



United Kingdom

Foreign & Commonwealth Office

# HUMAN RIGHTS

Annual Report 2004

### **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 seventh such report.

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 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 for 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. The report is also available on the FCO website at: [www.fco.gov.uk/humanrightsreport2004](http://www.fco.gov.uk/humanrightsreport2004). 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.

**Front cover:** The body of a young teenage member of the rebel Sudanese Liberation Army lies on the ground near the village of Jijira Adi Abbe in western Darfur, May 2004. He was killed by Arab militia in an attack on the village in February 2004 and his body left unburied as a sign to others not to fight against pro-government forces. Refugees from the village said that the militia attack was preceded by a Sudanese government air raid and that as many as 260 people, including many civilians, were killed.

This report covers the 12-month period until the end of July 2004. In some cases, however, such as the situation in Iraq and the continuing humanitarian crisis in the Darfur region of western Sudan, we have provided updates until the Annual Report went to print in mid-August 2004. The report provides an overview of the main challenges to human rights around the world. It explains the Government's overall activities and policies to address those challenges, in both multilateral and bilateral contexts.

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

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Information about the Government's foreign policy is available on the following websites:

[www.fco.gov.uk](http://www.fco.gov.uk)  
[www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights)



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**Annual Report 2004**

Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty September 2004

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## FOREIGN SECRETARY'S FOREWORD

The opening words of the Universal Declaration on Human Rights, written in 1948, have never been truer: "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".

Where dignity and rights are denied, the consequences are measured not just in terms of appalling human suffering, but also in conflict, instability, or famine. The tragic situation in Sudan shows that link all too clearly: and addressing it must be a priority of international action over the coming year.

But where human rights and respect for human dignity are present, they serve as the foundation for long-term stability and development. Afghanistan and Iraq, for example, both face huge challenges. But the difference now, compared to under the Taliban or Saddam Hussein, is that they do so with constitutional protection for human rights and fundamental freedoms; and both are in the process of choosing their leaders democratically. Those are foundations on which, with international support, they can now build lasting security and growing prosperity, in place of the stifling repression of the past.

Terrorists know that better than anyone – and that is why they are so eager to throw those democratic processes off course. Freedom, justice and peace, and the human rights and freedoms on which they are founded, are anathema to the terrorists. Their vile and indiscriminate attacks – on the schoolchildren in Beslan, the civilians and reconstruction workers in Iraq, the commuters of Madrid, or simply on those unfortunate enough to be in the wrong place at the wrong time in cities around the world – are a fundamental denial of the common humanity which lies behind all human rights and the values of civilised life. That is why terrorist attacks anywhere are attacks on all of us.

The threat of terrorism confronts democratic, properly-functioning states with a challenge: to fight those who recognise none of the values for which we stand, while remaining true to those values. That sometimes means taking difficult decisions, and being criticised for them. But I do not accept that there is any contradiction between fighting terrorism and protecting human rights. Indeed if we do not defeat the terrorists, we are failing to protect the most fundamental rights of our citizens.

Promoting human rights around the world is a central part of Britain's foreign policy. The more they are respected, the more stable and secure the world is – and that benefits not just others, but ourselves. So we act both out of firm conviction, and because we also have a direct interest in building the conditions for sustainable global security and prosperity, and fostering reliable and responsible international partners.

This report sets out our work to that end, and highlights areas of concern – including those which do not always make the headlines, but are no less important for that. I commend it.

# Beslan Massacre



Immediately before this Annual Report was due to go to final print, terrorists seized a school in Beslan, North Ossetia, on the first day of the academic year, traditionally a time for celebration in Russia, taking as many as 1,200 people hostage. The terrorists held these hostages in appalling conditions for three days, refusing them food and water. The siege ended tragically on 3 September. At least 338 people, half of whom were children, were killed. Hundreds more were seriously injured. In a region that has seen many tragedies, this terrorist atrocity was unprecedented in its horror. The Prime Minister, Tony Blair, wrote to the Russian President, Vladimir Putin, expressing his revulsion at the inhumanity of terrorists prepared to put children through such suffering. The Foreign Secretary, Jack Straw, condemned the attack in the strongest terms saying that it was "almost beyond belief that any group of human beings could conceivably have thought that any cause whatever would be advanced by taking hostage innocent, young children and subjecting them to this kind of terror and then ensuring the death of so many of them".

# 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 co-operation 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 realization 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 realization, through national effort and international co-operation and in accordance with the organization 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 realized.

**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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Saddam Hussein is led to an armoured vehicle after leaving the Central Criminal Court of Iraq, 1 July 2004.

# HUMAN RIGHTS

## Challenges and progress

The Annual Report on Human Rights has three main aims. First, it is a record of the Foreign and Commonwealth Office's (FCO) work to promote human rights abroad, both through diplomatic efforts and through its funding of grass-roots human rights projects. In the financial year 2003-2004 the FCO spent over £12 million on projects promoting human rights, good governance and democracy across the world, more than ever before. Second, the Annual Report charts the course of international debate on human rights, picking up on those issues that have been particularly prominent over the past year. For example, in this opening chapter we cover both reform in the Middle East and humanitarian intervention, while in Chapter 6 we look at on-going discussions within the United Nations (UN) on the right to development and the right to food. Finally, while the Annual Report is not a country-by-country survey of the whole world – and is not intended to duplicate the work of the US State Department or NGOs such as Amnesty International – it does set out key human rights issues in certain countries and regions of the greatest concern.

This Annual Report reaffirms the Government's commitment to human rights as a cornerstone of our foreign policy. Such a commitment underpins our efforts to build peace and prevent conflict, to enhance global commerce and prosperity, to promote good governance and to make development sustainable. This was made explicit in the new FCO strategy published in December 2003, which makes sustainable development, underpinned by human rights, good governance and the rule of law, one of the FCO's core tasks for the next decade. Sustainable development requires the involvement of the state, the private sector and civil society in the sound management of human, natural and financial resources. It involves transparent decision-making procedures within public

bodies, the full participation of civil society, the ability to enforce rights and obligations through independent legal mechanisms, and the democratic legitimacy of government serving all of its citizens. The cost of ignoring these is most heavily borne by those who are excluded from or peripheral to decision-making, generally the poorest members of society.

A reaffirmation of the importance of human rights in foreign policy is all the more important in the current situation, where combating terrorism is a major preoccupation of so many states, including the UK. All governments have a duty to protect the lives and well-being of those within their jurisdiction from the type of terrorist outrages witnessed over the last year in Madrid, Istanbul, Saudi Arabia and Russia. This has to be done, however, in a manner that respects human rights as reflected in the evolution of legal standards over the past 50 years. These standards are the hallmark of civilised behaviour by states in our time and provide the benchmarks against which all states can legitimately be judged. If states repress human rights in the name of counter-terrorism, they put at risk the very qualities of life that the struggle against terrorism is designed to protect.

The UK's own experience over many years has consistently underlined that respecting human rights and successfully combating terrorism are mutually reinforcing. It no more follows that a counter-terrorism agenda must mean being weak on human rights than that a human rights agenda must mean being soft on terrorism. The abuse of human rights risks creating new reservoirs of discontent which can nurture terrorism itself. Conversely, individual liberty, justice and basic rights help to undermine the appeal of violence. The Government will continue to respect, and urge others

to respect, those human rights laid down in the International Covenant on Civil and Political Rights (ICCPR) that can never be compromised, even in states of emergency. The UK will also continue to press for any restrictions on other rights, where these are permitted by the covenant "in the interests of national security", to be limited to the minimum extent necessary. As governments around the world, including in the UK, develop effective responses to new threats there will inevitably be debate over what is proportionate to the current threat. It is vital that this debate is open and transparent. The UK's own anti-terrorism legislation is subject to annual review, including debates, in both Houses of Parliament. This chapter provides a full update on that legislation.

The UK has made its position on this issue very clear on the international stage. In both the UN General Assembly in November 2003 and the Commission on Human Rights (CHR) in April 2004, the UK co-sponsored a resolution proposed by Mexico which reaffirmed that states must ensure that measures to combat terrorism comply with their obligations under international law, in particular international human rights, refugee and humanitarian law. At the same time the UK voted against an Algerian text at CHR which in our view implied that the violation of human rights was acceptable in order to fight terrorism. Over the past year the UK has worked to strengthen the Security Council's Counter-Terrorism Committee through the appointment of an executive director and a restructuring of the expert team. This should enable it to monitor more effectively states' performance and engage more fully with the UN High Commissioner for Human Rights on issues of concern. The European Council declaration, which adopted new counter-terrorism measures in the wake of the Madrid attacks, explicitly stated that these measures would be carried out "in accordance with the fundamental principles of the Union", which include the rule of law, human rights and respect for, and protection of, minorities.

The UK's bilateral counter-terrorism work is inevitably more private than declarations on the international stage. But the human rights message is no less evident. The vast majority of counter-terrorism work funded by the FCO is dedicated to improving countries' legal framework and law enforcement structures. Building both a strong legal system and a body of well-managed and professional law enforcement personnel is not only the most effective way to combat terrorism, but also helps to minimise the risk of human rights abuse. We consistently stress the need to draft fair and transparent laws that are effectively, but appropriately, enforced. All of the bilateral counter-terrorism capacity building training that we deliver overseas is based on the training provided within the UK, and complies with our obligations under domestic and international law. The training that we provide through the

Commonwealth Secretariat and the UN Office for Drugs and Crime is also based on international law. Some of our training courses have specific components on respect for human rights, both as an important principle and a successful tool. Practical improvement of the situation on the ground has always been our goal and we believe that exchanges between practitioners are one of the best ways to get human rights messages across.

Protecting human rights is a core British value and part of how we define ourselves. But we are not perfect and have never claimed to be. No country in the world has, or ever will have, a perfect human rights record. When things go wrong in the UK we face up to our problems and try to address them. One of the inviolable rights contained in the ICCPR is Article 7, which prohibits torture, or cruel, inhuman or degrading treatment. The UK has condemned in the strongest terms the shameful violations of Article 7 perpetrated by some US soldiers in Abu Ghraib, Iraq. The US has opened for investigation 185 cases of alleged abuse of detainees by US servicemen. Where allegations of such illegal conduct have been made against UK troops, the Government has launched thorough investigations. As of 2 August, the Army's Special Investigation Branch had initiated 94 investigations (including operational incidents and road traffic accidents). Four of the cases have been referred to the Army Prosecuting Authority. One of these has resulted in charges being brought against four soldiers. These actions demonstrate that there is no question of impunity as regards the actions of UK soldiers.

There continues to be concern in civil society, Parliament, the media and the legal profession that the US authorities are detaining several hundred individuals, including four UK nationals, at their naval facilities at Guantanamo Bay. We cover this in more detail later in this chapter.

