) in Durban. The UK, with EU partners, continues to participate in the Inter-Governmental Working Group, which is examining the implementation of commitments made at Durban and new complementary standards to tackle racism. Progress remains slow, but discussions continue. It is vital that discussions proceed on the basis of consensus. Racism is a global problem and we need action to tackle it and promote fair and inclusive societies at all levels. We support new standards where they are needed, but we will continue to promote the implementation of existing international standards, such as ICERD, as key elements in the fight against racism.

We work with the EU and the Council of Europe to support the European Commission Against Racism and Intolerance (ECRI). ECRI is the Council of Europe's principal body in combating racism and intolerance in wider Europe in order to protect human rights. ECRI runs programmes to combat violence, discrimination and prejudice on grounds of race, colour, language, religion, nationality and national or ethnic origin.

ECRI adopts three approaches in its work: it works with countries individually; it works on general themes; and it works to support civil society. Working with countries individually, ECRI examines racism and intolerance in each of the 46 member states of the Council of Europe and puts proposals to

governments for addressing the problems it identifies. ECRI publishes country reports, which are an important part of its dialogue with member states. ECRI welcomes input from NGOs and others, as this helps to make ECRI's contribution as constructive as possible.

ECRI is now carrying out its third round of visits to member states, examining how governments have implemented its recommendations. In 2004 ECRI covered: Albania, Austria, Bosnia and Herzegovina, Croatia, France, Poland, Sweden, the former Yugoslav Republic of Macedonia, Turkey and the UK. ECRI has published reports on Austria, Bosnia and Herzegovina, France, the former Yugoslav Republic of Macedonia and Turkey (available at: www.coe.int). In 2005, ECRI will cover Cyprus, Denmark, Estonia, Italy, Lithuania, Luxembourg, Romania, the Russian Federation and Spain, publishing its reports in 2006.

The second aspect of ECRI's programme addresses general themes and activities that will strengthen the institutions which underpin civil society. ECRI does this by making general policy recommendations on tackling racism and intolerance to governments of all member states and by collecting and disseminating examples of good practice. The recommendations are offered as guidelines for policy-makers in drawing up national strategies and policies. ECRI has so far adopted seven general policy recommendations (available at: www.coe.int).

ECRI attaches increasing importance to the third aspect of its programme: relations with civil society. In implementing its activities, ECRI cooperates with the European Monitoring Centre on Racism and Xenophobia (EUMC).

The UK participates in anti-discrimination initiatives organised by the OSCE. In October 2004 the OSCE held a Human Dimension Implementation Meeting (HDIM) in Warsaw, concentrating in the second week on tolerance and non-discrimination. We have been active in other OSCE activities relating to discrimination. (See page 122 for more details).

The UK includes remembrance of and education about the Holocaust within our work to combat racism and intolerance. In previous years this Report has concentrated on our initiatives with other countries that relate to the Holocaust. In 2005 we are concentrating on the 60th anniversary of the end of the Holocaust and the liberation of the concentration camps (see page 154 for more details).

Minority rights

The UK is party to the Council of Europe's Framework Convention for the Protection of National Minorities. The Convention states that a genuinely democratic society should

not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions for them to express, preserve and develop this identity. Protecting people belonging to minorities is an important part of UK human rights policy.

We continue to work with the OSCE's High Commissioner for National Minorities, Rolf Ekeus. This year we have funded activities to protect the rights of minorities in south **Kyrgyzstan** and **Kazakhstan**.

In many parts of **India** caste discrimination remains a problem, despite being outlawed under the Indian constitution of 1950. Dalits - formerly "untouchables" but now known as "scheduled castes" - make up 16 per cent of India's population (this is approximately two and a half times the population of the UK). A proportional number of seats in both union and state assemblies are reserved for scheduled castes by the constitution and a similar practice reserves places in schools and universities. However, many people continue to view Dalits as below the caste system and they are among the most disadvantaged and vulnerable of all Indians. Dalits have poor access to public services such as education, health and legal protection and are often relegated to separate villages, temples and low-paying and hazardous jobs, such as the transport of human waste or manual scavenging. We are concerned that reports of aid distributed after the tsunami by the Indian government may have bypassed affected Dalit communities. We welcome the work of many international Dalits' rights organisations to end caste discrimination. We have raised the issue of minority rights with the Indian minorities commission, a constitutionally established commission.

Roma

Nearly four million Roma live in the EU, mainly in the **Czech Republic, Hungary, Poland** and **Slovakia**. (See Chapter 3 for details of Roma rights in Romania and Bulgaria, where a further three million Roma live.) The 2002 Copenhagen European

Council defined the protection of minority rights as one of the criteria for EU membership. The EU, OSCE and Council of Europe are all actively involved in Roma issues.

The UK, alongside the EU, has closely monitored progress on Roma issues in recent years. We have found no evidence of systematic or officially sanctioned discrimination against Roma within the EU; nonetheless, individual Roma may experience prejudice and discrimination in their daily lives. Our Embassies are working closely with governments and NGOs across the region to support new member states and accession countries in combating discrimination against Roma.

We support the Decade of Roma Inclusion, an initiative of eight Central and Eastern European countries (Bulgaria, Croatia, the Czech Republic, Hungary, FYR Macedonia, Romania, Serbia and Montenegro and Slovakia), in which the European Commission, the World Bank, the Open Society Institute and the UN Development Programme (UNDP) are also involved. The Decade runs from 2005-2015. The UK will contribute expertise from earlier Roma project work and provide funds to the Roma education fund, a major part of the programme.

In **Hungary**, there is a dedicated Roma issues office in the prime minister's office. There is also a substantial public fund providing scholarships and other financial support for Roma students in higher education, as well as various other ministry of education programmes aimed at tackling discrimination in education. Our Embassy continued to support the European Roma Rights Centre (ERRC), a Budapest-based international organisation, in its effort to develop and publish a self-learning Roma Rights Training Handbook for use by Roma workers. The handbook (available in five languages) is now also being used in other donors' projects in Turkey and Bosnia Herzegovina. The Embassy in Budapest is also supporting improvement in police-Roma relations, notably through training by UK police in non-discriminatory policing, community liaison and diversity awareness, and through attendance at relevant conferences by



A Roma child stands in front of shacks flooded by the Lutinka river in eastern Slovakia, 11 June 2005. The Roma settlement was nearly washed away during flash floods which hit the north and east of Slovakia due to heavy rains.

British and Hungarian police officers.

In the **Czech Republic**, our Embassy and the government office for Roma have tackled discrimination through conferences targeting municipalities: for example, by encouraging best-practice sharing and better coordination. Participants can now apply some of the useful ideas that were generated. The conferences received substantial media attention, which has given the issue added public profile. Another project supported Roma police assistants who deal with loan-sharking. This project received international acclaim and the Czech interior ministry is now funding continuing work. Further projects focused on education, raising public awareness about drugs and providing assistance for deprived communities. Local authorities have now taken on the latter project. Senior officials from the Czech ministry of labour and social affairs visited the UK to study employment practices affecting minorities, and this has led to Czech plans to establish call centres for members of minority groups. UK town-twinning experts helped the same ministry develop its action plan on social inclusion, which addresses Roma issues.

In **Slovakia**, we are working with Roma organisations and the Slovak government on projects to combat discrimination. These include training Roma paralegals to confront racial discrimination affecting individual Roma, as well as their communities as a whole, and a multinational project on training and advocacy on anti-discrimination legislation. This is equipping legislators, judges, NGOs and lawyers to understand and apply international anti-discrimination instruments. Other projects are fostering better relations between Roma, the police and local authorities; training Roma social workers; and providing care for disadvantaged Roma (and other) children.

The government's plenipotentiary for Roma affairs could point in April 2005 to significant steps towards official recognition of the Roma as a national minority. Roma civic associations, a Roma theatre and a Roma university department have all been set up recently. In 2005, the government allocated £10.6 million to a national action plan which will support Roma in social affairs, employment and housing.

The UK helped to establish a Roma advisory bureau within **Poland's** interior ministry, which assists on Roma issues. The team combines Polish and British expertise and works on implementing the Polish government's 2004-14 programme for Roma. The bureau advises on applying for EU funding for Roma projects and sharing expertise in minority rights issues; it also provides training for Roma communities. Our embassy ran workshops for Roma NGOs and local authorities on EU funding and project management. It also supports a successful project on youth mentoring, training young people as assistants to work

with Roma children at schools. The advisory bureau has managed to interest commercial companies in supporting actions to help minorities. For example, Nokia has donated £115,000 to support nurseries for Polish and Roma children.

Sexual orientation

Discrimination against people on the grounds of their sexual orientation is a serious matter of concern. As a consequence, international human rights law clearly prohibits such discrimination. Article 26 of the International Covenant on Civil and Political Rights prohibits discrimination "on any ground" and the Human Rights Committee that monitors the Covenant has held since 1994 that this includes sexual orientation. Article 17 of the Covenant also provides that no one shall be subjected to "arbitrary or unlawful interference" with his privacy, family, home or correspondence. A similar provision is contained in Article 8 of the European Convention on Human Rights, which provides that everyone has the right to respect for his private and family life.

The UK takes its obligations extremely seriously. Last year, we reported that in December 2003 the government brought into force the Employment Equality (Sexual Orientation) Regulations 2003 that outlaw discrimination on the ground of sexual orientation in employment in the UK. We welcome the draft EU Constitution, agreed by member states in June 2004, which also prohibits discrimination based on sexual orientation, if the treaty is ratified in the next two years.

In another key development the Civil Partnership Act, which received Royal Assent on 18 November 2004, will come into force on 5 December 2005. While not identical to gay marriage, civil partnership gives individuals of the same sex the option of making a formal lifelong commitment to each other, providing same-sex couples with similar treatment to opposite-sex married couples in a wide range of legal matters. These include provisions covering employment and pension benefits; recognition under intestacy rules; recognition for immigration and nationality purposes; and treatment equal to that of spouses for all tax purposes. The legislation also provides for legal recognition of civil partnership status for same-sex couples who have entered legally recognised relationships overseas.

There have been dramatic developments in the **US** on the right to marriage for same-sex couples. A number of jurisdictions decided that their constitutional guarantees of equality and due process required them to issue marriage licences to same-sex couples as well as to heterosexual couples. The first place to do so was San Francisco, which from 12 February 2004-11 March 2004 issued 4,037 marriage licences to same-sex couples. The state supreme court subsequently invalidated all of those licences on 12 August 2004, ruling that the mayor had exceeded

his authority in issuing them before the state courts had reviewed the constitutionality of the law limiting marriage to different-sex couples only (though not ruling on the constitutionality of a same-sex marriage ban itself). A similar situation occurred in Sandoval County in New Mexico and Multnomah County in Oregon. Again, both were followed by a court-ordered freeze on the practice pending a legal decision. In November 2004 Oregon, Oklahoma, Georgia, North Dakota, Ohio, Kentucky, Michigan, Montana, Utah, Mississippi and Arkansas backed state constitutional amendments limiting marriage to different-sex couples only, following a vote in Missouri during the summer in which the public overwhelmingly voted in favour of banning same-sex marriages. However, the trend is not all one way. A ruling in November 2003 by the Massachusetts state supreme court in favour of same-sex marriage has been upheld and reaffirmed. This position is now established law, as all avenues of appeal have been exhausted after the US supreme court declined to hear the case. There are also some similar state supreme court cases concerning the constitutionality of same-sex marriage bans in New York, California, New Jersey and Washington, following rulings by the lower state courts that a prohibition on same-sex marriage was unconstitutional.

This year, despite hopes by some of their UN partners, the Brazilian government decided not to table a resolution on non-discrimination on the grounds of sexual orientation at the Commission on Human Rights (CHR). This resolution would have reaffirmed that no one should be discriminated against on the grounds of their sexual orientation and that states had a duty to promote and protect the human rights of all, regardless of their sexual orientation. However, they decided not to table it following significant opposition to the initiative from a number of states. The UK supported a statement by New Zealand, which followed a similar statement by the UK last year, regretting that CHR is still not ready to consider discrimination on the grounds of sexual orientation and stressing that people must be able to enjoy their rights free from discrimination of any kind. We also supported references to sexual orientation in the Swedish resolution on Extra-Judicial, Summary and Arbitrary Executions, calling on governments to halt such executions carried out on the grounds of a person's sexual orientation. It is repugnant for a state to tolerate violence against individuals and all states must exercise due diligence to prevent, investigate, prosecute and punish perpetrators of violence committed against people because of their sexual orientation.

We recognise that many governments do not share our views on this issue, but we will continue to be strong defenders of the right of people not to be discriminated against on the grounds of their sexual orientation.

Disability rights

Last year, we highlighted the ongoing process at the UN towards establishing a legally binding international convention on the rights of people with disabilities. The *ad hoc* committee, established by the UN to negotiate a draft convention, met for the fifth time in January 2005. The committee will meet again in August 2005.

The UK actively supports the process for an international convention. It is an important initiative and will help shape protection of the rights of people with disabilities for the future. We are committed to supporting comprehensive and enforceable rights for people with disabilities and want to see those rights enjoyed by all people with disabilities throughout the world.

We encourage people with disabilities, their organisations and wider civil society to become involved in developing a convention. The Department for Work and Pensions meets with UK-based NGOs to exchange ideas on the text of the convention before each meeting of the *ad hoc* committee. The UK delegation to the *ad hoc* committee in January again included Dr Richard Light. Dr Light was nominated in 2003 by British disability organisations to represent disabled Britons and NGOs on the UK delegation at the UN.

In **India**, the FCO has helped fund the establishment of four Regional Disability Law Units. This project is entering its third year. The Disability Law Units are actively campaigning for recognition of the rights of people with disabilities in India. The Units have tackled issues such as the lack of adequate voting facilities in state and national elections, inclusion of competitors with disabilities in the Mumbai Marathon and consideration of disabled access issues in post-tsunami reconstruction work. The units have also provided legal advice and have taken forward a number of cases of discrimination against people with disabilities in education, transport and employment.

In 2004 the British Council in India organised two consultations with NGOs in India on the proposed new disability convention, with the recommendations fed into the UN negotiating process. This followed up the international conference for Commonwealth national human rights institutions that the British Council had organised with the national human rights commission in May 2003.

8.3 Freedom of religion and conscience

The UK is a tolerant country in which all faiths are free to worship. But many states are far less tolerant and deny their people the right to freedom of thought, conscience and religion enshrined in Article 18 of the Universal Declaration of Human Rights. Such intolerance takes many forms. In **Saudi Arabia** and **The Maldives**, the constitution proclaims Islam as the only permitted faith. In **Eritrea**, **Turkmenistan** and **Macedonia**, all religious groups must register with the state. We take cases of religious persecution very seriously and condemn all instances where individuals are persecuted because of their faith or belief, wherever they are and whatever their religion. In Chapter 2 we highlighted concerns over freedom of religion in China, Iran, Russia, Turkmenistan, Uzbekistan and Vietnam. Below are some examples of other countries where we have concerns.

India has been seen as a model of religious diversity and democracy for many years and the right to freedom of religion is enshrined in the Indian constitution. India now has a Sikh prime minister, a Muslim president, a Hindu external affairs minister and a Christian leader of its largest party. Although the majority of the population is Hindu, people of all faiths live peacefully together for most of the time. India has signed and ratified five of the six core UN human rights treaties, including the International Covenant for Civil and Political Rights, which provides for the right to freedom of religion.

However, the media and NGOs have reported repeated attacks on religious minorities and sectarian violence between religious groups. In July 2004 there were several days of sectarian violence between Hindus and Muslims in the town of Veraval, Gujarat, following an alleged incident of sexual harassment of a Hindu girl. In February 2005 two Protestant clergymen were killed in Orissa and in the same month Hindu militants reportedly attacked 250 Christians in Kota, north-western Rajasthan. We continue to receive reports alleging that Hindu and Christian groups are involved in forced conversions.

The amendment of the freedom of religion bill in 2002 made it a crime to force someone to change their religion or to offer them incentives to do so. While Christians, Muslims and other minority religions agree that forcible conversion is ethically wrong, some contend that the ordinance could result in accusations of inducements that were never offered. This has led, in some cases, to lengthy and expensive delays, as those wishing to convert have had to sign legally binding documents to prove that they chose to convert of their own free will.

These anti-conversion laws are currently in force in Arunachal Pradesh, Chhattisgarh, Gujarat, Madhya Pradesh and Orissa. In February 2005 the state government of Rajasthan announced that it was seeking to enact its own anti-conversion law. The southern state of Tamil Nadu revoked its anti-conversion law in May 2004 after the Bharatiya Janata Party government was defeated in the April 2004 general elections.

We continue to raise our concerns about incidents of religious intolerance in India, including attacks against Hindus, Muslims, Sikhs and Christians. We urge the Indian authorities to uphold the right to freedom of religion and to bring to justice those responsible for attacks against people of all religions.

Last year we highlighted discriminatory legislation in **Pakistan**, including the Hudud Ordinances and the blasphemy and anti-Ahmadi laws, which have fostered an atmosphere of religious intolerance and eroded the social and legal status of religious minorities. The Ahmadis consider themselves Muslims but have been declared non-Muslims under Section 298C of the Pakistan penal code. Certain groups, including Khattam-e-Nabuwwat, use the blasphemy laws to target religious minorities. The government has not made any serious attempt to reform or repeal these laws. Police protection is ineffective and the perpetrators of attacks on minorities are rarely brought to justice. Sectarian violence continues, including spates of shootings and the bombing of a Shia shrine in Baluchistan in March 2005. However, in February 2005 the Shi'ite Ashura festival, often a time of tension between Sunnis and Shias, passed peacefully.

We regularly express our concerns about the treatment of religious minorities to the government. Collective action through the EU is the most effective way to raise these concerns. On 17 December 2004 the EU presented a *démarche* to the Pakistan government, on behalf of all member states and made similar EU representations in May 2005.

Pakistan introduced new machine-readable passports in early 2004. Unlike previous passports these did not state the holder's religion. This attracted criticism from religious leaders who accused President Musharraf of secularising the country. Following pressure from the religious opposition, the government set up a parliamentary committee to investigate the issue. Its findings in favour of a religion column in passports were supported by the cabinet and all passports printed since March 2005 again include the holder's religion. We are opposed to this. The practice discriminates against minorities, particularly Ahmadis. Application forms for passports (and voting papers) require the applicant to sign a declaration specifically rejecting Mirza Ghulam Ahmad Qadiyani as a religious figure. If Ahmadis cannot obtain a passport stating

There has been a significant increase in anti-Christian violence in Sri Lanka in the past five years, accompanied by widespread use of inflammatory propaganda. Some Buddhist groups in the country have proposed measures to prohibit religious conversions, such as anti-conversion legislation and a constitutional amendment making Buddhism the state religion and prohibiting the conversion of Buddhists. In August 2004, 22 petitioners challenged the constitutional amendment before the supreme court of Sri Lanka. The supreme court ruled that the amendment would be inconsistent with the constitution and ruled some clauses of the draft anti-conversion bill to be unconstitutional. Through the FCO's Global Opportunities Fund, we supported Baroness Cox of Queensbury, as the Foreign Secretary's special representative on religious freedom, to undertake a study in February 2005 of draft anti-conversion laws in Sri Lanka. Her recommendations focused on inter-religious reconciliation and increased cultural sensitivity among local and international Christian groups working in the country.

The current situation regarding the bill remains unclear. Before the bill can be voted on, it must be gazetted and put on the parliament order

paper. We understand that this may happen soon and that it will almost certainly be challenged as unconstitutional once more in the supreme court. The draft bill appears to undermine the guarantees of religious freedom enshrined in the Sri Lankan constitution and would be inconsistent with Sri Lanka's international human rights obligations. Our High Commission in Colombo remains in close contact with local Christian leaders in Sri Lanka and with other EU missions on when formal action might be appropriate. We continue to raise our concerns privately with the Sri Lankan government on a regular basis. The UN Special Rapporteur on Freedom of Religion, Asma Jehangir, visited Sri Lanka in May 2005. The visit was requested by the UN in the wake of allegations of attacks on Christian churches and concerns about the proposed anti-conversion legislation. She met representatives of almost every religion in Sri Lanka. At the end of her visit she said "The enactment of these bills could seriously undermine the culture of religious tolerance enjoyed for decades in this country. It could impair the religious harmony that this country can rightly be proud of sustaining even through the difficult period of a civil war." We will continue to follow developments through our High Commission in Colombo.

their religion as Muslim, they are not permitted on the Haj, one of the tenets of their faith. We have lobbied on this issue both bilaterally and through the EU.

The **Bangladeshi** constitution recognises Islam as the state religion of Bangladesh, but emphasises that other religions may be practised in peace and harmony. However, we are concerned by the apparent increase in intolerance towards religious minorities, including Hindus and the Ahmadiyya Muslim community since 2001. Towards the end of 2004 anti-Ahmadiyya groups grew more vociferous. Most recently, on 17 April 2005 2,000-3,000 anti-Ahmadiyya demonstrators under the banner of International Khatme Nabuwat Movement - Bangladesh (IKNMB) marched on a mosque at Sundarban Bazaar in Satkhira district. After a confrontation, the police agreed to hang a sign outside the mosque warning that it was not a true Muslim place of worship (a tactic used on several

other occasions). Shortly afterward, Ahmadiyya houses in the area were attacked and looted. The IKNMB has threatened further action if the government does not declare Ahmadiyyas non-Muslims by December this year. The Dinajpur office of a Catholic NGO, Caritas, was attacked with petrol bombs in March 2005 and a Hindu temple was looted in the same month in Bogra. We regularly raise our concerns with the Bangladesh government, both bilaterally and with EU colleagues. Foreign Office Minister Douglas Alexander discussed the subject with the Bangladeshi prime minister on 21 December 2004 during a visit to Dhaka. The local EU Presidency raised EU concerns with the home minister on 14 May 2005.

There are few provisions in law restricting freedom of religion in **Bahrain, Qatar, Oman and United Arab Emirates** and in practice this freedom is upheld. Qatar hosted the US-Islamic World dialogue in April 2005 and an Interfaith Dialogue in May 2005,



**Asma Jehangir, UN
Special Rapporteur on
Freedom of Religion.**

inviting leading members of all faiths. In **Kuwait**, there are complaints of discrimination against the Shia minority, but recently they have been able to celebrate their religious festivals more publicly and Shia clerics have been granted television airtime. However, religions not sanctioned by the Koran may not build places of worship.

The government in **Yemen** does not interfere with religious practice. Christians and Jews are free to practice their religion, but it is illegal to proselytise. The Yemeni government has taken some steps to curb radical Islam, particularly in religious schools and at the same time has engaged in dialogue with radical Islamic elements within society, as part of the wider war on terror. The chairman of the committee leading the dialogue visited the UK officially in February and April 2004 to explain their approach.

Human rights and Islam

There has been much debate about the compatibility between human rights and Islam. The application of universal standards of human rights is a cornerstone of UK foreign policy. Muslims in some countries view these standards with suspicion, especially if perceived within the broader context of political reform and democracy. This can lead to a misunderstanding of policies, motives and standards, and misperceptions that the human rights system is primarily of western genesis.

In parallel there has been a misperception that Islam and its practices are immutably universal. Islam is neither monolithic nor static. There is no clear consensus among Muslim governments and Islamic scholars on how Islamic doctrine relates to international human rights law. No general "Islamic approach" to human rights holds sway. There are varying degrees of Islamic "religiosity" and ostensible "secularity". This became apparent during the drafting of the Universal Declaration of Human Rights (UDHR) in 1948, to which a number of Muslim countries adhered. It has been a central plank of the early development of human rights material within the UN. In 1998 all members of the UN, including Saudi Arabia (which had reservations), reaffirmed the UDHR at its 50th anniversary. This universal commitment is reinforced by UN membership, as the UN Charter gives prominence to human rights and states that the UN shall promote international respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. The Koran foreshadows many of the human rights set out in UN instruments. The 1990 Cairo Declaration of Human Rights in Islam issued by the Organisation of Islamic Conference (OIC), the Arab Charter on Human Rights (issued by the Arab League in 1994) and a revised version of May 2004 all recognise most of the rights in UDHR and other instruments, but with reservations and a desire for more precision.

There are 57 members of the OIC. Only about one-quarter are parties or signatories to the two UN human rights Covenants – the International Covenant on Economic, Social and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR). But adherence to the other international human rights instruments is broader. The Covenants define in more detail all the rights contained in UDHR. All OIC states have ratified at least one of the six core UN human rights treaties. Their governments have therefore voluntarily accepted some clearly defined and legally binding universal human rights standards. In doing so, they have also accepted international scrutiny of their records.

Some governments have registered reservations to the effect that they will comply with the treaties only in so far as they are consistent with Sharia (Islamic Law). But this need not be a deterrent to pursuing a dialogue on implementation. There are a number of difficult issues on which opinions in the Islamic world differ: for example, women's rights and the question of personal status for Muslims; capital punishment; and the legality of apostasy in Islam. The UK views these issues in terms of the relevant provisions in international conventions. Where states have accepted legally binding obligations we have a legal right (and political duty) to raise our concerns wherever states fall short of them and to remind them of their obligations. In this respect, human rights are no different from any other area of international law. On that basis, the UK also makes clear its opposition to Hudud punishments (including flogging and amputations) and cruel methods of execution, such as stoning. We also oppose other practices sometimes mistakenly ascribed to Islam, such as forced marriages and so-called honour killings. We urge governments to prevent these practices, protect victims and punish perpetrators.

Engagement on these issues is key, both bilaterally and multilaterally, through the EU and the UN. The FCO offers practical support through programmes such as the Engaging the Islamic World Programme (see page 19 and Annex 2). We also encourage exchanges of visits by members of the judiciary, parliament, NGOs and academics from Muslim countries to attend regional and international seminars with a human rights content. We consider human rights aspects when allocating Chevening Scholarships and Fellowships and ensure human rights elements are built into programmes for visitors to the UK. We also try to lead by example, through engaging women in a wide range of activities within an embassy and including them equally in official visits to the UK.

8.4 Freedom of expression

The right to freedom of expression “shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

International Covenant on Civil and Political Rights

This section looks at the work the UK is doing with the freedom of expression panel and its constituent working groups. We then set out particular problems in countries around the world and the action the UK is taking to address those problems. We include details of the work of BBC Monitoring and BBC World Service Trust.

FCO freedom of expression panel

In last year’s Report we explained the organisation and work of the freedom of expression panel. The panel held its most recent meeting on 15 March 2005. It discussed ways in which the UK might use its Presidency of the EU to promote freedom of expression, building on the work of previous Presidencies: for example, on the EU’s Guidelines on Human Rights Defenders; and reviewed progress made by its working groups on hate speech, journalist safety, imprisoned journalists and writers and the legal framework surrounding freedom of expression.

Working group on hate speech

The NGO Index on Censorship and the Oxford University Programme in Comparative Media Law and Policy (PCMLP) have been involved in an FCO-funded project on hate speech. Index on Censorship is completing a study of options for programmes to address hate speech without recourse to censorship. It has identified four regions where BBC Monitoring has built up a substantial volume of reference material: Russia, Middle East, West Africa and South-Central Europe. Its objective now, with our support, is to reinforce existing monitoring mechanisms and to develop methods for publishing and disseminating the material. PCMLP has advised on legal aspects of hate speech

to assist us in deciding whether particular reports of hate speech are actionable under international law.

Working group on journalist safety

The year 2004 witnessed the highest ever death toll of media workers. During the year, 129 people working in the media were killed while carrying out their work. Sixty were killed in Iraq alone. We are funding the panel’s working group to run training courses, such as a safety project for journalists and media staff in **Colombia**. The group will develop the courses’ work by training local trainers in target countries. We are considering further work to minimise the risks that journalists face around the world.

Working group on legal framework

The panel’s working group drafted a model law on public sector broadcasting to be translated into five languages. The group also organised a conference in June 2005 to launch the legislation and to discuss with experts the challenges involved, other potential models of legislation and to hear other countries’ experiences.

Working group on imprisoned journalists and writers

The freedom of expression panel agrees a list of imprisoned journalists every year, based on the following criteria:

- the overall severity of restrictions on freedom of the media within a particular country;
- the severity of the individual case; and
- the effect the person’s inclusion on the list may have in resolving their case.

We raise the cases of those on the list in ministerial and high-level exchanges with the governments concerned. Where appropriate, we encourage the EU to take action. We then report back to the panel on the action we have taken on each case. Progress on the cases on the list agreed at the previous panel meeting has been mixed. Three were released during the



Mourners for Lebanese journalist Samir Qasir carry candles and posters as they prepare for a vigil in Beirut, 2 June 2005. Qasir, known for his anti-Syrian writings, was killed after a bomb placed in his car exploded.

period covered by the report and one fled the country, but six remain in prison.

U Win Tin, 74 years old, was Vice President of the Burmese Writers' Association and a prominent journalist in **Burma**. He was among the founders of the National League of Democracy (NLD) and served on its central executive committee. He was arrested on 4 July 1989 during a nationwide crackdown on the opposition by the authorities. Sentenced to no more than 20 years' imprisonment in the notorious Insein Prison, he has twice had his prison sentence extended, including for writing about prison conditions. He remains in prison.

Following a half-day trial in June 2003, **Vietnamese** pro-democracy activist **Dr Pham Hong Son** was jailed for five years (reduced from 13 on appeal) plus three years' probation for translating and circulating a piece entitled "What is democracy?" from the US state department website from English into Vietnamese. He was charged with espionage. He is a high-profile dissident and member of the 21-strong self-described "democracy group" which petitioned the authorities for peaceful political reform in 2002. He remains in prison, having been transferred in August 2004 from solitary confinement in Nam Ha detention camp to Prison No 5 in Thanh Hoa province. The UK most recently raised his case during the EU/Vietnam human rights dialogue in December 2004.

Manuel Vazquez Portal received a sentence of 18 years' imprisonment for allegedly endangering **Cuba's** independence under Law 88, by contributing articles to the CubaNet website and Radio Martí. He is a well-known poet and author who started his career writing for the government press before falling out of favour. He continued to write from prison and was released in 2004.

Siamak Pourzand, a freelance journalist for several independent newspapers in **Iran**, has been imprisoned since 24 November 2001. In May 2002, he was convicted of having undermined state security through having links with monarchists and counterrevolutionaries and sentenced to 11 years in prison. There are credible reports that Mr Pourzand, now 73, was forced to make a confession under duress. He suffered a heart attack in 2004 in Evin prison. He was granted a short period of home leave around July 2004 for medical reasons. We remain very concerned about his health and continue to raise his case with the Iranian government.

The **Uzbek** journalist and human rights activist **Ruslan Sharipov** was arrested with two colleagues on 26 May 2003 for homosexuality (under Article 120 of the criminal code) and for allegedly having sex with minors (Article 128). We believe that the accusations were politically motivated and were linked to

Sharipov's criticisms of the Uzbek government and his accusations of widespread police corruption. In a letter of 5 September 2003 to UN Secretary-General Kofi Annan, Sharipov explained that his guilty plea on 8 August had been the result of physical and psychological torture. On 25 September 2003 Sharipov's earlier conviction was upheld on appeal and he was sentenced to four years in prison. On 22 December 2003 the Uzbek authorities announced that Sharipov would not be pardoned in a general amnesty announced by President Karimov. However, under the amnesty, his sentence was reduced to just over three years. On 23 June 2004 a district court in Khamzincki sentenced him to community service in Bukhara, approximately 600 kilometres away from the capital and where he has no family, for the remainder of his sentence. He fled to Russia and from there managed to get to the US to join his mother and has recently been granted asylum.

Jiang Weiping is a high-profile journalist who has won international awards recognising his work. A former north-east **China** bureau chief for the Hong Kong-based *Wen Hui Bao* newspaper, he was arrested in December 2000 after writing a series of articles for the Hong Kong publication *Qianshao* exposing corruption among senior officials in north-eastern Chinese cities. He was sentenced to eight years' imprisonment on 25 January 2002 for "revealing state secrets" and "inciting to subvert state power". His sentence was reduced to six years on appeal in December 2002. In March 2005 he benefited from a two-year reduction in sentence and is now due for release in December 2006. His case is raised with the Chinese government during EU and UK human rights dialogues.

Abdallah Zouari was a journalist in **Tunisia** with the unofficial Islamist newspaper *Al Fajr*. He had been under house arrest since his release from prison on 6 June 2002, after 11 years in prison. On 18 July 2003 he was sentenced to four months in prison for libel. He was sentenced to a further nine months in prison for "failing to obey an administrative order" in August 2003. Two appeal hearings upheld the earlier sentences. He was released in 2004.

A journalist with the weekly *Sanghu* and the radio station Times FM, **Ram Krishna Adhikari** went missing on 10 December 2003, shortly after attending a meeting held by the human rights organisation of **Nepal** (HURON). Colleagues say that he was arrested by plain-clothes police who accused him of supporting the Maoists. He was released after 15 days in detention.

Fesshaye Johannes, editor of the weekly *Setit*, was jailed without charges in September 2001 along with other prominent members of the **Eritrean** press. *Setit* was the country's largest-circulation newspaper, covering social problems including poverty, prostitution, and Eritrea's lack of facilities to care for

handicapped war veterans. Just nine days before his arrest, Johannes published an open letter to the government in which he wrote: "People can tolerate hunger and other problems for a long time, but they can't tolerate the absence of good administration and justice." Johannes and the other journalists have been held incommunicado since their arrest. Additionally, their bank accounts have been frozen and their assets seized by the state. Johannes was the 2002 recipient of the CPJ International Press Freedom Award.

Salah Uddin Shoaib Choudhury is the editor and publisher of the tabloid weekly *Blitz*. He was arrested on 29 November 2003 while attempting to travel to Israel and charged with passport violations. On 24 February 2004 he was formally charged with sedition. Evidence used against him included articles that he had written about the rise of fundamentalism in **Bangladesh**. His family claim that he has been denied essential medical treatment. We continue to raise his case with the Bangladesh government whenever the opportunity arises.

Freedom of expression around the world

We described our concerns about freedom of expression in certain countries in Chapter 2. In this section we set out some more specific concerns in these countries and examine freedom of expression more widely.

In February 2005 the New York-based Committee to Protect Journalists (CPJ) highlighted that four countries - Burma, the People's Republic of China, Cuba and Eritrea - account for more than three-quarters of the journalists imprisoned around the world.

Burma has been under the control of oppressive military regimes for over 40 years. During this period the government has rigorously censored all media outlets. Respect for the basic rights of freedom of speech, the press, assembly and association is non-existent. Burma is a country where peaceful expression of opinion can lead to long term imprisonment. Over

1,300 political prisoners remain in detention. The UK has repeated calls for the release of all political prisoners.

In the **People's Republic of China**, the Chinese authorities put severe restrictions on freedom of expression and information, including the internet. Although more than 80 million people in China use the internet, the government strengthened filtering measures in 2004 to make it even harder to access independent information. The authorities censor internet search engines and block several hundreds of thousands of sites, including the BBC. Reportedly, some 30,000 internet police search the web for "subversive content". There is both official state censorship and self-censorship of print and broadcast media. NGOs estimate that at the end of 2004 there were around 62 internet activists and 43 journalists in prison.

As highlighted in Chapter 2, **Cuba's** record on freedom of expression continues to be lamentable. Reporters Without Borders state that there are currently 21 independent journalists in jail in Cuba for publishing their views. During the last 12 months the UK has raised individual cases with the Cuban government on several occasions, both bilaterally and with EU partners and NGOs. We have repeatedly expressed our concerns that most of the 75 members of the peaceful opposition arrested in a crackdown in 2003 remain behind bars, many suffering severe health problems.

Eritrea has the highest number of journalists in prison in Africa, with around 17 incarcerated at the time this report was published. Most were arrested in a roundup of independent journalists in 2001 and are held incommunicado. In 2001 the Eritrean authorities said that a parliamentary commission would be set up to study the conditions under which the independent media could resume operations. This commission has yet to present a report. We have urged the Eritrean government to reinstate a free and independent media.



A cyber-cafe in Beijing. Chinese bloggers, even on foreign-sponsored sites, have to choose their words carefully as censors monitor internet traffic.

In November 2003, the UN Special Rapporteur on the right to freedom of opinion and expression, Ambeyi Ligabo, visited **Iran**. He noted that the people's right to freedom of opinion and expression has diminished over the past few years. The government has closed more publications and arrested, prosecuted and sentenced more people for expressing their opinion peacefully. He underlined that a climate of fear induced by the systematic repression of people expressing critical views, coupled with the severity and disproportion of the sentences imposed, led to self-censorship by many journalists, intellectuals, politicians, students and the population at large. Sadly, nothing has happened in the past 12 months to suggest that the situation is changing for the better.