To say that no country in the world is perfect in the human rights field does not mean that all countries are equally imperfect. How a state responds to criticism is a true test of its commitment to human rights. Here the UK can justly claim to be among the most open and accountable of states. We believe that the human rights record of any state is the valid concern of all states. This is clearly implied in the Universal Declaration of Human Rights and in the Charter of the United Nations, and it was reaffirmed at the last UN world summit on human rights in Vienna in 1993. Where we are shown to have failed to respect international human rights and humanitarian law, we act to make good those failings. We also work with others to prevent them occurring again. The UK has a continuous and constructive dialogue with human rights NGOs and the Government is accountable to Parliament. The UK also welcomes scrutiny from other governments and international organisations. We have issued an open invitation to all UN

human rights rapporteurs to visit the UK and have received another visit from the European Committee for the Prevention of Torture during the period of this report.

Repressive governments, on the other hand, violate human rights as a matter of policy. They prevent transparent reporting, hide their actions from outside inspection and clamp down on their critics. Accepting criticism of our own actions does not mean, therefore, that we will not call to account other states that violate human rights. The NGOs and international bodies who rightly report on the UK's record on human rights want us to address their concerns so that we can continue to speak clearly and loudly on the international stage. They do not want us to take a back seat on human rights. It is in no-one's interest, including the interest of those around the world whose rights have been violated, for us to do so.

The Government will continue to raise its concerns about human rights abuses worldwide. This is particularly important now at a time when some states are trying to roll back human rights standards that have been agreed and promoted by the international community for years. One example is the attempt by Cuba and others to make the human rights of individuals contingent on their acting 'responsibly' towards the state in which they live. Another is a possible move by some countries to remove critical country-specific resolutions from the agenda of the CHR. The UK will resist such moves.

The period covered by this Annual Report has once again seen encouraging progress in some areas and a stark lack of it, or even regression, in others. There has been no significant improvement to the grim human rights record of Burma, Zimbabwe, Uzbekistan and the Democratic People's Republic of Korea. Violence in Chechnya, the Democratic Republic of the Congo and the Great Lakes, Colombia, Nepal and Indonesia not only continues to kill many thousands of innocent civilians, but disrupts the lives and livelihoods of millions more. The most worrying development over the past year has been the humanitarian crisis in Darfur, Sudan. At the time of print, gross violations of human rights are estimated to have led directly to the death of some 50,000 people and countless more have faced sexual and other forms of violence. Over one million people have fled their homes and face starvation. The international community, including the UK, is responding both to the need to end the fighting and the urgent requirement for humanitarian relief. Strong political pressure will be needed from all sides if we are to avert an even greater crisis.

On the plus side there are some encouraging signs of reform in China. This includes the possibility that the Re-Education Through Labour system, which has permitted the detention of hundreds of thousands of people, may be abolished.

More generally, however, China's record continues to cause us concern. In Georgia we hope that the democratic elections earlier this year will have laid a foundation for stable social and economic development. Russia has begun to address some of the grave deficiencies in its judicial system, though problems remain. Turkey has continued to implement its reform programme with the aim of meeting the political criteria allowing it to open negotiations to become a member of the EU. In Afghanistan a new constitution was signed in January 2003 that places on the state an obligation to create a prosperous and progressive society based on social justice, protection of human dignity and human rights and democracy. Three years after the fall of the Taliban, democratic presidential elections are due to be held in October 2004.

In Iraq, despite the very serious terrorist attacks against multinational force personnel and against the Iraqi people, the political process that should culminate in Iraq's first ever truly democratic government has begun. The structures and institutions that will help to guarantee respect for human rights are being put in place. A new culture founded on international law and best practice is being built in the police and in the army. The UK is working to ensure that women's rights and the rights of religious and ethnic minority groups are fully protected.

The expansion of the EU on 1 May 2004 to include 10 new countries, many of which were one-party repressive dictatorships with serious human rights problems within recent memory, is another significant milestone in the development of Europe as a region of peace, prosperity and stability in a turbulent world.

The Annual Report deals in Chapters 2, 3 and 4 with some of the means by which the FCO works to promote human rights. It does this in partnership with others in the UK, in co-operation with the EU and other European bodies, and through the UN and other international organisations. The rest of this report gives details of the UK's actual responses to current human rights challenges and is grouped under a series of thematic headings. This first chapter focuses on 20 countries that are among those where human rights have been the greatest concern over the past year, beginning with Iraq. Before that, we look in detail at the UK's anti-terrorism legislation and give an update on the situation in Guantanamo Bay.

## 1.1 UK anti-terrorism measures

The UK has signed and ratified every major international human rights treaty, and we are wholly committed to upholding them. Successive governments have enacted tough laws to deal with terrorism in the UK, but a key part of the Government's intention in reforming counter-terrorism law has been to ensure

consistency with human rights' obligations. We believe our legislation achieves that, and that it is proportionate to the threat.

In last year's Annual Report, we referred to the on-going review of the operation of the Anti-Terrorism, Crime and Security Act (ATCS Act), including its detention provisions. A committee of nine privy councillors, headed by Lord Newton of Braintree, carried out this review. The committee reported back to the Home Secretary in December 2003. Among their recommendations, the committee addressed the Part 4 powers. These are immigration powers which allow for the certification and detention of a foreign national suspected of being an international terrorist whose removal is not, for the time being, possible. These powers are underpinned by the UK derogation from parts of Article 5 of the European Convention on Human Rights (ECHR), which relate to the right to liberty and security. The committee concluded these powers should be replaced by a new power which should be applicable to all suspected terrorists, irrespective of origin or nationality, and should not require a derogation from the ECHR.

On 25 February the Home Secretary David Blunkett published his response to the report in the discussion paper *Counter-terrorism Powers: Reconciling Security and Liberty in an Open Society* in which he set out his view that the Part 4 powers continue to be an essential part of the UK's defences against attack. Both Houses of Parliament have now debated the Newton Committee's report. The House of Commons voted to reject an amendment which called "upon the Government to act on the committee's recommendation to repeal Part 4 of the Act and replace it with alternative provisions for monitoring and prosecuting suspected terrorists which do not require the suspension of basic human rights".

In line with one of the recommendations of the report, information relating to those detained under Part 4 of the ATCS Act has been added to the Home Office and Department of Constitutional Affairs website. The information does not include the names of those detained.

Following further debates in both Houses on 14 May 2004 Parliament voted to renew the detention powers in Part 4 of the ATCS Act for a further period of one year. The debates were informed not only by the Newton Committee's report, but also by the second report by Lord Carlile of Berriew Q.C., currently the independent reviewer of the Terrorism Act 2000, into the workings of the Part 4 provisions and by the parliamentary Joint Committee on Human Rights' report into the powers.

The Home Secretary is also encouraging public debate on the sort of powers which the UK will need to tackle terrorism in the future. In the discussion paper published in February, the Home Office launched a public consultation process that lasted for six months. As part of the consultation process a series of seminars was held with key stakeholders including representatives from the academic world, law enforcement organisations, human rights organisations, religious groups, legal practitioners, members of the judiciary and other government departments. The Government has formed a clear view of the nature of the terrorist threat, but we recognise that the current detention powers will expire in November 2006. The debate needs to begin now so that we can reach an informed decision on how to proceed in the years ahead.

There are currently 12 individuals detained under the Act and one individual who has been certified but is detained under other powers. Another two people, who were certified by the Home Secretary and detained, chose to leave the UK, while one detainee has been released and another is currently held under strict bail conditions, as set out below.

### Special Immigration Appeals Commission

Any individual detained under the ATCS Act powers has an immediate right of appeal to the Special Immigration Appeals Commission (SIAC). All of these individuals have exercised their right to appeal. On 29 October 2003 SIAC handed down its determinations in the cases of the first 10 of the ATCS Act detainees to come before them, including the two who had chosen to leave the UK. SIAC upheld the Home Secretary's decision to certify and detain in all 10 cases. One further determination was handed down on 27 January and two more on 8 March. SIAC upheld the Home Secretary's decision to certify and detain in two of these cases. In one of the cases handed down on 8 March, SIAC considered that the individual should not have been certified under the terms of the ATCS Act. The Home Secretary appealed against this decision on a point of law, but the Court of Appeal, in a session chaired by the Lord Chief Justice, Lord Woolf, refused permission to appeal. The detainee has now been released. A further determination was handed down on 2 July. The Home Secretary's decision to certify and detain was again upheld.

In the 12 cases which were upheld before July 2004, 10 have appealed to the Court of Appeal on points of law against SIAC's decision and two have petitioned the Court of Appeal for leave to appeal. The Court of Appeal delivered its judgement on 11 August upholding the Home Secretary's decision. The Act also requires SIAC to review certificates six months after the date on which their cases were finally determined, or as soon as is practicable thereafter, and then every three months. No application for leave

to appeal to the Court of Appeal has yet been made in the case handed down on 2 July.

Two further individuals who are certified and detained under the legislation are awaiting their initial appeals to SIAC. This is also the case with the single individual who has been certified under the legislation but who is detained under other powers.

One of the detainees known as 'G' is on bail. Following a decision by SIAC to grant bail, the Home Secretary made an application to the Court of Appeal, but then withdrew that application and the case reverted to SIAC for further consideration of the initial decision. 'G' was released from detention under strict bail conditions on 22 April 2004.

The 12 detainees who continue to be held under the ATCS Act are still held under normal conditions in high security prisons, having rejected an offer to move into a specialist facility set up by the Home Secretary in response to the recommendations of Lord Carlile's first report. One of the detainees continues to be held at Broadmoor High Security Hospital for mental health reasons.

Aside from their individual appeals against certification and detention, the detainees have also challenged the UK's derogation from Article 5 of the ECHR, which underpins the detention powers. Leave to Appeal to the House of Lords has been granted and we are expecting the appeal later this year.

### **The Terrorism Act 2000**

The Criminal Justice Act 2003 amends Part III of Schedule 8 of the Terrorism Act 2000 which deals with the detention of terrorist suspects. This amendment came into force on 20 January 2004 and extends the maximum possible period of detention without charge following an arrest under Section 41 of the Act, from seven to 14 days.

The methodology and equipment available to terrorists has evolved greatly in sophistication and impact over the last few years and this has resulted in a number of time-consuming activities relating to evidence gathering. These can involve examining chemical substances found on or with suspects, examining the hard drives of computers and establishing the identity of suspects. A combination of these activities could make it difficult to meet the previous seven-day deadline and could result in an unnecessary delay or postponement of the investigation. The amendment extending the maximum period of detention without charge was introduced to alleviate this potential problem.

The safeguards built into Schedule 8 of the Terrorism Act remain and cover the recording of interviews, reviews of grounds for detention and procedures for granting warrants for extensions of detention. The decision to extend the period of detention without charge is made by the courts and the investigating officers must justify the need for an extended period of detention while evidence gathering operations are on-going. The police must also demonstrate that the investigation is being carried out diligently and expeditiously. Extensions are subject to scrutiny and review of the court. In practice, follow-up extensions are granted for periods of 24 and 48 hours to enable the court to maintain scrutiny of the case and investigation. It is not possible for the court to issue a warrant authorising up to 14 days detention on the first occasion that a warrant for detention is sought. Lord Carlile carried out an annual review of the operation of the Terrorism Act and his current report was laid before Parliament on 26 April 2004. In it he stated he would be attending closely to the consequences of the change in the maximum period of detention without charge following an arrest from seven to 14 days.

During the course of 2003 there were concerns surrounding police use of the stop and search powers under section 44 of the Terrorism Act 2000. These concerns related specifically to their use by the Metropolitan Police at an arms trade fair in Docklands and by Gloucestershire Constabulary at RAF Fairford during the war in Iraq.

The application of section 44 by the Metropolitan Police was subject to judicial review. The court rejected the challenges put forward by the claimants (that the police misused the powers and that the authorisation and confirmation of these powers was unlawful), although a number of issues of concern were raised and some recommendations made. These included the recommendation that police training and briefing on the powers, as well as the wording of the police forms used for Section 44 stop and search, should be reviewed. Lord Carlile's independent report addresses the issue of stop and search at both RAF Fairford and Docklands. During the course of his review he met with, and had the full co-operation of, both the Metropolitan Police and Gloucestershire Constabulary. Lord Carlile concurred with the concerns raised in the judicial review and recommended that nationally accepted guidelines be drawn up and issued to all officers in areas where Section 44 powers are authorised. These recommendations are being addressed.

## Guantanamo Bay detainees

The US continues to detain several hundred individuals at its naval facilities in Guantanamo Bay – the first of whom were transferred there from Afghanistan in late 2001. At the beginning of the period covered by this report, nine of those detained were UK nationals.

The UK position has been that British detainees should either be tried fairly in accordance with international standards or be returned to the UK. However, after a lengthy series of discussions with the US, the Government concluded that the proposed military commissions would not provide sufficient guarantees of a fair trial according to international standards. We therefore requested that the nine British detainees should be returned to the UK. The US government returned five of the detainees to the UK in March 2004. The US authorities have expressed their reluctance to return the four remaining British detainees because of security concerns. Further discussions at official level have explored whether there was any prospect of providing an alternative trial process to the military commissions, but it has not proved possible to reach agreement. Following a visit by officials to Washington in late May, the Prime Minister repeated the Government's request that the remaining four detainees be returned to the UK. Our discussions with the US government are continuing.

The British nationals released from Guantanamo Bay have alleged abuse during their period of detention. During repeated welfare visits to Guantanamo Bay none of the men ever alleged to us that they were systematically abused at Guantanamo Bay, nor have they raised their allegations with the British Government since their return to the UK. However, we take all allegations of abuse of UK nationals abroad seriously and have taken up our concerns with the US authorities, who say they will respond to them fully.

The welfare of the British detainees at Guantanamo Bay has been a priority for the Government from the outset. British officials have visited Guantanamo to check on British detainees' welfare eight times – more than any other government has for its nationals. During each welfare visit, the detainees were given the opportunity to express concerns about their general treatment. They were also asked specifically about their health, accommodation, food, exercise regime, mail and reading material. There have been complaints from some of the detainees. We have raised these with the US authorities, including at ministerial level and have been able to obtain some improvements in the conditions of the British detainees – for example, the exercise regime is now better. The US government is looking into other outstanding concerns we have about the conditions of detention of some of the remaining British detainees.

## 1.2 Iraq

Following the end of Saddam Hussein's regime, the Coalition Provisional Authority (CPA), working with the Iraqi interim administration, began to build a democratic Iraq governed by the rule of law and based on respect for human rights. Progress was made throughout the country, although members of the former regime, foreign fighters and other extremist elements continue to carry out terrorist attacks in the hope of disrupting this process. Allegations of serious abuse at Abu Ghraib prison and elsewhere have been or are being investigated and those responsible have been or will be held to account (see separate box).

## Political process

After the end of Saddam Hussein's regime, the US and UK accepted the responsibilities of Occupying Powers and the CPA was established as the executive body. On 13 July 2003 the Iraqi governing council (IGC) announced its formation as the principal body of the transitional administration. This would be run by Iraqis, until the people of Iraq established an internationally recognised, representative government. The IGC was formally recognised by both the CPA and by the UN Security Council. On 15 November an agreement set out a timetable and programme for the transfer of governmental authority to the Iraqis. This included the drafting of a permanent constitution, the establishment of democratic

1. A US flag flying outside Camp Five at the Guantanamo Bay Naval Base, Cuba, in this photograph released by the US authorities.



2. A detainee inside his cell in Camp Delta at the Guantanamo Bay Naval Base, Cuba, in this photograph released by the US authorities.



## State sovereignty and intervention

The UN is founded on the principle of the sovereign equality of all its members. Some of the key provisions of the UN Charter rest on this principle, in particular constraints placed on the use of force between states, and on interference in matters falling within the domestic jurisdiction of individual states.

But these are not absolute principles. The UN Charter also makes clear the importance of respecting human rights and fundamental freedoms. International human rights instruments and evolving international practice have confirmed the common interest in the protection of human rights. These are widely recognised as placing limits on state sovereignty.

Throughout the UN's history it has taken steps to counter widespread abuse of human rights. The Security Council explicitly cited humanitarian concerns as threats to the peace, in Haiti (1994), in Somalia (1992), in Rwanda (1994), and in Eastern Zaire (1996) and again in Haiti earlier this year. The UN Security Council has also determined that widespread violations of human rights and international humanitarian law have contributed to situations threatening the peace in the former Yugoslavia and East Timor

Where governments fail to live up to international standards in protecting human rights and the welfare of their citizens, the international community has a variety of means of encouraging better behaviour. The UN Commission on Human Rights is an important forum for ensuring international scrutiny of how far governments are measuring up to the commitments they have made. Human rights concerns now also feature regularly in decisions of the Security Council, and are increasingly integrated into the political missions

mandated by the Council. The EU has targeted sanctions against the regimes of Burma and Zimbabwe for their human rights records.

In exceptional circumstances it may be necessary to use force to avert an overwhelming humanitarian catastrophe, as was the case in Kosovo in 1999. This concept is often called "humanitarian intervention".

There is still international disagreement on the circumstances in which such intervention on humanitarian grounds can be exercised. The Prime Minister Tony Blair made proposals in his Chicago speech in 1999 and his Sedgefield speech in March 2004. For further information visit: [www.primeminister.gov.uk/output/Page1297.asp](http://www.primeminister.gov.uk/output/Page1297.asp). The International Commission on Intervention and State Sovereignty (ICISS) has also made concrete proposals in its report *The Responsibility to Protect*, for further information visit: [www.dfait-maeci.gc.ca/iciss-ciise/](http://www.dfait-maeci.gc.ca/iciss-ciise/)

In February this year the Stockholm International Forum on Preventing Genocide also recognised that the international community must shoulder the responsibility to protect groups identified as potential victims of genocide, mass murder and ethnic cleansing. For further information visit: [www.preventinggenocide.com](http://www.preventinggenocide.com) (see page 145 for more details).

The UK wants the international community to establish clearly that humanitarian intervention is an appropriate response in certain circumstances. We therefore welcome the formation of the UN Secretary-General's High-Level Panel on threats to peace and security. We hope it will mark a further acknowledgement of the right of the international community to act to prevent humanitarian catastrophe.

processes and institutions and the assumption by Iraqis of full sovereign powers. On 28 June 2004 the CPA and IGC were dissolved and replaced with a sovereign Iraqi interim government (IIG) which was established after a wide-ranging consultative process led by the UN. Under the Transitional Administrative Law (TAL – see separate box for more details), elections for a national assembly will take place by 31 December 2004, if possible, and in any case by no later than 31 January 2005.

The CPA supported conferences to strengthen the ability of political parties to participate in the electoral process. These provided practical assistance on how to develop alliances and strategies and have also encouraged political parties to develop a government which respects civil liberties, a free economic system, equal opportunities for women, protection of minorities and civilian control of the military. At least 200 political parties now exist in Iraq. In addition, the CPA supported a transparent selection process to ensure that city and provincial councils reflected the composition and character of the localities which they represented. Iraqis have chosen those who will represent

them at the local level through caucuses, consultations and elections. With the CPA's support, Iraqis held numerous, well-attended town meetings to discuss their country's transition to democracy.

### Security and law and order

The current security situation in Iraq is difficult and complex. Elements consisting of members of the former regime, foreign fighters and other extremists are attempting to prevent the creation of a secure environment and the creation of an effective Iraqi security force. They are directly attacking the Iraqi Security Forces (ISF) and the Multinational Force (MNF).

The level of such activity increased significantly in the run-up to the transition to Iraqi sovereignty on 28 June, as anti-MNF forces tried to disrupt and discredit this process and mobilise popular support against a continued MNF presence within Iraq. The ISF, assisted by the MNF, is making strenuous efforts to ensure that the citizens of Iraq are able to go about their daily lives free from intimidation and to protect them from the dangers posed by terrorist attacks.

If the Iraqi people are to have respect for the forces of law and order, those forces must be seen to abide by the relevant provisions of international humanitarian and human rights law. The Multinational Security Transition Command Iraq (MNSTC-I) has provided additional advice to its Coalition Military Assistance Training Teams (CMATT) and Coalition Police Assistance Training Teams (CPATT) on human rights in order to protect civilians in Iraq as well as develop the credibility of the ISF. CMATT and CPATT have provided training, with a special focus on the protection of civilians during military or police security operations. This has been for instructors, Iraqi army trainees and military leaders down to platoon level within the military academy, and for trainers and trainees in the police training academy. The academy is using publications from the UN Office of the High Commissioner for Human Rights, as well as human rights and humanitarian law treaties, as the backbone of its syllabus (for more details on police training see page 193).

The rules of engagement currently being taught to the ISF allow the use of force in self-defence when attacked. Positive identification is required, which is defined as “reasonable certainty”, that the object of attack is a legitimate military target. Positive identification of hostile intent or a hostile act requires more than just weapon possession. Troops are taught to comply with the laws of war concerning discrimination of targets and how to take care to avoid injury to civilians.

To compensate for injuries and deaths suffered by Iraqis during military operations, a US\$10 million civilian casualty assistance fund was created. This includes funding for medical treatment, micro-credit lending and materials for rebuilding homes. This is in addition to compensation paid out by individual states’ military forces during the conflict.

Iraqi army recruits are being taught to respect the human rights of detained persons and not deny them basic necessities, in accordance with the Geneva Conventions. Detainees must be treated with dignity and protected. They must not be subject to unreasonable punishment. They should receive sanitary living conditions with facilities adequate to maintain hygiene, medical care and an opportunity to practise their religion. They are also entitled to receive a translated copy of their rights in their own language, to keep personal property and to send and receive mail. We cover the training the CPA has been providing to the Iraqi police in Chapter 7 (see page 193 for more details).

Article 50 of the TAL provides for the establishment of a national human rights commission (NHRC) and an ombudsman. The CPA Office of Human Rights and Transitional Justice recruited a national human rights commission expert from Canada to advise on establishing the Iraqi national human rights commission. It will be an independent body. One of its powers will be to accept complaints from individuals and organisations concerning alleged government violations of human rights. It will also be able to conduct public inquiries on its own initiative to address effectively the violations of the rights of the most vulnerable and disadvantaged.