Vietnam imposes severe restrictions on freedom of expression. Despite constitutional safeguards, there is no free media in Vietnam. The state controls all media, which may not report on sensitive issues. The media is regarded as mouthpiece of the regime. Foreign journalists also face numerous restrictions: the government occasionally censors foreign publications and blocks foreign websites, such as the BBC's Vietnamese language service. Internet use is taking off but new regulations restrict access and ban "subversive" material. Vietnamese websites must be registered with the government and their content vetted before being posted. As well as blocking "subversive" websites, internet service providers must allow security services to monitor usage. The authorities encourage people to inform on those violating the rules.

Press freedoms are severely curtailed across Central Asia. For example, since **Uzbekistan's** independence from the Soviet Union in 1991, the government has stifled the development of a free press. A system of self-censorship effectively silences criticism of government policies. Defamation and libel of the president remain criminal offences and carry long terms of imprisonment. The Uzbek authorities physically harass, threaten and assault journalists. The authorities gain further control over domestic and international media through a system of annual registration.

In **Venezuela** in March 2005 congress enacted new prison terms for anyone who offends the President either verbally or in written form. Under this new law the offender faces a prison term of six to 30 months for seriously insulting President Hugo Chavez, or half as much if the insult is deemed mild. In a further clampdown on dissent or protest in the country, pot-clanging (banging cooking pots) - a popular way of protesting against the government - has also been made a criminal offence. We have raised our concerns about threats to human rights and democracy in high-level meetings with the Venezuelan government.

Editors and journalists for the *Umuseso* newspaper in **Rwanda** have faced regular harassment. The editor, Charles Kabonero, received a one-year suspended jail sentence following an article published in August 1994 that accused the deputy speaker of the Rwandan parliament of abuse of power. The courts also fined him the equivalent of around £600, plus about £1,000 damages. Several former editors and journalists at the country's only independent newspaper have sought refuge outside the country following continued harassment. We have raised our concerns about freedom of the press with the Rwandan government on several occasions during the past year. We continue to try to work with the government to balance fundamental rights with the need to maintain an atmosphere of reconciliation and openness following the genocide in 1994.

On 17 March 2005 the federal high court in **Ethiopia** lifted a ban that had been in force for 17 months on the Ethiopian free journalists' association. Although we welcome this positive step by the Ethiopian government, there are signs that it is not yet wholly committed to allowing full freedom of expression. A new law governing the press is under discussion in the Ethiopian parliament. The UK, the international community and media NGOs have strongly criticised the draft law.

More than 50 newspapers, covering the whole spectrum of political parties, are printed in Freetown, **Sierra Leone**. Standards of journalism vary but reports are often inaccurate and highly politicised. The government has shown an increasing tendency to react harshly to media criticism. In October 2004 Paul Kamara, editor of *For Di People* newspaper, was found guilty of seditious libel against President Kabbah. He received two concurrent two-year sentences and his newspaper was banned from publishing for six months. In February 2005 Olu Gordon, editor of *Peep* magazine, was detained for 72 hours without charge after publishing an article highlighting allegations of corruption against a minister.

Prior to King Gyanendra's takeover of power on 1 February 2005 there were at least 15 journalists detained in **Nepal**. Since November 2001 the security forces have been arresting journalists accused of supporting the Maoist rebellion, without regard for national and international law. They detained dozens and tortured many for writing articles in pro-Maoist newspapers or for criticising the authorities. Up until 15 July 2004 the Nepalese authorities were responsible for the death of eight journalists, 13 journalists have disappeared and 68 journalists were arrested once or several times and later released. The Maoists have killed three journalists and a further two have disappeared in areas under their control. Since King Gyanendra took over, the authorities have arrested and detained a number of journalists, although the majority have now been released.

Bangladesh is one of the most dangerous countries in the world for journalists. Last year, more journalists were physically attacked or threatened with death in Bangladesh than in any other country. In 2004 the International Press Institute reported that five journalists were killed because of their investigative reporting into organised crime or left-wing extremist groups. In their 2004 annual report on Asia, Reporters Without Borders (RSF) stated that more than 200 journalists were attacked by political activists, criminal gangs or religious extremists. Collusion between local politicians and organised crime has created a culture of fear that prevents the open reporting of subjects such as corruption and human rights abuses.

Since 2002 through DFID's small grant scheme, the British High Commission in Dhaka has been working with Democracy Watch and other NGOs to train journalists on national and international human rights legislation. Our monitoring of the media shows that, following the project, reporting on human rights issues has increased. In 2004 the British High Commission, with the Thomson Foundation, worked with women journalists. Poor opportunities, working hours and personal security, coupled with gender discrimination, make careers in journalism very difficult for women. We will provide training for women journalists and host discussion groups with editors and proprietors. In 2005 our support for journalists in Bangladesh will concentrate on increasing their awareness of the Millennium Development Goals.

Last year, we highlighted problems with freedom of expression in **Tunisia**, which is hosting the World Summit on the Information Society (WSIS - see page 119) in November 2005. With our EU partners, we have made it clear to the Tunisian government that civil society and media must participate fully in the WSIS. The government continues to curtail freedom of expression, although at the time of going to print we knew of no journalists or writers imprisoned in the country. For the presidential and parliamentary elections in October 2004 the government made a provision in the new electoral law that criminalised access to foreign media by political figures during the campaign. Authorities use the broad provisions of the press code prohibiting subversion and defamation to prosecute people who express dissenting opinions. Independent and opposition newspapers and magazines exist, but printers and publishers must provide copies of all publications to the Tunisian authorities in advance. The state maintains close control of radio and terrestrial television (satellite TV is widely available). The internet is available but the monitoring regime is one of the strictest in the world.

As noted in Chapter 3, we were deeply concerned at the murder in **Azerbaijan** on 2 March 2005 of the prominent opposition journalist Elmar Huseynov, editor-in-chief of *Monitor* magazine.

We are monitoring the media in the country during the run-up to parliamentary elections in November 2005.

We remain concerned about the lack of freedom of expression in **Syria**. The media is mostly state owned and controlled, with a handful of privately owned publications (mainly economic), which offer a more critical view of the government and its reform process. Access to the internet is also controlled by the state and politically controversial local websites are regularly banned.

Forty-two years of emergency law and the broad jurisdiction of the state security court has caused the close scrutiny of journalists by the Syrian security services, sometimes resulting in their arrest or imprisonment.

The British Embassy in Damascus works closely with the state-owned, private and independent pan-Arab media in Syria. Specific areas of cooperation include:

- investigative journalism training and competition with the ministry of information (through the Inquirer Award);
- a BBC symposium in July 2004 providing an open forum to discuss issues such as state controlled media and freedom of speech with a range of state and independent interlocutors;
- English language and professional training, jointly with UNDP; and
- a capacity building project with the ministry of foreign affairs.

We were concerned by the murder of prominent journalist Samir Qasir in **Lebanon**. We are monitoring the investigation into his death.

Although there is provision in law for freedom of speech and of the press in **Bahrain, Qatar, Oman, Kuwait and the United Arab Emirates (UAE)**, there remain some restrictions in practice. In Bahrain, Abdul Hadi Al Khawaja, an opposition activist, was tried and sentenced in October 2004 for criticising the prime minister during a public address, but in November the King commuted this to time on remand. The Bahrain government closed down his human rights body (Bahrain Centre for Human Rights) in October. Despite a ban by the ministry of interior, the extra-parliamentary opposition society Al Wifaq demonstrated in support of its demands for constitutional reform on 25 March 2005. The leader of Al Wifaq was summoned to meet the minister of social affairs but the government took no further action. In March 2005 the government introduced a requirement that all websites must in future register with the ministry of information.



The al-Jazeera newsroom in Doha, Qatar. Qatar's national human rights committee has praised the TV station for promoting press freedom.

In **Qatar**, the print media operate a form of self-censorship, but have recently reported the alleged wrong doings of several ministers. Al Jazeera operates from Doha.

In **Oman**, the government uses the law to restrict freedom of expression. Any criticism of the Sultan, or publication of material that violates the security of the state, leads to public discord, or abuses a person's dignity or rights is prohibited by law. Journalists exercise self-censorship, although some criticism of government officials and agencies is tolerated on the internet.

In **Kuwait**, some independently owned newspapers regularly tackle controversial issues and criticise government policy. A new independently owned television station, Al Rai, was also launched in October 2004. However, the offices of Al Jazeera, closed by the government in 2002 on allegations of defamation, have not been allowed to reopen. Some issues are subject to censorship by law, including Islam, the Amir and the ruling family. The law allows for Muslim citizens to file criminal charges against authors for defaming Islam. In March 2005 Ahmed Al Baghdadi, a newspaper columnist and professor at the University of Kuwait, was convicted of mocking Islam in an article criticising the way in which Islam is taught in schools in Kuwait and drawing a connection between teachers who misrepresent Islam and terrorism. He was given a one-year suspended prison sentence, fined £4,000 and was released on bail with the provision that he stop writing for three years.

In **UAE**, the government exercises some restriction in practice and journalists self-censor. UAE law prohibits, under penalty of imprisonment, criticism of the government, ruling families, and friendly governments, as well as other statements that threaten social stability. There has been increased coverage by the print media of some contentious local issues such as poor performance of ministries and labour disputes. The presence of respected international media operators such as the BBC, Reuters and CNN at Dubai Media City has led to greater

openness in the media, though there remains room for further improvement. The BBC has this year introduced an Arabic radio service on FM, which has proved popular.

Citizens in **Yemen** enjoy extensive freedom of expression and opinion. However, the recent imprisonment of a number of prominent journalists, and intimidation of other journalists and their associates by members of the state security services, has raised growing concern among civil society and the donor community. Of particular concern is the case of Abdel Karim Al Khiwani, who was sentenced in September 2004 to one year's hard labour for criticising the government. The UK and other EU governments have raised concerns about this case with the Yemeni government.

A new press law, which would heavily restrict journalists' freedom of expression and association, is currently being discussed within government. A number of government members, including the minister of human rights, have publicly criticised the proposed law. The UK and other EU governments and international donors are considering how to encourage a press law, which adequately balances the need to regulate the media while protecting their rights of expression and association.

We have funded journalist training programmes in a variety of countries. See Annex 2 for further details.

BBC Monitoring

BBC Monitoring, which monitors over 3,000 separate media sources, has been working with the FCO panel's hate speech working group since 2002. Through this project, BBC Monitoring has followed media in the Balkans, Africa, the Middle East and the former Soviet Union for content which could inflame tension. The project's spectrum ranges from prejudice to direct incitement. This monitoring facilitates better understanding of the media environment in a country and provides the FCO and NGOs with evidence of inflammatory language, which might,

with other factors, indicate a rise in tensions. It can also generate ideas for specific actions, such as the need for balanced reporting and for journalists to be trained on media impartiality.

At the end of 2004 BBC Monitoring set up a restricted website for monitored reports, media environment reports and contextual information. Members of the freedom of expression panel can access the website. The website provides current information and could, in time, become a valuable archive on the topic of hate speech.

BBC Monitoring is currently being reviewed by its stakeholders, led by the Cabinet Office. Further work on this project depends on the outcome of this review.

BBC World Service Trust

The BBC World Service Trust is an independent charity associated with the BBC World Service that aims to reduce poverty in developing countries through the innovative use of media. It runs projects in the fields of health, education, good governance and journalism training. These projects develop local capacity and use radio and TV programme formats to deliver educational messages to mass audiences.

With support from the GOF, the BBC World Service Trust launched its Media Dialogue Programme in 2004 to improve standards and support journalists in the Middle East and North Africa. Over 300 journalists and editors took part in media symposia in **Syria, Lebanon, Morocco and Egypt**, providing a safe forum for journalists to discuss news coverage in their countries and in the Arab world generally. Topics included local reporting, national media, coverage of the Iraq war, the Israeli/Palestinian conflict and Islam and the West. The events aided the Trust's understanding of training needs and fed into four four-week programmes on media in the UK for 26 journalists from the region. Trainees received editorial training and guidance on passing their knowledge on in the workplace. The Trust is tracking their progress and making an impact assessment. The Trust is now developing a media guide in Arabic (which will cover some of the topics addressed in the training sessions and regional media events), the Arabic interface for I-Learn (a journalism online training package) and a mentoring programme.

Through GOF, the FCO funded the Trust to run a project last year entitled *My Life - Hekaity*. The project will enable young women in the Arab world to develop their own media portfolios or audio-visual stories while exploring their future. The Trust has worked with BBC trainers and programme makers, BBC Arabic.com - the BBC's Arabic website - and partners in **Egypt, Saudi Arabia, Syria and Yemen** to develop workshops on the

theme "Where I am now and where I want to be by 2015". Ten young women from each country attended the workshops. The stories have been moving and personal and are featured on BBC Arabic.com: www.bbcarabic.com/mylife. The Trust has also presented the stories at events in each country to spark national and regional debate. The events rounded off with a final regional workshop in Cairo in April 2005. In association with BBC World television, the Trust recorded a debate about the role of women in the Arab world at this workshop.

The FCO has approved funding for another pilot project with the BBC World Service Trust, using drama and discussion to raise awareness and stimulate dialogue around social, human rights and gender issues that affect people in **Pakistan** and in the Pakistani diaspora. Topics are likely to include forced marriage, people smuggling, illegal immigration and drug-related crime. As well as increasing knowledge and awareness within Pakistan, the project will explore the creation of links within the diaspora for exchanges on issues of common concern. The project comprises an Urdu language drama, radio debates, phone-ins, online discussion and research and evaluation.

8.5 Women's rights

The UK promotes women's human rights by negotiating resolutions and other measures in international fora and by addressing gender issues in our programmes. The FCO works closely with other government departments, particularly the Women and Equality Unit (WEU) at the Department of Trade and Industry (DTI), which takes the lead on gender issues, and DFID. We also cooperate with the independent Women's National Commission, the government's official advisory body on the views of women.

We have particular concerns about women's rights in the Middle East, although there have been some positive developments in the Gulf.

In **Bahrain**, on 8 March 2005, Her Highness Shaikha Sabeeka, Chairwoman of the Supreme Council for Women, launched the national strategy for the advancement of Bahraini women, which seeks to ensure equal participation of women in all fields in Bahrain. On 14 January Dr Fatima Ahmed Al Beloushi was appointed Minister of Social Affairs, the second woman to join the Cabinet. On 18 April Shura Council member, Alice Saaman became the first woman (and also the first Christian) to chair any Shura or parliamentary session in Bahrain. New labour law in 2004 allows women the same salary and rights as men in the workplace.

In **Oman**, women have equal opportunities for education and have gradually increased their numbers in positions of authority



Kuwaiti women's rights activists and supporters line the podium of Kuwait national assembly, as they burst into cheers when speaker Jassim al-Khorafi announced that the parliament had passed a law granting women the right to vote and run in elections, 16 May 2005.

in government and in business. There are now four female ministers in the government. We remain concerned by the continuation of many forms of social discrimination against women, and Oman's failure to ratify the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW).

Kuwaiti women have access to education at all levels and are well represented in the workplace and within civil society. In March 2005, following intensive debate, the Kuwaiti national assembly voted to grant women the right to vote and to stand in elections. We welcomed this historic development, on which we have lobbied, and which represents the culmination of efforts by the Kuwait government. The first opportunity for women to vote will be in the municipal elections in the summer of 2005. We have facilitated visits by Kuwaiti women to attend FCO-sponsored regional and international courses, seminars, and workshops, to strengthen the participation of women in civil society, government and the workplace.

In November 2004 the UAE appointed Sheikha Lubna al Qassimi to the federal council of ministers as Minister of Economy and Planning – the Council's first woman. In Sharjah, seven women currently sit on the consultative council out of 40 available seats. The British Embassy has supported the development of women through its scholarship programme and the recently introduced Chevening Fellowship programme; Sheikha al Mulla represented the UAE on the Participation of Women programme at University College London. The Embassy also sponsored participants on a visit to the UK focusing on women's participation, and a regional leadership skills workshop in Bahrain.

In Iraq, the Coalition Provisional Authority, Iraqis and NGOs worked together to establish a protective service for women who are victims of kidnap, rape or abuse, and to provide safe places for women and girls who are physically or sexually abused by their families. In cases of domestic violence, the

ministry of labour and social affairs administers shelters for women and their children. NGOs are currently taking over this responsibility.

For further detail on support for women in the Arab world see box on page 229.

Beijing+10

This year marks the 10th anniversary of the Beijing Conference in 1995.

One hundred and eighty-nine governments attended the Fourth World Conference on Women in Beijing, unanimously adopting the Beijing Declaration and Platform for action (BPFA). The BPFA is a policy framework for achieving gender equality and ensuring the full enjoyment of human rights and fundamental freedoms by all women and girls. It outlined 12 critical areas of concern and contained commitments to address each of them. (See box below.)

Five years later the 23rd special session of the UN General Assembly Women 2000 (Beijing+5) met to review progress

Beijing Platform for Action: 12 critical areas of concern

- *Women and poverty*
- *Education and training of women*
- *Women and health*
- *Violence against women*
- *Women and armed conflict*
- *Women and the economy*
- *Women in power and decision making*
- *Institutional mechanisms for the advancement of women*
- *Human rights of women*
- *Women and the media*
- *Women and the environment*
- *The girl child*

towards achieving the BPFA. The session adopted another document, Further actions and initiatives to implement the Beijing Declaration and Platform for Action, which outlined ways to accelerate progress. Together, the Beijing and Beijing+5 documents contain the most comprehensive set of international commitments to gender equality and women's human rights. They remain as relevant today as when they were adopted.

From 28 February-11 March 2005, the annual two-week session of the UN Commission on the Status of Women (CSW) hosted a high-level meeting to review progress towards implementation of the Beijing and Beijing+5 agreements. Jacqui Smith MP, Deputy Minister for Women and Equality at the DTI, led the UK delegation of officials from the FCO, DTI, DFID, the UK Mission to the UN, the Women's National Commission and government representatives of some British Overseas Territories.

The principle outcome of the session was a political declaration, which CSW adopted by consensus. The declaration reaffirmed the Beijing and Beijing+5 outcomes, welcomed progress made to date and pledged to overcome obstacles to the full implementation of both documents. It also stressed that full implementation of Beijing is essential to the achievement of all the Millennium Development Goals.

Although the declaration contains no new commitments, it is an important pledge of renewed commitment to the Beijing and Beijing+5 agendas. The issue of sexual and reproductive rights, which is covered in the Beijing documents, is a sensitive one for some delegations and there were doubts before the conference that all governments would reaffirm their full commitment to Beijing. The meeting adopted a full and universal reaffirmation of both documents. Engagement by the UK and like-minded partners helped to ensure this outcome.

Gender mainstreaming resolution

Since 2003 the UK has tabled a resolution annually at CSW on gender mainstreaming in the UN system. This year, to reflect commitments made at Beijing, we shifted the focus of the text away from the UN and towards gender mainstreaming in national policies and programmes. This is the first time a UN resolution has looked at mainstreaming a gender perspective in the national context and the draft generated huge interest, enthusiasm and lengthy discussion. Its adoption by consensus, with over 100 co-sponsors from all UN regional groups, showed the support that exists in the international community for this approach.

The resolution explains gender mainstreaming and its importance and calls on governments to integrate a gender perspective in all national policies and programmes. It contains new ideas on tools and methodologies for gender

mainstreaming, training and the role civil society can play. The resolution also calls for a report from the Secretary-General on progress towards mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes. We hope this resolution and the Secretary General's report will provide the impetus for further work in this area and we are looking at ways we can use the resolution as a tool to promote gender mainstreaming.

Optional Protocol to CEDAW

The UK ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in April 1986. It is one of the six core UN human rights treaties and is often described as an international bill of rights for women. By signing the Convention, states commit to undertake a series of measures to end discrimination against women in all its forms.

The Optional Protocol to CEDAW opened for signature on 10 December 1999. It contains two new mechanisms. The first, an enquiry procedure, enables the CEDAW Committee to conduct investigations into suspected grave or systematic violations of human rights by states parties. The second, a communications procedure, allows women to complain direct to the CEDAW Committee if they think their rights under the parent convention have been violated. This is the first time the UK has accepted an individual petition mechanism under one of the core UN human rights treaties.

We deposited our instrument of accession with the UN Secretary-General on 17 December 2004 and the instrument came into force in the UK on 17 March 2005.

Female genital mutilation

Female genital mutilation (FGM) is one of the most horrific forms of violence against women and girls. FGM is the partial or total removal of the external female genitalia or any other injury to the genital organs. It is extremely painful and dangerous. It can lead to infection, problems during childbirth, infertility and, in some cases, death. The practice can also contribute to the spread of HIV as the same unsterilised instrument may be used to perform the procedure on several girls.

FGM is illegal in the UK. The FGM Act 2003 also makes it an offence for UK nationals or permanent residents to carry out FGM abroad, or to aid, abet, counsel or procure FGM abroad, even where the practice is legal. The Home Office and Department of Health have initiated activities to educate the police and midwives on how to deal with FGM cases. The Department for Education and Skills has issued guidance to social services.



A man places a rose at the place where Hatun Sueruecue, a young Turkish woman, was killed on 7 February 2005. Three of her brothers are in prison on remand, suspected of killing their sister in order to save the family's honour. Sueruecue had escaped from her forced marriage.

The FCO has investigated ways of reducing the prevalence of FGM overseas. Through GOF, we have supported a project in seven African countries to help eradicate the practice. In Ethiopia alone, up to 72 per cent of girls are estimated to undergo FGM. The project is being implemented by the Inter-African Council's local partner organisations in Burkina Faso, Cameroon, Ethiopia, Ghana, Kenya, Somalia and Uganda. At least 7,000 young people will receive training in changing attitudes about FGM. The project will also provide training materials for community events, including at schools and youth clubs, to facilitate youth advocacy. Girls will be invited to share their experiences of FGM, and religious leaders will attend the meetings to clarify the misconception that FGM is condoned or required by religion.

Evaluations by the Inter-African Council reveal that in villages where similar project work has been carried out in the past, FGM has reduced by 30 per cent, and up to 60 per cent of people said their attitudes had changed in favour of protecting girls. We hope the Council finds that these GOF-funded activities are similarly successful.

"Honour crimes"

So-called honour crimes are one of the most heinous manifestations of violence against women. The crimes take many forms, including beating, stoning, mutilation, acid attacks, rape or murder. The perpetrators are often relatives of the victim and will justify their actions as punishments for actions they believe have dishonoured the family or community. These actions might include engaging in sexual activity or being suspected of doing so, refusing an arranged marriage or being the victim of rape. Contrary to popular belief, honour crimes are not limited to a specific group of countries, nor do they have anything to do with religion - although perpetrators may try to justify their actions on religious grounds. The UK prosecutes honour crimes under criminal law.

The Netherlands sponsored a resolution on eliminating crimes against women committed in the name of honour at sessions of the UN General Assembly in 2000 and 2002. The UK and Turkey sponsored the resolution jointly in 2004 during the Dutch Presidency of the EU. The resolution called upon the international community to intensify efforts to prevent honour crimes and pressed states to ensure they have effective legislation in place to punish perpetrators and to protect victims.

Speaking on the day the resolution was adopted, former Foreign Office Minister Bill Rammell said: "Honour crimes are one of the most despicable forms of violence committed against women and girls. Our hard-hitting joint resolution with Turkey sends out a clear message that violence against women in the name of 'honour' is incompatible with all religious and cultural values." The adoption of the resolution by consensus and the large number of co-sponsors from all regional groups underlined the growing international momentum behind efforts to end this crime.

Turkey agreed to sponsor the resolution jointly with us as part of its commitment to engage on women's rights. Over the past two years, the Turkish government has introduced legislative and constitutional reforms that have changed the human rights situation in Turkey. These include a new penal code, which strengthens women's rights. Among other things, it removes sentence reductions for honour killings, so Turkey's involvement in this venture could not have been more timely.

Adopting the resolution is half of the story and we must judge success by how well governments implement its provisions. NGOs have commented that they found previous resolutions on this subject particularly useful as advocacy tools. To facilitate this advocacy, through GOF we funded the translation of the latest resolution into Bengali, Bosnian, Dari, Farsi, Indonesian, Kurmanji, Malay, Punjabi, Sorani, Turkmen and Urdu - in addition to the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and Turkish. We have distributed these

The groundbreaking Arab Human Development Report identified the under-representation by women in all aspects of public life as a major barrier to human development in the Arab region. Increasing women's political, social and economic participation in the Arab world through policy and programme activity is a UK priority and a key element of our strategy "Engaging with the Islamic World".

We encourage the international community to focus more on women's issues. We lobby the EU, as part of the review of the Barcelona Process, to develop targets for enhancing the education of girls and women and increasing their involvement in the labour force and in positions of economic influence. Supporting regional efforts to expand women's participation is a key element of the G8 Broader Middle East and North Africa Initiative (BMENA), which we will take forward under our 2005 Presidency.

Following the recommendations of the Arab Human Development Report, we are supporting a UNIFEM Arab Women Parliamentarians project to develop women's parliamentary skills and mainstream gender issues into parliamentary debate. Through this project, we will establish a regional forum for women parliamentarians. The project went live on 1 February 2005. It initially covered **Egypt, Jordan, Lebanon, Morocco and Syria** and our funding will extend it to **United Arab Emirates, Bahrain, Oman and Kuwait**.

As part of the Chevening Fellowship programme, the FCO is funding a three-month course on "Participation of Women". The course

examines the role of women in parliament, local government and the workplace. We organised a visit to the UK for a group of Middle Eastern women activists to study British experience in women's rights.

We recognise that low female participation in the region's workforce means a missed return on state investment in women's education. In a two-year project in **Lebanon**, we are increasing women's participation in the economy by promoting their economic independence through training and by raising awareness of the role they can play in the economy. The project has now developed beyond **Lebanon** and regional activities have started in **Egypt and Morocco**.

UK projects also address discriminatory personal status laws, which prevent women's participation. Personal status laws (PSLs) govern the legal capacity of women and their role in the family. They may deprive women of their human rights and subject them to the authority of male relatives. Some are discriminatory upon, during or at the dissolution of marriage. Others prevent women from transmitting their nationality to their children or from owning or inheriting property. In **Morocco**, we supported a project to inform illiterate women about the government's changes to personal status laws. We held a seminar in London in March 2005 to consider whether we could apply the lessons learned in **Morocco** across the region. In **Egypt**, we continue to support a women's rights ombudsman to enable Egyptian women to exercise their rights under Egyptian law and international conventions, particularly in response to discrimination at work.

translations to NGOs through our network of posts, our EU partners and the Women's National Commission.

Women, peace and security

Women and children are disproportionately targeted in armed conflicts and are vulnerable to all forms of violence, in particular sexual violence and exploitation. All too often, their men and boys leave home to participate in armed conflict, willingly or unwillingly, or are detained or simply disappear. The women and girls are forced to take responsibility for family security, often without the resources they so desperately need.

There has been some progress in recognising and addressing the specific issues that women face in conflict situations. Around the world, there are examples of women contributing to peace processes, often making a critical difference. Women's grassroots organisations have set up groups across party and ethnic lines, advocating for peace. Women are active in reconciliation efforts, often with the support of regional and international networks. However, the international community clearly needs to intensify its efforts to support women in conflict situations.

The UK is committed to including women in processes to prevent and resolve conflict. Since the adoption of UNSCR 1325 on Women, Peace and Security in 2000, the international community has paid greater attention to those most affected by conflict, recognising that in many ways women hold the keys to peace. UNSCR 1325 calls on the UN and member states to:

- increase the participation of women in conflict resolution and peace processes;
- incorporate gender perspectives in peacekeeping operations and in the training of peacekeepers;
- take special measures to protect women and girls from gender-based violence; and
- take into account, in planning for disarmament, demobilisation and reintegration (DDR), the different needs of male and female ex-combatants.

As a member of the Security Council, the UK pushes for the full implementation of UNSCR 1325 and for UN resolutions, mission mandates and progress reports to address gender concerns fully. During our Presidency of the UN Security Council, on 28 October 2004 we marked the fourth anniversary of the adoption of SCR 1325 by hosting an open debate in the Council entitled "Strengthening the UN's Response to Gender-Based

Violence in Conflict/Post Conflict Situations". The UN Secretary-General and NGOs attended the debate, welcoming it as a demonstration of the Security Council's determination to address the issue.

We work closely with NGOs on UNSCR 1325 and we have participated in seminars on how to support implementation of the Resolution. We funded the participation in an informal UN Security Council meeting of Agathe Rwankuba, who works with an NGO in the Democratic Republic of Congo. We fund other activities related to the Resolution. For example, we support the Urgent Action Fund for Women's Human Rights in examining the needs of women in conflict in Sierra Leone, Sri Lanka and **Kosovo/Serbia**. The project analyses the effectiveness of current policies and procedures in giving women the security and protection they need.

As we reported last year, the UK has pledged £3 million to the UN Development Fund for Women (UNIFEM) for a programme of work on women, peacebuilding and gender justice. This programme aims to strengthen women's contribution in conflict prevention, resolution and peacebuilding; increase information about women, war and peacebuilding; improve protection and assistance to women affected by conflict; focus on gender justice in conflict-affected areas; and develop UNIFEM's ability in peace and security programmes. With UK support, UNIFEM has published an independent assessment of how women are affected by armed conflict and their role in peacebuilding. In **Sierra Leone**, the programme has involved women in influencing new legislation and reforming the justice system. It also assisted women giving testimony before the Truth and Reconciliation Commission. UNIFEM has worked with grassroots women's organisations on violence against women, helping bring the perpetrators to justice and providing training for local officials and activists on how to tackle violence against women.

The UK provides funds to the UN Department of Peacekeeping Operations (DPKO) for improving gender mainstreaming throughout its work. DPKO has set up a trust fund for training field-based gender advisers and their work in gender mainstreaming. The fund will also be a valuable source for developing capacity. This work will help all peacekeeping missions to implement SCR 1325, develop gender mainstreaming activities and ensure a common approach to gender in areas affected by conflict. We also helped DPKO to develop and disseminate a resource package on gender to people involved in peacekeeping operations. The UN successfully incorporated this package into its work in summer 2004.

In **Iraq**, we are helping to train the Iraqi police. This includes strengthening human rights policies as well as equal opportunity policies covering gender and ethnicity. Since

January 2004, 579 women have received police training, increasing substantially the number of female Iraqi police officers. We support UNIFEM's strategy for empowering women in Iraq through workshops on democracy in Baghdad and Basra. These workshops address immediate human rights issues as well as long-term conflict prevention.

In **Afghanistan**, the UK has agreed a comprehensive Afghanistan gender strategy for 2004-05. To support this, we are funding the UK Bar Human Rights Committee to run a two-year programme of human rights training for legal practitioners that focuses on women's rights; and another project by ActionAid to encourage women living in villages to participate in political and economic processes. We are also helping to fund police training which incorporates modules on gender sensitivity. At the presidential elections, women made up 40 per cent of the vote. Building on their obvious interest, we are encouraging Afghan women to take their rightful role in the forthcoming parliamentary elections, in which more than a quarter of the seats of the lower house are reserved for women.

The UK provides compulsory training on gender and human rights issues to all British military and police officers embarking

Child rights and the Global Opportunities Fund

The FCO's Global Opportunities Fund (GOF) makes child rights a priority under its sustainable development programme (see page 18-19). There are three bidding rounds during the year and at the time of going to press, we had evaluated only the first round. So far we have supported child rights' projects in Colombia and Vietnam and we hope to identify more projects in the second and third bidding rounds.

Our aim in Colombia is to improve coverage of child rights in the local and national press, radio and television. We are supporting training for journalists in covering news on child rights, emphasising where the media should be highlighting and denouncing abuses. The project will concentrate on the right to life, the right to education and the right to identity. The project will link this work to campaigns for local and national government to invest more in social services and for civil society to develop its monitoring.

In Vietnam, the GOF is promoting the rights of unregistered child migrants in Ho Chi Minh City. We want to encourage and support the Vietnamese government in implementing its responsibilities in line with the UN Convention on the Rights of the Child – particularly the rights to health and education. Children who have no education are more likely to be working, often in risky industries. Families who have no access to healthcare are more likely to be affected by loss of income due to illness, which then forces children out to work. Our project will promote health services and aim to get vulnerable children off the streets and into schools.

on peacekeeping or similar overseas missions. We also deploy female British police officers to missions and other conflict prevention and resolution operations. Currently, female officers are deployed on international police missions to Iraq, Sierra Leone, Jordan, Kosovo and Bosnia.

8.6 Child rights

Child rights are a priority in our work. The FCO promotes child rights in multilateral fora, in our bilateral work with other governments and at grass-roots level through our programmes (in particular GOF, which contains a specific allocation for child rights). Although the FCO child rights panel has not met during the period covered by this report we continue to work closely with individual panel members.

Child rights at the UN

The UN Convention on the Rights of the Child (CRC) was adopted in 1989 and sets out the fundamental rights and freedoms of all people under the age of 18. The UK ratified it in 1992. The CRC does not give enforceable rights directly to children, but imposes obligations on states to incorporate these rights in national law and practice. The CRC is the most widely ratified of all the UN human rights instruments, with 192 states parties. The Convention proclaims that children are entitled to special care and assistance as they often lack the physical and political means to defend their own rights. It recognises ways in which children are particularly vulnerable, as victims of conflict, abuse, exploitation or neglect.

When a state ratifies the Convention it commits to a programme of monitoring. The 18-member Committee on the Rights of the Child examines evidence from the government, NGOs, UN agencies, academic institutions and the press to assess a state's compliance with the provisions of the Convention. It then publishes concerns and recommendations for the country in question as concluding observations.

The quality of these concluding observations depends on the quality of the shadow reporting by NGOs. Through the GOF, we are running workshops for NGOs on how they can best work with the Committee to ensure that its recommendations accurately address the situation on the ground. The workshops in Geneva involve NGOs from countries whose reports are imminent: Albania, Belize, Bolivia, China, Costa Rica, Ecuador, Mongolia, Nepal, Nicaragua, Nigeria, Philippines, Trinidad and Tobago and Yemen.

The UK is a vocal supporter of child rights throughout the UN. Every year, we take an active role in negotiating the Rights of the Child resolutions at the Commission on Human Rights and the General Assembly that are tabled jointly by the EU and Latin American countries. At last year's General Assembly we achieved a markedly more focused text than in previous years. We hope to make further progress on this resolution at this year's General Assembly when the UK will assume responsibility for the drafting during our Presidency of the EU.

The CRC emphasises children's rights to physical and personal integrity, and outlines states parties' obligations to protect them from "all forms of physical or mental violence", including sexual and other forms of exploitation, abduction, armed conflict and inhuman or degrading treatment or punishment. CRC obliges the state to enact preventive measures and ensure that all child victims of violence receive the support and assistance they require. Pursuant to this obligation, the General Assembly called for a global study on violence against children in 2001, as recommended by the Committee on the Rights of the Child. On 12 February 2003 UN Secretary-General Kofi Annan appointed Professor Paulo Sergio Pinheiro of Brazil as the independent expert to lead the study. The purpose of the study is to provide an in-depth picture of the prevalence, nature and causes of violence against children and to recommend remedial and preventative action for consideration by member states, the UN and civil society. We are always concerned about violence against children and we support Professor Pinheiro's work



Child labourers sit at a police station after they were rescued from small-scale industrial units in Mumbai, India, 1 June 2005. Police freed 446 children and arrested 42 employers.

wherever we can. A range of government departments contributed to our official submission to the study and the FCO organised a meeting with Professor Pinheiro in June 2004 so that our child rights panel could inform the study. We also co-funded the study with £60,000.

Children and armed conflict

At any one time it is estimated that there are over 300,000 children fighting in armed conflicts around the world. The involvement of children in armed conflict extends beyond recruitment into armed forces, gangs or paramilitary groups. Children are also used as cooks, porters and sex slaves by those involved in fighting. Over two million children have been killed in conflict situations over the last decade. Countless more have been made orphans, maimed, abducted, deprived of education and healthcare or left with deep emotional scars. Trafficking thrives in conflict zones and girls are at grave risk of sexual violence.

The UN Convention on the Rights of the Child, and its Optional Protocol on the involvement of children in armed conflict, underpin the wider framework of international law on this subject. The UK has signed and ratified both the Convention and Protocol and encourages other states to do likewise. Among other things the Protocol requires governments to raise the minimum age of admission into their armed forces from that set out in the CRC (15 years). It also bars non-state armed groups from recruiting below the age of 18.

Recognising the scale of the problem, the EU working group on human rights elaborated guidelines on children and armed conflict during the Italian Presidency in 2003. The guidelines provide a formal framework for EU action and cover the short, medium and long term. EU activity falls into three categories: monitoring and reporting; making assessments and recommendations; and taking action with third countries.