### Judicial and penal reform

When the CPA assumed its responsibilities, the prison system in Iraq had effectively been destroyed and the total criminal population of 38,000 inmates had been released onto the streets. Most courts were not functioning and most court facilities were destroyed or damaged. The judiciary included corrupt individuals, human rights violators and technically incompetent Ba’ath Party functionaries. The practices of a police state that had been responsible for mass killings, and systematic, state-sanctioned torture supported by an extensive

## Ann Clwyd – Special Envoy to Iraq on Human Rights

Prime Minister Tony Blair appointed the Rt Hon Ann Clwyd MP as his Special Envoy to Iraq on Human Rights in May 2003. She has campaigned on human rights issues in Iraq for over 25 years.

Ann Clwyd was the chair of the Campaign Against Repression and for Democratic Rights in Iraq (CARDRI) and the NGO INDICT, which collected evidence of war crimes committed by Saddam Hussein and leading members of his regime. The latter are now awaiting trial and in the months to come they will face justice – a privilege that was denied to their victims. The trials will allow the true story of those years to be told to both the Iraqi people and the rest of the world. The evidence which INDICT collected from hundreds of those who suffered at the hands of Saddam’s regime will be used in these trials.

As Special Envoy, Ann Clwyd travels regularly to Iraq to support the human rights agenda, as the country makes the difficult transition from dictatorship to democracy. In the past year she has visited the Marsh Arabs, who are being assisted to return to a way of life that was all but destroyed by Saddam Hussein, and also witnessed excavations at mass graves in Kirkuk and Al Hilla. She has visited Abu Ghraib prison to raise concerns about detainees.

Ann Clwyd has been to Baghdad six times since the end of the war to meet with senior government and civil society figures. She is committed to raising the profile of human rights within the new government, many of whom had fled from the previous regime and had campaigned with her against human rights abuses in Iraq. She emphasises the need to ‘stay the course’ – to continue working with the Iraqi people to build a new society based on democracy and human rights.

## Allegations of abuse by coalition forces

In April 2004 allegations were published, accompanied by clear evidence including shocking photographs, that US personnel had seriously abused men and women detained at Abu Ghraib prison. The abuse included physical beatings, sensory deprivation, severe threats and sexual assault and humiliation. As the Foreign Secretary Jack Straw said in a statement to the House of Commons on 11 May: “These images, and the evidence that they portray, are a shame on all of us. They are utterly shameful, disgusting and disgraceful.”

There have been no allegations of systematic mistreatment of persons held by the UK although there have been isolated reports. We take allegations of any wrongdoing by our personnel extremely seriously. We launched investigations into allegations of abuse of detainees immediately we became aware of them. We did not wait, as has been sometimes stated, for the allegations to become public. For example, the death of Baha Mousa in September 2003 was commented upon by the International Committee of the Red Cross (ICRC), and was also the subject of an Amnesty International letter-writing campaign. A Royal Military Police Special Investigative Branch investigation was launched within 30 minutes of Mr Mousa’s death being confirmed. Should British forces be found to have acted unlawfully, prosecutions of those responsible will follow. This is true for all allegations made against UK forces. As of 2 August 2004, 94 investigations had been initiated. This figure includes operational incidents and road traffic accidents. Only a small number involve the alleged ill-treatment of Iraqi civilians. The Attorney-General announced on 14 June that the Army Prosecuting Authority had directed trial against four soldiers from the Royal Regiment of Fusiliers on charges relating to alleged abuse of Iraqi civilians. The case concerns conduct alleged to have occurred while the civilians were being temporarily detained, but not in prison or detention facilities. One other case, which does not involve detainees, has also been directed for trial. This relates to the non-fatal shooting of an Iraqi boy which occurred in September 2003.

The UK is, of course, bound by the Geneva Conventions. The ICRC has had full and unrestricted access to UK detention facilities in Iraq. The ICRC visited the UK detention facilities on four occasions prior to

the hand-over and will continue to do so. Standard operating practices require the Multinational Force to inform relatives of the detention of internees within 24 hours of their internment. A list of internees is passed to the ICRC on a regular basis.

Internees held by the UK are in a secure compound at Shaibah. As of the beginning of August, 25 detainees were being held. Within the compound individuals are free to move around as they wish. They can both exercise and practise their religion freely. They are provided with halal food three times a day. If they request a change to the menu for religious reasons this is accommodated. They are also provided with bottled fresh water as they require.

UK forces follow strict procedures on the searching and apprehending of suspects as well as the guarding and holding of internees. For example, when a suspect, vessel or vehicle is apprehended and is being searched the procedures include keeping a record of the search, explaining the reason for the search and conducting the search with due regard for the individual’s personal dignity, taking into account any religious sensitivities. On arrest the procedures include requirements that all detained persons are to be restrained using minimum force levels. UK national guidelines on the use of handcuffs are applied, which means they are to be used to the front of the body only. A nominated custody officer is then responsible for ensuring the safe treatment and handling of the person while in their care. A record of those individuals assuming responsibility for custody at each stage is maintained. British forces responsible for individuals in any form of custody also adhere to a set of eight general principles for the treatment of those individuals. These principles lay down that apprehended individuals must be treated at all times fairly, humanely and with respect for his or her personal dignity. Physical and mental torture, corporal punishment, humiliating or degrading treatment, or the threat of such are prohibited. The use of stress positions is explicitly prohibited. Internees may be blindfolded when in a military-sensitive area, but such blindfolding must cease as soon as there is no reason for it.

policing and intelligence apparatus, had to be substantially remodelled.

The criminal justice system is the responsibility of the Iraqi ministry of justice. The Iraqi courts are now run by Iraqis, as are detention facilities for individuals accused or convicted of crimes. The Iraqi juvenile courts are in Iraqi hands and are among the best managed in the system. A new central criminal court has been established capable of dealing with the most serious national crimes under reformed criminal procedures.

The CPA revised the Iraqi penal code to excise draconian political crimes and liberalise restrictions on the freedom of the media and the right to demonstrate in line with international norms. Criminal defendants are now also guaranteed their rights with regard to due legal process, including the

inadmissibility of evidence extracted by torture, an inviolable right against self-incrimination, and a right to legal counsel at all stages of criminal proceedings, at government expense if necessary. The right to counsel had previously been available only at the actual trial, after most evidence had already been gathered and entered into the record. Defendants have the right to be informed of these rights. The council of judges has been empowered to increase the untenably low legal fees for government-appointed defence counsel. CPA advisers worked with the ministry of interior and the Iraqi prison service to ensure that criminal suspects receive the initial judicial hearing to which they are entitled within 24 hours of detention, and if detained afterwards, are not returned to police custody. This will help prevent the police corruption and abuse which prevailed under the former regime.

The CPA removed prison management responsibilities from repressive agencies and inappropriate organisations, and consolidated that responsibility in the ministry of justice. Pre-trial detention centres and prisons are required to be governed according to internationally accepted standards as provided in CPA Memorandum 2. Advisers are assisting Iraqi prison service guards both in applying those regulations, with an emphasis on human rights standards, and in civilian prison operations. The CPA promulgated several laws directly related to prison management. These reforms have been coupled with substantial improvements in physical facilities, including court houses, prisons, training facilities for prison guards and police, and the judicial college.

The judiciary has been re-established as a separate branch of government under the supervision of a council of judges. It now has its own budget, payroll and property, endowing it with the requisite independence to adjudicate criminal cases and enforce rights without political pressure or interference from the executive. A judicial review committee, comprising equal numbers of Iraqi and coalition members, vetted all 860 judges and prosecutors nation-wide for past corruption, ties to the Ba'ath party or former regime, or complicity in atrocities. Around 180 judges were removed and replaced with new appointments or reappointments of persons improperly removed by the former regime. Judicial salaries have also been increased to reduce the temptation to accept bribes. Regular training for judges is underway to inculcate a culture of respect for human rights, due process, and basic tenets of the rule of law.

The UK is one of very few donors supporting judicial reform. The Department for International Development (DFID) is providing over £2 million to support the rehabilitation of Iraq's judicial system, to increase independence, professionalism and respect for human rights. Assistance provided includes training for judges, prosecutors and lawyers.

The Iraq Special Tribunal (IST) was established in December 2003 to bring to justice those former members of the regime who committed the worst crimes and human rights abuses against the Iraqi people and its neighbours. On 30 June 12 former regime members, including Saddam Hussein, were brought before an Iraqi investigative judge of the Central Criminal Court of Iraq (CCCI) to be arraigned. Saddam Hussein was told that he will be charged with crimes connected to, among other things, the killing of religious figures in 1974, the killing of the Kurdish Barzani clan in 1983, the gassing of Kurds in Halabja in 1988, the 1986–1988 Anfal campaign of displacing Kurds, the suppression of the 1991 uprisings by Kurds and Shiites and the killing of members of political parties over the last 30 years. Proceedings have now been transferred to the IST. Investigations have begun. There is provision for international participation in the IST. The UK is supporting a capacity building programme for Iraqi personnel from the IST. The Global Conflict Prevention Pool (GCPP) is providing £1.3 million to support training for Iraqi investigators, judges and court staff, and forensic professionals. The GCPP is also providing £1.1 million to support Iraqi efforts to repatriate family remains from the hundreds of mass graves discovered in Iraq.

On 8 August, the Iraqi interim government announced that it would be re-introducing the death penalty. It will apply chiefly to those convicted of murder or crimes against the state. Those on trial at the IST may face the death penalty if found guilty. The UK opposes the death penalty as a matter of principle, and we were instrumental in persuading the Iraqi governing council to agree to the CPA decision to suspend the death penalty in Iraq. The EU made strong representations to the Iraqi interim government not to lift the suspension. We and the EU continue to make representations about the need to abolish the death penalty.



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### Refugees and Internally Displaced Persons

The pre-conflict estimate is that as many as 800,000 people were internally displaced throughout northern Iraq and an additional 100,000-300,000 people were displaced in the centre and south. However these are estimates, and obtaining reliable figures has not been possible in the post-conflict climate. An estimated 900,000 Iraqis are considered to be refugees or in a refugee-like situation in countries neighbouring Iraq and beyond. An estimated 50,000-100,000 Iraqi refugees have returned since May 2003, either spontaneously or with assistance from Iraqi institutions, the Coalition Provisional Authority, regional authorities and international organisations. There are also about 70,000 non-Iraqi refugees in Iraq. These include: 40,000 Palestinians living primarily in the Baghdad area, 13,000 Iranian Kurdish refugees living west of Baghdad, in northern Iraq and in the no-man's land along the Jordan-Iraq border; 14,000 Turkish Kurds in northern Iraq; and another 1,200-1,400 Syrians and Iranian refugees of Arab descent in the south. We cover the work the CPA did to help displaced people and refugees in Chapter 5 (see page 148 for more details).

### Women's rights

Newly-formed Iraqi women's groups have taken 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 both 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". This is a positive step in ensuring that Iraqi women are given the opportunity to assume national leadership roles. Women play an important role in the Iraqi interim government. Six women have now been appointed as ministers, 20 per cent of the total, including the new position of minister of state for women's affairs. There are seven women deputy ministers, 25 per cent of the total.