The EU working group on human rights (COHOM) adopted a plan of action for implementing the guidelines during The Netherlands Presidency in the second half of 2004. COHOM identified, on the basis of an audit of existing activity by member states and reports from EU heads of mission, priority actions for 10 priority countries (Burundi, Colombia, Côte d'Ivoire, DRC, Liberia, Rwanda, Sierra Leone, Sri Lanka, Sudan and Uganda). Uganda, Sri Lanka and Sierra Leone were singled out for extra attention. Initiatives include EU démarches in some African countries to lobby governments to do more about children used by armed groups, and an education project for children in camps for internally displaced people in northern Uganda, funded by The Netherlands. We are trying to identify opportunities to offer further support. During our Presidency of the EU in the second half of 2005 we will be responsible for

reviewing the implementation of the guidelines.

The UK also works in the UN to help children affected by armed conflict. There have been five UN Security Council Resolutions on this subject in the last five years. The most recent, SCR 1539 in April 2004, calls for a comprehensive mechanism for global monitoring and reporting and action plans by parties to armed conflict to stop the practice of recruiting and using child soldiers. Regrettably, progress on both these issues has been slow. However, proposals for a monitoring and reporting mechanism are included in the Secretary-General's annual report to the Security Council on the situation of children affected by armed conflict, published in February 2005. Negotiations are ongoing for a new Resolution on children affected by armed conflict.

The UK also seeks to include the issue of children affected by conflict in country-specific UN Security Council Resolutions, particularly when peace-keeping mandates are being established.

We support efforts by the UN and others to help children affected by armed conflict, including child soldiers, in countries worldwide:

- **Afghanistan** DFID is funding the DDR process, led by the UN Assistance Mission in Afghanistan, in which UNICEF is responsible for issues related to child soldiers. UNICEF is attempting to extract child soldiers from the various forces and is regenerating the education system and counselling children affected by war.
- **Burundi** We are supporting the UN peacekeeping mission to Burundi, assisting the government with disarmament, demobilisation and reintegration (DDR) of children and women.
- **Democratic Republic of Congo** DFID is providing £14 million over five years to the World Bank's Multi-Country Demobilisation and Re-integration (MDRP) Programme. DFID is also providing £750,000 to UNICEF to establish child protection networks in each of the country's provinces.
- **Nepal** DFID continues its Global Conflict Prevention Pool programme in Nepal (about £800,000 over 18 months), working with schools and other children's services, especially in rural areas, women and child service centres, juvenile detention centres and the rehabilitation of child soldiers.
- **Sri Lanka** DFID has completed its support for a £6.25 million project co-funded with UNICEF to mitigate the effects of armed conflict on children and women.
- **Sudan** DFID contributed over £500,000 in the last 12 months to UNICEF's efforts in the DDR with over 4,000 child soldiers. The programme endeavoured to re-unite them, and

over 10,000 other children, with their families and communities.

- **Uganda** DFID supports UNICEF and other agencies with DDR of child soldiers.

Child labour

Last year we reported concerns over the use of young boys to work as camel jockeys, many against their will. There have been

significant improvements during the reporting period in the **UAE**. The ministry of interior has replaced the camel racing federation as the organisation responsible for regulating the sport. Publicity campaigns by Anti-Slavery International and the American TV channel AHBO's Real Sports programme, highlighting the practice of small children being used as camel jockeys, have played a major part in persuading the federal authorities to take such a firm stance on this issue. A prominent

Child labour in Turkmenistan's cotton harvest

Every year, from September to November, children in Turkmenistan are taken out of school to bring in the cotton harvest. Those who work hard receive around seven pence a day for their labour; others get less. Students and teachers regard the practice with resignation. It stems from Soviet times and has been an inevitable part of the school year.

Districts organise the practice according to their location and the type of school. Schools in Ashgabat are not usually involved in the cotton harvest. To illustrate the basic system, the practices observed in Konye Urgench District (Dashoguz Region) during the 2004 harvest were as follows. Children in years One to Five (7–11 year olds) were exempted and in theory their classes continued as normal. In practice, there was much disruption because so many teachers were in the cotton fields, supervising the older children. Children in years Six to Nine (12–15 year olds) were told to report to school in the morning, from where the authorities had arranged for buses to take them to the fields. They were kept in their usual classes and supervised by their teachers. The teachers were not themselves required to pick cotton. The children were paid a meagre 250 manat per kilo of cotton picked by the farmer. Assuming a 10kg haul during a day's work, this amounts to a daily "wage" of around £0.07.

Turkmen ministers and officials claim that the government is phasing out the practice of child labour in the cotton harvest. They claim that the practice is now less onerous than during the Soviet period when in many places children in year five were also involved. Officials also point to the exemption of university students from the cotton harvest. In 2004, both before and during the harvest, President Niyazov on several occasions told his officials not to use child labour. He claimed that mechanised cotton harvesters, purchased from US companies, had made child labour unnecessary. But authorities did not follow this instruction; nor are we aware of any penalties imposed on local officials for disobeying it. Rather, authorities focused on fulfilling their harvest quotas, largely ignoring conflicting instructions which would have reduced their harvested totals. In practice, mechanised harvesters only harvested a small proportion of Turkmenistan's cotton crop in 2004.

On 1 February 2005, the government passed new legislation prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour, including temporary work, should interfere with the child's education. Much of this law restates existing legislative provisions, honoured to varying degrees, but the Turkmen authorities have claimed in recent meetings that this legislation is intended, inter alia, to ban the use of child labour in the cotton harvest.

On 24 November 2004, during a meeting with Turkmen Foreign Minister, Rashid Meredov, the British Ambassador to Ashgabat, Paul Brummell, welcomed President Niyazov's earlier comments that he would end the use of child labour to harvest cotton. Mr Brummell expressed our disappointment that, notwithstanding these comments, the practice had continued during the 2004 harvest. Mr Meredov promised that the government would terminate the practice.

The Ambassador raised the issue again at a meeting with Mr Meredov on 3 February 2005. Mr Meredov said that the government was able to make a clear commitment that child labour would not be used in the autumn 2005 harvest. President Niyazov had set out a three-point programme to eliminate the practice:

- *The purchase of mechanical cotton harvesters.*
- *The programme of agricultural reform announced at the 2004 people's council, restructuring local peasants' associations into agricultural joint-stock associations. This would promote reforms such as the use of larger fields, which would allow the mechanical harvesters to operate more effectively.*
- *The 1 February 2005 legislation, which made clear that the use of child labour was an offence. Those who broke these rules would be punished.*

As the representative of the local Presidency of the EU, the British Ambassador again met Mr Meredov on 15 March 2005, accompanied by the German ambassador. Mr Meredov again offered an unequivocal assurance that the government would implement fully the provisions of the law of 1 February, which include the elimination of the use of child labour in the cotton harvest.

We welcome the assurances we have received from the Turkmen authorities. However, the agricultural reforms announced in October 2004 are causing much confusion and mechanical cotton harvesters will not be able to replace hand-picking everywhere this year. The cotton sector is beset by problems. There is therefore a strong risk that local administrations will continue to use child labour to meet their quotas.

With the US, the EU, the UN and the OSCE, we will continue our lobbying to stress the importance we attach to this issue. With other local embassies, we will monitor this year's cotton harvest closely, to assess the extent to which the government is implementing the assurances it has made.

advertising campaign by the ministry of interior in February 2005 announced regulations, issued by presidential decree, prohibiting the use of boys under the age of 16 and less than 45 kilograms as camel jockeys. First-time offenders face fines of approximately £3,000. A second offence carries a one-year ban from camel racing and subsequent offences may incur prison sentences. Measures introduced by the ministry of interior to enforce the ban include stringent immigration checks, a requirement that all children entering the UAE must have their own passport, and DNA testing at race meetings of jockeys suspected of breaching the rules. These measures were introduced at the close of the racing season. We await the start of the new season and will seek to ensure that the regulations are being rigorously enforced.

In December 2004 the UAE government, in coordination with the Ansar Burney Trust, opened a rehabilitation centre for rescued underage camel jockeys. The centre offers medical care and basic education while the children await repatriation. On 8 May 2005 the UAE authorities signed an agreement with UNICEF, whereby UNICEF will process the registration, repatriation and integration of camel jockeys, funded by the UAE authorities. This new legislation supersedes previous legislation. On 14 June 2005 the UAE federal cabinet issued a decree imposing strict penalties (three years' imprisonment and/or fines) on anyone found to be involved in the entry to the country, employment or training of camel jockeys, and raised the minimum age for jockeys to 18. In **Qatar**, there were no reports of camel jockey abuses this year. On 23 May 2005 the government issued a law banning the employment, training and use of children under the age of 18 in camel races. It conducted successful trials of robot jockeys in April 2005.

Parts of **Central Asia** (Tajikistan, Turkmenistan, Uzbekistan) rely heavily on a cotton industry that has not been reformed since the Soviet era. The industry continues to depend on systematic use of forced, bonded and child labour through practices that are deeply entrenched and structural. The demands of the industry are having a disastrous effect on education, public health, migration and democratisation. It is not only the cotton industry that causes problems: poverty drives many children into labour in other sectors. In addition, internal and external economic migration has opened the door to people traffickers and more opportunities for forced and bonded labour.

In March 2005 the FCO's Eastern Research Group organised a conference on child, forced and bonded labour in **Central Asia**. The conference brought together policy-makers from the UK, regional experts and practitioners and representatives of international organisations to consider the problem and possibilities for international action.

Drawing on experience with these issues in Central Asia and other parts of the world, the conference has highlighted the importance of a holistic approach. This includes:

- research and analysis to support lobbying;
- encouraging countries to ratify and comply with relevant International Labour Organisation and UN Conventions;
- forging partnerships with national and local government, NGOs, the media and public education bodies and international bodies;
- tackling the factors that force people into forced labour, such as poverty; and
- improving migration policy in source and destination countries.

We will follow up these points with partners to work towards change in Central Asia.

Sexual abuse and exploitation

At a conference in Sri Lanka in October 2004, UNICEF estimated that at least 500,000 South Asian boys and girls were involved in the sex industry. Many of these children are victims of trafficking. Countries in South-East Asia are known destinations for British child sex offenders. A large proportion of child abuse images on the internet originate from the region.

With funding from the FCO's Drugs and Crime Fund, the Drugs and International Crime Department (DICD) and the embassy in Bangkok, we organised a two-week training initiative in **South-East Asia** in February 2005: Regional law enforcement training on serious sex offences and sex tourism. The Serious Sex Offenders Unit of the UK's National Criminal Intelligence Service ran the course at the international law enforcement academy in Bangkok in collaboration with the National Crime Squad (NCS), the US Federal Bureau of Investigation and the Australian Federal Police. Fifty-five law enforcement officials from 11 South-East Asian nations and regions took part.

The course examined why people sexually abuse children and increased participants' awareness of sex tourism. It examined the use of the internet by sex offenders; looked at the issues victims and survivors have to face; taught techniques for interviewing offenders; and showed participants how to cascade their learning to their colleagues. An important aspect of the course was developing contacts between law-enforcement officials in different regions.

The course was a resounding success. Our feedback shows that participants gained an enormous amount of knowledge from the training. Ultimately, we expect the course to boost the detection and prosecution rates of people who abuse children, whether they are foreign tourists or nationals.



Guatemalan gang members Fredy, Estuardo and José are being held in a police station in Esquintla, 30 miles south of Guatemala City. The police station has been transformed into a prison exclusively for gang members.

Sexual violence and abuse of children in **Cambodia** has increased since the country opened up in the early 1990s. Adolescent and pre-pubescent boys and girls are all at risk. Children are used for prostitution, rape, pornography and trafficking for sexual exploitation. Poverty, corruption and inadequate judicial and law-enforcement structures all contribute to their sexual abuse and exploitation. Research in Cambodia last year by the NGO Tearfund, funded in part by the GOF, confirmed sexual abuse of children is a

significant problem. Among the 12-15-year-olds that Tearfund interviewed, 64 per cent said they knew other children who had been raped. In addition, Cambodia has recently gained a reputation as an epicentre for foreign nationals seeking to sexually abuse young children. We are also concerned about the high number of images of child sex abuse available on the internet thought to have originated in South East Asia, including Cambodia.

Youth gangs in Central America

Criminal violence is one of the most serious problems facing Latin America. Youth gangs (known as Maras) are responsible for much of this violence. Young people and children, frequently from broken homes, often join gangs when they are very young – sometimes no more than 10 or 11 years old – for a sense of community and personal protection. The gangs use tattooing as a means of identification and gang members are easily recognised by their highly visible tattoos, often on their faces. Studies have shown that young people are often desperate to leave the gangs but re-integration into society, particularly for those with visible tattoos, is impossible. With no prospects of employment, many young people remain locked into a vicious cycle of crime and drug dependency that inevitably brings them into conflict with the law.

Honduras has been particularly affected by gang violence in recent years. The government's special investigative unit for the deaths of minors, which was set up with financial aid from the UK, has investigated 601 murder cases involving young people to date. Of these, the unit passed 126 cases to the prosecutor for legal proceedings. Fifty per cent of these murders were gang related, 36 per cent were committed by individuals and the Honduran authorities were implicated in 14 per cent. During this period, the special unit obtained seven convictions, with sentences ranging from 6–65 years' imprisonment. On his visit to Honduras in February 2005, our Ambassador, Richard Lavers (resident in Guatemala City), discussed the unit's investigations with the Honduran Attorney-General, Ovidio Navarro. The Attorney-General explained that the special unit's performance was improving. We will continue to press for full

investigation of all cases and for the perpetrators of these crimes to be brought to justice.

When the Honduran Security Minister, Oscar Alvarez, visited the UK in 2004, former Foreign Office Minister Bill Rammell MP took the opportunity to reinforce our concerns on the issue of child rights. Building on this visit, the GOF supported community police training in Honduras's second city, San Pedro Sula. The project trained 75 police officers from the community police sub-division of the Honduran police working in the Rivera Hernandez area of the city, one of the most under-privileged communities in Honduras. Training workshops addressed child rights, rehabilitating juvenile offenders and preventing juvenile violence. The aim was to train the community police to support the rehabilitation and social integration of child and adolescent ex-gang members.

We have also funded a study by the Children's Legal Centre of Essex University to investigate the juvenile justice system in Honduras. The final report is due to be launched in September 2005 at a regional conference on children in conflict with the law and will guide future legislation in this important area.

Although gang-related criminality is most acute in Honduras, most Central American countries are affected. In a practical initiative funded by our Small Grants Scheme, we provided equipment to remove tattoos as part of a wider scheme to rehabilitate former youth gang members in San Salvador.

Tackling the sexual exploitation of children in Cambodia is a priority. Our objective is to reduce Cambodia's current attraction as a risk-free centre for child sex abuse. Over the past year, our Embassy in Phnom Penh has been involved in initiatives to this end, funded by GOF, Drugs and Crime Fund (DCF) and the Small Grants Scheme. Our work includes:

- training for Cambodian law-enforcement agencies, the judiciary, government officials and NGOs by the UK's National Criminal Intelligence Service to help these organisations combat sexual abuse of children;
- support to a local legal services NGO, which provides free legal assistance to child victims of rape and trafficking;
- training for medical professionals dealing with the aftercare of child victims of sexual abuse;
- drafting a framework law to counter the production, possession and distribution of child pornography; and
- providing IT equipment to specialist units of the Cambodian national police dealing with child protection.

In addition, we engage with the Cambodian authorities bilaterally and with international partners. The government is aware of our concerns and has stated its commitment to working with us, and the international community, to combat sexual abuse of children. Although there have been successes, much work remains to be done in developing law-enforcement agencies and improving the work of legal and judicial professionals.

Key articles and speeches

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1. 'UN Commission on Human Rights: A forum for cooperation'

Location: UN Commission on Human Rights, Geneva
Speech date: 16/03/05
Speaker: Bill Rammell

Let me open by congratulating you on your election, Mr Chair. The weeks ahead will be a challenge - but a worthwhile challenge. We wish you well in your tasks and you can count on our full cooperation.

May I also take this opportunity to welcome Louise Arbour to her first Commission as High Commissioner. You have the UK's full support in carrying out your important mandate.

This year, as the UN considers how to respond to the suggestions for reform and improvement of the UN made by the High-Level Panel, and as we assess what progress the international community has made on the goals we set

ourselves at the Millennium Summit, it is perhaps a fitting time for us also to stand back and remember why we are meeting here again this year.

In one sense, it goes without saying. We at this Commission are here to protect and promote the human rights of the people of our own countries and around the world.

But in another sense it seems all too easy to lose sight of this point. Too often this Commission opens itself to charges of politicisation and discord. Too often, regrettably, members of this Commission have seemed more focused on averting action than on fulfilling its mandate to promote and protect human rights.

The report by the High-Level Panel seeks to address this with suggestions to improve this Commission's workings. This is not the place to go into the details of that report. But I believe the report does reflect the vital position human rights has in the work of the international community: not simply in terms of

upholding international standards for their own sake, but also because of the importance of human rights to so many of our other goals – sustainable development, economic prosperity, security and peace.

These are ambitious goals. But they are directly related to our work here. So if we care about these broader international goals, it is vital that we do our work here in a professional manner, and in accordance with the mandate of this body. We owe it to ourselves, and we owe it to the countries which we represent. But above all, we owe it to those whose rights we are here to uphold – those who, for whatever reason, find they are struggling to claim or enjoy their rights.

Those who are unable freely to elect their leaders, who are subject to torture, who are unable or unwilling to express their views out of fear. Those who are exploited, who lack adequate access to healthcare, education or food for themselves or their children, or who are persecuted on grounds of their political or religious beliefs.

We also believe this Commission should be a forum for cooperation, in promoting and developing human rights standards and in providing, where needed, assistance to individual countries who request it. Yet while there is always room for more standard setting, we must remember too that we have most of the tools we need in terms of legal instruments. Where we now need to focus our energies is on making them work: to implement those standards and achieve those aspirations.

This means addressing those situations where people are suffering under regimes which have little respect for their rights and are making no efforts to improve. Our first preference is always for cooperation, rather than condemnation. We all share the objective of improving the situation on the ground. There are many examples where we have worked constructively and positively to do so – with Colombia, for example, where we have funded human rights training of the Colombian military and funded human rights ombudsmen in rural areas.

But if cooperation is withheld, and we at this Commission failed to address those situations, we would end up focusing only on those countries which are working to improve their records, are cooperating with the UN mechanisms and are making a conscious effort to do better – while ignoring those who are making no such efforts and are continuing seriously and systematically to violate the rights of their citizens.

The European Union will be addressing many of those situations in its activities and statements over the next few weeks. But I would particularly like to highlight the situation in Zimbabwe,

where the past four years have been marred by systematic intimidation, violence and repression. The majority are suppressed by laws which target the rights of freedom of association and of expression. While some concessions are being made to improve the electoral environment before the 31 March event, the underlying situation is unchanged. Three of the last remaining internationally accredited journalists were hounded out on 11 February; the government closed the *Weekly Times* on 26 February. Those linked with the opposition continue to be intimidated and arrested. This is a regime determined to abuse basic freedoms and the rule of law to retain their powerbase.

I also think of my visit to North Korea last September. I was pleased that for the first time the North Koreans showed themselves ready to discuss human rights concerns. I was also heartened at the time when they agreed to consider further international engagement – through the head of our human rights department visiting and also through considering inviting the Special Representative. However, since then no action has been taken and I am concerned that this represents a backwards step.

I also raised two cases in particular with the North Korean government. I spoke to them about the Reverend Kim Dong-Shik, a South Korean with a record of involvement in providing humanitarian aid to North Korea, who was reportedly abducted from Youngbyun in China to North Korea in January 2000. Although the North Korean government has denied this, South Korea has since arrested Kim's alleged kidnapper. I also raised the case of the Reverend Ahn Seung-Woon, a South Korean reportedly abducted from China to the DPRK in July 1995. Since then he has been seen on North Korean television on at least two occasions. Yet he has apparently been unable to communicate with his wife and family in South Korea. The North Koreans told me that he had come to the DPRK of his own accord and was still alive. I asked that our Ambassador in Pyongyang be allowed to visit him to hear about the history of this case. We did not receive such permission and will continue to press for it.

It is cases like these which give the UK and its European Union partners enormous cause for concern. North Korea is widely considered to have one of the worst human rights records in the world. The increasing flow of refugees from the DPRK to the Republic of Korea increases the amount of information on abuses in the North, providing an increasingly coherent, credible and very alarming picture of a situation where arbitrary detention, use of the death penalty and political executions, torture, labour camps, extreme religious persecution and sanatoria for “non-conformists” are widespread.

These are examples of the kind of cases which it is this Commission's duty to address.

All this said, I must make clear that the UK itself does not pretend it is perfect. We are not. Neither we nor any other country can ever be complacent about its human rights record.

But respect for human rights is not about pretending to be perfect. It is about taking scrutiny seriously, about being transparent about our strengths and weaknesses, and doing one's best to remedy them. It is also about respecting the rule of law. An independent and effective judiciary is absolutely vital in helping states ensure the protection of the rights of their citizens. This can be further reinforced by the empowerment of non-judicial bodies to provide independent assessments of government performance.

A good example of this is the issue of torture and the independent monitoring of detention facilities by national and international bodies. The UK is firmly committed to the absolute prohibition on torture, cruel, inhuman or degrading treatment. We were the third state to ratify the Optional Protocol to the UN Convention Against Torture, and we encourage other states to do likewise, so that it can enter into force as soon as possible.

And of course the rule of law goes far beyond simply keeping our governments in check. It also is vital to creating an environment conducive to sustainable development, which in turn helps states progressively to advance the economic, social and cultural rights of their people.

In this spirit, where we have been found wanting, such as over the allegations of abuses in Iraq, we have investigated and the perpetrators have been punished. I should stress that over 65,000 British troops have served in Iraq: only 46 have so far been reported for offences and only 11 have so far been charged. But we do take these incidents extremely seriously and consider it imperative to address them clearly and transparently when they occur.

So, no-one is claiming we are perfect. But where we have been found wanting, remedial action has followed. We strive continuously to improve our record, just as we urge others to do the same.

This is also consistent with our view that membership of the Commission on Human Rights brings with it certain responsibilities. Last year I set out a number of steps the UK had taken while a member of the Commission, to improve its national protection of human rights. To that I now add some clear commitments for the future:

- We will cooperate fully with the Special Procedures of the Commission on Human Rights, and I here reiterate that any mechanisms requesting a visit to the UK will be accepted. We urge all states, especially members of the CHR, to commit to do likewise.
- We also commit, when tabling Commission resolutions, to be guided purely by the Commission's primary purpose - to promote and protect human rights.
- As part of that, we commit not to table or vote for any no-action motions, but to consider all resolutions tabled by any country in this forum on their merits.

This is the spirit in which we shall continue to approach our role within the Commission, and the basis on which I am pleased to announce we shall seek re-election in 2006.

Finally, let me return to the point I made earlier about why we are here. Our job here is to ensure that the voiceless, those who are hungry, weak or oppressed, are given a voice. Our job is to reassure them that though they may be out of sight, locked away in some dark prison, they are not out of our minds.

2. 'Securing a global arms trade treaty'

Location: Institute of Civil Engineers, London
Speech date: 15/03/05
Speaker: Jack Straw

Paul [Eavis], thanks for that introduction, and to you and everyone at Saferworld for the leadership which you are showing on this issue and for organising this event today. Let me also thank John Lloyd, our chairman, and the Institute of Civil Engineers for providing this venue.

Ladies and Gentlemen,
 It's difficult to think of a time since the Cuban missile crisis when the threat from weapons proliferation has occupied so much political and public attention.

Weapons of mass destruction

The debate on military action in Iraq centred on how best to deal with the threat posed by Saddam's flouting of his disarmament obligations. In Libya, work by the US and the UK persuaded the regime to announce in December 2003 that it would give up its weapons programmes and rejoin the international community. We have worked with a remarkable number of countries from several continents to close down the global proliferation network centred on the Pakistani scientist, A.Q. Khan. And the UK, with France and Germany - the 'E3' - is continuing the process of engagement with Iran to ensure that its nuclear programme is solely for peaceful purposes. In this

regard I greatly welcome President Bush's decision announced last Friday actively to support the E3's work.

These issues were and remain of enormous importance to the UK's and the world's security - and a priority of our foreign policy. The Review Conference of the Nuclear Non-Proliferation Treaty this May will be a chance to affirm that it is in all our interests, not just those of the West, to avoid the spread of weapons of mass destruction.

But this threat is by no means the whole focus of our work on non-proliferation - nor should it be.

In comparison with 'weapons of mass destruction', the term 'conventional weapons' sounds bland. But the spread of conventional weapons has a profound effect on international security and prosperity and on our own well-being at home. Controlling that spread therefore requires action by the whole international community.

I want to explain today the part which the UK is playing in that work; and how we want to intensify it in the years ahead.

Threat from conventional weapons

But let me begin by explaining why this threat is so important.

George Orwell once suggested that 'ages in which the dominant weapon is expensive or difficult to make will be ages of despotism; whereas when the dominant weapon is cheap and simple, the common people have a chance'. [Essay, 'You and the Atom Bomb', *Tribune*, 19 October 1945.]

I disagree. The fact is that relatively 'cheap and simple' conventional weapons, whether the guns of bandits and rebels, the bombs of terrorists or the tanks of repressive regimes, account for an enormous amount of avoidable human misery across the world, and hit the poorest and most vulnerable worst of all.

The statistics make sobering reading.

Almost one person every minute is killed by a bullet from a gun. The first piece of modern technology which a child in parts of the developing world will see is often a Kalashnikov.

A Congolese NGO has estimated that there are up to 800,000 illegal small arms in the Democratic Republic of Congo - a country where six years of conflict have caused millions of deaths.

In Sudan, it is, again, conventional weapons which are used by all sides to bring such terrible suffering to scores of thousands

of people. Yesterday, we heard a United Nations estimate that over 150,000 people have died in Darfur. Most have perished not from armed violence but from starvation; but the conditions of starvation have been enforced by guns.

The impact of readily-available, cheap and simple weapons is greatest where there is internal conflict and civil war. But it goes far wider.

Cities around the world are made more dangerous by the presence of guns on their streets - often in the hands of rival organised gangs. It is estimated that more than a tenth of El Salvador's GDP is lost due to violence, double the amount of government spending there on health and education. That is just one example of the appalling levels of armed violence across Central America as a whole. Meanwhile terrorists seek every kind of conventional weapon - from guns to bombs to missiles - for use in their despicable attacks.

The prevalence of such weapons plainly creates a general climate of fear and insecurity, which holds back development; makes foreign investors stay away; and stifles people's hopes of building themselves a better future. In these ways the threat which they present goes far wider than the immediate violence which they inflict. And developing countries who spend already over-stretched budgets on armaments for which they have no clear need, are bound to have too little left for health, education and vital infrastructure.

The threat from the spread of conventional weapons therefore has an impact across the whole range of international policy - bringing development and security, as ever, together.

And in making the world less safe and less prosperous, there is an impact on Britain's own security and prosperity at home.

Effective global arms control

When we came into Government eight years ago we were determined to work for more effective global arms control.

We started from the conviction that Britain's strength in the global defence market - a strength which we want to maintain - brings with it a responsibility to ensure that we operate and trade in a way which is transparent, responsible and accountable.

One of the first acts of my predecessor as Foreign Secretary, Robin Cook, was therefore to set out a new, transparent and accountable approach to the licensing of the UK's defence exports.

We published new national criteria for decisions on arms export licences in 1997. Through the 2002 Export Control Act, which came into force last May, we have honoured our pledge to modernise the legal framework for the UK's export controls - the most radical reform of this legislation since the 1930s.

We have made accountability a focus of our policy on export licences - because while outside scrutiny isn't always comfortable, it is what makes governments work most effectively. Our Annual Report on Arms Exports, probably the fullest and most transparent of any European nation, is now in its eighth year. Last July, we added to that a new Quarterly report, now available on the internet. I and other Ministers regularly go before the Quadripartite Committee of Parliament on arms control, which combines senior members of four Select Committees, to respond to questions and criticism both on individual licence decisions and on our policy as a whole. It's this external accountability, as I've said, which makes the internal processes effective. If as a Minister you know that your day-to-day decisions are to be scrutinised in this way, it concentrates your mind and those of the whole official machine of government on ensuring that decisions are justified and justifiable.

Our work here in the UK represents an important record of achievement. But acting on our defence exports alone is far from enough.

We have therefore sought to make this country a leading player in work for better conventional arms control around the world.

It was through a linked initiative of Robin Cook that the UK drafted and then got adopted the EU Code of Conduct on Arms Sales, under our EU Presidency in 1998. The Code sets clearer and better standards than ever before for arms export licensing. It included an important new mechanism under which an EU country must consult with others if it receives an application essentially similar to one already refused by another member. We are now close to agreeing a revised Code, which will include new provisions on arms brokering, transit and transshipment and on the electronic transfer of technology.

We are strong supporters of the UN Programme of Action on Small Arms and Light Weapons and of the growing discussion in other UN bodies on this issue, notably in the Security Council.

To support the UN Programme of Action, the UK launched in 2003 the 'Transfer Controls Initiative', aimed at securing international agreement to common standards on small arms and light weapons transfers at the UN Programme of Action Review Conference next year. This Initiative is based on a bottom-up approach, working through dialogue, meetings and

workshops around the world to establish common ground. We have recently funded regional seminars in Buenos Aires, Nairobi and Managua, which made excellent progress; and we are planning more.

Practical support for weapon destruction and management

Yet even if the arms trade came to an end tomorrow, there would still be countless millions of weapons, many illicitly held, in circulation around the globe. Alongside our strong political engagement, therefore, we have greatly increased the UK's practical support for weapons destruction and management - making the UK the largest and most influential international donor in the fight against the spread of conventional weapons worldwide.

Over the last years, the UK Government has funded equipment and programmes for weapons destruction in countries such as Afghanistan, Albania, Bosnia, Kenya, South Africa and Mozambique. We have given £7.5 million to support the UN Development Programme's work on weapons collection and destruction in over 25 developing countries. And for 2004-07, we have allocated £13 million to implementing the UK Small Arms Strategy.

We fund projects such as a new gun-crushing facility for the Jamaican police, to allow them safely to destroy seized illegal weapons - an initiative which should be operational in the next few weeks. We support programmes to reduce armed violence, such as that run by Viva Rio, a local NGO in Rio de Janeiro, which is working through mediation, community policing and neighbourhood campaigns. Weapons amnesties and destruction ceremonies, with strong support from local communities and the state and federal governments, have now become regular events in Rio - with over 300,000 weapons surrendered and destroyed.

Through the United Nations, we are supporting weapons destruction and stockpile management programmes elsewhere in Latin America. And only three weeks ago we announced £400,000 of funding towards a NATO project destroying weapons such as surface-to-air missiles in Ukraine. Such projects ensure that these weapons cannot be diverted for use in violent crime, conflict or terrorism.

Securing a new International Arms Trade Treaty

I am proud of the commitment, both political and financial, which the UK is making on conventional weapons proliferation. But in all of this, one crucial element is still missing.

We have global, legally binding treaties covering chemical, biological and nuclear weapons - and global mechanisms to

implement them. Yet we still have no such legally-binding international treaty on conventional arms exports - weapons which per item are plainly less lethal than a nuclear or chemical bomb, but which account today for far more misery and destruction across the world. That is a gap which I want the international community to fill.

I therefore announced last September that the UK would work with others to secure an International Arms Trade Treaty. The final shape of the Treaty will of course depend on the outcome of negotiations - which are bound to take time.

But just because this is an ambitious vision does not mean that we should be discouraged from starting work. In 1997, the Ottawa Convention on Anti-Personnel Landmines was only a visionary idea, and at first negotiating it was an uphill struggle against a lot of scepticism, with people saying that the time wasn't right or the problem was too large. But the Convention is now a reality, with 144 signatories, producing tangible results on the destruction of landmines and on banning their trade - and changing the political climate to make the use of landmines unacceptable around the world. That shows what can be achieved.

So today I want to suggest six points to guide our work for a new Arms Trade Treaty.

First, we should be clear that our goal is not a voluntary agreement or a talking shop, but a treaty which is legally binding on all its signatories, putting on a firm statutory footing the principle of responsibility in arms exports. It should be negotiated in the United Nations and backed by the UN's authority. The global arms trade, bringing together security and development, is just the kind of issue highlighted as a priority in the excellent report of the UN Secretary-General's High-Level Panel, and on which the UN Secretary-General has made clear his wish to improve the UN's work.

Second, the new treaty should cover all conventional arms, not just small arms. I have already outlined the impact of small arms in some detail, and much existing work focuses on them. But a much wider range of military equipment and heavy weapons can be, and is, exported inappropriately, and should be included in a new treaty. We don't want to leave gaps between weapons of mass destruction and small arms, which unscrupulous nations and exporters can exploit.

Third, this should be a separate, self-standing initiative. A new arms trade treaty will need to build on the good work done elsewhere, notably on small arms and light weapons under the UN Programme of Action and the UK's own Transfer Controls Initiative. It should obviously draw on our experience of the EU

code of conduct. But it should neither be governed by those processes nor in turn should it undermine progress on them, notably on initiatives at the United Nations.

Fourth, the treaty's provisions should be based on certain core principles, which make clear when exports would be unacceptable.

Every nation has an inherent right to self-defence, solidly enshrined in the Charter of the United Nations - and needs to equip domestic police and security forces adequately, but reasonably, as they safeguard public security and the rule of law and ensure their own external defence. But under the same UN Charter, the UN Declaration on Human Rights and other international law, states are equally committed to certain basic standards of behaviour and policy.

Those commitments should form the bedrock of international criteria to be contained in a new arms trade treaty. Such criteria should include whether exports may be used to abuse Human Rights or breach International Law; whether they may fuel internal or regional conflict or tension; and the risk of their being diverted to terrorists or other undesirable end-users. And the Treaty should include provisions on arms brokering; on transit and transshipment of arms; on licensed production; and on government-to-government transfers.

Fifth, the new treaty needs an effective mechanism for enforcement and monitoring. As a minimum that should include an obligation for its signatories to impose criminal penalties on those who flout its rules. A treaty will, I suggest, also require a mechanism for collating information, liaising with regional organisations and following up allegations of breaches with signatory states. And there will need to be arrangements for sharing timely information on the denial of export licences between the signatories, as there are under the Wassenaar Arrangement in respect of dual-use goods and the EU Code of Conduct. For without enforcability mechanisms and information-sharing, a treaty would risk being one simply on paper, not in fact.

Sixth and finally, the new treaty needs to include a wide range of signatories, including the world's major arms exporters.

I certainly do not underestimate the difficulties of that. Many nations are concerned that a new arms trade treaty may restrict their defence industries; constrain their foreign policy; and lead to constant legal challenge of export licence decisions. Their approach may initially be one of scepticism, at best.

But in order for it to work properly, a new arms control treaty will need to include as many of the world's nations as possible -

especially those with strong defence industries of their own. So we need to start by persuading our international partners that a more transparent and effective international regime on arms exports is in all our interests.

The basis for beginning that work is there - from the longstanding efforts of our partners such as Costa Rica and Finland, to the calls by the US Congress and the Spanish Parliament for a new and transparent regime for global arms transfers, to a clear statement of the need for a new treaty in the report of the Commission for Africa published last Friday.

We now need to step up our efforts.

I will be putting the subject of a new arms trade treaty on the agenda for the G8 Foreign Ministers' meeting, which I will chair this June. And of course I'll be pursuing the issue with EU colleagues, including during our Presidency of the EU in the latter half of this year.

I am also asking my officials to convene a meeting of experts before the summer, open to all those countries who want to engage with us positively in working for this treaty, to begin the work of building consensus on the technical aspects of a new treaty.

On all of this, I want us to work closely with those outside government.

Saferworld and other organisations are doing a great deal of really commendable work to promote the concept of an Arms Trade Treaty, and to work on its possible form and content. That input will be vital as this process continues, not just in building support here in the UK, where there is I believe already a good deal, but in putting pressure on other governments and parliaments around the world to deliver active support for a new treaty. For if the result is to make a real difference, it must be shaped by the needs of those most affected, especially in the developing world. NGOs have a crucial role in making those views heard.

In sum, for this initiative to succeed it must be built on the widest-possible partnership. That means one between the developing and the developed world, based on an understanding that arms control is a question which affects us all. And it means partnership between governments, international organisations and civil society. And above all we must understand that although this issue sounds technical - just as the provisions and language of a new treaty will need to be technical in order to work - this is not simply a technical exercise or one confined to experts. It's about putting into practice values which I, my party and I think all of us hold dear:

equality, justice, respect for human rights and crucially for the right to life without which there can be no right to liberty.

We are at the start of what may be a long process. But our commitment to a new treaty to control the trade in conventional weapons which blight so many lives is clear. I hope that all of you here will work in partnership with us as we seek to make that a reality.

3. 'Promoting democracy: a progressive foreign policy agenda'

Location: The Fabian Society, London

Speech date: 10/03/05

Speaker: Jack Straw

I want to talk today about the emergence of democracy in the Middle East.

It's clear that something pretty remarkable is going on.

Ten days ago, the new, democratically elected Palestinian President, Mahmoud Abbas, came to London and set out his plans for reform and for building a democratic state of Palestine.

In Lebanon, we have seen the power of people in action, particularly the young; and we have seen the diversity of views on the street. The international community is united in calling on the government of Syria fully to comply with United Nations Security Council Resolution 1559 and withdraw from Lebanon. We want to see a new government chosen without foreign interference, and acting in the interests of the Lebanese people in preparing for free and fair elections in line with the Lebanese constitution. In that regard, I was very unhappy - as I know are my colleagues in the French and US governments - at the news that President Lahoud has asked the prime minister to reappoint essentially the same government in Lebanon. I hope that it will be an interim government only, and that the Lebanese will get the free and fair elections to which they are entitled, along with the withdrawal of Syrian armed forces and, even more importantly, of Syria's intelligence apparatus from Lebanon.

In Iraq, eight million people defied terrorism and intimidation to vote in their country's first fully democratic elections - a turnout of 58 per cent comparable, despite the enormous risks, to that in the UK at the last election. That tells us how the value of democracy beats inside the heart of every human being.

In Afghanistan, President Karzai, himself newly elected through a democratic process, is preparing for legislative elections later this year, something unimaginable only four or five years ago.

Saudi Arabia held municipal elections last month - a small but important step on a process which the Saudi government has said it will expand. Just two weeks ago I shared a platform with Prince Saud, the Saudi Foreign Minister, who told me of his government's programme to introduce democracy to Saudi Arabia, including votes for women.

Countries such as Morocco, Qatar, Algeria, Jordan and Bahrain are moving ahead with reform. Egypt is debating an amendment to its constitution that would allow contested and direct presidential elections, potentially opening up political life to a degree unprecedented in its national history.

It will be for historians to judge - at greater distance and detachment than I can offer - just how much the end of the Saddam regime in Iraq and the free elections there in January, have contributed to what is now happening across the Middle East. But I do not buy the claim that all this has nothing to do with Iraq or America or the west. And I certainly don't buy the argument that the burgeoning of democracy, as some seem to be claiming, could even be the dawn of a new dark age.

A combination of factors is clearly at work, amongst which are also the elections to the Palestinian leadership, and the explosion of information through stations such as Al-Jazeera and through the internet. One of the things, which in the end the Soviet Union simply couldn't ignore was the spread of television sets, allowing people to receive information and to be influenced by it.

But more important than the question of what is behind this wave of change, is that of how best we can support it. For this is a process which is greatly in the interests of the Middle East, of the UK and of the whole international community.

Reform and modernisation are urgently needed if the Middle East is to meet the enormous challenges which it faces. The World Bank has estimated that the region needs 100 million new jobs by 2020, as young and rapidly growing populations move into a labour force, which by that date will be almost twice as numerous as it is today. Despite its oil wealth, and the recent great increases in oil prices, the Middle East has one of the lowest regional rates of foreign investment in the world. To turn that around and promote domestic growth will require both political and economic reform, so as to entrench stability, transparency and the rule of law, and to reduce corruption.

As part of this there is a security challenge too. Terrorists and extremists exploit any sense of disenfranchisement and discontent to win new recruits for their hideous violence in the Middle East and around the world. They thrive where people's faith in politics based on dialogue is weak or non-existent.

So political reform in the Middle East is the best long-term recipe available for allowing the people of an enormously important region to realise their potential; and for defeating the threats to their and our security.

In other words, realism and idealism coincide. It's a reflection of the inter-dependent world in which we live, where others' security and prosperity directly affect our own, far more than ever. Realism and principle came together in this Government's decision to take action against ethnic cleansing in Kosovo, civil war in Sierra Leone, and tyranny in Afghanistan - because those situations both outraged our sense of morality and threatened Britain's interest. They coincide in our doubling of the UK's aid to the poorest nations, for poverty is both a scar on the world's conscience and a brake on its progress. And realism comes together with Labour's strong internationalist tradition in the powerful imperative of supporting the emergence of democracy in the Middle East.

So let me return to the question which I posed at the outset: how best can we support that process of change? Let me make five points.

First, we must come to this with a good deal of humility.

Change is rarely quick or simple. We know well from our own history that the constitutional arrangements, which we have today in the United Kingdom, are the result of a long and often passionate and violent struggle. And it is in the nature of democracy to be always a work-in-progress. Most countries in the European Union have a history of democracy measured only in decades; eight have enjoyed it for only 15 years.

We cannot come with a model to impose. Democracy comes from within, and the shape it takes will depend on the circumstances and traditions of the country concerned. That is clear from the variety of arrangements in democracies around the world today - including in Europe, where despite our common values there are remarkable differences between nations' own democratic institutions. In supporting change, we must respond to the needs and aspirations of the governments and people of the Middle East themselves.

I have set up in the Foreign Office a special unit to do that - engaging with the Islamic World and promoting reform. I am doubling its budget for the coming year, to support projects focusing on the rule of law, good governance and the advancement of women. And we have put human rights and democracy at the centre of our dialogues with the countries of the Middle East.

Humility and responding to the needs of the region are vital. But they are not to be confused with a misguided angst about what some caricature as the “imperialism of ideas”. That’s a cop-out. For a free world, we need above all a free market in ideas.

We’re sometimes told that democracy is a Western value; and that promoting it reflects a Western agenda, which we are seeking to impose on others. That is a condescending and ignorant position and I utterly reject it. My second point is that the aspiration for democracy is universal; and the benefits which it brings should be open to all.

The claim that the Arab world does not want democracy simply doesn’t stand up to scrutiny. Many of those Iraqis at polling stations attacked by terrorists on 30 January simply helped the wounded, or got themselves bandaged up, and then went back to their place in the line to wait patiently to vote. There could be no more powerful and moving sign of their determination to have a say in the decisions which affect their lives. And that same enthusiasm for democracy is clear across the region. Nor is there any justification in the idea that it is the Islamic religion itself which is a block on the growth of democracy – again a view which is ignorant and condescending.

The United Kingdom’s two million Muslims play a full and energetic part in our democratic process. Indonesia, the world’s largest Muslim country, made a peaceful transition from dictatorship in 1998 and held democratic, peaceful Presidential and legislative elections last year, widely praised by the European Union and former US President Carter. Turkey, under an Islamic Democratic Party, has enacted a truly remarkable programme of reform, leading to its opening EU membership negotiations, and embraced the values of democracy to a staggering degree in such a short time. It is not Islam which is incompatible with change – but rather those who use it to justify an opposition to the change, which so many of their fellow Muslims seek.

The West’s share of responsibility for the lack of democracy in the Middle East to date is not down to too much enthusiasm for promoting democracy, but too little. The approach has often been tactical rather than strategic, preferring a known status quo to an unknown process of change, and claiming that the time was never quite right. Today, we realise that this is a false choice. We heard the same fears about democracy in southern Europe, where some in the 1970s said that we couldn’t trust countries such as Greece with democracy; and in South Africa in the 1990s. History has shown those supposed anxieties to be misplaced. Change in the Middle East won’t always be easy or smooth. It never is anywhere. Democracy involves difficult choices for governments between short-term and long-term aims. But the West cannot go back to the days of supporting

unsatisfactory stasis over unpredictable change. We must set democracy as our compass, both in that region and with our friends and partners elsewhere, including Russia and China.

For democracy is the best possible guarantee of sustainable, long-term security and prosperity there is.

No two full democracies have ever made war on each other – astonishing, but true. And the development of democracy can create the conditions for sustained peace in even the most entrenched conflicts – as over the Falklands during the 1980s, or in Southern Africa and then Indonesia and East Timor in the 1990s.

The economist Amartya Sen has demonstrated that there are many other benefits. Famine and similar catastrophes are far rarer in even the poorest democracies than in countries where power is in the hands of the few – as the tragic examples of Zimbabwe, Burma and North Korea demonstrate. Moreover, democracy and the open societies which support it foster dialogue, enquiry and innovation, essential ingredients for economic success. Greater freedom leads to better policies; allows entrepreneurs to flourish; and creates dynamism and jobs.

Those who claim that promoting democracy is a Western imposition should look to its success around the world, from Latin America to Southeast Asia. It is not democracy which is an imposition, but tyranny.

My third point is that democracy is about more than elections.

I have said that it will differ from country to country. But there are basic tenets and values, which help to foster a democratic culture – one in which democracy is not just the holding of regular votes, but a stable and strong set of institutions and norms to underpin democracy between the votes.

Democracy must be based on the respect for individuals’ basic human rights. It requires government to be transparent and fair, adhering to international treaties and institutions, functioning courts and police and armed forces under civilian control. And it requires open societies, with free media, fair treatment of minorities, equal access to education and opportunity, open markets and free trade unions.

My fourth point is that to promote democracy requires the UK, and Europe as a whole, to work closely with the United States.

Here is where some on the Left start to object.

Faced with an American government of the right promoting a vision of how to change the world for the better, many on the left have become the staunchest advocates of the status quo. For them, President Bush's commitment to promoting freedom and democracy is simplistic, misguided or as simply a veil for more sinister motives. The traditional positions of realists and idealists seem to have been reversed. Indeed, one of the charges which we as students made in the 1960s and 1970s against the United States, was their support for non-democratic regimes in Latin America, in the name of stability. So a United States that is committed to the spread of freedom today should be embraced by all of us.

The background to the left's objections, of course, is the question of Iraq - which remains the subject of passionate debate and indeed of deep division about the rightness or wrongness of military action, which I understand and respect. But whatever the differences of opinion over Iraq, it would be highly dangerous for the left to settle into a comfort zone as the opponent and critic of American power and American objectives in the world.

The left has always believed in the power of politics to change things for the better - and in the extension of freedom and democracy. Today, we have a better chance than ever to promote that in the Middle East. When an American President states that "the best hope for peace in our world is the expansion of freedom in all the world", we should hear the continuing of the great tradition of Woodrow Wilson, Franklin Roosevelt, John F Kennedy and many others. And we should see an enormous opportunity to work with and to channel America's will to promote change and to pursue aims which have long inspired us.

The left should be seizing this opportunity, leading the drive to bring Europe and America together in support of democracy and freedom. But I am not arguing that we should be tacit partners. The UK and Europe as a whole have a lot to bring to the table, and an important role to play in shaping a common agenda.

America did not bring democracy to Europe on its own; rather American guarantees of security helped to create the conditions where Europeans could build democracy for themselves, through a combination of NATO's security umbrella and the development of European cooperation. The spread of democracy and freedom across our continent, a process continuing today in Turkey, Ukraine and the Balkans, has come about not least through the magnetic power of Europe's values and achievement. The challenge of spreading those values to the Middle East is perhaps as important,

though different, as Europe's mission to entrench democracy to the East in the 1990s.

Europe brings strong practical links with the Middle East through a common history, through geographical proximity and through the ties of trade, of aid - €1 billion a year from the EU alone - and of political cooperation today. We need to be using those links and those resources better to support a commitment to democracy, good governance and human rights. As we review the EU's relationship with the region under the UK's EU Presidency, at the 10th anniversary of the Barcelona Process later this year, we will look to strengthen that emphasis further.

Already Europe, with France in the lead, is working closely with the US on Lebanon. Through the G8, which the UK chairs this year, we will be building on the partnership for reform in the Middle East agreed last year, which involves not just governments but civil society and business.

I am determined that the United Kingdom play our full part in uniting Europe and the United States in a single common purpose, supporting modernisation and reform in the Middle East.

My fifth and final point is in the form of a challenge. I have spoken a good deal about the government's views. But democracy is not built by governments from the top down. It is achieved and supported by people themselves, by the society which they shape and the institutions which they create and maintain.

Civil society, politicians, parties and the media in the Middle East are crying out for nurture and support. My challenge to progressives everywhere is to offer that support - by building networks and dialogues, by explaining our own political frameworks and processes, by offering your own experience and support, as the Middle East seeks to build the culture in which democracy can flourish.

Change and reform in the Middle East will not happen overnight. And, as in Lebanon, they must be led from within. But progressives know better than anyone the power of democracy as an instrument of social justice and as a tool for the realisation of human potential. And we know the Middle East's importance to our foreign policy and to the international community as a whole.

Supporting the emergence of democracy in the Middle East and around the world must be a central part of a progressive foreign policy, and a task for all of us. This is the time to re-affirm our commitment to that.

4. 'Forced marriage unit to be a one-stop shop for those at risk'

Event: Launch of the Forced Marriage Unit
Location: FCO, London
Speech date: 26/01/05
Speaker: Baroness Symons

Ladies and gentlemen, thank you for coming to the launch of the Government's new Forced Marriage Unit. I am delighted that the many professional and voluntary organisations, who help those who have to face a forced marriage, are here today.

The Forced Marriage Unit was first set up as the FCO Community Liaison Unit, a little over four years ago, to handle cases of British citizens forced into a marriage overseas. Over the past four years the Unit has helped more than 1,000 people who have been confronted by forced marriage. Fifteen per cent of these have been men and boys. Working closely with our Embassies and High Commissions, the Unit has also helped to rescue more than 70 British people every year from a forced marriage overseas and bring them back to the UK.

As the Unit's work grew we realised that we needed to start tackling the problem of forced marriage at its roots, here in the UK. So the Unit has built up a domestic network working closely with NGOs, women's refuges and the public sector. At the time the Unit was established, there was a common misconception that forced marriages and arranged marriages were one and the same. One of the Unit's achievements has been to raise awareness that a forced marriage is very distinct from an arranged marriage. As you know only too well, an arranged marriage has the willing consent of both parties. A forced marriage is nothing less than an abuse of human rights. The Community Liaison Unit has had considerable success, thanks to the support it has received from the social services, the police, voluntary and community organisations and Members of Parliament. Working together has been crucial.

The issues surrounding forced marriage cut across many areas of public life: health, education, crime and safety. We need to offer a coherent, government-wide support system. Which is why we have decided to create a new joint Home Office and Foreign Office Unit, expanding the breadth of experience and expertise within the existing Unit.

The new Forced Marriage Unit will pull together expertise from across our UK and overseas network. We want the Forced Marriage Unit to be a clearly identifiable central point on forced marriage issues. It will remain located in the FCO's Consular Human Rights Team as a 'one-stop shop', providing information and assistance to those who feel they may be at risk, as well as

the many professional bodies ready to support them. The Home Secretary will set out the initiatives the Government has taken to help raise awareness of the issues and tackle the problem of forced marriage.

The Unit has drawn up guidance to help the police and social services recognise and handle cases of forced marriage. I am delighted that similar guidance has just been completed to alert teachers and others in the education sector to the issue of forced marriage.

Within the FCO we continue to build our global network to tackle forced marriage overseas. All consular staff now receive training on forced marriage issues before taking up their postings overseas. We also hold regular regional conferences to update and improve our methods of tackling this abuse. Our Embassies and High Commissions overseas have worked closely with the Unit to establish a broad international network to help prevent forced marriages. This includes local NGOs, women's refuges overseas, foreign judiciaries, the police and local authorities and governments.

But no single agency can tackle forced marriage alone. International cooperation is vital. It has been invaluable in helping many young people escape forced marriage and return safely to the UK.

Likewise, in the UK, many of you here today from NGOs, refuges, the police and the public sector have worked in partnership with the Unit, contributing ideas, support and, above all, your combined commitment to tackling forced marriage. I want to thank you for your hard work and your continued support.

I should like to thank especially the survivors and victims of forced marriage, who have been brave enough to come forward and bring this problem out into the open. Narina Anwar, who is with us today, received an MBE for her courage in risking her own safety to speak out about her ordeal to help other victims. Narina worked at the Unit and continues to raise awareness of the issue of forced marriage and its potentially devastating consequences. And Zara Hussain, sitting alongside me, who will later talk about her experiences as a survivor of a forced marriage.

The Government is committed to tackling this abuse of human rights at home and overseas, so I am very proud to launch today the joint Forced Marriage Unit and the new education guidelines. I want to finish by thanking the members of the Unit for their hard work and dedication and all of you here today for your commitment and continued support. Your support has been essential in enabling the Unit to develop into a joint, cross-governmental force to tackle forced marriage comprehensively.

5. 'The role of business in promoting human rights'

Event: Business Leaders Initiative on Human Rights
Location: London
Speech date: 09/12/04
Speaker: Bill Rammell

I am particularly pleased to join you today on this first anniversary of the formal launch of the Business Leaders Initiative on Human Rights. May I congratulate your Chairman, Mary Robinson, and all those who have taken part in the initiative so far, for the work you have done to raise awareness of the important role business can play in promoting human rights.

Human rights are at the heart of this country's foreign policy, not only out of altruism but out of self interest. The more human rights are respected, the more stable and secure the world is - and that benefits not just others, but ourselves too. We act not just out of firm conviction that the human rights of all must be protected. But because we have a direct and material interest in building the conditions for sustainable global security and prosperity and fostering responsible international partnerships. And, bluntly, states which protect human rights tend to be stable, prosperous and reliable business partners. States which don't aren't in that position, and we can't go forward.

And in doing business overseas the private sector has a crucial role to play in promoting and protecting the rights of their employees and in encouraging their local business partners to act similarly. All companies have a responsibility to conduct their business ethically. Which is why we certainly encourage businesses to think carefully about the economic, social and environmental impact of their operations on a particular country and to work with the local community there. A well-trained workforce will undoubtedly improve productivity and competitiveness. But, more important, companies which invest in the well-being of their employees do win respect and trust from employees, from governments and from the corporate sector and the public as a whole. That is undoubtedly good for future business.

I think it is worth celebrating that British companies have a good record in this area. About 80 per cent of the top 100 companies listed on the Financial Times Stock Exchange now provide information about their environmental performance or social impact. Many UK companies are regarded as trendsetters for Corporate Social Responsibility (CSR) initiatives. But your members too are at the forefront of community engagement.

The Body Shop's Children on the Edge programme helps to alleviate suffering of children worldwide. That began by helping children in Romanian orphanages. It focuses on crucial issues, such as medical care and socialisation. Barclays is working on how initiatives such as the Equator Principles - to assess and manage environmental and social risk on project financing - can have a positive impact on protecting human rights. Novartis is working to combat leprosy, bringing new hope and self-confidence to those who may have to suffer from the social stigma and disfigurement that goes with the appalling disease. British NGOs, the International Business Leaders Forum and Business in the Community, as well as your group, are all therefore playing an active role in the Corporate Social Responsibility debate.

There are many initiatives involving states and business, which have significant human rights and CSR elements: OECD Guidelines for Multinational Enterprises, ILO Declarations and Conventions, UN Global Compact, Voluntary Principles on Security and Human Rights and other wider international human rights standards drawn fundamentally from the Universal Declaration of Human Rights.

Many businesses adhere, too, to the Voluntary Principles on Security and Human Rights. Those principles bring the security and human rights management of oil and gas facilities in developing countries onto a transparent footing. The Voluntary Principles are a set of principles, which bring together business, government and NGOs. They importantly provide a forum in which government, NGOs and business can engage in an atmosphere of trust and confidentiality. Those Voluntary Principles aim to ensure good human rights observance at company installations.

I also think it is worth highlighting the success of the Kimberly Process, which means that the conflict diamond trade has dwindled to almost zero and has broken the taboo that nothing can be done about armed conflict and natural resource exploitation in Africa. I think the process is a superb example of government, business and NGOs working together.

UN Commission on Human Rights

So I welcome the decision reached at the 2004 UN Commission on Human Rights to ask the Office of the High Commissioner for Human Rights to compile a report on the scope and legal status of these existing initiatives and standards, including the UN draft Norms, which the UK and many other nations felt made a useful contribution to the debate, but that more work was needed to identify a way forward. I certainly welcome your efforts in this area.

The UK was at the forefront of efforts to broker a resolution that was acceptable to all. We want the report to consider how best to move forward at next spring's Commission session. Our objective is to strengthen the promotion and protection of international human rights and to maximise the contribution business can make. We have consulted a wide range of companies and NGOs and continue to do so. We certainly hope the High Commissioner's Office will do likewise as they compile their report.

I think it is vital to encourage states to implement and enforce national measures, to ensure the protection of human rights within their territories.

So certainly we recognise that there may be exceptional circumstances in which a state is unable or unwilling to enforce such standards. So we acknowledge the arguments for exploring alternative approaches. I think companies and other stakeholders can play an important role in working with states, to create frameworks to help promote good human rights observance. It is our responsibility, as a government, to implement and enforce human rights law. But the support of business is crucial if we are to succeed. So I hope the report will build on what has already been achieved and help move towards a universal consensus on the minimum standards of behaviour that are expected of companies with regard to human rights. I do welcome the important contribution the Business Leaders Initiative on Human Rights has made to the High Commissioner's report and look forward to continuing to work with you on this issue.

Corruption

Mary Robinson also mentioned corruption. Battling corruption is central to our human rights policy. And today is International Anti-Corruption Day. It is a year since the UN Convention against Corruption was signed in Mexico. The British Government certainly hopes to ratify the convention at an early opportunity.

I think there is a correlation between corruption and human rights abuses; a government or elite which tolerates or relies on routine corruption is less likely to have a positive attitude towards protecting the human rights of its citizens. And it is the world's poorest who are at the highest risk. Transparency International's Global Corruption Barometer suggests that nearly twice as many people living on low incomes feel that corruption affects their lives "very significantly", compared to those on high incomes.

When you look at the statistics, corruption can undermine the provision of basic public services. In Pakistan, where the average annual income is \$410, people have to pay an astonishing \$86 bribe for education services. Bangladeshis, earning on average

no more than \$360 per annum, have to pay a \$33 bribe for hospital treatment. The World Bank has estimated that countries which tackle corruption effectively and improve the rule of law, can increase their national income by as much as fourfold. I think it is a staggering statistic of the progress that can be made.

When Kofi Annan added the 10th principle to the UN Global Compact, he put the spotlight on the essential contribution that the private sector can make to fighting corruption. A 2002 survey indicated that Russian businesses pay more than \$30bn in bribes, about the same as the revenues of the national budget. Transparency International suggests that a decrease in corruption by one point on a 10-point scale increases FDI by 19 per cent. Just think how many jobs, schools, hospitals and infrastructure improvements could be created by an economic boost of this magnitude.

Many British companies make significant efforts to improve transparency in their sectors. The Extractive Industries Transparency Initiative, launched by the Prime Minister at the World Summit for Sustainable Development in Johannesburg in 2002, aims for greater transparency of payments made by companies in the construction, oil, gas and mining sectors to governments and government-linked bodies. Governments can be held to account over payments received and it becomes more difficult for companies to mismanage or divert funds. Again many NGOs are closely involved in this process. I think that is a cause for celebration.

We certainly hope that this initiative will improve the business environment, in particular in developing and transition economies, and help them attract more foreign direct investment. The Government is devoting significant resources to anti-corruption efforts worldwide. Through our overseas posts we are helping countries in Africa, Latin America and Asia to do practical things to combat corruption. We are doing this by helping them build the necessary administrative and judicial structures to create and enforce the law. I believe that this is the best way, not only to fight corruption but also to ensure that human rights law is actually implemented.

In conclusion I think no amount of international norms, codes of behaviour or best practice will improve human rights if there are inadequate or non-existent structures and experts to implement them.

And this is what we are trying to focus on in our broader international development work. We want to provide the tools for good government: a political, economic and judicial infrastructure where these have broken down or failed; a trained workforce and skilled professionals; basic and advanced

education; functioning public services. Once those are in place the economy can grow and the country will prosper. And that is very much in all our interests. Governments which respect the rule of law are more likely to create stable and prosperous countries than ones that do not.

Security and development underpin our international objectives and will be at the top of our international agenda in 2005, as we take up the G8 and EU Presidencies and work towards the review of the UN Millennium Development Goals.

We will work closely with our partners and with international organisations to tackle poverty, hunger and disease and help secure lasting development in the poorest regions of the world.

But we can only begin to achieve this if we all work together: government, business, NGOs and the media. Your knowledge and experience are crucial to helping the poorest trade out of poverty. Tomorrow is International Human Rights Day. I hope that we can continue to work together to help give every man, woman and child the chance of a decent life. In this 21st century, in this challenging and dangerous world in which we live, I think that is the very least we can hope for.

6. 'Peace is vital above all'

Event: Jack Straw speaks on Africa's development
Location: Cape Town, South Africa
Speech date: 26/08/04

Mr Premier, Ministers, Members of Parliament, Distinguished Guests, Ladies and Gentlemen.

It is humbling to stand here, where prisoners over the centuries embarked on the boats which took them to Robben Island prison. For millions of people around the world, Robben Island symbolised the courage and resistance of a people struggling against apartheid. It is the scene of a remarkable triumph of the human spirit.

My predecessor as MP for Blackburn and my political mentor, Barbara Castle, who served as chairman of the Anti-Apartheid Movement in the early 1960s, called the new South Africa "a great country that has fought a great battle". This year, as you celebrate 10 years of democracy, we all have another chance to congratulate South Africa on this, your great victory. There is no better place than here to do so.

We in Britain watched admiringly as South Africa this year held elections which were a model of fairness and good organisation. We all saw the images of those who walked for

hours to a polling station in order to register their vote - and some of us secretly wished that we could inspire the same fervour at home. We shared, too, South Africa's joy at winning the right to host the 2010 football World Cup, another symbol of your achievement in this historic year. Let me also congratulate you on the wise decision to choose your team's manager (Stuart Baxter) from what I like to think is the greatest footballing nation in the world.

Ladies and Gentlemen, I want to talk today about Africa, and what Britain and South Africa can do together to make this continent the success story of the 21st century.

I arrived here on Tuesday from Sudan. It is Africa's biggest immediate challenge: the world's worst humanitarian disaster and one of the world's longest-running conflicts.

The situation in Sudan represents a crucial challenge to Africa and the African Union. It will test the Union's ability to promote peace through dialogue and a political process, to establish and run an effective peace-support operation and to work with the rest of the international community.

The stakes are high and Britain is determined to help Africa to meet that test. We are already the leading bilateral cash donor to the humanitarian operation and the leading provider of support to the AU military mission. We are ready to do more if asked. I know South Africa will also be playing a leading role and I welcome that. I have already given impressions of my visit to President Obasanjo of Nigeria, who is hosting the Abuja talks on a political solution to Darfur, and to Mr Jan Pronk, the UN Secretary-General's Special Representative in Sudan. We now await Kofi Annan's report to the Security Council next week, on the basis of which the Security Council will consider the next steps it has to take to resolve the crisis.

Sudan is not the only challenge which we face over the coming months. We must also urgently tackle the situation in the Great Lakes. If Africa is to thrive, we cannot allow a conflict to smoulder at its heart, across an area the size of Europe. Nor can we allow the spectre of genocide to hover again over the continent. So we need to sustain and consolidate the peace deal worked out by the parties with such important support from South Africa. Britain is helping here too, with political engagement to push peace forward and deter renewed conflict, and practical help to the new transitional government in Kinshasa and the UN operations in the DRC and Burundi.

We must not allow the smouldering embers of conflict and tension between Ethiopia and Eritrea to re-ignite. Those two countries need to fight poverty, not each other. The boundary commission has pronounced and its decision needs to be

implemented; and both sides need to talk to each other. The AU can help to advance that process.

There are also many post-conflict societies in Africa which need help: Angola, Sierra Leone and Liberia, among others. Millions of people in those countries are still at risk. And we should also recall the stark fact that countries which have suffered conflict in the past are the most likely to suffer it again in the future. We all have an interest in preventing that from happening.

Nor can we ignore the places in Africa where instead of hot conflict, there is a cold war between the government and the governed. Zimbabwe is not the only country in Africa where a repressive government is pursuing policies, which are damaging its people. But it is a place where the damage is particularly severe.

More than seven million Zimbabweans, over half the total population, are now dependent on food aid whilst the government denies the need for international assistance. The region is suffering, too: economic costs, from the disruption of the regional economy and deferred investment, and social costs, as Zimbabweans seek a better life in neighbouring countries imposing additional strains on them. There needs to be an environment for free and fair elections in Zimbabwe, which fully reflect the new SADC principles and guidelines for democratic elections.

So I warmly welcome South Africa's sustained efforts to resolve the crisis in Zimbabwe. It remains important that you, and the rest of Africa, stay engaged to help the people of Zimbabwe return their country to health.

I began this review of Africa's hot problems with Darfur. In many ways, it encapsulates the challenges faced by Africa as a whole – conflict, famine and poverty. But despite the appalling suffering of far too many people on this continent that there are reasons for optimism in Africa which receive less attention than they deserve.

First, conflict across the continent is decreasing. Less than a decade ago there were more than a dozen hot wars in Africa: now there are only two or three. There are signs that the battle against AIDS can be won, with the infection rate being brought down in Botswana, the country most hard hit. If Botswana can do it, so can others. And economic growth is increasing: Africa's overall growth rate over the last five years has been higher than any other continent.

But what makes me most optimistic of all about Africa's future is the fact that democratic and accountable government is growing and spreading across the continent. In 1973 the number

of democratically elected heads of state in Africa came to a grand total of three; today there are more than 30.

Last month's African Union summit in Addis Ababa, where many leaders spoke out in favour of reform, was also an important moment. The fact that the summit heard a report on the human rights situation in Zimbabwe was unprecedented. Kofi Annan spoke eloquently of the need for "the new spirit of democratic empowerment" to "find a home in every African country" – a call for which many, including President Chissano as chairman of the Summit, showed their support.

So the political climate in Africa is changing: that, in itself, is excellent news. But even better is the fact that it is happening under African leadership, as Africans come together to address the challenges which they face. And this country, South Africa, has and will continue to have a central role in that process.

It is not for non-Africans to impose their own models or set the direction which the continent is taking. Indeed, given the Europeans' own bloody history in our own continent and in your continent, it would be ignorant, and arrogant, to suggest that we should do so. But the international community can, and must, do all it can to support the efforts of Africans to build a better future for their continent.

Beyond the immediate issues of the here and now, which I have touched on, lie the longer-term challenges which we need to meet together, if this beguiling and remarkable continent is to thrive in the new millennium. Let me set out some of those challenges.

First, we need a bigger and better international aid effort, targeted on those who need it most and spent on the projects and programmes which benefit them most effectively; and greater debt relief, linked to sound policies and good governance.

Britain's own aid budget shows our commitment to Africa. Last month, we announced a huge increase to build on a budget which has already doubled since the Labour Government came to power in 1997. Britain's Chancellor of the Exchequer, Gordon Brown, has come forward with the imaginative proposal for an International Finance Facility aimed at leveraging the power of world capital markets in the service of development. That could double again the amount of aid going to the world's poorest countries and make funding more lasting and more predictable.

Britain has announced a strategy for tackling HIV and AIDS in the developing world, backed by a commitment of £1.5 billion over the next three years, with most of that money to be spent in Africa. And we continue to put boosting human capacity at

the heart of our aid effort, with growing programmes both on education and the empowerment of women. Nothing can do more for Africa's future than more and better education - especially education for girls.

Aid is vital - but trade liberalisation offers even more to Africa. According to a study by the European Commission, a successful Doha Round could boost developing economies by \$150 billion, three times total aid receipts. Britain has therefore led the argument within the EU for removing barriers and subsidies, which keep producers in Africa and elsewhere out of world markets. We will continue that fight.

But peace is vital above all. It is the first condition of development. So Britain is strongly supporting the efforts of the African Union to forge its own capacity for conflict prevention and crisis management. We have helped to finance the African Union force that deployed to Burundi; we are financing the African Union force in Sudan; and we are providing practical, financial and political support for the implementation of the common African Defence and Security Policy agreed at last month's African Union summit.

But we recognise that we need to do more. Next year, Britain has an important opportunity, when we hold the Chairmanship of the G8 and the Presidency of the European Union.

Tony Blair has announced that we will put Africa at the centre of both our Presidencies. And he has convened the independent Commission for Africa, to put Africa back at the top of the international agenda; and to deliver greater international support for Africa, NEPAD and the AU. I am delighted that President Mbeki has so warmly supported the Commission, and that Finance Minister Manuel is serving on it.

Our hope is that the Commission for Africa will lead and shape the international debate and produce a set of recommendations which stretch the limits of international ambition. If the key points of those recommendations can be adopted by the G8 and the EU, and then by the UN Millennium Review summit in September 2005, the Commission will indeed have put Africa back at the top of the international agenda and set that agenda for the next decade. That would be no small prize.

But there are also things which we don't want the Commission to do. We don't want it to reinvent the wheel, because we all know already what are the main challenges that Africa faces and where many of the solutions lie. What is needed now is greater international and African effort to deliver on those solutions. The Commission can help to mobilise that.

Nor do we expect the Commission to reinvent or duplicate Africa's own policies - in particular, the aspirations and principles of NEPAD and the AU. Those principles are exactly right. Instead, we hope that the Commission will help Africa to deliver them. The Prime Minister has convened the Commission not because we want a radical new agenda, but because Africa already has one - in large part invented in this country - and we want the international community to support it.

Ladies and Gentlemen, the Commission for Africa is based on the principle that success can only be built on partnership - not individual nations working alone, but African and non-African countries working together, in a co-ordinated way, towards common goals. The same principle underlines the importance for Britain of our relationship with South Africa. Working together, we can continue to make a positive difference in Africa and around the world.

Our partnership is built on a firm foundation. We are long-standing friends, bound together by history and by the values of freedom and democracy, which we both proudly celebrate. Britain remains the largest overseas investor in South Africa. Our team from UK Trade and Investment here are working to our mutual benefit in areas such as education, healthcare, science and technology, transport and power, as well as in preparation for the 2010 World Cup. They are also helping South African companies who want to invest in the UK. Meanwhile Britain's development cooperation with South Africa is worth some £25 million every year.

In our action abroad, we are able to work together on many issues on the basis of our strong bilateral partnership. As friends, we do not always agree on everything. But when we disagree, we generally do so about the means to achieve our shared objectives, not the objectives themselves. We are both strongly committed to a foreign policy based on an effective multilateral world order. And our work together, in Africa and globally, is of vital and growing importance.

Perhaps most fundamentally, we share the desire to change the world for the better and the conviction that it is firmly in our own interests to do so. So the partnership which I want to see developing between South Africa and the UK is not just one based on our strong bilateral relationship, nor even on our action in Africa as a whole; but one in which we work together globally. I hope that we can build a stronger relationship not just to address the problems of this continent, but on global issues such as fighting proliferation and terrorism (tackling conflicts such as that between Israelis and Palestinians), addressing climate change and building a stronger international order based on justice, equity and the rule of law.

Robben Island reminds us that the point of politics is to make a difference. The same is true of foreign policy - whether addressing the challenges of Africa or helping to build a safer and more just world. And working together in partnership, Britain and South Africa can tackle those issues in the future even more effectively than we do now.

GOF projects

Human rights, democracy and good governance projects

Death penalty

Botswana

Death penalty project

This project aimed to improve transparency in the death penalty process and improve access to legal representation for those on death row. The project also supported ongoing civil society efforts to improve access to justice and heighten awareness of flaws in death penalty procedures. Expenditure for financial year 04/05: £20,500

Caribbean

Caribbean-wide human rights project

This two-year project, co-funded with the European Commission, was due to begin in 2004/05, but has been postponed until 2005/06 due to delays in co-funding. The project will help the implementation of a human rights infrastructure and the growth of civil society in Trinidad and Tobago and the broader Caribbean, with the eventual aim of replacing the death penalty. Activities include: development of a victim support unit; responding to human rights concerns via press releases, articles, media interviews and international conferences; research of information for inclusion in public awareness and education materials; and a mechanism to oversee the activities of local, regional and some UK interns on criminal justice and the death penalty. Budget for financial year 05/06: £32,483; for 06/07: £32,483

China

Strengthening defence in death penalty cases

This project is designed to reduce the use of the death penalty in China by strengthening the capacity and role of defence lawyers in capital crime cases. The project is part of a wider EU project to strengthen defence in death penalty cases, and is piloting a new module to train Chinese criminal defence lawyers in defence techniques in capital cases. Expenditure for financial year 04/05: £26,185; budget for financial year 05/06: £12,995

China

Narrowing the scope of death penalty application

This project builds on the success of a 2003 project to publish a series of articles in the national media promoting abolition of the death penalty for non-violent crimes. A series of events promoting arguments for the abolition of the death penalty for non-violent crimes has involved leading legislative officials, judges and policy-related researchers. Expenditure for financial year 04/05: £31,000

Kazakhstan

Death penalty: lobbying for legislative change

This project aimed to contribute to criminal reform in Kazakhstan. The Kazakhstan international bureau on human rights and rule of law focused on the abolition of the death penalty. Particular attention was paid to the status of people sentenced to death but covered by the moratorium. Expenditure for financial year 04/05: £9,200

Papua New Guinea

Capital punishment and violent crime

This project supported visits by two experts, one on the death penalty and the other on policing and reducing violent crime.