### The Transitional Administrative Law

On 8 March 2004 the Iraq Governing Council members signed the Transitional Administrative Law (TAL). This will serve as the supreme law of Iraq until a democratically elected national assembly drafts a constitution to be ratified via a referendum scheduled for 2005. The TAL includes 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 also provision for a national commission for human rights and an ombudsman.

Article 23 of the TAL states that: "The enumeration of [specific human rights in the TAL] must not be interpreted to mean that they are the only rights enjoyed by the Iraqi people. They enjoy all the rights that befit a free people possessed of their human dignity, including the rights stipulated in international treaties and agreements, other instruments of international law that Iraq has signed to and to which it has acceded, and others that are deemed binding upon it, and the law of nations. Non-Iraqis within Iraq shall enjoy all human rights not inconsistent with their status as non-citizens."

The Transitional National Assembly will not be bound to include the rights set out in the TAL in a new permanent constitution. However we expect that the TAL will act as a guide to the drafters of the new permanent constitution. After decades of abuse and tyranny, the people of Iraq wish to have human rights enshrined in their constitution, and were overwhelmingly supportive of the rights expressed in the Transitional Administrative Law. 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.

Over the last year Iraqi women have organised 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 offered them the chance to bring attention to their needs and hopes for the future.



3.

**1.** The remains of an Iraqi man unearthed at a cemetery in Baghdad for political victims of Saddam Hussein's regime.

**2.** Saddam Hussein appears in a courtroom at Camp Victory, a former palace on the outskirts of Baghdad, 1 July 2004.

**3.** US administrator Paul Bremer hands a document to Iraq's Chief Justice Midhat al-Mahmoudi, sealing the transfer of sovereignty to Iraq during a ceremony in Baghdad, Iraq, 18 June 2004.

Eighteen women's centres have been established throughout the country. These centres offer opportunities for women to acquire skills that will open up employment or other economic opportunities, and enable them to take part in programmes that will lead them to a better understanding of their rights and how to be active participants in the decisions that affect their lives. We have provided small grants to women's organisations to assist them in a variety of efforts, as well as co-ordination with organisations that wish 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 cover the issues of domestic violence and rape in Chapter 9 (see page 236 for more details).

The FCO sponsored an Iraqi delegation of women to the Arab International Women's Forum in Cairo and also supported a training workshop organised by the AMAR Charitable Foundation and the British Council to build the skills of Iraqi women seeking to participate in the political process. The workshop provided a unique opportunity for a small group of women from Iraq to come together to discuss issues which affect all women in their country. It gave them the chance to share their experiences with women from other countries in the region and to try to build a platform for bringing these issues to the attention of the new government and policy makers.

### **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 and guarantees the full religious rights of all individuals to freedom of religious belief and practice. On 24 February, the Iraq Committee for Reconciliation and Peace (ICRP) brought together several religious leaders for the signing of a 10-point document, known as *The Baghdad Religious Accord*. It calls for an end to violence and pledges that Iraqi religious leaders will work together to help Iraq become a democracy. The ICRP is holding a formal conference to create a robust, actionable agenda of inter-religious reconciliation initiatives. Formerly, permission to make the Hajj pilgrimage to Mecca was heavily restricted for political reasons. Restrictions now are based purely on logistical, not political, factors, such as the numbers accepted by Saudi Arabia. Many religious rituals, such as those associated with the commemoration of Ashura, were banned by the former regime. The people of Iraq are now free to practise them openly.

Arabic and Kurdish are the two official languages of Iraq. The TAL guarantees the right of Iraqis to educate their children in their mother tongue, such as Turcoman, Syriac or Armenian, in government educational institutions in accordance with

educational guidelines, or in any other language in private educational institutions.

An independent communications and media commission has been established to ensure a credible legal framework within which a free media can operate, and to provide accountability and improve professional standards. Together with a self-regulatory body for the print media, this will avoid the need for future government legislation to further regulate the media in Iraq, thus supporting the nascent free press. Over 200 newspapers and magazines have sprung up throughout Iraq as well as local radio and television stations. However, the vast majority of print publications are affiliated with political and regional interests, and reporting is often based on rumour and innuendo. Although the IIG remains fully committed to protecting the right to freedom of expression, there have been occasions over the past 12 months when the CPA and the IGC had to take action to prevent media organisations from disturbing public order and inciting violence against the coalition forces and the employees of the CPA.

Over US\$170 million has been allocated since January 2003 to support the start-up of broadcast and print media in post-Saddam Iraq, including the transformation of the former ministry of information to the Iraqi Media Network (IMN). IMN is currently changing into an independent public service broadcaster. The board of governors and director-general were appointed on 13 May 2004. Since April 2003 Iraqis have been able to purchase satellite dishes and access regional and international news and entertainment sources.

The level of violence within Iraq means that journalists have been at great risk. Twenty-seven journalists have died in Iraq since March 2003. Local Iraqi staff employed by the UK news agency Reuters alleged that they were arrested and abused by US soldiers in January 2004. We have raised this case with the US administration.

### **Civil society**

A good indicator of democratic development is the number of voluntary organisations that emerge in a post-conflict setting. In April 2003 newly-formed NGOs began to attend meetings held by the CPA all over Iraq, which included bi-weekly training courses on how to establish an NGO. Over 1,000 NGOs submitted applications to the NGO assistance office within the ministry of planning and development co-operation. These include women's centres, human rights organisations, social service and civic education bodies, youth groups, media, and many others representing a wide range of NGO work. This in large part was made possible by the CPA commitment to promote democratic development as the fundamental basis for



Female Iraqi police cadets march during their graduation ceremony in the grounds of the police academy in Baghdad, 3 June 2004. That day, about 200 Iraqis, both men and women, graduated from the academy.

long-term stability. Several CPA-initiated civic education projects trained Iraqis to educate tens of thousands of fellow citizens directly on basic concepts about democracy and the interim institutions that are governing Iraq until a new constitution comes into force. The CPA supported projects to identify and support civil society organisations throughout Iraq, at the grass-roots level and at the national level. The CPA provided civil society organisations with grants and training on organisational strategies, fundraising, and computers. Workshops on democracy and democratic values, conflict management and tolerance have also been held. An increasing number of independent civil society organisations are being formed or consolidated, and are more effectively representing the interests of their members.

### Ministry of human rights

The ministry of human rights was established in September 2003 and was 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;
- > to make formal recommendations for measures to prevent human rights violations;
- > to assist all people in society in healing the scars from the atrocities committed by the Ba'athist regime and to co-operate with the Iraqi Special Tribunal or other judicial institutions;
- > to serve as a 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 provide advice to lawmakers on whether proposed legislation complies with international human rights law, including the legal obligations Iraq has assumed through ratification of international treaties.

### Dame Audrey Glover: UK secondee to ministry of human rights

Audrey Glover is an international lawyer with extensive experience in human rights, democracy building and governance. Until 2003 she was leader of the UK delegation to the UN Commission on Human Rights. Since February 2004 the FCO has funded her as an adviser to the Iraqi minister for human rights. She is helping to establish the ministry and providing specialist advice in development of human rights policy. She describes her experience below:

“Human rights in Iraq look three ways; to the past, the present and the future. People want to exorcise the terrible ghosts of the Saddam killing machine; to make the architects of a new beginning accountable and to ensure that the future does not replicate the past. Against this background I have a kaleidoscope of impressions: evicting squatters from ministry property; overcoming the limitations of one human rights minister to invest in a new more visionary one; arming his guards to protect him from assassination, securing the ministry

building and travelling in armour-plated vehicles. The supreme irony in Iraq is that to deliver three-way human rights you need guns, guards and flak jackets and, even more importantly, you have to convince ordinary Iraqis struggling in an insecure environment that human rights really matter.

Yet, despite these difficulties, a culture of human rights is growing: articulate women’s groups are taking root: in depth human rights training in the ministry has commenced; the past is being systematically recorded; the ministry has been re-planned to permit initiative to flourish; contacts are being made with international organisations and foreign donors are beginning to knock at the door with money for projects. Although the road ahead will not be easy, I believe there is real hope for human rights in Iraq. But their growth will need to be carefully nurtured and supported by the international community.”

Bakhtiar Amin, a well-known human rights activist, is the minister for human rights. There are approximately 150 employees at the ministry. UK secondees have advised the minister on a restructuring programme to ensure the effectiveness of ministry departments and to create specific, achievable objectives. The ministry has established a missing persons bureau which has created an ante-mortem data form for distribution throughout Iraq. Ministry staff have also compiled a CD-ROM containing reports and descriptions of mass grave locations throughout Iraq. The ministry is also overseeing an oral history project. Its aim is to interview thousands of Iraqis about human rights abuses under the former regime and store this information in a searchable secure database for use in locating missing persons, preparing for a possible future truth commission or simply building a historical record of the past to help Iraqis come to terms with the abuses and assist in preventing them re-occurring.

At the suggestion of the CPA, the ministry hosted a conference in Suleimaniyah in conjunction with the ministers of human rights from the two Kurdish regions. The objective is to partner nascent NGOs from the rest of Iraq with more established NGOs from the north which have had the benefit of some international assistance and funding and have had an opportunity to thrive in a post-conflict environment. The ministry of human rights has begun to host weekly workshops on women's issues in partnership with the ministry of foreign affairs and ministry of labour and social affairs. The ministry will work closely with the new minister of state for women's affairs and is planning to develop links with women's groups in the UK with a view to establishing a national commission for women. The ministry has also recently signalled its intention that Iraq should become a signatory to the UN Convention Against Torture.

With the full support of the CPA, the ministry also designated members of its staff including two of its lawyers, to act as on-site monitors in the criminal detainee section of Abu Ghraib prison and to act as liaison for the families. In May 2004 their mandate at Abu Ghraib was extended to security internees. Ministry staff meet the security detainees and are given full access to the female, juvenile and medical sections. They discuss the results of their visits with the US authorities.

International human rights experts and secondees from other governments have sometimes been reluctant to travel to Iraq or have returned home early, and providing secure space for training inside Iraq is not always a simple matter. However, efforts to provide training in secure locations outside Iraq are on-going. The FCO supported a two-week training course in Amman in June for officials from the ministry of human rights run by Nottingham University with the support of the

UN Office of the High Commissioner for Human Rights and UNICEF.

The ministry's initial budget for 2004 is 10.7 billion new Iraqi dinars (approximately US\$7.1 million) rising to 21.4 billion new Iraqi dinars (approximately US\$14.3 million) by 2006. This is to cover capital building projects to create human rights training centres, human rights training courses and materials, ministry staff salaries and operating costs. The UK has provided further funding for mass grave forensic assessments. In addition the UK has provided grants to initiate projects to analyse regime documentation and gather oral histories relating to regime crimes, as well as providing NGO funding under the Global Conflict Prevention Pool.

### 1.3 Afghanistan

The past year has seen further progress in Afghanistan towards political stability following the coalition action in 2001 to remove the Taliban regime. The Bonn Agreement, signed in December 2001, set out a road-map leading to national elections in 2004 to establish a democratic and representative government. Progress towards that continued through 2003, culminating in the agreement of a new constitution. Preparations are now underway for presidential elections in October 2004 and legislative assembly elections in spring 2005.