The two visits were opportunities to lobby the government on these issues and to provide education about alternative models. The project came at an opportune time, while Papua New Guinea considered its approach to the death penalty and penal reform. Expenditure for financial year 04/05: £38,146

Philippines

Continuing education for the judiciary and legal profession in the forensic applications of DNA analysis

This project aimed to increase the ability of the Philippines' legal profession to evaluate the merits of DNA evidence and legal testimony. Activities included training workshops, case analysis and meetings between legislators and the senate and house of representatives committees on justice, on science and on health to discuss how to legislate on DNA evidence. Expenditure for financial year 04/05: £15,000

Sierra Leone

Workshop on the "Right to Life"

A two-day workshop was held to train members of the Sierra Leone legal profession (including members of the judiciary and selected parliamentarians) on the national and international notion of the right to life. The training will further focus on the sentencing practices of the Special Court for Sierra Leone, in contrast to the national courts of Sierra Leone and will focus upon effective process in the context of exceptions to the right to life. Expenditure for financial year 04/05: £5,000

Uganda

Constitutional motion against the death penalty in Uganda

The purpose of this project was to support a Ugandan firm of barristers in preparing a case before the constitutional court, which challenged the implementation and application of the death penalty. The case succeeded and the death penalty was declared unconstitutional in Uganda - a result that may have application in other Commonwealth countries. Expenditure for financial year 04/05: £14,800

Vietnam

EU-Vietnam seminar on the death penalty

The seminar funded by this project was the first time that the Vietnamese government had discussed the death penalty, including alternatives to it, with outsiders. The seminar was a direct result of discussions between EU Member States and the Vietnamese government through a human rights dialogue. Expenditure for financial year 04/05: £15,000

Anti-torture

Africa

Promotion and implementation of the African Commission's Robben Island guidelines to prevent torture and ill-treatment

This project, run by the Association for the Prevention of Torture, helped to ensure the effective implementation of the Robben Island guidelines (RIG) at national level within the African region in order to prevent torture and ill-treatment. Expenditure for financial year 04/05: £28,407

East Africa

Resource and training manual of forensic science and medical law for East Africa

Independent Medico Legal Unit published a Handbook of Forensic Medicine and Medical Law in Kenya in 2000. Reference materials on forensic medicine had not previously been available in East Africa. The Handbook gained wide acceptance in Kenya and beyond. This has led to the need for a revised and updated manual integrating new laws and technological advances, suitable for the entire region. By the end of this project a new, revised and comprehensive resource and training manual will be published. Various groups will be trained on the use of the manual. Expenditure for financial year 04/05: £18,331; budget for financial year 05/06: £62,204

Argentina

Tools for judges and prosecutors to prevent torture and combat impunity

This project helped to strengthen the capacities of the Argentinean administration to prevent and investigate effectively acts of torture. The project purpose was to enhance the role of administration of justice personnel to prevent torture and ill-treatment in Argentina by launching publicly the Spanish version of the publication *Combating torture: a manual for judges and prosecutors* (Human Rights Centre, University of Essex, UK, 2003), in cooperation with the ministry of justice. The project also aimed to strengthen the capacity of persons involved in the administration of justice in Argentina to prevent and investigate acts of torture in the country by providing practical training on the use of the manual. Expenditure for financial year 04/05: £12,650

China

Prevention of obtaining confession through torture

This project is designed to promote the establishment of a system to prevent obtaining confession through torture, so as to protect the personal rights of suspects and, in the longer run, to promote justice. Expenditure for financial year 04/05: £27,000

Kazakhstan

Development of independent public monitoring mechanisms in Kazakhstan prison service

This project, run by Penal Reform International, aims to develop and support mechanisms of independent public monitoring of prisons in Kazakhstan in order to prevent torture, cruel, inhuman, and degrading treatment or punishment in prisons.

Expenditure for financial year 04/05: £32,783; budget for financial year 05/06: £5,217

Nigeria

Capacity building for judges, prosecutors, law-enforcement agencies and doctors on torture prevention and management

This project has three main elements: (i) capacity building, through workshops, for those who work with victims of torture; (ii) improving a rehabilitation centre for victims of torture; and (iii) supporting victims of torture in taking their cases to court. Expenditure for financial year 04/05: £30,000; budget for financial year 05/06: £53,000

Nigeria

Strengthening the Nigerian judicial system against the use of torture in law-enforcement practices.

The two-year project aims to support capacity building designed to strengthen social and political institutions by police reform and strengthening the law. This project reports on and draws wide attention to the use of torture in law enforcement practices and to assist in the adoption of more effective safeguards against the use of torture in law enforcement service delivery. Expenditure for financial year 04/05: £28,077; budget for financial year 05/06: £25,000

Nigeria

Ending torture in Nigeria

This project aims to collect, collate and transmit information about torture in Nigeria. Main activities are the research and documentation of torture in Nigeria, followed by workshops and media efforts to ensure that there is greater understanding of this difficult and sensitive problem in Nigeria. Expenditure for financial year 04/05: £60,000; budget for financial year 05/06: £45,000

Philippines

Regional workshops on recognition, documentation and reporting cases of torture

Medical Action Group worked with medical offices and human rights investigators in public and non-governmental agencies to help them to recognise, document and report cases of torture. Expenditure for financial year 04/05: £30,000

Multiple countries

Workshops to launch the combating torture manual

A key element of the anti-torture initiative, this project helped to keep up the momentum created by the publication of manuals for a range of different professionals who might come into contact with torture. The workshops launched the manual in different countries and in different languages, allowing further follow-up work to be built around them. Expenditure for financial year 04/05: £42,260

Multiple countries

Second expanded and updated edition of Human Rights and Policing

This project will produce a book that sets out international human rights and humanitarian law standards relevant to policing, and shows how these may be met in key areas of policing. This book will complete the set of similar books, produced by the FCO for key target groups on anti-torture issues. The book will be targeted at the police, but is also relevant to any others interested in human rights standards of policing. Expenditure for financial year 04/05: £3,650; budget for financial year 05/06: £9,650

Multiple countries

The new tactics in human rights project international symposium

The new tactics project's international symposium, held in September 2004, brought together 300-400 democracy and human rights supporters, representing a broad range of sectors, countries and issues, to learn about new approaches, build international networks of innovation and train each other in specific tactics of interest. FCO funding ensured that key follow-up through evaluation and the awards of micro-grants was possible. It also enabled FCO staff to be closely involved in the symposium. Expenditure for financial year 04/05: £50,000

Multiple countries

Guidelines for the Medical Investigation and Documentation of Torture

In this two-year project, the University of Essex is concentrating on the elaboration of guidelines for health care professionals working with torture victims in order to provide a better understanding of the required physical and psychological examination and the practical and ethical issues involved. Expenditure for financial year 04/05: £42,457; budget for financial year 05/06: £19,340

Multiple countries

Manual of Ethical Investigation and Rules for Police

Through the production of a manual on ethical investigation, Lancashire Police aimed to improve the recognition and implementation of human rights principals by police officers investigating crime. Expenditure for financial year 04/05: £20,000

Multiple countries

Implementation of the Optional Protocol to the UN Convention against Torture. This project worked with selected countries who were close to ratifying the Optional Protocol to the UN Convention against Torture (OPCAT), in order that OPCAT could enter into force as quickly as possible. Expenditure for financial year 04/05: £40,851

Freedom of expression

Africa

Strengthening freedom of expression under the African regional system of human rights

The NGO, Article 19 have assisted the African Commission on Human and People's Rights (ACHPR) to finalise the mandate of the Special Rapporteur on Freedom of Expression (FoE) and to follow up the implementation of the Declaration of Principles on FoE in Africa. The project also produced a long-term advocacy and monitoring strategy to guide civil society work on FoE with the ACHPR and national governments. Expenditure for financial year 04/05: £24,350

Belarus

Open Belarus

Open Belarus provided an internet-based newspaper for social, political and human rights organisations in Belarus. The news source provided access to free information explaining values of democracy, free market, human rights and rule of law. The implementing organisation, LATO, identified an internet newspaper management and production group and with the Belarussian association of journalists generated content for the news site. The management team worked in Riga to produce weekly editions of *Open Belarus*. A team in Belarus provided content and analysis, and partners in Belarus distributed print editions of the newspaper. In the short term *Open Belarus* provided access to free and unbiased information, in the longer term it aimed to promote and strengthen the movement towards democracy in Belarus. Expenditure for financial year 04/05: £10,000

Colombia

Journalistic language and the right to information

This project focused on developing a professional tool for journalists who work in the field of covering news related to the armed conflict, peace negotiations and the impact this has on a country with a 40-year continued armed conflict. The tool is an updated dictionary that will ensure journalists have access to specialist vocabulary related to these issues, thus strengthening freedom of expression. Expenditure for financial year 04/05: £10,361

Colombia

Centro de Análisis de información "CADÍ" (Centre for the Analysis of Information)

To maintain the presence of a media observatory established in February 2001. The main purpose of the observatory is to monitor the situation of human rights, international humanitarian law and freedom of the press in Colombia. The core activities of the CADÍ are the analysis of news reports and

contributing towards up-to-date diagnosis/research into problems related to these particular issues and developing strategic solutions. The main purpose of this project is to use the information gathered through core activities to develop additional activities. These will include training programmes for journalists in human rights, international humanitarian law and self-protection measures that strengthen freedom of expression and legal protection for journalists through ongoing penal processes and through developing an online magazine, *The Expression*. Expenditure for financial year 04/05: £22,462, budget for financial year 05/06 is £11,231

Colombia

Aid to journalists at risk

This project aimed to provide safety for journalists who are working within an armed conflict, risking their lives to keep the population informed. The Colombian government were closely involved in helping to create and develop a culture of self-protection amongst journalists by educating them to avoid getting into situations that put them at risk. In circumstances where journalists are already at risk, the project aimed to urge the government to comply with its obligation of providing adequate and effective protection programmes and tackling impunity, by instigating the investigation and prosecution of alleged human rights violations against the journalists. Expenditure for financial year 04/05: £10,056

Colombia

Journalists assistance project

The project has delivered seminars/workshops for journalists in Colombia working across a range of media. It provided training and information to promote freedom of expression, international standards in the provision of quality information, professionalism in Colombian media. It also promotes strategies of safety and self-protection and encourages professional solidarity between Colombian journalists to facilitate an exchange of information and contacts between different groups of journalists. Expenditure for financial year 04/05: £6,920; budget for financial year 05/06: £4,300

Cuba

Funding the independent press in Pinar del Rio

This project ensured that an independent magazine *Vitral* continued to run. The project also enabled those who write for and manage the magazine to receive relevant training. The impact was to provide an independent magazine to the people of Pinar del Rio. Expenditure for financial year 04/05: £16,550

Pakistan

Careful Coverage - media law seminar

This project, run by the Commonwealth Press Union, aimed to improve the understanding of media law in order to decrease

the numbers of journalists charged and imprisoned in Pakistan. Expenditure for financial year 04/05: £14,341

Vietnam

Workshop for young journalists

This project, run by the Thomson Foundation and the Vietnam news agency, trained young journalists in modern news gathering/management techniques in order to stimulate more active media in Vietnam in advance of the ASEM V summit in Hanoi. Activities include a two-day training workshop for journalists. Expenditure for financial year 04/05: £10,100

Regional - Middle East

Publishing and the Arab World

This project enabled Index on Censorship to promote freedom of expression at a conference focused on the Arab world. The activity will promote cross-cultural cooperation between Arab writers, journalists and publishers with their counterparts in the West that will continue beyond the conference. It will also lay the foundations for a programme of editorial, marketing and managerial development for the planned Arabic edition of Index on Censorship, Marsad Hurriyat Atta'beer. Expenditure for financial year 04/05: £10,160

Multiple countries

Oxford University hate speech project

This project has helped to provide guidance to the BBC and FCO on how to improve the content and use of BBC Monitoring's Indicators of tension bulletin. The bulletin collects examples of inflammatory or inciteful use of the media in five priority countries. The study advised on how the bulletin could be more tightly focused and how it could be better and more widely distributed. Expenditure for financial year 04/05: £11,931

Multiple countries

Five fellowships at the University of Oxford course for freedom of expression lawyers

This project funded five fellows from Belarus, Colombia, Uzbekistan and Zimbabwe to attend a summer school at Oxford University. The fellows were all lawyers working on freedom of expression issues, and the course was aimed at providing them with skills and knowledge which enabled them to push their work further in their countries. It was also an invaluable networking opportunity for them. Expenditure for financial year 04/05: £15,000

Multiple countries

Support and resources for freelance media: language access

This project aimed to provide freelance media workers with swift and efficient access to the information, resources and safety support offered by The Rory Peck Trust and to enable the

Trust to move quickly to provide help in crisis. Expenditure for financial year 04/05: £10,000

Multiple countries

Model public service broadcasting law

This project produced and published, in five major world languages, a model public service broadcasting law. The model law was launched at a major international conference. It targets legislators, legal professionals, media workers and civil society activists working on these issues. The goal is to assist them in their campaigns to promote better public broadcasting laws and, in particular, to promote the independence of such broadcasters. We expect the model law to be used in preparing new legislation and as a source of ideas when advocating for change of existing laws. Expenditure for financial year 04/05: £34,700

Multiple countries

INSI: The global safety project for journalists and media staff

This project developed a working programme of practical safety training and safety information for the regional development of the International News Safety Institute, to create a culture of safety in journalism and to reduce the risks to media staff through the development, at national and regional level. Expenditure for financial year 04/05: £32,723

Multiple countries

Hate speech and media: tackling prejudice without censorship

This project recruits journalists and rights activists in a programme of seminars, studies, reporting and publication to set an effective strategy that challenges hate speech in the newsroom, on the street and in government. The project will help journalists and human rights activists resist the use of hate speech in the media, in areas where language that incites racial, national, or religious hatred also risks conflict. Expenditure for financial year 04/05: £24,000; budget for financial year 05/06: £20,000.

Rule of law

Africa

Preparation for the establishment of the African Court on Human and People's Rights

This project aimed to enhance the capacity of the African Commission on Human and People's Rights to fulfil its mandate to protect and promote human rights in Africa through the creation of an African Court of Human Rights. Expenditure for financial year 04/05: £61,500

Africa and Middle East

Conduct and discipline manual

This two-year project aims to provide bar associations with a tool to strengthen, raise awareness and enforce their rules of

conduct. Expenditure for financial year 04/05: £10,453; for 05/06: £43,526

Brazil

Improvement in prison management project (phase two)

This is the second and final phase of a project which is improving prison management at state and federal level in Brazil, thereby increasing respect for the human rights of both prisoners and prison staff throughout Brazil. Phase two aims to ensure a permanent capacity at both federal and state (São Paulo, Parana and Rondonia) levels to disseminate best practice in prison management. Activities include identifying gaps in current practice against international standards and providing staff in key management positions with the means to fill the gaps. UK experts from the International Centre for Prison Studies are providing practical training and strategic consultancy support to the nascent IPM offices established in São Paulo and at federal level under phase one of the project. The project aims to institutionalise methods for improving prison management and will ensure more widespread respect for the human rights of prisoners and staff alike. Expenditure for financial year 04/05: £42,786 (the last year of phase one ran in parallel and included £81,030 of FCO expenditure); budget for financial year 05/06: £171,144; for 06/07: £42,786

Cameroon

Human rights in the administration of justice in Cameroon

This project aimed to build capacity in the Cameroon legal and human rights sectors by training judges, lawyers, NGO activists and government officials in international humanitarian and human rights law. The focus of the training was on representatives of the national penitentiary school in Buea, the national police officer training college in Yaoundé and the national commission on human rights and freedoms. Expenditure for financial year 04/05: £60,000

China

Reform of re-education through labour

This project aims to engage with the legislative agenda of the national people's congress on reform of re-education through labour, by incorporating international human rights standards and practices into China's domestic laws. It will promote a reduction in police power in the arbitrary use of re-education through labour, promote alternative measures to deal with minor offences and promote proper legal safeguards to protect citizens' rights. Expenditure for financial year 04/05: £25,469; budget for financial year 05/06: £25,000

Colombia

Certificate in international law of armed conflict for judges

The project was designed to provide in-depth knowledge of international humanitarian law to 35 judges directly responsible

for prosecuting perpetrators of grave breaches. The course was for criminal judges and concentrated on the theoretical tools to prosecute perpetrators of grave breaches of International Humanitarian Law and International Human Rights Law. Expenditure for financial year 04/05: £10,567.

Georgia

Developing a national monitoring mechanism in Georgia for human rights

The aim of this project is to provide technical assistance and training to the newly appointed members of the independent monitoring board and public prison commission, in cooperation with the ministry of justice advisory council members on the penitentiary sub-committee, to assist them in developing a national monitoring mechanism. Such a mechanism would support the UN OPCAT, provide transparency and promote human rights for people deprived of their liberty. The Georgian government will provide funding when the monitoring mechanism has been established. Expenditure for financial year 04/05: £66,785; for 05/06: £107,904

Jamaica

Legal assistance project

This project aims to improve people's awareness of their legal rights. The project will address the general lack of awareness of human rights and the inadequate information on legal aid. It will also focus on the lack of legal representation at coroners' inquests, the limited capacity for constitutional and human rights test cases and the absence of independent pathologists from autopsies. Expenditure for financial year 04/05: £46,610; budget for financial year 05/06: £49,801

Peru

Support to the human rights court in Peru

This project followed on from the recommendations of the truth and reconciliation commission in Peru to provide technical assistance directly to judges involved in implementing the special court's statute and rules of procedure. The project also provided a training seminar to build the capacity of those involved with the special court and to ensure compliance with international standards. Expenditure for financial year 04/05: £15,216

South Africa

Development of training programme for magistrates on international human rights principals and standards

This project, run by Justice College, developed a training programme for magistrates on international human rights principals and standards. Expenditure for financial year 04/05: £35,917

Vietnam

Workshop for district court judges/clerks on criminal code implementation

The project funded a four-day workshop, organised with UNDP Vietnam, the supreme people's court and the ministry of justice. Thirty judges and court clerks (future judges) from district courts in rural areas, where need is greatest, were trained by Vietnamese and international legal experts on implementing the revised criminal code. The revised code, which entered force on 1 July 2004, introduces adversarial principles and gives new powers to district courts and greater rights to defendants and defence lawyers. But district courts lack capacity to implement the revised code. Expenditure for financial year 04/05: £25,000

Global

Human rights and prison management

This project, a core part of the Foreign Secretary's rule of law strategy, aimed to demonstrate to governments that proper observance of human rights is effective in achieving good prison management and need not be resource intensive. Expenditure for financial year 04/05: £64,350

Multiple

Practitioner's guide to international principles on the independence and accountability of judges, lawyers and prosecutors

This project aims to produce a practical guide on the use of international principles on the independence and accountability of judges and lawyers. Project activities include researching, compiling and analysing standards on independence and accountability. To accompany the standards, the implementers are producing practitioners' guidelines and are developing a comprehensive thematic reference index for their practical use. Expenditure for financial year 04/05: £34,346; budget for financial year 05/06: £3,472

Child rights

Cambodia

Safe children

Tearfund and Resource Development International have used karaoke as a means of communicating with children about how to protect themselves from sexual, physical and mental abuse. The project team produced 2,000 audio-visual packs - aimed at three separate age groups - for use by NGOs, schools and other community groups, and trained 550 teachers in using them effectively. Weekly television broadcasts focused adults' minds on their responsibilities to protect children and how they can play a part in combating abuse. Expenditure for financial year 04/05: £84,650

Cambodia

Legal assistance for child victims of rape and trafficking

The NGO Protection of Juvenile Justice is helping child victims of rape and trafficking to pursue their cases through the courts. The project delivered workshops for law enforcers and carers and produced legal training materials on commercial sexual exploitation. Expenditure for financial year 04/05: £14,600; budget for financial year 05/06: £17,400

Philippines

Community mobilisation for the prevention, protection, and recovery of children in prostitution

This project is funding advocacy sessions on child protection issues, the UN CRC and ILO Conventions and distributing materials on trafficking, child labour, and prevention of child sexual abuse, physical abuse, and prostitution. The project also promotes inter-agency communication on the issue of child prostitution and provides counselling and rescue for children at particular risk from prostitution. Expenditure for financial year 04/05: £14,773; budget for financial year 05/06: £15,787

Turkmenistan

Child protection training workshops

The Children's Legal Centre has provided training programmes on child protection issues and crisis intervention services for professionals working with children in youth centres and government departments. The project improved and developed therapeutic services for children at risk in difficult family circumstances, adolescents at risk of offending and their families. Expenditure for financial year 04/05: £6,000

Venezuela

Access to justice and implementation of human rights for children and adolescents

A Venezuelan child rights NGO, CECODAP, set up mechanisms to improve children's and adolescents' access to justice. The NGO has set up organised groups of suitably trained individuals, providing legal expertise for them to defend and ensure the implementation of children's and adolescents' rights. There has also been a public campaign for implementation of those rights and the need to prosecute violations. Expenditure for financial year 04/05: £20,000

Regional - Central Asia

Training for police in dealing with children in difficult circumstances

The Children's Legal Centre has developed and delivered training programmes for police in Turkmenistan, Tajikistan and Kyrgyzstan. These programmes have focused on juvenile justice and child rights' standards and improved working practices. In the longer term, the project seeks to reduce the number of

children entering the formal criminal justice system. Expenditure for financial year 04/05: £20,000

Regional - Central America

Capacity building for members of the police in San Pedro Sula

Save the Children UK (SCUK) furthered its programme on juvenile justice and gangs in Central America. SCUK developed police training programmes in Honduras and shared the findings with organisations in El Salvador, Guatemala, Nicaragua and Costa Rica. Expenditure for financial year 04/05: £10,800

Multiple countries

Evaluation of police training and sensitisation in relation to street children

This project gathered examples of practices in Bangladesh and Ethiopia. The information gained was then disseminated more widely, including a contribution to the UN Global Study on Violence against Children. Expenditure for financial year 04/05: £30,030

Multiple countries

Training youth to campaign for the elimination of female genital mutilation (FGM) and other harmful traditional practices

This project has enabled the Inter-African Committee (IAC) to raise awareness about FGM and provide training in communication skills in seven countries. The work has been carried out in partnership with and through the IAC's national committees in those countries. Expenditure for financial year 04/05: £40,005

Multiple countries

NGO participation in the reporting process of the Committee on the Rights of the Child

The project has supported the development of alternative reports to the Committee on the Rights of the Child. NGO representatives attended the pre-seasonal and seasonal meetings of the Committee, both as participants and observers. The project also facilitated communication with similar interest groups in their geographical region and beyond. It also provided tools for national monitoring and advocacy. Expenditure for financial year 04/05: £22,000

Discrimination

Sudan

Minorities and the prevention of conflict in Darfur

The project paid for a group of Darfurian NGOs to attend the UN Commission on Human Rights (CHR) in 2005 and engage with other NGOs and government delegations. The project had two aims: to support the participation of Sudanese human rights activists from Darfur at international fora in order to strengthen

civil society's work and prevent further escalation of the conflict and associated human rights abuses in Darfur; and to start planning future visits of Darfur civil society representatives as well as global programme activities. Expenditure for financial year 04/05: £14,029

Multiple countries

Strengthening implementation of minority rights standards through advocacy at UN bodies

Minority Rights Group has used the project to target UN bodies and create a "minority perspective". This has included raising issues directly in a given forum; raising issues informally during meetings; providing advice and contributing to expert papers; supporting partners and other organisations to raise issues; persuading governments to support key advocacy goals at the forum; and working directly with partners, governments and the bodies themselves to improve their effectiveness in implementing the rights of minorities and indigenous groups. Expenditure for financial year 04/05: £25,000

Multiple countries

IRCSM panel on sexual minorities at the Commission on Human Rights

In the past two years, panels on sexual minorities (organised by IRCSM) have attracted 80-100 listeners. They have been among the best attended side events. This was also the case at this panel, arranged during the 60th Commission on Human Rights in 2004. For many representatives of national lesbian, gay, bisexual and transgender (LGBT) organisations, attending the Commission on Human Rights to lobby on the resolution on human rights and sexual orientation provided their first contact with the UN system. The panel informed participants and listeners about the wider UN machinery to advance LGBT rights. Expenditure for financial year 04/05: £6,170

Multiple countries

Minority rights legal cases

Supporting minority and community representatives to bring precedent-setting legal cases to international courts and quasi-judicial bodies, seeking legal remedies for the victims. Expenditure for financial year 04/05: £50,000; budget for financial year 05/06: £50,000

The Emerging Markets programme

Mexico

Community Workshops on Human Rights

Nine workshops have been held. Ninety people from rural communities received training on human rights, covering protection, civil participation, peaceful settlement of conflicts and promotion and defence of the rights to equality. Those

trained will now pass on their learning to their communities.
Expenditure for financial year 04/05: £3,500

Russia

Improving conditions in pre-trial prisons and colonies

This two-year project is helping to bring the management of Moscow pre-trial prisons up to the standards required by international human rights instruments. A programme of visits to prisons is being implemented. High level meetings have been held between the UK and Russian prison services and the Russian government department overseeing the programme of reform. Expenditure for financial year 04/05: £75,550

Russia

Researching and defending Roma/gypsy rights

Roma and other gypsy-type groups, with a population of around two million in Russia, are very vulnerable due to their lack of official documents. The project has concluded initial research for a report, which sets out the issues and difficulties. Roundtable discussions bring together Roma/gypsies, police and local authorities during the course of this two-year project.
Expenditure for financial year 04/05: £35,676

Russia

Humanising the penal system

Over a three-year period, the project supports the criminal executive inspections department in 18 pilot regions to become an efficient and professional body for the supervision of alternative sentencing. The project provides teacher training, workshops for NGOs and journalists and production of training materials. Expenditure for financial year 04/05: £185,340; for 05/06: £185,340

Russia

Ethnic minorities and access to justice

The goal of this two and a half-year project is to combat racial discrimination and abuse within the police and criminal justice system and to achieve greater access to justice for ethnic minority communities in the Russian Federation. Expenditure for financial year 04/05: £41,828; for 05/06: £22,653

Russia

Establishment of an independent visiting system in penitentiaries

The objective is to create an independent visiting system by regional human rights defenders in 15 pilot regions as a tool for preventing ill-treatment and other rights violations in penitentiaries. Expenditure for financial year 04/05: £99,160

Russia

Supporting the ministry of internal affairs in implementing the UN Protocol Against Trafficking in Human Beings

This project covers training seminars for officers of the ministry of internal affairs (MIA) on the UN Protocol; roundtables with top officials of the MIA on elaboration of recommendations for implementation of the UN Protocol with the aim of including them in new regulations. The project is being implemented in Ivanovo, Moscow and Perm regions of the Russian Federation. Expenditure for financial year 04/05: £50,000

Nigeria

Strengthening the administration of justice and improving human rights

Through two national workshops, this project is engaging key players in the enforcement of human rights in Nigeria. They include judges, senior police officers, state counsels, human rights practitioners and legal practitioners involved in redressing human rights violations in the law courts. The workshops will assist in assessing the current measures to protect and promote human rights, share experiences and identify areas that need improvement. Expenditure for financial year 04/05: £31,029; for 05/06: £49,111

Nigeria

Raising awareness on trafficking and child labour

This programme is training the trainers at the NGO, Women Trafficking and Child Labour Eradication Foundation, to raise awareness in the national youth service corps throughout Nigeria. Material on human trafficking is being produced in the three main languages and Pidgin English for distribution to corps members, schoolteachers and community leaders. Expenditure for financial year 04/05: £43,508; for 05/06: £19,810

GOF Engaging the Islamic World

The objective of this programme is to strengthen the rule of law, promote good governance and to increase the participation of women in decision-making matters that affect their lives.

Afghanistan

Access to justice

A three-year project, implemented by the Bar Human Rights Committee of England and Wales (BHRC), to promote the dissemination of legal skills and knowledge to key actors in the legal sector and help reestablish the rule of law and judicial reform. The project aims to increase awareness of international human rights legislation, domestic and other legislation and to help improve access to justice for all and for women in particular. The project complements the reconstruction of the judicial system proposed by the UNAMA/UNDP in conjunction with the Afghan judicial reform commission. Expenditure for financial year 04/05: £80,000

Promoting Afghan women's participation in governance

A two-year project implemented by Action Aid Afghanistan, with three principle aims: to understand better the challenges for women in participating in political processes in Afghanistan and to begin to develop means of addressing this issue; to build support for women's initiatives and facilitate participation; and to facilitate the greater engagement of women in villages.

Expenditure for financial year 04/05: £78,840

Egypt

Training of lawyers on human rights issues

A three-year project, run by the Arab centre for the independence of the judiciary and the legal profession (ACIJLP) to promote the rule of law and observance of international human rights standards in Egypt. The project trained 720 lawyers across 12 governorates in human rights litigation and defence of civil liberties. So far 110 lawyers have been trained and a training centre will open soon. Expenditure for financial year 03/04: £63,674; for financial year 04/05: £14,000

Supporting women's rights Egyptian ombudsman

Over two years the FCO is committed to support and fund the national council for women's (NCW) ombudsman's office project. The ombudsman's office acts as a conduit between women and government eliminate gender discrimination and to help women secure their legal rights. Strategies to change Egyptian policy and law include: analysis of daily complaints of working women; lobbying and educating policy makers and legislators; and mobilising the media to increase. The national council for women (of which the ombudsman office is an integral part) has already been successful in raising women's issues higher up the agenda and introducing new family/personal status legislation (for example, new family courts, better arrangements for alimony payments). Expenditure for financial year 03/04: £93,142; for financial year 04/05: £25,800

Lebanon

Furthering the role and position of women through organisational capacity building

This two-year project is aimed at increasing the participation of women in the economy by promoting their economic independence through training and by raising awareness of the role women can play in the economy. The Centre for Research Training Development (CRTD) delivered 11 workshops around the country. The project has now developed beyond Lebanon and regional activities have started in Egypt and Morocco. Expenditure for financial year 03/04: £30,447; for financial year 04/05: £56,124

Reporting elections: a training programme for Lebanese journalists

In March 2004, SOAS LMEI organised an intensive training and

networking programme for Lebanese journalists to enhance their capacity to report effectively on Lebanon's forthcoming legislative assembly elections; and to raise their awareness of issues relating to the integrity of their electoral process. Separate courses were also held for journalists from Saudi Arabia and Palestine. Expenditure for financial year 04/05: £43,903

Morocco

Strengthening Morocco's judicial and administrative reforms

A two-year project working with the European Centre for Common Ground and Moroccan judicial and semi-judicial institutions to support their reform programmes and ease public access to justice without recourse to costly and lengthy court action. The Moroccan ministry of justice estimates that around 70 per cent of cases brought to court annually should be dealt with outside the court system. The project aims to strengthen an existing institution (the ombudsman was set up in 2001) and work with the ministry of justice on alternative dispute resolution mechanisms (ADRs). The aim would be to see ADR centres up and running within two years. Expenditure for financial year 03/04: £54,108; for financial year 04/05: £53,573

Women's empowerment and the new family code project

A three-year project to support marginalised Moroccan women in the practical implementation of the new family code and to develop teaching methods and materials addressing related rights-based issues. Expenditure for financial year 04/05: £52,039

Nigeria

Human rights training for alikalis, police and magistrates in Nigeria's 12 Sharia states

A three-year project implemented by a local NGO for women's human rights, to conduct human rights and gender sensitisation training for alikalis (judges in the Sharia courts), police and magistrates. This training is directed at the 12 Sharia states, training two states per session twice a year. Expenditure for financial year 04/05: £41,135

Pakistan

"Honour killing" awareness campaign in rural Sindh and Punjab

A two-year project working with the British Council and Samina Khan to raise objection to "honour killings", reaching people in the rural areas, and enhancing the role of women in government by assisting them to oppose honour killings. The approach includes a series of high profile awareness campaigns in rural areas of Sindh and Punjab provinces, including street theatre, video plays, seminars, handouts in local languages and posters. Expenditure for financial year 04/05: £37,100

Promoting women's effectiveness in local councils

A three-year project implemented by Patten Development Organisation to equip women local councillors to take an effective part in local government. The project provides training and establishes district 'master-trainers' to continue the training programmes. The project also offers accompaniment programmes to women councillors, a challenge fund to encourage local innovation, assistance to local bureaucracies to enable them to work more effectively with women councillors and media projection of successful women councillors. Expenditure for financial year 04/05: £135,000

BBC journalists training project – basic radio reporting skills

This project was a short intensive course from 7-18 February 2005 for media professionals at local radio stations, correspondents and some NGO campaigners. There is a lack of basic journalism training in Pakistan and consequently a real hunger for this type of course. The aims of the course were: to equip journalists to research stories and look at the issues behind the headlines; to encourage rigorous editorial standards; to learn and practise good interview technique; to investigate and analyse a story; and to write appropriately for radio output. Expenditure for financial year 04/05: £13,200

Palestine**ISHR training course pilot project**

This was a pilot training course in February 2005 by the International Service for Human Rights Training in partnership with the national human rights institution (NHRI), Ramallah, Palestine. The project aimed to enhance the capacity, knowledge and skills of human rights defenders and public officials of the NHRI in the practical aspects of the UN human rights procedures and mechanisms of relevance to Palestine. Expenditure 2004/05: £10,000

Yemen**Enhancing the professional skills of Yemeni women**

A three-year project to enhance women's performance in the marketplace and increase women's access to senior decision making positions. A significant barrier to women's participation and career advancement is the lack of management and administrative training in Arabic. The project aims to develop, in partnership with the women's national committee and British Council, a management course for women, offered in culturally acceptable premises and in a format that is accessible to working women. The first introductory course was held in March and the postgraduate diploma course has been established. Expenditure for financial year 03/04: £8,602; for 04/05: £25,996

Enhancing women's role in local community projects

A three-year project in partnership with the woman's affairs

support centre and civic democratic initiatives support foundation to enhance the role of local women in their local councils' activities. The project aims to enhance the role of female decision-makers and to develop a network of young female decision-makers of the future. The project has three phases running over 30 months aimed at raising awareness, developing decision making skills, enhancing female leadership in targeted districts and increasing the number of female local council members by 2006. Expenditure for financial year 03/04: £18,181; for 04/05: £26,643

Strengthening human rights capacity in Yemen

This project will be funded over two years. Its purpose is to contribute to social and political reform in Yemen by developing a human rights culture within which Yemeni citizens (especially women) are empowered to claim and enjoy their human rights as guaranteed under the constitution and international instruments. This would set an example in a conservative Arab society. Expenditure for financial year 04/05: £19,976

Regional**BBC My Life**

In the Arab world, 68 million people are illiterate and two thirds of those are girls. Experience around the world has shown that when girls' education improves, everyone benefits. Through the two-year project, "My Life", the BBC World Service Trust and the BBC Arabic Service will provide opportunities for young women from across the Arabic speaking world to explore their aspirations and expectations for the future. The project, which covers Egypt, Iraq, Jordan, Lebanon, Syria, Yemen and Morocco, aims to ensure that policy makers take account of women's views. The first workshop was held in May 2004 in Cairo. Expenditure for financial year 03/04: £160,298; for 04/05: £99,600

BBC journalism standards training in MENA region

A two-year project to provide sustained support to journalists and editors in the MENA region through a series of media dialogues and training opportunities. The project supports the further strengthening and development of an independent, fair and responsible media, helping journalists and editors to create their own resource base that will enable them to train young journalists. Symposia have been held in Lebanon, Syria and Egypt. The project will also cover Morocco and Algeria. A journalism handbook will be completed by the end of 2005. Expenditure for financial year 03/04: £614,000; for 04/05: £144,775

UNDP rule of law modernisation of public prosecutors

This project will receive funding over three financial years. The purpose is to support national efforts in the Arab region to

strengthen institutional capacity of public prosecutors' offices.
Expenditure for financial year 04/05: £700,000

UNDP trust fund programme on governance in the Arab world

This programme will receive funding contributions over three financial years. It consists of a portfolio of projects, the collective purpose of which is to follow up the findings of the Arab States Human Development Reports and implement recommendations. Expenditure for financial year 04/05: 2004/05: £300,000

UNIFEM Arab women parliamentarians

This project will receive funding over three financial years. Its aim is to transform governance and leadership by facilitating women's access to political and economic decision making positions. Establishing a virtual Arab women parliamentarians' forum, gender sensitisation of Arab parliamentarians and the establishment of support centres for prospective Arab women leaders will help to achieve this aim. Expenditure for financial year 04/05: £400,000

GOF Reuniting Europe programme

Albania

Bramshill Police training

This two-year project, implemented by the EU Police Assistance Mission, is accelerating the reform of the Albanian state police (ASP). Five senior ASP officers will attend the International Commanders Course at Bramshill for training in management skills, competencies, perception and vision. The officers received preparatory English-language training in 04/05 and will attend the course in June and October 2005. Expenditure for financial year 04/05: £63,250

Armenia

Opportunities for democratic gains

This two-year project, implemented by National Democratic Institute (NDI) and It's Your Choice, is increasing the transparency and democratic nature of Armenian electoral processes in 2005. The scheme is training 250 election observer trainers and a further 3,900 local observers; raising public awareness of the need for electoral reform; running 30 public forums in advance of the referendum on constitutional amendments; training 1,000 candidates for local election; and organising 15 public forums. Good progress has been made in these activities. Expenditure for financial year 04/05: £56,390

Belarus

European Youth Parliament: democracy and the younger generation

This project, implemented in 04/05 by European Youth Parliament International, enhanced democratisation and respect

for human rights in Belarus by encouraging Belarusian youth to debate issues of current concern. Activities included teambuilding events, networking and debates between Belarusian young people and counterparts from Poland, Ukraine, Lithuania, Estonia, Latvia, Germany, Russia and the Czech Republic. There were two additional three-day events in Estonia and Ukraine. Feedback has been overwhelmingly positive and more than 200 Belarusian young people participated in this programme. Expenditure for financial year 04/05: £15,000

Training and support for candidates and councillors

This three-year project, implemented by European Institute for Democracy (UK), is enhancing the quality and skills of candidates and councillors in Belarus. The project achieves its aims through training local democratic councillors and parliamentary candidates and planning electoral campaigns (much focus in 2004 was on the election in October). There have been many training sessions on campaigning and presentation techniques. Newsletters have been circulated throughout the project and some councillors visited the UK to observe local government systems. The project monitored the October election and analysed election campaigns with candidates. A strategic planning seminar was undertaken at the request of the assembly of local councillors. A revised strategy for 05/06 includes the concept of 'super training' and further training and visits to the UK are planned in 05/06. Expenditure for financial year 04/05: £65,100

Human rights capacity building

This two-year project, implemented by the British East-West Centre and co-funded by Belarus state university, is engaging with state bodies initially at a roundtable seminar. The aim is to encourage the use of international human rights law in domestic courts. The roundtable discussions focused on access to justice and domestic, legal and governance issues. The project includes training and developing and translating materials. In 05/06 up to 45 lawyers and NGO staff will receive training in international human rights law. A separate complementary project has been agreed for 05/06-06/07. Expenditure for financial year 04/05: £37,443

Bosnia

Establishment of war crimes tribunal

This is a long-term project, implemented by the Office of the High Representative and co-funded by United Nations Development (UND) and Peace Implementation Council (which includes Germany, US, Japan, Germany and France). The project works to establish a war crimes chamber in the BiH state court, a war crimes department in the state prosecutor's office, a state detention facility and witness protection and close protection teams. The chamber and department were inaugurated in March

2005 and middle-/lower-level cases are due to be transferred from The Hague by mid-2005. Expenditure to date: £225,000

The Beacon Scheme: exchange of best practice between municipalities

This two-year project, implemented by the OSCE mission in BiH, is identifying and providing financial and technical support to six municipalities, sharing best practice in three key areas of municipal responsibility. This will raise standards in local government, enabling BiH to move towards EU standards of public services and local government management. The project is developing training programmes and communications between municipalities. So far, the project has set up management mechanisms, created an action plan, prepared materials and calls for applications and held discussions on the development of the national prospectus. The project will be fully implemented in 05/06. Expenditure for financial year 04/05: £20,000

Bulgaria

Improving human rights in Bulgarian prisons

This project, implemented in 04/05 by Transparency International Bulgaria and co-funded by Penal Reform International (PRI) and Prison Administration of Bulgaria, contributed to penal reform in Bulgaria by assisting with preparations for the release and social reintegration of detainees. The project worked with prison staff to create a prison environment that protects human rights by establishing a national working group from government and non-government bodies; running four pilot programmes in four prisons; training staff; and improving cooperation between municipalities. All activities completed in 04/05. An EU-funded twinning project led by the UK will continue work in this sector. Expenditure for financial year 04/05: £80,100

A socially inclusive Europe

This three-year project, implemented and co-funded by Save the Children UK, is supporting the government's efforts to introduce inclusive education for disabled and ethnic minority children in mainstream schools. Working through a joint NGO/government/donor steering group, the project aims to extend participation in the index for inclusion scheme; produce and distribute guidance manuals for schools, promotional materials and a TV/radio documentary; adapt school facilities; set up children's clubs; and hold training workshops, exchange visits and conferences. Good progress has been made, including securing ministry of finance support and involvement. The ministry is now lobbying other ministries to support the scheme. Government budgets for 2005 now include funds to facilitate integration of disabled children and to support the children's clubs. There will be training on policy changes for school representatives in 05/06, and the project will continue to

develop the children's clubs and schools. Expenditure for financial year 04/05: £26,802

Development of an implementation and training strategy for the Bulgarian national probation service

This two-year project, implemented by the British Council and the UK National Probation Service, is helping the ministry of justice develop a national probation service that meets EU standards. The project is helping to develop a strategic plan (audit of initial pilot, review of sentencing provisions, modelling of service delivery, policy development) and supports rolling out the plan with training, assessment and monitoring. The project is nearing completion and has played a central role in achieving the enforcement on 1 January 2005 of new probation legislation. Follow-up in 05/06 includes monitoring the enforcement of the probation legislation and training teachers. An EU-funded twinning project will continue work in this area. Expenditure for financial year 04/05: £52,284

Building capacity in the national prosecution office to fight corruption

This two-year project, implemented and co-funded by Transparency International Bulgaria with support from an expert working group from the national prosecution office (NPO) is to assist the NPO in adopting internationally recognised anti-corruption practices. The project incorporates a needs assessment; alliance building with international media, academia, practitioners and politicians; and training to develop capacity. The needs assessment is finished and a list of recommendations for improvements were presented to the parliamentary working group on the penal code. Communications and internal reform strategies have also been drafted. These strategies will be presented at an international conference in June 2005. The training for prosecutors to tackle corruption will take place after this conference. Expenditure for financial year 04/05: £26,325

Establishing an anti-corruption audit

This two-year project implemented by the Micro-Fond Foundation is reducing corruption in two ministries and developing administrative capacity to carry out anti-corruption audits. This will help to guarantee transparent and unbiased spending of the national budget and EU funds. Activities include implementing new internal rules for administrative procedures and examining existing procedures. The project will put forward recommendations to amend the processes. The project is working closely with the ministries inspectorates to ensure the work is sustainable. At the end of March 2005 most of the study phase was complete and the recommendations had been discussed with the ministries. The first part of a training programme for internal auditors attracted wide media interest. Activities for 05/06 include further training and trail audits

followed by reports and recommendations. Expenditure for financial year 04/05: £35,900

Curbing corruption in the judiciary

This two-year project, implemented by the Crown Prosecution Service, is enhancing cooperation between the branches of the judiciary in tackling corruption and raising awareness of corruption. The project aims to develop an active approach towards corruption in which cases are investigated and prosecuted. The programme focuses on a practical training programme for investigators and prosecutors; it is also working on the adoption of a model for cooperation between investigator, prosecutor and judge. We have established those areas where the UK can offer assistance and will develop the training package and model of cooperation with the ministry of justice in 05/06. Expenditure for financial year 04/05: £1,306

Improving policy-making capacity within the Bulgarian judicial system

This two-year project, implemented by the Centre for Liberal Strategies (CSL), is enhancing the policy-making ability of the Bulgarian judicial system. The project aims to establish a common methodology for monitoring and analysing the performance of the judiciary and improving cooperation among judges, prosecutors and investigators. Activities included establishing a task force, an initial review in 04/05 and setting up a team of monitoring consultants. There will be further reviews in 05/06 and training for monitoring officials from the judiciary and ministry of defence. A policy document will be prepared for discussion at conferences and roundtables. Expenditure for financial year 04/05: £17,560

Regional and local government training programme

This project, implemented by local government international bureau (LGIB), is assisting local and regional administrations in Bulgaria to with a view to future EU membership. Work shadowing schemes enabled participants to exchange expertise and experiences. In February 2005, 15 representatives spent a fortnight in the UK shadowing counterparts in local authorities around the country. A successful dissemination conference was held in April 2005 for regional and municipal representatives of local government. Project work produced a handbook and individual municipalities are now looking at co-funding further work in establishing EU standards of governance, with continued cooperation with the UK. Expenditure for financial year 04/05: £30,000

Croatia

Legal assistance and human rights promotion in Slavonia

This three-year project, implemented by Informativno Pravni Centar (IPC) and co-funded by the UNHCR, OSCE and Croatian government, is supporting sustainable refugee return,

community reconciliation and re-integration while promoting and protecting human rights. The project provides free access to justice for refugees, displaced people and returnees across the Croatia/Bosnia border. Activities include correspondence with courts and administrative officials, preparing claims, appeals and rush notes, giving legal advice and visiting related authorities. Dozens of cases are being successfully resolved each month (152 to date); 1,834 people have received legal assistance; and 5,000 people have received assistance through an open phone line. This work will continue in 05/06. Expenditure for financial year 04/05: £31,000

Legal assistance in Dalmatia

This is a two-year project implemented by DOS (a local NGO) and co-funded by Swedish Helnski Committee, Matra, US Embassy, Norwegian MFA and Finnish Embassy. The project supports sustainable return by providing free legal assistance and advocacy in Dalmatia, advising returnees on changes in legislation and monitoring the implementation of legislative changes. The aim is to provide 10,000 people with legal assistance, guide 2,000 potential returnees through the process of return by giving them documents and enabling visits across borders, and to strengthen dialogue and cooperation with local and national authorities. The project is handling over 3,000 cases per quarter; the work will continue in 05/06. Expenditure for financial year 04/05: £35,943

Czech Republic

Strengthening immigration and asylum procedures

This two-year project, implemented by the UK Immigration Service brought asylum procedures in line with EU norms and strengthened controls on the Czech/Slovak border. The project funded information on which to base asylum decisions, study visits to the UK, secondments between the UK Immigration Service and Czech alien and border police and lectures on resource management for senior immigration managers. All activities successfully completed in early 2004. Expenditure for financial year 04/05: £3,904

Estonia

Integrating Estonia

This two-year project, implemented by the Integration Foundation and co-funded with the embassies of Sweden, Norway and Finland, assisted the successful integration of the Russian-speaking population of Estonia, strengthening civil society and improving Estonian/Russian community relations. Activities comprised teacher training, family exchanges and language camps, curriculum cooperation between Estonian- and Russian-medium schools, support for vocational and education activities, training for youth leaders, media education, radio programmes in minority languages and capacity-building for

institutions. All activities are now successfully complete. Expenditure for financial year 04/05: £30,000

Latvia

Monitoring political party expenditure

This two-year project is implemented by the Centre for Public Policy 'Providus' and co-funded with the Latvian anti-corruption bureau, Latvian national board for TV and radio and Finnish embassy, Riga. The aim was to produce an independent account of party spending in the lead-up to the March 2005 municipal elections, sustain good practice in media reporting and verify political party compliance with new legislation on party financing. The project monitored party income, expenditure and events, and hidden advertising, disseminating the results through press conferences and official reports. All work except the analyses and final report was complete at the end of March 2005 and the project had a significant impact in raising awareness of these issues during the election period. Expenditure for financial year 04/05: £46,351

Macedonia

Inter-parliamentary lobby group of rights of disabled

This three-year project, implemented by Polio Plus - movement against disability and co-funded by Handicap International, Macedonian Centre for International Co-operation and *Vulkan* magazine supports the work of the inter-party parliamentary lobby group in introducing a systemic law and disability rights commission. The project involves ongoing education, experience exchange, lobbying, drafting and passing of legal instruments, research and awareness-raising, an opinion poll and producing a documentary. At the end of the first year good progress had been made in analysing existing legislation, lobbying on priority issues, issuing publications and raising public awareness through publications and a documentary. Activities for 05/06 focus on drafting the systemic law and its enactment. Expenditure for financial year 04/05: £35,926

Malta

Support for Malta's judicial system: adapting to change

This three-year project is implemented by the High Commission Valletta with support from the Lord Slynn Foundation, the Judicial Studies Board (JSB)/Scottish JSB and DCA. It is co-funded by the Maltese ministry of justice and home affairs. The project is strengthening the judiciary and attorney general's office to meet the requirements of the EU acquis. Activities include developing an action plan for the creation of a judicial studies committee with an effective work and training programme, preparing a training and information-sharing system to cope with the requirements of EU membership, and EU legislative drafting training for officials from the attorney general's office. This project is nearing conclusion and has one

more training session left. Expenditure for financial year 04/05: £6,296

Moldova

Support to free and fair elections

This project, implemented by the Moldovan NGO ADEPT - Association for Participatory Democracy in 04/05, improved political party awareness of voter concerns, empowered the electorate to articulate their concerns and improved access to information for the media. The project team created a website on elections and disseminated that information to target audiences, both online and in hard copy versions. To date 131,000 visitors have visited the website, an impressive figure for Moldova; this is in addition to the many people who received the same information through booklets and newspapers. Expenditure for financial year 04/05: £11,700

Increasing the participation of the young generation in the 2005 parliamentary elections in Moldova

This project, implemented by LINKS in 04/05, increased the number of young people participating in the election campaign, the work of political parties and local election monitoring organisations, and turning out to vote. The project organised a launch event, held meetings with political parties, ran a two-phase information campaign, street actions and public activities, held dialogue with major political forces and ran an evaluation event. All activities are now complete. Expenditure for financial year 04/05: £57,750

Media election monitoring

This project, implemented by the Independent Journalism Centre and co-funded by the Eurasia Foundation, US Embassy and British Embassy in 04/05, promoted balanced media coverage in the election period and contributed to free and fair elections in Moldova. Activities included monitoring media coverage of the elections on issues of democracy, politics and human rights; assessing patterns of reporting and the media's allocation of time and space to political contenders, in particular on national television; and showing media and international organisations and observers how to measure media performance and make voluntary adjustments to conform with international standards. The project is now complete. All monitors received training from Article 19, producing monitoring reports. Results were announced at press conferences and the main findings of the media monitoring disseminated among political parties, government, civil society groups and ordinary citizens as well as the international community. Expenditure for financial year 04/05: £10,111

Poland

Technical assistance on Roma issues

This project is implemented by a British expert on ethnic

minorities, human rights, social inclusion and EU issues, supported by a Polish expert on Roma issues. The aim is to provide the Polish department of national minorities, local governments and NGOs with technical assistance on Roma minority issues and encourage best practice for improving institutional capacity and leveraging EU funding. In 04/05 a wide range of consultation included producing a national development plan for 2007-13. GOF funding is almost complete, but EU Action Plan funding will enable a gradual exit by the end of 2005. Expenditure for financial year 04/05: £64,861

Third sector development

This project was implemented by North-West Network, Merseyside Network for Europe, and Solutions in 04/05. The aim was to develop the capacity of the third sector in Poland to participate effectively in EU Objective One Processes and Programmes. Activities included formulating a strategy and action plan for the voluntary sector, disseminating information through a website and running an intensive pilot training programme for voluntary organisations. All activities have completed. Expenditure for financial year 04/05: £85,780.

Regional

Fostering sustainable reintegration in Albania, Macedonia, Kosovo and Serbia & Montenegro

This project was implemented in 04/05 by the International Organisation for Migration (IOM) and co-funded by the EU High Level Working Group (HLWG), comprising Italy, Belgium and Germany. The project facilitated the reintegration of returnees from EU member countries, mainly from the UK, Belgium, Germany and Italy, and assisted local NGOs in providing returnees with professional, social and economic guidelines in their countries/province of origin (Macedonia, Albania and Kosovo and Serbia & Montenegro). Work included regional workshops with NGOs, and public awareness raising in Albania, Kosovo and FYROM. Eighteen NGOs have received training and materials; there is now a reintegration package for returnees and so far more than 150 cases have been passed to NGOs for handling. Expenditure for financial year 04/05: £23,450

Good governance academy: Poland and Armenia

This project, implemented in 04/05 by the British Embassies in Warsaw and Yerevan, conducted a needs assessment visit to encourage Poland to use its special connections with the East to the EU's advantage by assisting projects and dialogue. This work supported closer Armenian integration into European structures and Armenia's compliance with new international obligations. The visit completed in February 2005 and a substantive project for 05/06 is taking forward the project's recommendations. Expenditure for financial year 04/05: £7,000

Development of Roma rights training handbook: Hungary, Romania, Bulgaria, Slovakia, Serbia, Croatia, Bosnia, Ukraine and Belarus

This project, implemented by the European Roman Rights Centre, produced and distributed a Roma rights training handbook for use by Romanian human rights activists and trainers, in six languages. The publication has been officially launched and demand is high across all the countries targeted, confirming the need for such a publication. Expenditure for financial year 04/05: £72,106

Engaging with civil society in Belarus: Poland and Belarus

This two-year project, implemented by East European Democratic Centre, Helsinki Foundation for Human Rights and School for Leaders, is strengthening Belarusian civil society. Activities include 12 study visits by parties of 20 people each to Poland for human rights training, two-week attachments to Polish NGOs and media organisations and a final workshop to devise cross-border cooperation projects. A micro-projects fund will support worthwhile ideas that emerge. By the end of 04/05, one study visit and set of internships had completed. In 05/06 there will be more study visits and workshops, two micro projects will be identified and there will be a final workshop. Expenditure for financial year 04/05: £26,182

Partnership in EU funds: Bulgaria, Czech Republic, Slovakia, Estonia, Lithuania, Latvia, Hungary and Poland

This project, implemented in 04/05 by Central and Eastern Europe (CEE) Bankwatch Network and Friends of the Earth Europe, improved partnership between public authorities and NGOs in programming, implementation and monitoring of EU funds in CEE countries by promoting best practice and training NGOs. The project's activities included producing brochures in eight languages and training more than 100 NGO representatives from seven countries. These activities have now successfully completed. Expenditure for financial year 04/05: £29,003

Training in non-discrimination law for trainers from bar associations and trade unions in Estonia, Latvia, Lithuania and Poland

This three-year project was implemented in 04/05 by Interrights, Helsinki Foundation for Human Rights and co-funded by the European Commission. The project aims to improve non-discrimination law training and the skills and knowledge of EU non-discrimination law in the legal professions and trade unions of the new EU member states in the Baltic Sea region. Activities include teacher training for bar associations and trade unions and producing national training manuals. The project began in January 2005 and by the end of March had recruited experts, started recruiting trainers and established a steering committee.

The training programme is set to begin in 05/06. Expenditure for financial year 04/05: £5,000

Training and advocacy on anti-discrimination legislation in Central and Eastern Europe (Slovakia, Czech republic, Poland, Latvia and Croatia)

This two-year project, implemented by European Roma Rights Centre and co-funded by the European Commission, trained policy makers, lawmakers, judges and human rights NGOs and lawyers in the EU Race Equality Directive and other international anti-discrimination instruments. The project has now successfully trained target groups in four countries. Expenditure for financial year 04/05: £47,851

Polish-Ukrainian cross-border cooperation on justice and home affairs issues (Poland-main lead)

This three-year project, implemented by the European Institute for Democracy (Poland), is to improve cross-border cooperation on trafficking of people and goods and cross-border crime; and also to promote local government reforms to achieve effective cooperation. Activities include study visits, internships, border visits, training sessions, cross-border working groups and developing joint strategies. Good progress has been made so far, with cross-border consultation becoming more entrenched. This work will continue in 05/06 and 06/07. Expenditure for financial year 04/05: £75,290

Preparing for democratic elections in Ukraine (Ukraine, Poland)

This project, implemented by European Institute for Democracy (Poland) in 04/05, developed the capacity of the Ukrainian party election teams to promote democratic elections in Ukraine through study visits and training in Poland and consultancy trips to Ukraine by Polish experts. Subjects covered included strategy planning, contact with voters, campaign management, fundraising, political image and coalition building. The project is now complete and the trainees are successfully implementing the lessons they learned during the campaign. Expenditure for financial year 04/05: £99,000

Romania

Human rights training in Romanian prisons

This project, implemented by Penal Reform International in 04/05 in partnership with the Romanian prison administration, aims to assist penal reform in Romania by improving prison management and staff performance to create a prison environment that protects human rights and prepare prisoners for release and social reintegration. The project achieves its aims by a needs assessment, training for 50 trainers and producing a training manual. By the end of 04/05 most activities were complete; outstanding training modules will take place in 05/06. Expenditure for financial year 04/05: £73,943

Bucharest capital city policing

This two-year project, implemented by the Metropolitan Police Service (MPS) in 03/ 04, has improved policing in Bucharest through a programme of training in intelligence-led policing, building community confidence, working with a police authority, working with other agencies and closer cooperation with the UK on organised crime. All activities were completed by the end of 04/05, including progress assessments and an action plan for further work on intelligence-led policing. Total project expenditure: £45,000

Juvenile courts in the cities of Vaslui and Botosani

This two-year project, implemented by Social Alternatives Association in 04/05, is to ensure adherence to national and international standards on the penal process involving juvenile victims and/or offenders. The project will achieve its aims through training for police officers, prosecutors, probation officers, judges and social workers in international norms, hearing techniques, child development psychology and inter-agency collaboration. Activities include equipping two juvenile hearing rooms and preparing and disseminating guidance on best practice. At the end of 04/05 the two hearing rooms were ready, the training programme was underway and there had been a study visit to the UK. Further training, the launch of the good practice manual, a second study visit of judges to the UK and furnishing of the juvenile court rooms will continue in 05/06. Expenditure for financial year 04/05: £34,110

The development and growth of mediation in Romania

This project, implemented by Conflict Management International in 04/05, supported the ministry of justice in developing mediation as part of the justice system. The project increased awareness of, and support for, mediation among key stakeholders; and developed expertise in using mediation, especially among lawyers. Activities included meetings and presentations and training for lawyers and judges. Activities are now complete and have generated great commitment and improved dialogue among the agencies involved. Expenditure for financial year 04/05: £48,275

Specialisation of Romanian judges and lawyers in issues related to refugees

This project, implemented in 04/05 by Romanian national council for refugees, improved enforcement of the law on refugees through training, workshops and publications for 80-100 judges and 80-100 lawyers. All activity is now complete. Expenditure for financial year 04/05: £26,440

Migration publicity campaign

This project, implemented by International Organisation of Migration (IOM) and co-funded by the FCO Drugs and Crime Fund and the Home Office, raises awareness and understanding

of the risks and consequences of illegal migration to the UK through an information campaign via TV, radio, press, leaflets, web-sites and community liaison. The campaign was launched by Caroline Flint, PUSS/Home Office, in coordination with IOM in Romania in March 2005, with strong endorsement from Romanian ministries. The project has recruited the advertising agency to design the campaign and roll-out of activities began in May 2005.

Strengthening internal audit capacity

This two-year project, implemented by Hub Consulting and co-funded by the ministry of finance and ministry of European integration, is to provide institute of internal audit professional exam training to six internal auditors from Romanian ministries and regional development agencies. Participants have been selected and enrolled and the course is due to start in 05/06. Expenditure for financial year 04/05: £39,383

Accountability in local budgets

This project, implemented and co-funded by Transparency International, is fostering trust and dialogue between local administration and civil society and the business community; and assessing capacity of local civil society, business associations and local government to generate best practice of good governance within local communities. By the end of 04/05 the project had produced monitoring guidelines, run training sessions on public procurement for business and public servants and held a public debate on budget management. These activities will continue in 05/06, culminating with a final report. Expenditure for financial year 04/05: £27,888

Serbia & Montenegro/Kosovo

Rule of law training programme on European Convention on Human Rights

This three-year project, implemented by Advice in Individual Rights in Europe (AIRE) Centre, Belgrade Centre for Human Rights and the Centre for Democracy and Human Rights in Montenegro, will bring SaM laws and practice into line with the European Convention of Human Rights and help consolidate an effective independent judiciary. Activities include training for SaM judiciary and a monthly bulletin in Serbian summarising the key judgements of the Strasbourg Court. Four of the eight training modules were over by the end of 04/05; the remaining training will follow later in 2005. Expenditure for financial year 04/05: £48,000

Strengthening capacity for the effective use of scenting dogs to assist law enforcement in SaM

This project, implemented in 04/05 by UN Office on Drugs and Crime, strengthened the role of dogs in law enforcement in SaM. The project managed a technical needs analysis, trained dog trainers, refurbished kennels, supplied a kennel vehicle and

offers ongoing consultancy by UK trainers. By the end of March 2005 the analysis and training were finished and preparations in hand for the rest of the work. Expenditure for financial year 04/05: £50,000

Trade union development in SaM

This three-year project, implemented and co-funded by Unison, is developing a sustainable strategy to recruit members and develop branches, encouraging stronger trade union organisations in Serbia. The work includes preparing a manual and recruitment materials and providing a database and training. There has been good progress, which will continue in 05/06 and 06/07. Expenditure for financial year 04/05: £10,375

Slovakia

Standing adviser on the development of mediation within the Slovak legal system

This two-year project, implemented by Conflict Management International, is to advise the ministry of justice on mediation within the Slovak legal system. Methods include pilot schemes, promotional activities to encourage take-up and elaboration of training and ethical standards. By the end of 04/05 much work had been completed on the legislative framework, awareness raising and training and the pilots were ready to begin in 05/06. Expenditure for financial year 04/05: £28,996

Defending Roma housing rights

This one-year project implemented by Open Society institute challenged the abuse of Roma housing rights through a programme of research, litigation, advocacy and training. Local NGOs managed the project, employing local Roma. The project completed successfully in 2004. Expenditure for financial year 04/05: £45,147

Training sessions for Roma paralegals

This three-year project, implemented by the Centre for Environmental Public Advocacy and Ford Foundation, is addressing racial discrimination by training 20 paralegals working in Roma communities in eastern Slovakia. Police officers will also be involved in the training. The project will provide ongoing support for participants to work on landmark cases and update their knowledge. Paralegals who have now received training are implementing their expertise effectively. Training will continue in 05/06. Expenditure for financial year 04/05: £9,126

Integrated child protection system

This two-year project, implemented by Slovak national gender centre with the office of Bratislava self-governing region, is to establish a pilot for an integrated child protection system in Bratislava region, based on the UK model. This involves training professionals in multi-agency cooperation, producing a manual

and setting up and evaluating a pilot. The project will present the results at a national workshop, with a view to nation-wide roll-out. Activities to date include establishing the Bratislava area child protection committee, developing multi-agency procedures and policies, and developing the legislative and institutional framework for an integrated child protection system. The commission has approved the proposal for a governmental office for children and youth. These activities will develop in 2005, alongside the training and the final workshop. Expenditure for financial year 04/05: £13,650

Turkey

Training and technical assistance on refugee/asylum issues

This project, implemented by the International Catholic Migration Commission in 04/05, assisted local police in protecting and defending the rights of refugees and asylum seekers, bringing these areas of the asylum system in line with EU standards and international best practice. Activities included training programmes, field monitoring visits and study visits. The project is complete and was successful in promoting cooperation between government and NGOs. Funding is now sought for follow-up training. Expenditure for financial year 04/05: £134,568

Child rights: an inter-agency approach

This two-year project, implemented by the British Council and UNICEF, aimed to improve the position for children in the justice system and help Turkey to meet the Copenhagen political criteria through a programme of training for NGOs, child police units, lawyers and court personnel. Topics covered project governance, change management, practical techniques and child-focused systems. The activities and the concluding conference to disseminate results were successful and the project is now complete. Total project expenditure: £223,479

Campaign to prevent non-judicial punishments and executions, named as honour crimes

This two-year project, implemented by the British Council, brings together 20 agencies to develop strategies for effective campaigning against honour crimes in Turkey. The project will operate through a regional pilot combining focus groups, workshops, preparation and roll-out of campaign and final evaluation. By the end of 04/05 a number of focus groups and workshops had taken place and the campaign concept agreed. The campaign and evaluation meeting will take place in 05/06. Expenditure for financial year 04/05: £19,500

Strengthening the effectiveness and efficiency of provincial and sub-provincial human rights boards

This two-year project, implemented by the British Council, strengthens the effectiveness of the 81 provincial and 849 sub-provincial human rights boards through preparing, piloting and

distributing operating guidelines. The first draft of the handbook was ready by April 2005. There will be further work in finalising, piloting and distributing the guidelines in 05/06. Expenditure for financial year 04/05: £17,000

Human rights training for the judiciary

This two-year project, implemented by Department for Constitutional Affairs in cooperation with the Turkish ministry of justice, trained over 8,000 judges and prosecutors in the principles of the European Convention on Human Rights. This greatly improved the quality of court decisions. Total project expenditure: £213,775

Access to Justice

This two-year project, implemented by European Dialogue, Bosphorus University and European Initiative on Democracy and Human Rights, provides models of good policy and practice for implementing international human rights standards and national legislation on access to criminal justice. This will assist Turkey satisfy the Copenhagen Criteria on the rule of law and treatment of minorities. Project activities include training for trainers from the judiciary, police, lawyers, prosecutors and NGOs; UK study visits; lobbying; advocacy; and training materials. The planning meeting and first training seminar were held in 04/05. The project will continue in 05/06. Expenditure for financial year 04/05: £23,517

Ukraine

Regional journalistic consolidation campaign

This two-year project, implemented by Charter (Ukraine), National Union of Journalists and Kiev independent media trade union, is assisting Ukrainian media in tackling media harassment, censorship, editorial pressure, ethics, public dialogue, employee rights and freedom of the press. Activities include workshops, training events and roundtables. About half the activities completed by the end of 04/05; the remainder will take place in 05/06. Expenditure for financial year 04/05: £26,016

Training of committee of voters of Ukraine election observers

This project, implemented by committee of voters of Ukraine in 04/05, helped to protect electoral rights and ensure free and fair presidential elections by training at least 10,000 volunteer observers and disseminating 50,000 copies of printed guidance. The observers identified thousands of cases of malpractice. Total project expenditure: £73,000.

Customs and training assistance

This two-year project, implemented by Crown Agents, is assisting the Ukrainian customs services in establishing mobile anti-smuggling units on the eastern border. The project is setting up operational mobile teams and providing training,

analysis and technical assistance. Further training and diagnostic work will continue in 05/06. Expenditure for financial year 04/05: £87,776

Political press centre

This two-year project, implemented by InterNews Ukraine with four other NGOs, has established a non-partisan political press centre to give the media balanced and objective coverage and analysis of the presidential elections. Activities included creating a website with information on candidates and their views; producing a daily programme; holding press conferences with candidates; distributing weekly e-bulletins; running an information centre; producing weekly video bulletins; building a database of the candidates; and creating a video archive to monitor media coverage. This project played a significant role in promoting public interest in the electoral campaign. Total project expenditure: £208,157

Public opinion information and exit poll campaign

This project, implemented by Democratic Initiatives Foundation in 04/05, tracked public opinion of the electoral process before and during the 2004 presidential elections. The project comprised a series of pre-election public opinion polls, exit polls on election day and press conferences to disseminate the results. The project is now complete. Total project expenditure: £22,652

Monitoring of the election process 2004 at the specialised election stations in places of confinement

This project, implemented in 04/05 by International Society for Human Rights (Ukraine), promoted the transparency and legality of the presidential elections in Ukraine in places of confinement. The project achieved its aims through legislative educational and information activities and monitoring and evaluation work. All activities completed successfully. Total project expenditure: £6,387

Guide to key multilateral organisations

This annex covers multilateral institutions that play a key role in international efforts to promote human rights:

- The United Nations
- The Council of Europe
- The Organisation for Security and Cooperation in Europe
- The Commonwealth
- The Organisation of American States
- The African Union

The United Nations

The United Nations (UN) is the single most important body for promoting human rights worldwide. UN treaties establish universal human rights standards. The mechanisms and bodies of the UN promote the implementation of these standards and monitor human rights violations around the world.

Article 55 of the UN Charter sets objectives for the UN in the economic and social fields, including “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. Article 56 of the Charter commits all UN member states to take “joint and separate action” in co-operation with the UN to achieve the purposes of Article 55.

The UN's website is at: www.un.org

UN human rights standards

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly (UNGA) in December 1948, was the first internationally agreed definition of human rights and

fundamental freedoms. Although not a legally binding treaty, it establishes an internationally recognised set of standards that have stood the test of time. The UDHR was the starting point for the development of binding international standards, set out in the six core UN human rights treaties. These are:

- the International Covenant on Civil and Political Rights (ICCPR) - came into force 1976
- the International Covenant on Economic, Social and Cultural Rights (ICESCR) - came into force 1976
- the Convention on the Elimination of All Forms of Racial Discrimination - came into force 1969
- the Convention on the Elimination of All Forms of Discrimination against Women - came into force 1981
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - came into force 1987
- the Convention on the Rights of the Child - came into force 1990

The full texts of the Conventions are available at: www.ohchr.ch ('Treaties' section). Annex 4 gives a list of all the states that had ratified the core conventions by April 2005.

Limitations

Most of the rights and freedoms set out in the Covenants and UDHR are not absolute but may be subject to certain specified limitations. The ICCPR in particular defines admissible limitations or restrictions to various rights. In general the only acceptable restrictions are those which are provided by law and are necessary to protect national security, public order, public health or morals or the rights and freedoms of others. On ratification of the Covenants many states have entered reservations relating to specific articles. A reservation is a

unilateral statement whereby a state seeks to exclude or to modify the legal effect of certain treaty provisions. Reservations which are contrary to the object and purpose of the treaty are not permissible.

The UN human rights treaties and treaty monitoring bodies

The International Covenant on Civil and Political Rights

The civil and political rights set out in the UDHR are elaborated in more detail in Articles 6 to 27 of the ICCPR. There are also some additional rights, including measures for the protection of members of ethnic, religious or linguistic minorities. Under Article 2 all states parties undertake to respect and to ensure to all individuals subject to their jurisdiction the rights recognised in the Covenant.

The **Human Rights Committee** monitors ICCPR's implementation by states parties. Its main tasks are:

- to examine in public session reports by states parties on the measures they have taken to give effect to the rights in the Covenant. The Committee also receives information from other sources, such as NGOs;
- to consider claims by one state party that another state party is not fulfilling its obligations under the Covenant. The Committee can only deal with cases where both of the states involved have made declarations recognising that it can do so. The UK has made this declaration; and
- to receive and consider, under the First Optional Protocol (providing for individual petition), communications from individuals claiming to be victims of violations of any of the rights in the Covenant. Individuals who are subject to the jurisdiction of a state party that has ratified the Optional Protocol are entitled to submit written communications to the Committee once they have exhausted all available domestic remedies.

The Human Rights Committee consists of 18 independent and expert members, elected by states parties for four-year terms.

States parties that ratify the Second Optional Protocol to the ICCPR take on an international obligation binding themselves to abolition of the death penalty. The UK ratified this Protocol in December 1999.

The International Covenant on Economic Social and Cultural Rights

The economic, social and cultural rights set out in the UDHR are elaborated in more detail in Articles 6 to 15 of the ICESCR. Article 2 provides that each state party undertakes to take steps to the maximum of its available resources "with a view to

achieving progressively the full realisation of the rights recognised in the present Covenant". States parties are obliged to submit reports on the measures they have adopted and progress made in achieving the observance of the rights in the Covenant. In 1987, the Economic and Social Council (ECOSOC) (see below) established a Committee on Economic, Social and Cultural Rights to examine the reports in public session. The Committee is composed of 18 members elected by ECOSOC for four-year terms by states parties to the Covenant.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 1 defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions".

Articles 2 to 16 of the Convention provide *inter alia* for states parties to: take measures ensuring the total prohibition of torture and its punishment; prohibit the extradition of people to other states where there are substantial grounds for believing that they would be in danger of being tortured; cooperate with other states in the arrest, detention and extradition of alleged torturers; compensate victims of torture.

The **Committee Against Torture** monitors implementation by states parties of the provisions of the Convention. States parties report to the Committee every four years. The Committee's competencies are broadly similar to those of the Human Rights Committee (see above). However, it has one important additional power: it can conduct on-the-spot enquiries, in agreement with the state party concerned, when it receives reliable information indicating that torture is being practised systematically in the territory of a state party.

International Convention On The Elimination Of All Forms Of Racial Discrimination

The Convention defines discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms". It also provides for positive discrimination under certain circumstances.

The Convention also provides for states parties inter alia to: pursue a policy of eliminating racial discrimination and promoting understanding among all races; to nullify any laws or regulations which have the effect of perpetuating racial discrimination; to condemn all propaganda based on theories of racial superiority or which attempts to promote racial hatred or discrimination; to adopt immediate measures designed to eradicate all incitements to such discrimination; and to guarantee the right to everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law.

The **Committee on the Elimination of Racial Discrimination** monitors states parties' implementation of the provisions of the Convention. The Committee:

- examines in public session reports by states parties on the measures which they have adopted to give effect to the provisions of the Convention;
- examines communications by one state party claiming that another state party is not giving effect to the provisions of the Convention; and
- considers communications from individuals or groups of individuals within the jurisdiction of the state party claiming to be victims of a violation by that state party of any of the rights in the Convention. This is only relevant where the state party has recognised the Committee's competence.