#### The constitution

The constitutional process began in October 2002, when President Karzai appointed a nine-member constitutional drafting committee. The committee produced a first draft and passed it on to a 35-member constitutional review commission. Seven of the commissioners were women. The commission also received suggestions from international experts. These were professors Yash Ghai of Kenya, Guy Carcassonne from France and Barnett Rubin of the US.

The constitution is a document that will underpin the new Afghan society and it was important to involve all sections of the Afghan community, including women, in the process of agreeing the text. The UK contributed £500,000 to support the Afghan transitional administration, Afghanistan's government, and the UN in organising public consultation on the constitution across Afghanistan. After further debate between the drafting committee and the Afghan transitional administration, the committee published a draft constitution on 3 November 2003.

The final stage of the process was for an elected national assembly, the Constitutional Loya Jirga, to reach a consensus on the proposed draft. The Loya Jirga convened on 14 December

2003 under the chairmanship of former president Mojaddedi. The 502 delegates included representatives of all parts of the country and all ethnic groups, among them 114 women. The delegates elected four vice-chairmen (one a woman), and three rapporteurs, or secretaries (two of whom were women). A final text of the new constitution, the eighth in Afghanistan's history, was agreed on 4 January 2004 and signed by President Karzai on 26 January.

The international community always made clear that it attached great importance to the legal protection of human rights being a fundamental part of the new constitution. Some key elements of the new constitution include:

- > Citizens, whether men or women, have equal rights and duties before the law. All ethnic groups have equal rights, and there are provisions for protecting minority languages.
- > The state has an obligation to create a prosperous and progressive society based on social justice, protection of human dignity and human rights and democracy. The state will also abide by the six core international human rights conventions to which it is a party.
- > Afghanistan is an Islamic republic. Followers of other religions are free to exercise their faith and perform religious rites within the limits of the law. No law can be contrary to the beliefs and provisions of the sacred religion of Islam.
- > The national assembly will consist of two houses; the directly elected Wolesi Jirga (House of the People) and indirectly chosen Meshrano Jirga (House of Elders). Women will make up a quarter of the Wolesi Jirga and a sixth of the Meshrano Jirga.
- > Afghanistan will have a presidential system of government. The president and two vice-presidents are answerable to the nation and to the Wolesi Jirga, which can also impeach ministers.
- > Pashto and Dari are the main official languages with other minority languages being a third official language in areas where the majority speaks them.

We are encouraging Afghanistan to ensure that provisions for Islamic law in the constitution, and implementation of the Sharia (Islamic law) in the new legal code will be consistent with Afghanistan's obligations under international human rights law.

## Elections

With the constitution agreed, the UN Assistance Mission to Afghanistan (UNAMA) has been working closely with the Afghan transitional administration on preparations for democratic presidential elections in October 2004 and national assembly elections scheduled for spring 2005. The Bonn Agreement anticipated elections by June 2004, but the complexity of registering millions of voters and continuing security threats have led to this later date. The UK has so far committed £10.4 million to support voter registration and £2.7 million towards the costs of holding elections themselves. The UK has also contributed £180,000 to the BBC for capacity-building of the Afghan media ahead of the elections. We are also encouraging other donors to lend their support to electoral preparations. Security remains critical to the holding of successful elections and to the registration of a geographically and ethnically representative electorate.

Voter registration began in December 2003, initially focusing on the main cities due to the difficulties of winter access to rural areas. A major registration drive throughout the country started in May 2004. UNAMA is sensitive to the needs of women and is ensuring that registration takes place in private single-sex facilities, with women registrars employed to ensure that as many women as possible are able to register. Over nine million Afghans had registered to vote by the end of July 2004, 41 per cent of whom were women. An important precursor to the elections is civic education, not least in view of low literacy rates in many areas, especially among women. One of the main objectives of the civic education programme is to educate heads of households and community leaders on the importance of women registering and voting, as well as reminding women themselves of their right to vote. The UK has contributed £500,000 towards a civic education programme run by the NGO Swisspeace.

The Afghan transitional administration introduced a law on political parties on 11 October 2003. Thirty parties had been registered by the end of July 2004. Registration has been slow partly because of the need to ensure compliance with provisions excluding parties which have links to armed groups. The Wolesi Jirga will have a total of 249 members, allocated among provinces in proportion to their population. A minimum of two seats in each province will be allocated to the most successful female candidates (one seat in provinces with only two seats in total).

UNAMA and the Afghan independent human rights commission released their first report on political freedoms in Afghanistan in July 2004. The report gives a mixed assessment of Afghans' ability to exercise their political rights. Although there are encouraging signs of emerging political pluralism

in parts of the north and east, the report gives details of restrictions on political freedoms in areas of the south and south-east. We are particularly concerned by the reports of the systematic denial of political rights in and around Herat. We are urging the Afghan transitional administration and provincial governors to ensure that political freedoms, such as the right to form and support political parties and to vote freely, are fully respected in the run-up to elections.

### **The Afghan independent human rights commission**

The new constitution confirmed the status of the Afghan independent human rights commission (AIHRC) established in June 2002. Chaired by Dr Sima Samar, the commission consists of 11 experts, including four women, and has a broad mandate, including responsibility for investigating human rights violations and abuses. It has a particular focus on the rights of women, children and minorities. The UK has given £1 million to support the AIHRC's national work plan, which focuses on four main areas of activity: institution building, women's rights, human rights education and transitional justice. The commission has now established offices in Kabul, Gardez, Jalalabad, Mazar-e Sharif, Herat, Kandahar, Feyzabad and Bamian.

### **Security**

Despite the continued political progress, the security situation in Afghanistan remains fragile, particularly in the south and east of the country. The Taliban and other groups opposed to the Bonn Process have developed more sophisticated tactics and begun to target representatives of the international community, including NGOs and Afghans working with them. This has seriously hampered reconstruction efforts in southern Afghanistan. At present the UN has restrictions on operations in a number of regions with NGOs following suit.

The international community, including the UK, recognised the need to take action to improve security both through direct security operations, and by helping the Afghan transitional administration to develop a national, multi-ethnic Afghan army and police force. In August 2003 NATO took over the leadership of the International Security Assistance Force (ISAF). In October the UN Security Council extended ISAF's mandate, enabling it to operate beyond Kabul, both in the form of provincial reconstruction teams (PRTs) and through temporary deployments in support of, or in response to, particular events.

By July 2004, 13 PRTs had been established. The UK has led a PRT in Mazar-e Sharif since July 2003. Others teams have primarily been set up by the US, but Germany and New Zealand now lead one team each. The UK is leading a second multinational PRT in Meymaneh, also in the north, and is also providing a logistical Forward Support Base for the PRTs

operating in the northern provinces. The UK is also working hard to encourage other nations to lead or contribute to PRTs.

We believe that PRTs can make a significant contribution to improving security and facilitating reconstruction work by NGOs and UN agencies. They can also help support the authority of the central Afghan government. Our experience with the UK-led PRT in Mazar-e Sharif has borne this out. While PRTs are not intended to act as a primary security force, there are clear signs that security does improve in the locations to which they have been deployed. We hope that the security and access by international agencies, which the presence of PRTs brings, will in turn contribute to an improvement in the human rights environment.

In parallel to the deployment of PRTs, there has also been progress on the development of truly national Afghan security forces and law enforcement agencies. In total the UK contributed nearly £16 million to security sector reform in 2003–2004. The allocation for 2004–2005 is £18 million, which will support a number of projects including assistance to the new Afghan national army (ANA) and the national police force (for more details see page 193). Some areas of reform have moved relatively slowly, particularly the demobilisation, disarmament and re-integration (DDR) of former combatants. Regional leaders have been reluctant to surrender their arms and disband their militias. President Karzai launched a pilot DDR scheme under the UN Afghan New Beginnings Programme in Kunduz in October 2003. On 17 May a nationwide programme of DDR was launched, with 40 per cent of militia forces and 100 per cent of heavy weapons held by regional militias due to undergo DDR before national elections in the autumn. The UK has so far contributed over £2.5 million to the DDR process and is considering a further contribution.

The US-led ANA training programme began in June 2002. So far over 9,000 soldiers have gone through training and been deployed. The DDR process will help accelerate the rate or recruitment to the ANA by channelling some existing soldiers out of irregular militias and into the ANA. Members of the UK ISAF contingent continue to provide NCO training. ANA units take part in operations in the east alongside US forces and have also contributed to similar counter-insurgency operations in the south. They have also been deployed in response to inter-factional fighting, such as that which flared up in Herat in March 2004.

### **Women's rights**

Women's rights were severely restricted under the Taliban regime and it has been a priority of the international community to ensure that women play a full role in Afghan society. The new Afghan constitution includes an explicit

statement of the equality of men and women, and includes guarantees for women's representation in the legislative assembly. Implementation of these provisions in legislation is the next step, and the AIHRC and the Judicial Commission have an important role in ensuring that women's rights are included in future legislation. Women are represented throughout the ministries of the Afghan transitional administration, and on the Judicial Commission and the AIHRC.

In Kabul, at least, life has improved for many ordinary women, who are now able to work and move about freely in a way that was impossible under the Taliban. The total number of children and girls beginning formal education across Afghanistan continues to increase. UNICEF expected 5.5 million children to return to school in March 2004. Last year, of the 4.2 million children who returned to school, 37 per cent were girls and 33 per cent of the teachers were women. UNICEF also plans to focus on provision for girls' education in rural areas where it is virtually non-existent. The new constitution includes an article committing the state to promote education for women. But reports continue of attacks on girls' schools and attempts, notably in Herat province, to uphold strict gender segregation in schools. We are particularly concerned about such segregation because the shortage of female teachers will mean that such restrictions will result in a severe limitation on the ability of women and girls to receive proper education.

Many of the other restrictions on women we mentioned in last year's report remain in place, particularly in the regions. Women's access to justice and health care is often poor. Maternal mortality rates are among the highest in the world. The lack of an effective legal system means that tribal law prevails in many parts of the country. Women are still in prison for committing so-called crimes when in fact they were the victims of rape or were abandoned by their husbands. We are concerned at the levels of violence facing women in society, including in the home, and at reports of self-immolation by women in the west of Afghanistan who are seeking to escape from domestic violence. The UK continues to support the NGO Womankind Worldwide in its work to develop a network of Afghan women's NGOs to provide advocacy training and to promote the role of Afghan women in advance of elections later this year. The project also provides livelihoods training and supports childcare at a women's prison in Kabul. The UK was also closely involved in the EU-sponsored resolution on Afghanistan at the Commission on the Status of Women in March 2004, welcoming the progress that Afghanistan has made to improve the situation for women and urging the Afghan transitional administration to ensure that a legal framework, protecting women's rights, is put in place.