Convention on The Elimination of All Forms of Discrimination Against Women

The Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field". States parties undertake to pursue a policy of eliminating discrimination against women in all fields. There is provision for positive discrimination. States parties undertake to take measures to suppress all forms of traffic in women.

Part II of the Convention contains provisions relating to political rights including the right to vote and to be eligible for election to all publicly elected bodies; the right to participate in the formulation of government policy and hold public office at all levels; the right to participate in non-governmental organisations concerned with public and political life; and equal rights as regards nationality. Part III addresses social and economic rights in the fields of education, employment, health care, and economic and social life and requires states parties to take into account the particular problems faced by rural women. Part IV covers civil and family rights. It provides for equality

before the law and elimination of discrimination in all matters relating to marriage and family relations.

The **Committee on the Elimination of Discrimination against Women** monitors states parties' implementation of the Convention. The Committee examines in public session reports submitted by states parties on the measures they have adopted to give effect to the provisions of the Convention and on progress in this field.

On 22 December 2000, the Optional Protocol to the Convention entered into force following the ratification of the tenth state party to the Convention. The Protocol provides for individual petition and the Committee receives and considers claims of violations of rights protected under the Convention.

Individuals who are subjects of the jurisdiction of a state party that has ratified the Protocol are entitled to submit written communications to the Committee once they have exhausted all available domestic remedies. The Protocol also provides for the Committee to initiate inquiries into situations of grave or systematic violations of women's rights by states which are party to the Convention and Protocol. The UK has ratified the Optional Protocol.

Convention on the Rights of the Child

The Convention defines a child as "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier". States parties undertake to pursue a policy of protecting the child from all forms of discrimination and to provide appropriate care. Provision is also made for the right of a child to acquire a nationality, to leave any country and enter his or her own country, to enter or leave the territory of another state party for the purposes of family reunification and for the State to take measures to combat the illicit movement of children abroad.

The Convention covers civil, political, economic, social and cultural rights. Particular attention is drawn to children seeking refugee status, and the mentally or physically disabled child.

Two optional protocols to the CRC were agreed in January 2000. The first - on the sale of children, child prostitution and child pornography - strengthens the protection for children, particularly by focusing on preventive measures and the criminalisation of acts. The second optional protocol - on the involvement of children in armed conflict - sets higher standards than the Convention, including higher minimum ages for recruitment and participation in hostilities.

The **Committee on the Rights of the Child** monitors states parties' implementation of the Convention.

Economic and Social Council

Responsibility for discharging the economic and social functions of the UN, including promoting universal respect for human rights, is vested in the UN General Assembly and, under its authority, in the Economic and Social Council (ECOSOC). It is made up of 54 UN member states. It makes or initiates studies and reports, makes recommendations on these to the UN General Assembly, to the members of the UN and to the UN specialised agencies. It also prepares draft conventions for submission to the General Assembly on matters within its competence and calls international conferences on such matters. It enters into agreements with specialised agencies and makes arrangements for consultation with non-governmental organisations.

Further information is available on the UN website at: www.un.org/esa/coordination/ecosoc

UN General Assembly: Third Committee

The UN General Assembly (UNGA) consists of all UN member states. It may discuss any issue within the scope of the UN Charter, including human rights, and may make recommendations to UN members or the Security Council. It receives and considers reports from the other organs of the UN and elects the 54 members of ECOSOC.

In the UN General Assembly human rights are dealt with in the Third Committee which meets annually in New York, usually in November. All UN member states have the right to take part in the plenary sessions and to table and vote on resolutions. Resolutions are broadly divided into thematic issues such as torture, racism and the rights of the child and resolutions that concentrate on a particular country. Many of these resolutions build on texts already agreed at the UN Commission on Human Rights (CHR) in Geneva (see below).

Further information is available on the UN website: www.un.org/ga/59

UN Commission on Human Rights

The main forum for substantive discussion of human rights in the UN is the CHR. It is one of 12 functional commissions of ECOSOC and was established by the Council in 1946. The Commission may deal with any matters relating to human rights.

The CHR holds an annual six-week meeting in Geneva in March and April during which it considers and adopts resolutions on a wide range of human rights issues, such as torture or freedom of expression and some country-specific situations. Discussion is frequently controversial. But criticism at the UN can bring considerable pressure on governments. CHR also commissions studies, drafts international instruments setting human rights

standards, and reviews recommendations and studies prepared by the UN Sub-Commission for the Promotion and Protection of Human Rights (see below). It can appoint Special Rapporteurs or Working Groups to investigate subjects in depth. The CHR reports on its annual session (ie its resolutions and decisions) to ECOSOC.

CHR's meetings are public, except when it meets in closed session for several days to discuss the '1503 Procedure' (see below). During public meetings, non-member governments and NGOs that have consultative status with ECOSOC may sit as observers and may make written or oral statements concerning issues on the agenda. Observer governments may co-sponsor, but not vote on, resolutions.

The UK is one of 53 UN member states elected to the CHR for a three-year term. We are active participants, both bilaterally and as a member of the EU. The EU leads on a wide range of country and thematic resolutions at the Commission, and makes a series of interventions, including an annual statement setting out particular human rights concerns in individual countries. Not all EU member states are CHR members.

For further information see the website of the Office of the High Commissioner for Human Rights at: www.ohchr.org

The '1503' Confidential Procedure

Under this procedure, individuals and NGOs can address communications on human rights matters to the UN Secretary-General. These are screened and evaluated by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see below) which refers to CHR situations which it believes, on the basis of the communications received, "appear to reveal a consistent pattern of gross and reliably attested violations of human rights". Governments comment in writing on the communications before they are evaluated by the Sub-Commission. Cases must meet certain conditions to be admissible, including that all domestic remedies be first exhausted, unless seeking such remedies has been unreasonably prolonged.

Governments may also appear before CHR to defend their position. The whole (lengthy) process is confidential, except that the Chairman of the Commission announces after each session the countries on which the Commission has taken decisions. These decisions are usually either to keep the situation under confidential review for a further year (and possibly to appoint a Rapporteur to help study the situation) or to discontinue consideration of the situation. In cases of exceptional concern, the Commission can decide to submit a report to ECOSOC on a particular country, thus ending the confidentiality of the procedure and submitting its record to public condemnation.

Sub-Commission on the Promotion and Protection of Human Rights

The Sub-Commission on the Promotion and Protection of Human Rights is a subsidiary body of the CHR. Its main task is to screen communications from individuals and NGOs and refer on to the CHR situations where there appears to be a consistent pattern of gross human rights violations.

The Sub-Commission meets annually in Geneva, usually in August, and is made up of 26 members, nominated by governments and elected by CHR, but serving in their personal capacity. The Sub-Commission has established working groups to look at slavery, indigenous populations, administration of justice and the question of compensation, communications and minorities.

Working Groups

CHR may appoint *ad hoc* working groups of experts to report on a particular human rights theme or to draft international human rights standards. Convention working groups are on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention, Human Rights Defenders, an Optional Protocol to the Convention Against Torture (providing for a system of preventive visits), and the Right to Development.

UN Human Rights Special Procedures

The UN Commission on Human Rights (CHR) has established various mechanisms to examine, monitor and report publicly on human rights violations, either on a thematic issue or within a particular country. These mechanisms, collectively known as Special Procedures, are established by CHR resolutions, which request the CHR Chairperson to appoint an individual, or group of individuals, with an expertise in a particular area of human rights. The Special Procedures carry out fact-finding visits, communicate allegations of violations to governments, collect information and make recommendations.

As of April 2005, there were a total of 39 Special Procedures of which 26 cover thematic issues such as torture, racism, sale of children and child prostitution, human rights defenders, violence against women, freedom of expression and the independence of judges and lawyers. In 2005 the 61st session of CHR created new mechanisms on human rights and fundamental freedoms while countering terrorism; human rights and transnational corporations and other business enterprises; and minorities. The appointment of a Special Procedure on an individual country is a sign that the international community is seriously concerned about the human rights situation there. As of June 2005, there were 13 Country Special Procedures (including Rapporteurs and Independent Experts) on Belarus, Burma, Burundi, Cambodia, Cuba, DRC, Haiti, Liberia, North Korea, the Occupied Territories, Somalia, Sudan and Uzbekistan. They report annually to CHR

and occasionally to the UN General Assembly. If CHR considers that the human rights situation in the country has not significantly improved it renews the mandate, authorising further visits, collection of information and public reports. At CHR in 2005 Bill Rammell reiterated in his speech to the plenary that the UK will always agree to requests for visits by Special Procedures of CHR. This standing invitation illustrates our commitment to engage constructively with the UN human rights mechanisms to enhance further British people's enjoyment of their rights. Over the last year, the Government has answered requests for information from the special rapporteurs on the independence of judiciary and lawyers; torture; and extrajudicial, summary or arbitrary executions.

UN Commission on the Status of Women

The Commission on the Status of Women (CSW), under ECOSOC, seeks to apply gender perspectives to all areas of the UN's work and is tasked with coordinating follow-up to the World Conference on Women held in Beijing in 1995. The UK is one of 45 governments elected to CSW.

CSW meets annually in New York, usually in March. It prepares recommendations and reports to ECOSOC on the promotion of women's rights in the political, economic, social and educational fields, and on allegations of patterns of discrimination. CSW is empowered to receive communications from individuals and NGOs. A five-member Working Group meets in confidential session to examine these communications (including any replies from governments), to prepare a confidential report based on its analysis of such communications and, if necessary, to make recommendations to ECOSOC for action.

UN High Commissioner for Human Rights

In 1994 the first UN High Commissioner for Human Rights was appointed, with a mandate to take principal responsibility for the UN's human rights activities and to raise the profile of human rights within the UN system. In June 2004, Justice Louise Arbour took up the post of High Commissioner, succeeding Sergio Viera de Mello who was killed in a terrorist attack in Baghdad in July 2003.

The Office of the High Commissioner for Human Rights (OHCHR), formerly the Centre for Human Rights, is based in Geneva and supports or implements the mandates of the CHR and the other UN human rights bodies. It monitors and helps to deter human rights violations through a field presence in key countries, and gives technical assistance and advice with human rights institution building.

The UN has a range of human rights programmes supported by voluntary funds. The UK contributes annually to the fund for victims of torture and to technical assistance programmes

designed to help states improve their human rights performance. We are also one of the major voluntary contributors to the OHCHR's human rights field operations.

More information about OHCHR is available on its website: www.ohchr.org

UN High Commissioner for Refugees

The United Nations High Commissioner for Refugees (UNHCR) was initially set up in 1950 with a limited three-year mandate to help resettle people in Europe who were unable to return to their homes after the Second World War. Today, the UNHCR holds the UN mandate for protection of the world's refugees. UNHCR currently cares for nearly 17 million uprooted people, 73 per cent of whom are women and children and thus particularly vulnerable.

The UNHCR protects refugees in several ways and its work is closely connected to broader progress in human rights. Using the 1951 Refugee Convention as its major tool, the agency is mandated to lead and coordinate international action to protect refugees and resolve their problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state, with the option to return home voluntarily, integrate locally or to resettle in a third country. The UNHCR also seeks to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus.

UN Office for the Coordination of Humanitarian Affairs (OCHA)

OCHA, established in 1998, is responsible for coordinating the UN response in major emergencies and natural disasters, and the UN's humanitarian policy development and advocacy. It is also the co-ordinating agency for the UN Consolidated Appeals Process (UNCAP), the UN's main mechanism for securing donor finance for humanitarian relief. In addition, OCHA contains the Inter-Agency Internal Displacement Division responsible for coordinating UN responses to Internally Displaced Persons (IDPs).

International Labour Organisation

The International Labour Organisation (ILO) is a UN specialised agency whose work focuses on setting, monitoring and upholding rights and standards at work. This includes economic and social rights (such as the right to work, to favourable conditions of work, to form and join trade unions, to social security and to an adequate standard of living), and civil and political rights (such as freedom of association, the right to organise and the right to peaceful assembly).

The ILO works for the implementation of these rights by adopting conventions and recommendations setting standards, supervising the application of these standards, operating complaints procedures and assisting governments to give practical effect to the rights. Over 180 Conventions have been adopted by the ILO, including eight that are considered to be **Core Labour Conventions**. These are:

Convention 29 - forced labour

Convention 87 - freedom of association and the right to organise

Convention 98 - right to organise and collective bargaining

Convention 100 - equal remuneration

Convention 105 - abolition of forced labour

Convention 111 - discrimination in employment and occupation

Convention 138 - minimum age of employment and occupation

Convention 182 - worst forms of child labour

The ILO is unique among UN agencies in its tripartite structure - each member state is represented by government, trade unions and employers' organisations.

Member states of the ILO meet at the International Labour Conference (ILC) in June every year in Geneva. Each is represented by two government delegates, an employer delegate and a worker delegate. The ILC establishes and adopts international labour standards and acts as a forum where social and labour questions of importance are discussed. More information about the ILC is available at:

<http://www.ilo.org/public/english/standards/reIm/ilc/index.htm>

International Committee of the Red Cross (ICRC)

The ICRC is the founding body of the Red Cross Movement and custodian of the Geneva Conventions, which set internationally recognised standards for the care of the wounded and sick from armed forces, the treatment of prisoners of war and protection of civilians in time of war. The ICRC statute allows it to take any humanitarian initiative. There is no obligation on governments to cooperate with the Red Cross other than on the basis of the Geneva Conventions. However, the ICRC, operating alone or in conjunction with national Red Cross and Red Crescent societies and their federation, the League of Red Cross Societies, has an important and effective humanitarian role as a neutral and

independent intermediary. In addition to its traditional wartime role, the ICRC has become increasingly concerned with providing relief to large numbers of people displaced within their own country. It has also been engaged in negotiations for the release of hostages and, when it perceives a need, has conducted confidential investigations into prison conditions.

Council of Europe

European Convention on Human Rights

The European Convention on Human Rights (ECHR) came into force in September 1953. It has been ratified by 45 of the 46 member states of the Council of Europe. Monaco has signed the convention but not yet ratified it. Serbia and Montenegro have signed the Convention but not yet ratified it. These states undertake to guarantee that those within their jurisdiction should enjoy the rights and freedoms protected under the Convention, and recognise the right of individual petition for individuals to the ECHR machinery when they claim those rights have been violated by the state.

Under the provisions of the Human Rights Act 1998, the ECHR applies as a matter of domestic as well as international law. The main provisions of the Act came into force in the UK in October 2000.

The Convention guarantees a wide variety of rights, including: the right to life and the prohibition of torture and inhuman or degrading treatment or punishment; the right to liberty and security to person; the right to a fair trial; the right to respect for private and family life, home and correspondence; freedom of thought, conscience and religion; freedom of expression; freedom of peaceful assembly and association, including the right to join a trade union; a prohibition of discrimination in the enjoyment of rights and freedoms guaranteed by the Convention on grounds such as sex, race, religion, political or other opinion or association with a national minority.

The Convention recognises that many of these rights cannot be unlimited in a democratic society and that restrictions may be necessary on grounds of public safety or national security, to protect the economic well being of a country, public health and morals or the rights and freedoms of others, or to prevent disorder and crime. It also permits states, on certain conditions, to suspend their obligations in time of war or other public emergencies. No state can, however, suspend its obligation to prohibit torture, slavery and the retroactivity of criminal law.

The Convention is available at: <http://conventions.coe.int>

The European Court of Human Rights

The Court which, like the Committee of Ministers, is based in Strasbourg, consists of one judge, one in respect of each state party to the Convention, elected for six years by the Parliamentary Assembly of the Council of Europe. The judges sit in their individual capacity and do not represent the country by which they were nominated. The Court is a judicial body, and it produces final and binding decisions. The website of the European Court of Human Rights is at: www.echr.coe.int

Individual and inter-state complaints

Article 33 of the ECHR provides for the right for one state party to lodge a complaint against another. Article 34 of the ECHR provides for the right of individual petition to the Court. Thousands of communications are received from individuals each year. A communication will be declared inadmissible if the applicant has not exhausted all domestic remedies or has not made an application within six months of a final decision by the domestic courts or authorities. The applicant must not be anonymous, the complaint must not be the same as one already examined by the Court or previously submitted to another international body, and it must not be manifestly ill-founded. About five per cent of all applications are declared admissible. The Court will request written observations from the parties before declaring a case admissible. The Court also holds oral hearings in a small number of cases.

If a case is declared admissible, there is a period of time when the parties are permitted to reach a "friendly settlement" of the case (though the Court does sometimes decide on admissibility and give its judgement at the same time). If settlement is not possible the Court will move to give its judgement, sometimes after considering further observations from the parties. The Court reaches its decision by a majority, but separate and dissenting opinions are often annexed to the judgement. The judgement of the Court is final, though the judgement of a seven-judge chamber of the Court may be referred to the seventeen-judge Grand Chamber for a re-hearing. The final judgement is binding on the state concerned.

Compliance with commitments

The "compliance with commitments" procedure involves the supervision by the Committee of Ministers of states' implementation of the judgements of the Court against them. Member states are encouraged through dialogue and cooperation to take all appropriate steps to comply with the Court's judgement in the cases under discussion. Discussion is confidential, although in cases requiring specific action the Committee of Ministers may issue an interim resolution on the state of progress, or to express concern; it adopts a final resolution when all the necessary measures have been taken.

Recent developments

The parties to the Convention adopted, in May 2004, Protocol 14 to the ECHR, which aims at improving the Strasbourg mechanism in order to enable the Court to deal with its large backlog of cases. It envisages that some decisions on admissibility, and judgements on the merits of repetitive cases, can be given by single judges and committees of three respectively, and provides for certain trivial cases to be declared inadmissible. It also establishes a single term of office of nine years for the judges. This Protocol is not yet in force.

Member states of the Council of Europe with membership dates - as at July 2005

Albania (13.07.1995)
 Andorra (10.10.1994)
 Armenia (25.01.2001)
 Austria (16.04.1956)
 Azerbaijan (25.01.2001)
 Belgium (05.05.1949)
 Bosnia & Herzegovina (24.04.2002)
 Bulgaria (07.05.1992)
 Croatia (06.11.1996)
 Cyprus (24.05.1961)
 Czech Republic (30.06.1993)
 Denmark (05.05.1949)
 Estonia (14.05.1993)
 Finland (05.05.1989)
 France (05.05.1949)
 Georgia (27.04.1999)
 Germany (13.07.1950)
 Greece (09.08.1949)
 Hungary (06.11.1990)
 Iceland (09.03.1950)
 Ireland (05.05.1949)
 Italy (05.05.1949)
 Latvia (10.02.1995)
 Liechtenstein (23.11.1978)
 Lithuania (14.05.1993)
 Luxembourg (05.05.1949)
 Malta (29.04.1965)
 Moldova (13.07.1995)
 Netherlands (05.05.1949)
 Norway (05.05.1949)
 Poland (29.11.1991)
 Portugal (22.09.1976)
 Romania (07.10.1993)
 Russian Federation (28.02.1996)
 San Marino (16.11.1988)
 Serbia and Montenegro (03.04.2003)
 Slovakia (30.06.1993)

Slovenia (14.05.1993)
 Spain (24.11.1977)
 Sweden (05.05.1949)
 Switzerland (06.05.1963)
 "The former Yugoslav Republic of Macedonia" (09.11.1995)
 Turkey (09.08.1949)
 Ukraine (09.11.1995)
 United Kingdom (05.05.1949)

Observer status with the Council of Europe

Canada
 Holy See
 USA
 Mexico

The Organisation for Security and Cooperation in Europe

The OSCE began life in Helsinki in 1972 as the Conference on Security and Cooperation in Europe (CSCE), with the aim of fostering European security and promoting human rights, democracy and the rule of law through the implementation of politically-binding commitments by consensus. It brings together 55 states from North America, Europe and Central Asia. The OSCE's commitments are set out in a series of Charters and Final Documents (the products of the OSCE summits) which include:

- the 1975 Helsinki Final Act, which sets out the principles guiding cooperation between the participating states in the fields of economics, science, technology and the environment; and in the humanitarian field;
- the 1990 Charter of Paris and the 1990 Copenhagen Document, in which the participating states made commitments further to extend cooperation on democracy and human rights;
- the 1992 Helsinki Document (Challenges of Change), which aimed to improve the OSCE's operational effectiveness in confidence-building, early warning, preventive diplomacy and peacekeeping; and
- the 1994 Budapest Document, which marked the transformation of the Conference into an Organisation and established the Office for Democratic Institutions and Human Rights (ODIHR).

The 1994 Budapest Summit adopted the Code of Conduct on Politico-Military Aspects of Security. The Code includes measures to ensure the democratic control of armed forces and respect for human rights in resolving internal conflicts.

Office for Democratic Institutions and Human Rights

ODIHR is the main instrument of the OSCE in the human rights field (the OSCE's "Human Dimension"). Based in Warsaw, its tasks include election monitoring, the collection of information on human rights throughout the area, training and other support for the emerging democracies and ensuring the proper integration of the human dimension into the work of the OSCE Permanent Council and the Chairman in Office. These activities are undertaken in close cooperation with the Council of Europe and other international organisations. The current Director is Christian Strohal, an Austrian diplomat.

Human dimension mechanisms

The OSCE human dimension mechanisms allow participating states to raise human rights issues in a number of ways, including:

- a request to a participating state by one or more other states for the provision of information about a situation of particular concern;
- a request by a participating state for a mission of OSCE rapporteurs to visit and assist in resolving a particular human rights issue within its territory; and
- a request by one participating state, supported by five or nine others according to circumstances, for a mission of OSCE rapporteurs to visit another state and advise on solutions to a human rights problem there.

Although intended to offer a non-confrontational approach to the resolution of human rights problems, the latter two processes are now rarely used. Much greater use is made instead of special representatives despatched under the authority of the Chairman in Office.

OSCE High Commissioner on National Minorities

The High Commissioner's mandate focuses on minority issues which have the potential to develop into conflicts within the OSCE area endangering peace, stability or relations between OSCE participating states. His mandate describes him as "an instrument of conflict prevention at the earliest possible stage". The High Commissioner on National Minorities' (HCNM's) mandate precludes him from considering minority issues in situations involving organised acts of terrorism. Nor can he consider alleged violations of OSCE commitments in respect of individuals belonging to national minorities. In July 2001, Swedish diplomat Rolf Ekeus succeeded the former Netherlands Foreign Minister Max van der Stoep, who had served as High Commissioner since the position was created in 1993. The Office of the High Commissioner is located in The Hague. For more detail, see the HCNM website: www.osce.org/hcnm

OSCE Representative on Freedom of the Media

The task of the OSCE Representative on Freedom of the Media, established in Vienna in November 1997, is to cooperate with and assist OSCE states in furthering free, independent and pluralistic media - these are crucial to a free and open society and accountable systems of government. The Representative has a mandate to observe relevant media developments in all OSCE states and to promote compliance with OSCE principles and commitments in respect of freedom of expression and free media. He is also responsible for reacting quickly to instances of serious non-compliance by OSCE states. The current Representative is Mr Miklos Haraszti. Further information is available at: www.osce.org/form

OSCE long-term missions

The OSCE makes a real contribution to human rights and democracy throughout Europe by means of its Missions in the field. They provide practical support and advice to encourage reconciliation between communities in post-conflict situations, and to support the development of indigenous institutions underpinning human rights and democracy. The UK provides approximately 10 per cent of the staff and/or funding for these missions, paid for by the FCO.

More information on the OSCE is available at: www.osce.org. Those interested in applying for a UK secondment to the OSCE should see the recruitment section of the FCO website at: www.fco.gov.uk.

The Commonwealth

The Commonwealth is a voluntary association of 53 independent states who work together towards common international goals (a list of member states is at the end of this section). It is also a "family" of nations building on their common heritage in language, culture, law and education - which enables them to work together in an atmosphere of greater trust and understanding. The most widely used definition of the Commonwealth can be found in the 1971 Declaration of Common Principles, available at: www.thecommonwealth.org

The Commonwealth has no formal constitutional structure. It works from understood procedures, conventions and occasional statements of belief or commitment to action. Inter-governmental consultation is its main source of direction enabling member governments to collaborate to influence world events and establish programmes carried out bilaterally or by the Commonwealth Secretariat, the Commonwealth's main executive agency.

Commonwealth Ministerial Action Group

The 1991 Harare Commonwealth Declaration (see website address) stated that the two fundamental principles of the Commonwealth are democracy and human rights. In 1995, the Commonwealth adopted the Millbrook Action Programme to provide mechanisms for putting those principles into action. The Commonwealth Ministerial Action Group (CMAG), of which the UK is an active member, was set up under the Millbrook Programme to assess persistent violations of the Harare principles and to recommend measures for collective Commonwealth action. At their meeting in Edinburgh in October 1997, Commonwealth Heads of Government agreed that applicants to join the Commonwealth should comply with the values, principles and priorities set out in the Harare Declaration. To date, CMAG's work has addressed the situation in Nigeria, Gambia, Sierra Leone and Pakistan.

The Commonwealth Secretariat

The UK is a major contributor to the Commonwealth Secretariat, which runs a range of programmes to help member countries improve their human rights performance. The Secretariat's Human Rights Unit has developed training materials for the police and judiciary; assisted governments in meeting their international and regional human rights reporting obligations; and run programmes to strengthen democratic structures and independent human rights institutions.

Further information is available at: www.thecommonwealth.org

Commonwealth Heads of Government Meeting

Commonwealth Heads of Government Meetings (CHOGMs) are held every two years in different Commonwealth countries. They are the Commonwealth's ultimate policy and decision-making forum. The next CHOGM takes place in Malta in November 2005.

Commonwealth summits have three broad objectives:

- to review international and economic developments to decide, where appropriate, what action the Commonwealth will take and to issue a communiqué stating the Commonwealth's position;
- to examine areas for Commonwealth cooperation for development, considering the work done over the last two years and agreeing priorities and programmes for the future; and
- to strengthen the sense of the Commonwealth itself, in particular its characteristics of friendship, business partnership and stabilisation.

Further information is available at: www.thecommonwealth.org

Members of the Commonwealth

Antigua and Barbuda
 Australia
 The Bahamas
 Bangladesh
 Barbados
 Belize
 Botswana
 Brunei Darussalam
 Cameroon
 Canada
 Cyprus
 Dominica
 Fiji
 The Gambia
 Ghana
 Grenada
 Guyana
 India
 Jamaica
 Kenya
 Kiribati
 Lesotho
 Malawi
 Malaysia
 Maldives
 Malta
 Mauritius
 Mozambique
 Namibia
 Nauru
 New Zealand
 Nigeria
 Pakistan*
 Papua New Guinea
 St Kitts and Nevis
 St Lucia
 St Vincent and the Grenadines
 Seychelles
 Sierra Leone
 Singapore
 Solomon Islands
 South Africa
 Sri Lanka
 Swaziland
 Tanzania
 Tonga
 Trinidad and Tobago
 Tuvalu
 Uganda
 UK

Vanuatu
Western Samoa
Zambia

* denotes a state suspended from the Councils of the Commonwealth

Organisation of American States

American Convention on Human Rights

The American Convention on Human Rights was adopted by the Organisation of American States (OAS) and came into force in 1978. By June 2005, 24 OAS member states were states parties to the Convention.

The Convention contains a broad range of rights, very similar to the European Convention but with some differences. For example, under Article 4 the right to life is to be protected, in general, from the moment of conception (rather than birth). The prohibition on torture and inhuman or degrading treatment is more extensive and is placed in the context of the right to humane treatment. Articles 18 and 19 protect the right to a name and the specific rights of the child. Article 26 provides for the progressive achievement of the rights implicit in the economic, social, educational, scientific and cultural standards set forth in the OAS Charter (1948) as amended by the Protocol of Buenos Aires (1967).

The Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights has jurisdiction to receive, analyse and investigate complaints that allege violations of the American Convention on Human Rights by states that have ratified the Convention. The Commission may also receive and examine complaints of alleged violations of the rights set forth in the American Declaration of the Rights and Duties of Man (1948) concerning OAS member states that are not parties to the Convention. The Commission consequently exercises jurisdiction in respect of all 35 OAS member states. Cuba is a member of the OAS but has been suspended from participation in the inter-American system since 1962. The Commission is based in Washington, DC.

The Commission performs a number of functions: it may receive and examine a complaint by one state party alleging that another state party has violated the American Convention, but only if both states have made a declaration under Article 45 recognising the competence of the Commission to entertain such claims. It is empowered to receive and review communications alleging violations of inter-American human rights instruments lodged by "any person or group of persons, or any non-governmental entity legally recognised in one or more member states of the Organisation". All remedies under

domestic law must have been pursued and exhausted, or shown to be ineffective or unduly prolonged; and the Commission's functions and powers include promoting respect for and defence of human rights in the Americas, by such means as preparing reports and studies, making recommendations to Member States for the adoption of measures to promote human rights and providing advisory services in response to enquiries made by member states on human rights related matters.

The Commission has received thousands of individual petitions alleging human rights violations. In 2004 the Commission or Commission delegations conducted on-site visits to observe the human rights situation in a number of countries, including Bolivia, Colombia, Haiti, Guatemala, El Salvador, Honduras and Argentina. By the end of 2003 it had examined more than 1,300 complaints.

The Inter-American Court of Human Rights

The Inter-American Court of Human Rights is an autonomous judicial institution established under the American Convention on Human Rights. The Court's principal purpose is to interpret and apply the Convention. It is based in San Jose, Costa Rica. The Court is composed of seven judges and has both adjudicative and advisory jurisdiction. In order for a case against a state party to be brought before the Court, the state party concerned must have made a prior declaration recognising the jurisdiction of the Court to rule on cases where a friendly settlement has not been achieved. The Convention also provides that any OAS member state may consult the Court on the interpretation and application of the Convention or of other treaties on the protection of human rights in the American States. Since its inception in 1979, the Court has issued numerous judgements and advisory opinions. The Court has close institutional links with the Inter-American Commission on Human Rights and maintains institutional relations with the European Court of Human Rights.

For more information about OAS and its programmes, contact:

Organisation of American States
17th St. and Constitution Avenue NW
Washington DC 20006
United States
Tel: +1 (202) 458 3760
Fax: +1 (202) 458 6421
Email: pi@oas.org
Website: www.oas.org

African Union

The African Union (AU) was launched in July 2002, as the successor to the Organisation for African Unity (OAU). Comprising all African countries except Morocco, the AU is the primary African regional organisation. The Constitutive Act of the AU sets out an ambitious institutional framework, which is only likely to be fully implemented over the longer term. There is, however, a welcome emphasis on promoting good governance, democracy and human rights in the AU's Constitutive Act, which was also reflected in the AU's inaugural summit.

African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights, adopted in June 1981 and entered into force in 1986, is a legally binding treaty to which, by June 2001, there were 53 state parties. It contains a wide range of rights covering civil and political rights and economic, social and cultural rights. It also includes various peoples' rights (as opposed to individual's rights) which are much less developed in other international or regional legally binding instruments (such as the right to a healthy environment).

The Charter also differs from other human rights conventions by listing, in Articles 27-29, the duties of the individual towards the state (for example, not to compromise the security of the state), whereas in other conventions the individual has a duty only to other individuals. Its limitations clauses are more restrictive than those in other Conventions (for example, the rights to freedom of expression, of association and of movement must be exercised 'within the law', whereas in other instruments they may only be subject to restrictions which are provided by law and are shown to be necessary for the respect of the rights of others or for the protection of national security, public order, public health or morals).

The Charter can be found at: www.africa-union.org

The African Commission on Human and Peoples' Rights

Implementation of the African Charter is supervised by the African Commission on Human and Peoples' Rights which was established in November 1987. It is composed of 11 members who are elected by the AU Assembly of Heads of State and Government from a list of candidates nominated by state parties to the Charter. The Charter makes no provision for a Court. However, the members of the then OAU adopted a Protocol in 1998 deciding to establish an African Court of Human and Peoples' Rights. At least 15 AU member states need to ratify the protocol for it to come into force. So far, 36 countries have signed the Protocol and nine countries have ratified it.

The Commission's functions are:

- examining communications by one state party alleging that another state party has violated the Charter.
- examining communications "other than those of state parties". This includes communications from individuals, groups and non-governmental organisations. One of the admissibility requirements is that remedies at the national level be exhausted unless it is obvious that such procedures are unduly prolonged. If communications reveal a "series of serious or massive violations of human and peoples' rights", the Commission must draw this to the attention of the AU Assembly of Heads of State and Government;
- promoting human rights by undertaking studies, disseminating information and encouraging national and local institutions concerned with human rights; and
- providing advice on the implementation of human rights to the AU or any of its member states.

Further information about the African Commission on Human and Peoples' Rights can be obtained from:

Headquarters, African Union
PO Box 3243
Addis Ababa
Ethiopia
Tel: [251] (1) 517700
Fax: [251] (1) 512622
Website: www.africa-union.org

The African Commission on Human and Peoples' Rights
P.O. Box 673
Banjul
The Gambia
Tel. [220] 392962
Telex: 2346 OAU BJL GV;
Fax: [220] 390764.
E-mail: idoc@achpr.org

Status of ratifications

Status of ratifications of the principal international human rights treaties as of 27 April 2005 (Source UN) - <http://www.ohchr.org/english/countries/ratification/index.htm>

The principle international human rights treaties of the United Nations are the following:

- (1) the International Covenant on Economic, Social and Cultural Rights (CESCR), which is monitored by the Committee on Economic, Social and Cultural Rights;
- (2) the International Covenant on Civil and Political Rights (CCPR), which is monitored by the Human Rights Committee;
- (3) the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which is monitored by the Committee on the Elimination of Racial Discrimination;
- (4) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is monitored

by the Committee on the Elimination of Discrimination against Women;

- (5) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which is monitored by the Committee against Torture;

- (6) the Convention on the Rights of the Child (CRC), which is monitored by the Committee on the Rights of the Child;

The following chart shows which states are a party (indicated by the date of adherence: ratification, accession or succession) or signatory (indicated by an "s" and the date of signature) to the United Nations human rights treaties listed above. Self-governing territories that have ratified any of the treaties are also included in the chart.

As at 27 April 2005, all 191 member states of the United Nations and 2 non-member states were a party to one or more of these treaties.

New ratifications since the Human Rights Annual Report 2004 are in bold.

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Afghanistan	24 Jan 83a	24 Jan 83a	06 Jul 83a	5 Mar 03	01 Apr 87	28 Mar 94
Albania	04 Oct 91a	04 Oct 91a	11 May 94a	11 May 94a	11 May 94a	27 Feb 92
Algeria	12 Sep 89	12 Sep 89	14 Feb 72*	22 May 96a	12 Sep 89*	16 Apr 93
Andorra		s:5 Aug 02	s: 5 Aug 02	15 Jan 97a		02 Jan 96
Angola	10 Jan 92a	10 Jan 92a		17 Sep 86a		06 Dec 90

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Antigua and Barbuda			25 Oct 88d	01 Aug 89a	19 Jul 93a	06 Oct 93
Argentina	08 Aug 86	08 Aug 86	02 Oct 68	15 Jul 85	24 Sep 86*	05 Dec 90
Armenia	13 Sep 93a	23 Jun 93a	23 Jun 93a	13 Sep 93a	13 Sep 93	23 Jun 93a
Australia	10 Dec 75	13 Aug 80	30 Sep 75*	28 Jul 83	08 Aug 89*	17 Dec 90
Austria	10 Sep 78	10 Sep 78	09 May 72	31 Mar 82	29 Jul 87*	06 Aug 92
Azerbaijan	13 Aug 92a	13 Aug 92a	16 Aug 96a	10 Jul 95a	16 Aug 96a	13 Aug 92a
Bahamas			05 Aug 75d	06 Oct 93a		20 Feb 91
Bahrain			27 Mar 90a	18 Jun 02a	06 Mar 98a	13 Feb 92a
Bangladesh	05 Oct 98a	07 Sep 00a	11 Jun 79a	06 Nov 84a	05 Oct 98a	03 Aug 90
Barbados	05 Jan 73a	05 Jan 73a	08 Nov 72a	16 Oct 80		09 Oct 90
Belarus	12 Nov 73	12 Nov 73	08 Apr 69	04 Feb 81	13 Mar 87	02 Oct 90
Belgium	21 Apr 83	21 Apr 83	07 Aug 75*	10 Jul 85	25 Jun 99*	16 Dec 91
Belize	s:06 Sep 00	10 Jun 96a	14 Nov 01	16 May 90	17 Mar 86a	02 May 90
Benin	12 Mar 92a	12 Mar 92a	30 Nov 01	12 Mar 92	12 Mar 92a	03 Aug 90
Bhutan			s:26 Mar 73	31 Aug 81		01 Aug 90
Bolivia	12 Aug 82a	12 Aug 82a	22 Sep 70	08 Jun 90	12 Apr 99	26 Jun 90
Bosnia and Herzegovina	01 Sep 93d	01 Sep 93d	16 Jul 93d	01 Sep 93d	01 Sep 93d	01 Sep 93d
Botswana		08 Sep 00	20 Feb 74a	13 Aug 96a	08 Sep 00	14 Mar 95a
Brazil	24 Jan 92a	24 Jan 92a	27 Mar 68	01 Feb 84	28 Sep 89	25 Sep 90
Brunei Darussalam						27 Dec 95a
Bulgaria	21 Sep 70	21 Sep 70	08 Aug 66*	08 Feb 82	16 Dec 86*	03 Jun 91
Burkina Faso	04 Jan 99a	04 Jan 99a	18 Jul 74a	14 Oct 87a	04 Jan 99a	31 Aug 90
Burma				21 Jul 97a		15 Jul 91a
Burundi	09 May 90a	09 May 90a	27 Oct 77	08 Jan 92	18 Feb 93a	19 Oct 90
Cambodia	26 May 92a	26 May 92a	28 Nov 83	15 Oct 92a	15 Oct 92a	15 Oct 92a
Cameroon	27 Jun 84a	27 Jun 84a	24 Jun 71	23 Aug 94	19 Dec 86a	11 Jan 93
Canada	19 May 76a	19 May 76a	14 Oct 70	10 Dec 81	24 Jun 87*	13 Dec 91
Cape Verde	06 Aug 93a	06 Aug 93a	03 Oct 79a	05 Dec 80a	04 Jun 92a	04 Jun 92a
Central African Republic	08 May 81a	08 May 81a	16 Mar 71	21 Jun 91a		23 Apr 92
Chad	09 Jun 95a	09 Jun 95a	17 Aug 77a	09 Jun 95a	09 Jun 95a	02 Oct 90
Chile	10 Feb 72	10 Feb 72	20 Oct 71*	08 Dec 89	30 Sep 88	13 Aug 90
China	27 Mar 01	s:05 Oct 98	29 Dec 81a	04 Nov 80	04 Oct 88	03 Mar 92
Colombia	29 Oct 69	29 Oct 69	02 Sep 81	19 Jan 82	08 Dec 87	28 Jan 91
Comoros			27 Sep 04	31 Oct 94a	s:22 Sep 00	23 Jun 93
Congo	05 Oct 83a	05 Oct 83a	11 Jul 88a	26 Jul 82		14 Oct 93a
Cook Islands						06 Jun 97a
Costa Rica	29 Nov 68	29 Nov 68	16 Jan 67*	04 Apr 86	11 Nov 93	21 Aug 90
Côte d'Ivoire	26 Mar 92a	26 Mar 92a	04 Jan 73a	18 Dec 95	18 Dec 95a	04 Feb 91
Croatia	12 Oct 92d	12 Oct 92d	12 Oct 92d	09 Sep 92d	12 Oct 92d	12 Oct 92d
Cuba			15 Feb 72	17 Jul 80	17 May 95	21 Aug 91
Cyprus	02 Apr 69	02 Apr 69	21 Apr 67*	23 Jul 85a	18 Jul 91*	07 Feb 91
Czech Republic	22 Feb 93d	22 Feb 93d	22 Feb 93d	22 Feb 93d	01 Jan 93d	22 Feb 93d
Democratic People's Republic of Korea	14 Feb 81a	14 Sep 81a		27 Feb 01a		21 Sep 90
Democratic Republic of the Congo	01 Nov 76a	01 Nov 76a	21 Apr 76a	17 Oct 86	18 Mar 96	28 Sep 90
Denmark	06 Jan 72	06 Jan 72	09 Dec 71*	21 Apr 83	27 May 87*	19 Jul 91
Djibouti	05 Nov 02a	05 Nov 02a		02 Dec 98a	05 Nov 02a	06 Dec 90
Dominica	17 Jun 93a	17 Jun 93a		15 Sep 80		13 Mar 91
Dominican Republic	04 Jan 78a	04 Jan 78a	25 May 83a	02 Sep 82	s:04 Feb 85	11 Jun 91
East Timor	16 Jul 03	18 Dec 03	16 May 03a	16 May 03a	16 May 03a	16 May 03a

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Ecuador	06 Mar 69	06 Mar 69	22 Sep 66a	09 Nov 81	30 Mar 88*	23 Mar 90
Egypt	14 Jan 82	14 Jan 82	01 May 67	18 Sep 81	25 Jun 86*	06 Jul 90
El Salvador	30 Nov 79	30 Nov 79	30 Nov 79a	19 Aug 81	17 Jun 96a	10 Jul 90
Equatorial Guinea	25 Sep 87a	25 Sep 87a	08 Oct 02	23 Oct 84a		15 Jun 92a
Eritrea	17 Apr 01a	22 Jan 02a	01 Aug 01a	05 Sep 95a		03 Aug 94
Estonia	21 Oct 91a	21 Oct 91a	21 Oct 91a	21 Oct 91a	21 Oct 91a	21 Oct 91a
Ethiopia	11 Jun 93a	11 Jun 93a	23 Jun 76a	10 Sep 81	13 Mar 94a	14 May 91a
Fiji			11 Jan 73d	28 Aug 95		13 Aug 93
Finland	19 Aug 75	19 Aug 75	14 Jul 70*	04 Sep 86	30 Aug 89*	21 Jun 91
France	04 Nov 80a	04 Nov 80a	28 Jul 71a	14 Dec 83	18 Feb 86*	08 Aug 90
Gabon	21 Jan 83a	21 Jan 83a	29 Feb 80	21 Jan 83	08 Sep 00	09 Feb 94
Gambia	29 Dec 78a	22 Mar 79a	29 Dec 78a	16 Apr 93	s:23 Oct 85	08 Aug 90
Georgia	03 May 94a	03 May 94a	02 Jun 99a	26 Oct 94a	26 Oct 94a	02 Jun 94a
Germany	17 Dec 73	17 Dec 73	16 May 69*	10 Jul 85	01 Oct 90*	06 Mar 92
Ghana	08 Sep 00	08 Sep 00	08 Sep 66	02 Jan 86	08 Sep 00	05 Feb 90
Greece	16 May 85a	05 May 97a	18 Jun 70	07 Jun 83	06 Oct 88*	11 May 93
Grenada	06 Sep 91a	06 Sep 91a	s:17 Dec 81	31 Aug 90		05 Nov 90
Guatemala	19 May 88a	06 May 92a	18 Jan 83	12 Aug 82	05 Jan 90a	06 Jun 90
Guinea	24 Jan 78	24 Jan 78	14 Mar 77	09 Aug 82	10 Oct 89	13 Jul 90a
Guinea-Bissau	02 Jul 92a	s:12 Sep 00	s:12 Sep 00	23 Aug 85	s:12 Sep 00	21 Aug 90
Guyana	15 Feb 77	15 Feb 77	15 Feb 77	17 Jul 80	19 May 88	14 Jan 91
Haiti		06 Feb 91a	19 Dec 72	20 Jul 81		09 Jun 95
Holy See			01 May 69		26 Jun 02a	20 Apr 90
Honduras	17 Feb 81	25 Aug 97	09 Nov 02	03 Mar 83	05 Dec 96a	10 Aug 90
Hungary	17 Jan 74	17 Jan 74	01 May 67*	22 Dec 80	15 Apr 87*	08 Oct 91
Iceland	22 Nov 79	22 Aug 79	13 Mar 67*	18 Jun 85	23 Oct 96*	28 Oct 92
India	10 Apr 79a	10 Apr 79a	03 Dec 68	09 Jul 93	s:14 Oct 97	11 Dec 92a
Indonesia			25 Jun 99a	13 Sep 84	28 Oct 98	05 Sep 90
Iran (Islamic Republic of)	24 Jun 75	24 Jun 75	29 Aug 68			13 Jul 94
Iraq	25 Jan 71	25 Jan 71	14 Jan 70	13 Aug 86a		15 Jun 94a
Ireland	08 Dec 89	08 Dec 89	29 Dec 00*	23 Dec 85a	11 Apr 02	28 Sep 92
Israel	03 Oct 91	03 Oct 91	03 Jan 79	03 Oct 91	03 Oct 91	03 Oct 91
Italy	15 Sep 78	15 Sep 78	05 Jan 76*	10 Jun 85	12 Jan 89*	05 Sep 91
Jamaica	03 Oct 75	03 Oct 75	04 Jun 71	19 Oct 84		14 May 91
Japan	21 Jun 79	21 Jun 79	15 Dec 95a	25 Jun 85	29 Jun 99a	22 Apr 94
Jordan	28 May 75	28 May 75	30 May 74a	01 Jul 92	13 Nov 91	24 May 91
Kazakhstan	02 Dec 03	02 Dec 03	26 Aug 98a	26 Aug 98a	26 Aug 98a	12 Aug 94
Kenya	01 May 72a	01 May 72a	13 Sep 01a	09 Mar 84a	21 Feb 97a	31 Jul 90
Kiribati				16 Apr 04a		11 Dec 95a
Korea (Republic of)	10 Apr 90a	10 Apr 90a	05 Dec 78*	27 Dec 84	09 Jan 95a	20 Nov 91
Kuwait	21 May 96a	21 May 96a	15 Oct 68a	02 Sep 94a	08 Mar 96a	21 Oct 91
Kyrgyzstan	07 Oct 94a	07 Oct 94a	05 Sep 97a	10 Feb 97a	05 Sep 97a	07 Oct 94a
Lao People's Democratic Republic	s:07 Dec 00	s:07 Dec 00	22 Feb 74a	14 Aug 81		08 May 91a
Latvia	14 Apr 92a	14 Apr 92a	14 Apr 92a	15 Apr 92a	14 Apr 92a	15 Apr 92a
Lebanon	03 Nov 72a	03 Nov 72a	12 Nov 71a	21 Apr 97a	05 Oct 00a	14 May 91
Lesotho	09 Sep 92a	09 Sep 92a	04 Nov 71a	22 Aug 95	13 Nov 01a	10 Mar 92
Liberia	22 Sep 04a	22 Sep 04a	05 Nov 76a	17 Jul 84	22 Sep 04a	04 Jun 93
Libyan Arab Jamahiriya	15 May 70a	15 May 70a	03 Jul 68a	16 May 89a	16 May 89a	16 Apr 93a
Liechtenstein	10 Dec 98a	10 Dec 98a	01 Mar 00a	22 Dec 95a	02 Nov 90*	22 Dec 95
Lithuania	20 Nov 91a	20 Nov 91a	10 Dec 98	18 Jan 94a	01 Feb 96	31 Jan 92a

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Luxembourg	18 Aug 83	18 Aug 83	01 May 78*	02 Feb 89	29 Sep 87*	07 Mar 94
Macedonia (The Former Yugoslav Republic of)						
Madagascar	18 Jan 94d	18 Jan 94d	18 Jan 94d	18 Jan 94d	12 Dec 94d	02 Dec 93d
Malawi	22 Sep 71	21 Jun 71	07 Feb 69	17 Mar 89	s:01 Oct 01	19 Mar 91
Malaysia	22 Dec 93a	22 Dec 93a	11 Jun 96a	12 Mar 87a	11 Jun 96a	03 Jan 91a
Maldives				05 Jul 95		17 Feb 95a
Mali			24 Apr 84a	01 Jul 93a	20 May 04a	11 Feb 91
Malta	16 Jul 74a	16 Jul 74a	16 Jul 74a	10 Sep 85	26 Feb 99a	21 Sep 90
Marshall Islands	13 Sep 90	13 Sep 90a	27 May 71*	08 Mar 91a	13 Sep 90a	01 Oct 90
Mauritania						05 Oct 93
Mauritius	17 Nov 04a	17 Nov 04a	13 Dec 88	10 May 01a	17 Nov 04a	16 May 91
Mexico	12 Dec 73a	12 Dec 73a	30 May 72a	09 Jul 84a	09 Dec 92a	26 Jul 90a
Micronesia (Federated States of)	23 Mar 81a	23 Mar 81a	20 Feb 75	23 Mar 81	23 Jan 86	21 Sep 90
Moldova (Republic of)				1 Oct 04a		05 May 93a
Monaco	26 Jan 93a	26 Jan 93a	26 Jan 93a	01 Jul 94a	28 Nov 95	26 Jan 93a
Mongolia	28 Aug 97	28 Aug 97	27 Sep 95a		06 Dec 91a	21 Jun 93a
Morocco	18 Nov 74	18 Nov 74	06 Aug 69	20 Jul 81	24 Jan 02a	06 Jul 90
Mozambique	03 May 79	03 May 79	18 Dec 70	21 Jun 93a	21 Jun 93	22 Jun 93
Namibia		21 Jul 93a	18 Apr 83a	16 Apr 97a	14 Sep 99a	26 Apr 94
Nauru	28 Nov 94a	28 Nov 94a	11 Nov 82a	23 Nov 92a	28 Nov 94a	30 Sep 90
Nepal		s:12 Nov 01	s:12 Nov 01		s:12 Nov 01	27 Jul 94a
Netherlands	14 May 91a	14 May 91a	30 Jan 71a	22 Apr 91	14 May 91a	14 Sep 90
New Zealand	11 Dec 78	11 Dec 78	10 Dec 71*	23 Jul 91	21 Dec 88*	06 Feb 95
Nicaragua	28 Dec 78	28 Dec 78	22 Nov 72	10 Jan 85	10 Dec 89*	06 Apr 93
Niger	12 Mar 80a	12 Mar 80a	15 Feb 78a	27 Oct 81	s:15 Apr 85	05 Oct 90
Nigeria	07 Mar 86a	07 Mar 86a	27 Apr 67	08 Oct 99a	05 Oct 98a	30 Sep 90
Niue	29 Jul 93a	29 Jul 93a	16 Oct 67a	13 Jun 85	28 Jun 01	19 Apr 91
Norway						20 Dec 95a
Oman	13 Sep 72	13 Sep 72	06 Aug 70*	21 May 81	09 Jul 86*	08 Jan 91
Pakistan			02 Jan 03a			09 Dec 96a
Palau	s:03 Nov 04		21 Sep 66	12 Mar 96a		12 Nov 90
Panama						04 Aug 95a
Papua New Guinea	08 Mar 77a	08 Mar 77	16 Aug 67	29 Oct 81	24 Aug 87	12 Dec 90
Paraguay			27 Jan 82a	12 Jan 95a		02 Mar 93
Peru	10 Jun 92a	10 Jun 92	s:13 Sep 03	06 Apr 87a	12 Mar 90	25 Sep 90
Philippines	28 Apr 78	28 Apr 78	29 Sep 71*	13 Sep 82	07 Jul 88	05 Sep 90
Poland	07 Jun 74	23 Oct 86	15 Sep 67	05 Aug 81	18 Jun 86a	21 Aug 90
Portugal	18 Mar 77	18 Mar 77	05 Dec 68*	30 Jul 80	26 Jul 89*	07 Jun 91
Qatar	31 Jul 78	15 Jun 78	24 Aug 82a	30 Jul 80	09 Feb 89*	21 Sep 90
Romania			22 Jul 76a		11 Jan 00a	04 Apr 95
Russian Federation	09 Dec 74	09 Dec 74	15 Sep 70a	07 Jan 82	18 Dec 90a	28 Sep 90
Rwanda	16 Oct 73	16 Oct 73	04 Feb 69*	23 Jan 81	03 Mar 87*	17 Aug 90
Saint Kitts and Nevis	16 Apr 75a	16 Apr 75a	16 Apr 75a	02 Mar 81		24 Jan 91
Saint Lucia				25 Apr 85a		24 Jul 90
Saint Vincent and the Grenadines			14 Feb 90d	08 Oct 82a		16 Jun 93
Samoa	09 Nov 81a	09 Nov 81a	09 Nov 81a	05 Aug 81a	01 Aug 01a	26 Oct 93
San Marino				25 Sep 92a		29 Nov 94
Sao Tome and Principe	18 Oct 85a	18 Oct 85a	12 Mar 02	09 Jan 04	18 Sep 02	25 Nov 91a
	s:31 Oct 95	s:31 Oct 95	s:06 Sep 00	03 Jun 03	s:06 Sep 00	14 May 91a

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Saudi Arabia			23 Sep 97a	07 Sep 00	23 Sep 97a	26 Jan 96a
Senegal	13 Feb 78	13 Feb 78	19 Apr 72*	05 Feb 85	21 Aug 86*	01 Aug 90
Serbia and Montenegro	12 Mar 01d	12 Mar 01d	12 Mar 01d	12 Mar 01d	12 Mar 01d	03 Jan 91d
Seychelles	05 May 92a	05 May 92a	07 Mar 78a	06 May 92a	05 May 92a	07 Sep 90a
Sierra Leone	23 Aug 96a	23 Aug 96a	02 Aug 67	11 Nov 88	25 Apr 01	18 Jun 90
Singapore				05 Oct 95a		05 Oct 95a
Slovakia	28 May 93d	28 May 93d	28 May 93d	28 May 93d	28 May 93d	28 May 93d
Slovenia	06 Jul 92d	06 Jul 92d	06 Jul 92d	06 Jul 92d	16 Jul 93a	06 Jul 92d
Solomon Islands	17 Mar 82d		17 Mar 82d	06 May 02a		10 Apr 95a
Somalia	24 Jan 90a	24 Jan 90a	26 Aug 75		24 Jan 90a	09 May 02
South Africa	s:03 Oct 94	10 Dec 98	10 Dec 98*	15 Dec 95	10 Dec 98*	16 Jun 95
Spain	27 Apr 77	27 Apr 77	13 Sep 68a	05 Jan 84	21 Oct 87*	06 Dec 90
Sri Lanka	11 Jun 80a	11 Jun 80a	18 Feb 82a	05 Oct 81	03 Jan 94a	12 Jul 91
Sudan	18 Mar 86a	18 Mar 86a	21 Mar 77a		s:04 Jun 86	03 Aug 90
Suriname	28 Dec 76a	28 Dec 76a	15 Mar 84d	02 Mar 93a		02 Mar 93
Swaziland	26 Jun 04	26 Jun 04	07 Apr 69a	25 Apr 04a	25 Apr 04a	08 Sep 95
Sweden	06 Dec 71	06 Dec 71	06 Dec 71*	02 Jul 80	08 Jan 86*	29 Jun 90
Switzerland	18 Jun 92a	18 Jun 92a	29 Nov 94a	27 Mar 97	02 Dec 86*	24 Feb 97
Syrian Arab Republic	21 Apr 69a	21 Apr 69a	21 Apr 69a	28 Mar 03	18 Aug 04a	15 Jul 93
Tajikistan	04 Jan 99a	04 Jan 99a	11 Jan 95a	26 Oct 93a	11 Jan 95a	26 Oct 93a
Tanzania (United Republic of)	11 Jun 76a	11 Jun 76a	27 Oct 72a	20 Aug 85		11 Jun 91
Thailand	05 Sep 99a	29 Oct 96a	28 Jan 03a	09 Aug 85a		27 Mar 92a
Togo	24 May 84a	24 May 84a	01 Sep 72a	26 Sep 83a	18 Nov 87*	01 Aug 90
Tonga			16 Feb 72a			06 Nov 95a
Trinidad and Tobago	08 Dec 78a	21 Dec 78a	04 Oct 73	12 Jan 90		06 Dec 91
Tunisia	18 Mar 69	18 Mar 69	13 Jan 67	20 Sep 85	23 Sep 88*	31 Jan 92
Turkey	23 Dec 03	23 Dec 03	16 Sep 02	20 Dec 85a	02 Aug 88*	04 Apr 95
Turkmenistan	01 May 97a	01 May 97a	29 Sep 94a	01 May 97a	25 Jun 99a	20 Sep 93a
Tuvalu				06 Oct 99a		22 Sep 95a
Uganda	21 Jan 87a	21 Jun 95a	21 Nov 80a	23 Jul 85	03 Nov 86a	17 Aug 90
Ukraine	12 Nov 73	12 Nov 73	07 Mar 69*	12 Mar 81	24 Feb 87	28 Aug 91
United Arab Emirates			20 Jun 74a	06 Oct 04a		03 Jan 97a
United Kingdom of Great Britain and Northern Ireland	20 May 76	20 May 76	07 Mar 69	07 Apr 86	08 Dec 88*	16 Dec 91
United States of America	s:05 Oct 77	08 Jun 92	21 Oct 94	s:17 Jul 80	21 Oct 94*	s:16 Feb 95
Uruguay	01 Apr 70	01 Apr 70	30 Aug 68*	09 Oct 81	24 Oct 86*	20 Nov 90
Uzbekistan	28 Sep 95a	28 Sep 95a	28 Sep 95a	19 Jul 95a	28 Sep 95a	29 Jun 94a
Vanuatu				08 Sep 95		07 Jul 93
Venezuela	10 May 78	10 May 78	10 Oct 67	02 May 83	29 Jul 91*	14 Sep 90
Viet Nam	24 Sep 82a	24 Sep 82a	09 Jun 82a	17 Feb 82		28 Feb 90
Yemen	09 Feb 87a	09 Feb 87a	18 Oct 72a	30 May 84a	05 Nov 91a	01 May 91
Zambia	10 Apr 84a	10 Apr 84a	04 Feb 72	21 Jun 85	07 Oct 98a	06 Dec 91
Zimbabwe	13 May 91a	13 May 91a	13 May 91a	14 May 91a		11 Sep 90
TOTAL STATE PARTIES	151	154	170	179	139	192

Notes: a accession d succession s signature

* indicates that the state party has recognized the competence to receive and process individual communications of the Committee on the Elimination of Racial Discrimination under article 14 of the CERD (total 37 States parties) or of the Committee against Torture under article 22 of CAT (total 46 State parties).

Overseas Territories: Human rights instruments ratification

Treaty	UK	An	Be	BVI	CI	G	F	M	StH	P	TCI
ICCPR	•		•	•	•	•	•	•	•	•	•
ICESCR	•		•	•	•	•	•	•	•	•	•
European Convention on Human Rights	•	•	•	•	•	•	•	•	•		•
CAT	•	•	•	•	•	•	•	•	•	•	•
CRC	•	•	•	•	•		•	•	•	•	•
CEDAW	•			•			•				•
CERD	•	•	•	•	•	•	•	•	•	•	•
Convention on Political Rights of Women	•	•	•	•	•	•	•	•	•	•	•
Convention on Prevention and Punishment of Genocide	•		•	•		•	•		•	•	•
Convention on Reduction of Statelessness	•	•	•	•	•	•	•	•	•		•
Convention on Status of Statelessness	•	•	•	•	•		•	•	•		•
ILO Convention No.105 Abolition of Forced Labour	•	•	•	•	•	•	•	•	•		•
ILO Convention No.87 Freedom of Assn. and Right to Organise	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 98 Organise and Collective Bargaining	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 29 Forced Labour	•	•	•	•	•	•	•	•	•		•
ILO Convention No. 100 Equal Remuneration	•					•					
ILO Convention No. 138 Minimum Age (UK ratified 2000)	•										
Convention on Consent to Marriage, Minimum Age and Registration	•	•	•	•	•	•	•	•	•	•	•
ILO Convention No. 97 Migration for Employment	•	•	•	•				•			
Geneva Conventions I, II, III IV (1949)	•	•	•	•	•	•	•	•	•	•	•
European Convention for Prevention of Torture or Degrading Treatment	•					•					
UNESCO Convention Against Discrimination in Education	•	•		•	•	•	•	•	•		•
Convention on Abolition of Slavery	•	•	•	•	•	•	•	•	•		•
ILO Convention No.182 Worst Forms of Child Labour (UK ratified 2000)	•										
ECHR Protocol No. 1 (Possessions/ Education/Elections)	•		•	•	•	•		•	•		•
European Convention for the Prevention of Torture Protocol 1.	•					•					
European Convention for the Prevention of Torture Protocol 2.	•					•					

Key: An - Anguilla G - Gibraltar Be - Bermuda M - Montserrat BVI - British Virgin Islands StH - St Helena & Dependencies
CI - Cayman Islands P - Pitcairn Islands F - Falkland Islands TCI - Turks & Caicos Islands

Further sources of information

In all email correspondence to government departments please include your postal address for a reply.

- **On-line directory of all Government websites**
www.direct.gov.uk

- **BBC World Service**
Bush House
Strand
London WC2B 4PH

Tel: 020 7240 3456

Fax: 020 7557 1258

www.bbc.co.uk/worldservice

- **British Council**
Bridgewater House
58 Whitworth Street
Manchester M1 6BB

Tel: 0161 957 7755

Fax: 0161 957 7762

10 Spring Gardens
London SW1A 2BN

Tel: 020 7930 8466

Fax: 020 7389 6347

Email: general.enquiries@britishcouncil.org

www.britishcouncil.org

- **The Commonwealth**

The Commonwealth Secretariat
Marlborough House
Pall Mall
London
SW1Y 5HX

Tel: 020 7747 6500

Email: info@commonwealth.int

www.thecommonwealth.org

- **Institute of Commonwealth Studies**

School of Advanced Study
University of London
28 Russell Square
London WC1B 5DS

Tel: 020 7862 8844

Fax: 020 7862 8820

Email: ics@sas.ac.uk

www.sas.ac.uk/commonwealthstudies

- **Council of Europe**

Avenue de l'Europe
F-67075 Strasbourg Cedex
France

Tel: +33 3 88 41 20 33

Fax: +33 3 88 41 27 45

Email: infopoint@coe.int

www.coe.int

- **European Court of Human Rights**
Council of Europe
F-67075 Strasbourg Cedex
France

Tel: +33 3 88 41 20 18
Fax: +33 3 88 41 27 30

www.echr.coe.int
- **The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**
Secretariat of the CPT
Human Rights Building
Council of Europe
F-67075 Strasbourg Cedex
France

Tel: 03 88 41 39 39/ (International) +33 3 88 41 39 39
Fax: 03 88 41 27 72/ (International) +33 3 88 41 27 72
Email: cptdoc@coe.int

www.cpt.coe.int
- **Council of the European Union**
Rue de la Loi
175 B-1048 Bruxelles
Belgium

Tel: +32 2 285 61 11
Fax: +32 2 285 73 97/ 81
Email: public.info@consilium.eu.int

www.ue.eu.int/en/info/index.htm
- **EU Annual Human Rights Report**
http://ue.eu.int/cms3_fo/showPage.asp?id=402&lang=en&mode=g
- **Department for Education and Skills (DFES)**
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Tel: 0870 000 2288
Fax: 01928 794248
Email: info@dfes.gsi.gov.uk

www.dfes.gov.uk
- Rights of disabled people including Disability Rights Commission, Disability Rights Task Force and the Disability Rights Act**

Tel: 0800 882 200

www.disability.gov.uk
- **Department for International Development**
1 Palace Street
London
SW1E 5HE

(Public Enquiry Points)
Tel: 0845 3004100/ (International) +44 (0) 1355 84 3132
Fax: (International) +44 (0) 1355 84 3632
Email: enquiry@dfid.gov.uk

www.dfid.gov.uk
- **Department for Work and Pensions**
Public Enquiry Office
Room 112
The Adelphi
1-11 John Adam Street
London
WC2N 6HT

Tel: 020 7712 2171

www.dwp.gov.uk
- **Department of Constitutional Affairs**
Selbourne House
54 Victoria Street
London
SW1E 6QW

Tel: 020 7210 8614

www.dca.gov.uk

Human Rights Act implementation in UK

www.humanrights.gov.uk

Freedom of Information including details of the Freedom of Information Act

<http://www.dca.gov.uk/foi/index.htm>

- **Department of Trade and Industry (DTI)**
DTI Response Centre
1 Victoria Street
London
SW1H 0ET

Tel: 020 7215 5000
Email: dti.enquiries@dti.gsi.gov.uk

www.dti.gov.uk
- **Women and Equality Unit**
1 Victoria Street
London
SW1H 0ET

Tel: 0207 215 5000
Minicom: 0207 215 6740

www.womenandequalityunit.gov.uk
- **The Foreign and Commonwealth Office (FCO)**
King Charles Street
London
SW1A 2AH

Main website including Annual Report on Strategic Export Controls and the FCO's Annual Departmental Report

www.fco.gov.uk
- **Home Office**
Direct Communications Unit
2 Marsham St
London
SW1P 4DF

Tel: 0870 000 1585
Email: public.enquiries@homeoffice.gsi.gov.uk

www.homeoffice.gov.uk

The Race Relations (Amendment) Act
<http://www.homeoffice.gov.uk/comrace/race/raceact/amendment.html>

The Immigration and Nationality Directorate
www.ind.homeoffice.gov.uk

Home Office Crime Reduction Site
www.crimereduction.gov.uk
- **International Committee of the Red Cross (ICRC)**
Public Information Centre
19 Avenue de la Paix
CH 1202 Geneve
Switzerland

Tel: +41 22 734 60 01
Fax: +41 22 733 20 57
Email: webmaster.gva@icrc.org

www.icrc.org
- **International Labour Organisation (ILO)**
4 Route des Morillons
CH-1211 Geneva 22
Switzerland

Tel: +41 22 799 6111
Fax: +41 22 798 8685
Email: ilo@ilo.org

www.ilo.org
- **The International Monetary Fund**
Headquarters:
700 19th Street, NW
Washington, DC 20431
USA

General Enquiries:
Tel: +202 623 7300
Fax: +202 623 6278
Email: publicaffairs@imf.org

www.imf.org
- **Ministry of Defence (MOD)**
Ministerial Correspondence Unit
Floor 5, Zone A
Main Building
Whitehall
London
SW1A 2HB

Tel: 0870 607 4455
Email: public@ministers.mod.uk

www.mod.uk

○ **African Union (AU)**

Headquarters
PO Box 3243
Addis Ababa
Ethiopia

Tel: +251 1 51 7700

Fax: +251 2 51 2622

www.africa-union.org

○ **Organisation of American States (OAS)**

Headquarters
17th Street and Constitution Avenue, NW
Washington, DC 20006
USA

Tel: +1 202 458 3000

www.oas.org

○ **Organisation for Economic Cooperation and Development (OECD), including revised guidelines for multinational enterprises (MNEs)**

OECD
2 Rue Andre Pascal
F-75775 Paris Cedex 16
France

Tel: +33 1 4524 8200

Email: webmaster@oecd.org

www.oecd.org

○ **Organisation for Security and Cooperation in Europe (OSCE)**

OSCE Secretariat
Kartner Ring 5-7
1010 Vienna
Austria

Tel: +43 1 514 36180

Fax: +43 1 514 36105

Email: pm@osce.org

www.osce.org

OSCE High Commissioner on National minorities (HCNM)

OSCE High Commissioner on National Minorities

PO Box 20062
2500 EB
The Hague
The Netherlands

Tel: +31 70 312 55 00

Fax: +31 70 363 59 10

Email: hcnm@hcnm.org

www.osce.org/hcnm

○ **United Nations (UN)**

Public Enquiries Unit
United Nations
GA-57
New York
NY 10017
USA

Tel: +1 212 963 4475/ 9246

Fax: +1 212 963 0071

Email: inquiries@un.org

www.un.org

UN Office of the High Commissioner for Human Rights (OHCHR), including the core United Nations Human Rights Treaty descriptions and signatories

OHCHR-UNOG

8-14 Avenue de la Paix
CH-1211 Geneva 10
Switzerland

Tel: +41 22 917 9000

www.unhchr.ch

United Nations General Assembly

www.un.org/ga

○ **International Criminal Court**

Maanweg 174
2516 AB
The Hague
Netherlands

Tel: +31 70 515 8515

www.icc-cpi.int

○ **Joint United Nations Programme on AIDS**

20 Avenue Appia
CH-1211 Geneva 27
Switzerland

www.unaids.org

Tel: +41 22 791 3666
Fax: +41 22 791 4187
Email: unaids@unaids.org

UN Children's Fund (UNICEF)

UNICEF House
3 United Nations Plaza
New York
NY 10017
USA

www.unicef.org

Tel: +1 212 326 7000
Fax: +1 212 887 7465

○ **Westminster Foundation for Democracy (WFD)**

125 Pall Mall
London
SW1Y 5EA

Tel: 020 7930 0408
Fax: 020 7930 0449
Email: wfd@wfd.org

www.wfd.org

○ **The World Bank**

Headquarters
The World Bank
1818 H Street, NW
Washington, DC 20433
USA

www.worldbank.org

Tel: +1 202 477 1234
Fax: +1 202 477 6391

**The World Bank Debt Initiative for the heavily indebted
poor countries (HIPC)**

Email: hipc@worldbank.org

www.worldbank.org/hipc

○ **The World Trade Organisation (WTO)**

Centre William Rappard
Rue de Lausanne 154
CH-1211 Geneva 21
Switzerland

www.wto.org

WTO Information and Media Relations Division

Tel: +41 22 739 50 07
Fax: +41 22 739 54 58
Email: enquiries@wto.org

Glossary

AI	Amnesty International	ECRI	European Commission against Racism and Intolerance
AU	African Union	ECtHR	European Court of Human Rights
ACHPR	African Commission on Human and People's Rights	EIDHR	European Initiative for Democracy and Human Rights
ACPP	Africa Conflict Prevention Pool	EU	European Union
ATCS	Anti-Terrorism Crime and Security Act	EUMC	European Monitoring Centre on Racism and Xenophobia
CAT	Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment	FCO	Foreign & Commonwealth Office
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	FGM	Female Genital Mutilation
CERD	Convention on the Elimination of Racial Discrimination	GCPP	Global Conflict Prevention Pool
CFSP	Common Foreign and Security Policy	GOF	Global Opportunities Fund (FCO)
CHOGM	Commonwealth Heads of Government Meeting	HIPC	Heavily Indebted Poor Countries
CHR	Commission on Human Rights	HRDGG	Human Rights, Democracy and Governance Group (FCO)
CMAG	Commonwealth Ministerial Action Group	HRPF	Human Rights Project Fund (FCO)
CPT	Convention for the Prevention of Torture	HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
CRC	Convention on the Rights of the Child	ICC	International Criminal Court
CSR	Corporate Social Responsibility	ICCPR	International Covenant on Civil and Political Rights
CSW	Commission on the Status of Women	ICERD	International Covenant for the Elimination of all forms of Racial Discrimination
DCA	Department for Constitutional Affairs	ICESCR	International Covenant on Economic, Social and Cultural Rights
DDA	Disability Discrimination Act	ICRC	International Committee of the Red Cross
DfES	Department for Education and Skills	IFF	International Finance Facility
DFID	Department for International Development	ICTR	International Criminal Tribunal for Rwanda
DPRK	Democratic People's Republic of Korea (North Korea)	ICTY	International Criminal Tribunal for the former Yugoslavia
DRC	Democratic Republic of Congo	IDPs	Internally Displaced Persons
DTI	Department of Trade and Industry	IHL	International Humanitarian Law
DWP	Department for Work and Pensions	ILO	International Labour Organisation
EBRD	European Bank for Reconstruction and Development	IMF	International Monetary Fund
ECHR	European Convention on Human Rights		
ECOSOC	Economic and Social Council		
ECOWAS	Economic Community of West African States		

IMO	International Maritime Organisation
IRCSM	International Research Centre on Social Minorities
ISAF	International Security Assistance Force
MDGs	Millennium Development Goals
MNF	Multi-National Force
MOD	Ministry of Defence
MONUC	United Nations Mission in the DRC
NATO	North Atlantic Treaty Organisation
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OAS	Organisation of American States
OAU	Organisation of African Unity
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Cooperation and Development
ODA	Official Development Assistance
OHCHR	Office of the UN High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PA	Palestinian Authority
PACE	Parliamentary Assembly of the Council of Europe
SADC	Southern Africa Development Community
SAR	Special Administrative Region
SCSL	Special Court for Sierra Leone
SCR	See UNSCR
SIAC	Special Immigration Appeals Commission
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMET	United Nations Mission in East Timor
UNAMSIL	United Nations Mission in Sierra Leone
UNCTC	United Nations Counter Terrorism Committee
UNDP	United Nations Development Programme
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNFPA	United Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNCAT	United Nations Committee Against Torture
UNCHR	See CHR
UNIFEM	United Nations Development Fund for Women
UNMEE	United Nations Mission in Ethiopia and Eritrea
UNMIK	United Nations Mission in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Peacekeeping Mission to Sudan
UNOMIG	United Nations Observer Mission in Georgia
UNSCR	Security Council Resolution
UNOTIL	United Nations Office in Timor Leste
WFD	Westminster Foundation for Democracy
WHO	World Health Organisation
WSIS	World Summit on Information Society
WTO	World Trade Organisation

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Thanks to John Holmes, Karen Leithead, Jonathan Wolstenholme and all at HRDGG for their coordinating role in producing this Report. Thanks also to Thomas Barrett.

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Published by the Foreign & Commonwealth Office, London
Designed and produced by Bradbury and Williams, London



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