Women's access to justice, the political process and economic opportunities are priorities for the UK's projects on human rights and gender, and a key part of our strategy for the coming year. The UK has already contributed £1 million towards international assistance for judicial reform and is to provide a further £240,000 for the UK Bar Human Rights Committee to run a two-year programme of human rights training for legal practitioners, with a specific focus on women's rights. The UK is also funding an ActionAid project designed to encourage women's political and economic participation at the village level, and is supporting the National Solidarity Programme which encourages and funds women's participation in the selection of priorities for local reconstruction projects. We are providing £200,000 to the BBC World Service to produce an Afghan Women's Hour programme, focussing specifically on issues of concern and interest to women.

### Child rights

Afghanistan is a signatory to the Convention on the Rights of the Child. In practice, however, social attitudes and the lack of functioning judicial institutions mean that child rights are poorly protected in many parts of Afghanistan. We welcome the work by the judicial reform commission to complete the draft of the juvenile code and to continue with legal reform. This includes a law on human trafficking, relevant to the protection of children's rights. We also welcome the efforts of the government and its UN and NGO partners to improve the provision of educational facilities and the uptake of education by children. We are concerned, however, that practices such as the widespread forced marriage of children, although they are already illegal under Afghan and Sharia law for children below the age of 15, continue in many areas. We are also concerned at reports of child abductions for ransom and the reported growth in human trafficking, particularly of children. We are urging the Afghan transitional administration to ensure that the law prohibiting the marriage of children is upheld throughout the country, in line with its international obligations under the Convention on the Rights of the Child. We are also urging it to investigate and prevent trafficking of children, by introducing improved detection and prevention strategies, such as tighter border controls.

### Death penalty

Afghanistan retains the death penalty under the new constitution. All death sentences require the approval of the president. A moratorium on executions ended on 20 April 2004 when President Karzai authorised the execution of Abdullah Shah, a militia commander accused of cannibalism, torture and murder. The UK is concerned by the lifting of the moratorium, protested over the execution of Abdullah Shah, and continues to lobby for an end to the death penalty. We are particularly concerned that Afghanistan has not met the standards of due

process required by the International Covenant on Civil and Political Rights. We will lobby for these standards to be ensured in the future. It is not yet clear whether the Afghan transitional administration will carry out any further executions, although the courts have continued to hand down the death sentence in certain cases.

### Discrimination against minorities

While the Taliban's systematic mistreatment of religious and other minorities has ended, problems persist between some ethnic groups. The United Nations High Commission for Refugees (UNHCR) reports continuing abuse of minority Pashtun communities in the north. We are also concerned that the Kuchi people may be excluded from the political process as a result of their nomadic lifestyle. The new constitution states that all ethnic groups are equal and outlaws any discrimination between Afghan citizens. It includes provisions protecting language rights for minorities and commits the state to improving education for nomadic groups. Effort has also gone into accommodating the Shia minority. A provision in the constitution requires Afghan courts to arbitrate personal cases involving Shia Muslims according to Shia law.

### Freedom of expression

Independent Afghan media continues to gain strength, with support from the international community including the UK. But there have been some backward steps. In last year's Annual Report we highlighted our concerns, which we had raised with the Afghanistan transitional administration, about the arrest and detention in June 2003 of two Afghan journalists in Kabul on charges of blasphemy, and about subsequent reports that the supreme court had sentenced them to death. The Afghan Media Minister, Dr Raheen, reacted to international concerns and the journalists were cleared of the charges. However attacks on, and intimidation of, journalists continue throughout Afghanistan. In January 2004 the supreme court attempted to ban Kabul television from broadcasting, for the first time since 1992, footage of female singers performing. So far Kabul

television and the culture ministry have resisted pressure from the court.

### Looking ahead

The Bonn Process, to which the international community and the Afghan transitional administration committed themselves in 2001, calls for improvements in human rights in Afghanistan to be led by the Afghans themselves. This was re-affirmed at the Berlin Conference on Afghanistan in March 2004 and by the publication of the constitution, which formally establishes the role of the Afghan independent human rights commission (AIHRC) as an independent body charged with monitoring human rights and investigating allegations of abuses.

Nevertheless, there remains an important role for the international community in encouraging the Afghan government to abide by its human rights commitments and to support the development of human rights as an integral part of the reconstruction of the judicial, security and law enforcement sectors.

The FCO and DFID have agreed a joint gender strategy for 2004–2005 that pulls together the various elements of our work and identifies areas for possible further activity. The FCO also has a human rights strategy for the coming year. The two strategies seek to provide a joined-up UK response, both by mainstreaming human rights and gender into our development assistance programme, and by focusing on the following areas:

- > continuing to support, as a priority, the process of security sector, police and judicial reform in conjunction with the Afghan government and international community, as well as the disarmament, demobilisation and re-integration of militia forces and the extension of central government authority into the regions;
- > continuing, in conjunction with EU partners, to lobby for a return to a permanent moratorium on executions and the ultimate abolition of the death penalty in Afghanistan;



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**1.** An Afghan police officer gets his voter identity card as others wait in a line at a voter registration centre in a mosque in Kabul. Presidential elections are due to be held in October 2004.

**2.** An Afghan woman gives her thumb impression for her voter identity card at a voter registration centre in a mosque in Kabul. By the end of July 2004 an estimated nine million voters had registered.



Foreign Secretary Jack Straw visits a refugee camp in Darfur, Sudan, 24 August 2004.

- > calling for standards of due process to be ensured in legal cases, particularly those that could result in a sentence of death;
- > supporting and encouraging the Afghan government's declared aim of reporting to the UN Commission on Human Rights on its performance under the Covenant on Civil and Political Rights by December 2004;
- > encouraging the Afghan government to uphold and report on its commitments under the other international human rights instruments to which it is a party, particularly the Convention on the Elimination of Discrimination Against Women; and
- > continuing to fund specific interventions aimed at improving human rights, women's rights and women's access to judicial, political and economic processes and programmes.

## 1.4 Sudan (Darfur)

We are hugely concerned about the humanitarian and human rights situation in the Darfur region of western Sudan (for more details on the Inter-Governmental Authority on Development (IGAD) peace process see Chapter 5). At the time of going to print, reports suggested that as many as 50,000 people may have died in the conflict, and more than 1.3 million have been displaced. Many of these people have been subject to attacks, including rape and the destruction of property. On-going insecurity means civilian protection remains a major concern, and humanitarian needs in all sectors (food, water, shelter and healthcare) are enormous.

The Office of the UN High Commissioner for Human Rights (OHCHR) produced a hard-hitting report on the crisis in Darfur in May. It identified massive human rights violations, many of which it said may constitute war crimes and/or crimes against humanity. The report spoke of repeated attacks on civilians by the Sudanese government's military and its proxy militia forces; a pattern of attacks that included killing, rape, pillage, persecution, discrimination and destruction of property, including

water sources. It concluded that Arab militias, often referred to as the janjaweed, had operated with total impunity and in close coordination with government forces. The full text of the report is available on the OHCHR website ([www.ohchr.org](http://www.ohchr.org)). At the beginning of August the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Asma Jahangir, published a report on Sudan. The report stated that it is beyond doubt that the Sudanese government was responsible for extrajudicial and summary executions of large numbers of people over the previous several months in the Darfur region.

In late July, Amnesty International published a report that alleged that systematic rape was being used as an apparently deliberate tactic in the Darfur region. The details of alleged abuses included the rape of women in the presence of their husbands and relatives, gang rape of minors, sexual slavery and abduction of girls as young as eight. During his visit to Sudan in late August, the Foreign Secretary secured the agreement of the Sudanese government to issue visas to the region for both Amnesty International and Human Rights Watch.

Large scale human rights violations have been followed by malnutrition and disease as crop harvests have been destroyed and families scattered. The failure of the Sudanese government over recent months to remove all obstacles to the delivery of urgently-needed humanitarian assistance has been a matter of great concern. However at the time of going to print, following much pressure from ourselves and others, the Sudanese government has begun taking steps to address this issue, and humanitarian access has improved.

The crisis in Darfur needs to be addressed on a number of different levels. The immediate priority must be to stop the attacks on civilians, and to get food, water, shelter and healthcare to those most urgently in need. But respect for basic human rights and international humanitarian law must underpin the Sudanese government's and the international community's response, both in the short and the longer term. We have made very clear to the Sudanese government our

concerns about the human rights situation in Sudan. Equally, we have made clear their obligations under international humanitarian law (these obligations also apply to the rebel groups). With our EU partners and through the UN security council, we have called for reported attacks against civilians to be thoroughly investigated and for the perpetrators to be brought to justice. Following the decision of the UN Commission on Human Rights in April, the UN appointed an Independent Expert on Human Rights in Sudan, Mr Emmanuel Akwei Addo, and the UN is, with UK financial assistance, deploying human rights monitors to Darfur.

### Background to conflict

While we do not have incontrovertible proof that either ethnic cleansing or genocide is taking place in Sudan, it is clear that there is a strong ethnic dimension to the conflict, with particular ethnic groups being targeted and civilians being attacked. However the origins of the conflict in Darfur lie deep in the history of the region, and it is misleading to analyse it simply on "Arab" against "African" lines.

Darfur is a region more than twice the size of the UK on Sudan's western borders with Libya, Chad and the Central African Republic. It has an estimated population of over six million people. For at least 20 years it has been subject to periodic instability and banditry. No single factor explains the conflict. Its causes include external interference, the spill-over of conflict in Chad (several tribes live on both sides of the Chad/Sudan border), chronic economic and political marginalisation, the arming and funding of various tribal groups to promote different political agendas, and competition for scarce land, water and grazing rights. Since the mid-1980s the area has suffered periodic famines and has been neglected by successive governments in Khartoum.

In late 2002 and early 2003, the activities of the rebel Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM) increased. The Sudanese government, whose regular forces were making no headway

in putting down the rebellion, then seem to have mobilised militias from Arab tribes. These groups of militias began targeting civilians from rival tribes or from those thought to be supporting the rebels. The conflict spiralled and human rights abuses and breaches of international humanitarian law by the janjaweed militias markedly increased in frequency and gravity.

### Peace process

Our Embassy in Khartoum has been monitoring the situation in Darfur for some time and increased its efforts with the outbreak of fighting early in 2003. When a Chadian-brokered ceasefire agreement collapsed in December 2003, the UK urged all sides to resume negotiations to find a peaceful solution to the conflict, to allow unfettered humanitarian access, and to agree an internationally monitored ceasefire. The International Development Secretary, Hilary Benn, pressed the Sudanese government at the highest level on this when he visited Sudan in December 2003 and June 2004. The Foreign Secretary, Jack Straw, visited Sudan on 23 and 24 August. He held talks with the Sudanese government in Khartoum and visited a camp for internally displaced people in Darfur. During the visit the Foreign Secretary re-emphasised to the Sudanese government the importance of an end to the fighting and attacks on civilians, and the need for a political settlement. Our officials, including the Ambassador and the UK Special Representative for Sudan continue to pursue the matter with the Sudanese government and work to mobilise other members of the international community. In addition to their regular contacts with leading Darfurians in Khartoum, the Ambassador and his staff have established regular contact by telephone with leaders of the Darfur rebel groups.

In early April 2004 the Chad government hosted another attempt at mediation, which was attended by the UN, US and EU, including an official from the British Embassy in Khartoum. On 8 April the parties signed a humanitarian ceasefire agreement.



1.



2.

Since then, in most parts of Darfur the level of fighting between the rebels and the government forces and Arab militias seems to have declined. But there is still significant low-level fighting, widespread banditry and lawlessness, and many displaced people and vulnerable groups continue to be subject to on-going harassment and attack by armed militia.

The priority now is to improve the security situation and to deliver humanitarian assistance to those in need. We are urging all sides to comply fully with the ceasefire agreement. We have made clear to the Sudanese government that they have primary responsibility for the protection of the Sudanese people, and as such they need to take steps now to improve the security situation. The UK co-sponsored UN Security Council Resolution 1556 on 30 July which introduced an arms embargo on all non-governmental entities in Darfur, including the janjaweed; and instructs the Sudanese government to facilitate humanitarian assistance, rein in the militia and bring their leaders to justice. It says the Security Council will consider measures under Article 41 of the UN Charter, which may include, but would not be limited to, sanctions, if the Sudanese government does not comply. The Sudanese government subsequently agreed a strategy for implementing the Security Council Resolution. The international community will follow progress very closely.

The deployment of the African Union-led ceasefire monitoring mission is a key part of the international community's effort to address the security situation. Experience of the deployment of monitors elsewhere in Sudan shows that they can have a real impact on security. The African Union (AU) continues to increase its presence on the ground in Darfur – the UK contributed £2 million to support the initial deployment and has subsequently helped transport the Nigerian observer protection force to Darfur. In addition, the European Commission provided a further €12 million. The mission is now operational, carrying out regular investigations into violations of the ceasefire and reporting back. The UK, along with other EU countries, has seconded a monitor to the AU mission, and has made clear that we will consider further requests for support and assistance.

### Humanitarian situation

The humanitarian situation in Darfur and eastern Chad at present remains dire, with large numbers of internally displaced persons (IDPs) living in camps and host communities with poor water, sanitation and health facilities. Essential food and non-food supplies are intermittent or non-existent and there is considerable risk from communicable disease outbreaks. The rainy season, from May to September, has added to these problems, making some parts of Darfur and Eastern Chad inaccessible and increasing the vulnerability of IDPs to disease and exposure.

This is further complicated by the fact that we are now in the traditional 'hungry season' where the wider population often suffers from shortages and food insecurity. Recent years of drought have exacerbated this. These combined factors when twinned with the on-going conflict, mean that the entire Darfur population must be considered as highly vulnerable.

Having allocated £62.5 million since September 2003, we are the second largest bilateral donor to Darfur after the US. We have seconded 20 staff to the UN operation and provided a variety of humanitarian supplies and equipment. The European Commission's total support is now €104 million. More funds are urgently needed. On 22 July Kofi Annan reported that the UN appeal for Darfur remained underfunded by more than US\$200 million. We are lobbying other donors to do more, and will consider increasing our own support.

### Looking ahead

The only sustainable solution to the crisis in Darfur is a political one which addresses the underlying causes of the conflict. For many months we have been urging the parties to engage in a political process in good faith. At the time of going to print, talks between the Sudanese government and the rebel groups under AU auspices, which started on 23 August, continued in Abuja, Nigeria. Observers from the EU (including the UK) and the US are also attending these talks to support the AU mediation effort, and to encourage the parties to take a constructive approach.



3.

**1.** The remains of huts burnt by militia in the village of Bandago in the Darfur region of Sudan, April 2004. Reports suggest that as many as 50,000 may have died in the conflict, and that a further 1.3 million people have been displaced.

**2.** Sudanese refugees wait to get medical attention from a mobile clinic run by Médecins sans Frontières near the city of Bamina in eastern Chad, bordering Sudan.

**3.** Arab and African horsemen from Sudan's Shairia locality parade before Sudanese President Omar El-Bashir, as a show of solidarity in Nyala, capital of the country's southern Darfur state, May 2004.

The peace agreement which emerges from the peace talks in Kenya between the Sudanese government and Sudan People's Liberation Movement (SPLM) which controls much of southern Sudan, should, by offering the prospect of a truly decentralised federal system, address some of the root causes of the conflict in Darfur and elsewhere in Sudan. In particular the arrangements which have been agreed in Kenya for other marginalised areas of Sudan, for example the Nuba Mountains, could provide the framework for a political solution to the conflict in Darfur. See Chapter 5 for more information about the peace talks between the Sudanese government and the SPLM.

## 1.5 Zimbabwe

The human rights situation in Zimbabwe remains in crisis. On-going violations of human rights include the stifling of democratic opposition, police abuse, torture and absence of freedom of expression and association. These abuses form part of a wider picture of disastrous economic mismanagement. Three-quarters of the Zimbabwean population are now living below the poverty line. Before President Robert Mugabe began his policy of violent appropriation of land, Zimbabwe was a net exporter of food to its neighbours. The latest estimate is that eight million Zimbabweans will need food aid ahead of this year's harvest. Against this depressing backdrop there have been a number of specific developments over the past year which have indicated a further deterioration.

### Freedom of expression

The ruling party ZANU (PF) continues to restrict the free media in Zimbabwe. The authorities closed the only independent daily newspaper, *The Daily News*, using the draconian Access to Information and Protection of Privacy law (AIPPA). Although *The Daily News* was granted several court decisions in its favour, the government managed to ensure that it was removed from the streets. The state-controlled media and information commission refused to issue a licence to the paper. Using this as justification, the police then occupied the paper's offices and printing press. On 21 January 2004 the Zimbabwe high court granted an order compelling the police to vacate the newspapers premises. This led to the brief reappearance of the paper on the streets. On 5 February the supreme court ruled by a majority verdict that AIPPA was constitutional. *The Daily News* closed again to avoid the arrest of its journalists who had not been able to get accreditation. The paper's publishers made an urgent application to the high court seeking an order to have its journalists accredited. The judge ruled that the matter was not urgent. *The Daily News* will now have to start the process of applying for accreditation again – this could take up to a year.

The closure of *The Daily News* left the daily print media, like the broadcast media, as a government-controlled monopoly. The media and information commission's chairman and the unelected minister for information have made threatening statements about the remaining independent news publications. On 10 June the media and information commission closed the weekly independent *Tribune* newspaper, which had established a reputation for condemning human rights abuses. This was on the grounds that it had failed to notify a change of ownership. The newspaper had been recently purchased by Kindness Paradza, an MP from the ruling ZANU (PF) party. Mr Paradza has been expelled from the party.

The Foreign Secretary Jack Straw condemned the initial closure of *The Daily News* in September 2003 as a clear attack on the free and independent press of Zimbabwe and an attempt to muzzle independent scrutiny and silence democratic voices. The EU condemned the closure of the *Tribune* as further attack on freedom of expression and democratic space in Zimbabwe. In its statement the EU called on the Zimbabwe government to stop using repressive legislation, such as the AIPPA, to silence critical voices.

### National youth training programme

We remain disturbed by the alleged activities of trainees in the national youth training programme camps. The so-called graduates of this programme are generally known as the "youth militia" or "green bombers". The Zimbabwe government claims that the camps are job-training centres, but in a BBC documentary young teenagers who had been held at the camp alleged that the actual purpose of the camps was to break down trainees before encouraging them to commit atrocities. The documentary included testimony of abuses including rape and torture. We believe that the programme is leading to the militarisation of Zimbabwean youth and that Mr Mugabe intends to use its so-called graduates to support his position within the country. The UK, with EU partners, has made clear that one of the conditions for resuming normal relations with Zimbabwe is the closure of these camps and the disbandment of the programme. The past and present ministers in charge of the camps, Eliot Manyika and retired brigadier Ambrose Mutinhiri, are on the EU list of Zimbabwean individuals who are subject to an EU-wide travel ban and assets freeze.

### Torture and extra-judicial killings

The Zimbabwe human rights NGO forum (ZHRF) reported 115 cases of torture from January–April 2004, and almost 500 documented cases of torture in 2003. In 2002 1061 cases were reported. ZHRF attributes the fall in the number of cases to the fact that there were no large scale elections in 2003. However the number of torture cases remains atrociously high. The number of political killings dropped in the last year and

we hope that this trend will continue in future years. But experience has shown that the rate of human rights abuse in Zimbabwe peaks when elections are approaching. With parliamentary elections due in 2005, we are concerned that political violence may again increase. The fast track land reform programme has resulted in farm workers being attacked and beaten and on occasion raped.

### Political repression

Civil society and opposition politicians remain subject to arbitrary harassment by state agents. The judgement in the trial of opposition leader Morgan Tsvangarai had not been handed down by July, although the trial itself concluded in January. A South African NGO issued a report in March 2004 which showed that 90 per cent of opposition MPs have been subjected to human rights violations since 2000. Twenty-four per cent have survived assassination attempts, 16 per cent have been tortured and three have died following assaults. These figures are shocking in the extreme and are indicative of the regime's determination to stamp out legitimate opposition.

We were also deeply concerned at the passage on 30 June 2004 of the Presidential Powers Regulations. These new regulations allow for people to be detained without right of bail for nine days. The regulations cover those charged with a range of political and economic crimes, including advocating or organising violence, boycotts or civil disobedience under the Public Order and Security Act (POSA), even when there is no evidence. If a judge is satisfied that there is *prima facie* evidence, he can authorise a further 21 days' detention without charge. These regulations have been described by some opposition figures as the "imposition of a state of emergency by stealth". Under current legislation the police regularly arrest those attending peaceful protests, hold them for one or two days and then release them without charge. We believe that the passage of these new regulations will mean that in the future the police will hold such protestors for extended periods of time without observing due legal process and that this forms part of a concerted effort to prevent such shows of dissent.

### UK, EU and Commonwealth actions

Over the past year, the government of Zimbabwe has resisted all attempts to help improve the human rights situation in the country. In December 2003 the Commonwealth Heads of Government Meeting in Abuja agreed to maintain Zimbabwe's suspension from the Commonwealth, while providing a framework for Zimbabwe's readmission should progress on the ground merit this. Mr Mugabe's instant reaction was to withdraw Zimbabwe from the Commonwealth, thus further increasing Zimbabwe's international isolation. The UK believes that Mr Mugabe's decision to withdraw from the Commonwealth is regrettable. There will always be a place for a democratic Zimbabwe in the Commonwealth.

The UK, with EU and other partners, has been at the forefront of the international condemnation of human rights abuses in Zimbabwe. The EU issued a number of condemnatory statements, and raised the subject with Zimbabwe's neighbours. The EU also, for the third successive year, tabled a draft resolution on Zimbabwe at the CHR. The resolution expressed its deep concern at the continuing violations of human rights in Zimbabwe. It highlighted the politically motivated violence including, killings, torture, sexual and other forms of violence against women, incidents of arbitrary arrest, restrictions on the independence of the judiciary and restrictions on the freedom of opinion, expression, association and assembly. It also expressed concern at the failure to allow independent civil society in Zimbabwe to operate without fear of harassment or intimidation. Unfortunately the African Group at the CHR, for the third year running, successfully tabled a no-action motion on Zimbabwe at this year's session preventing a debate and vote on the EU's draft resolution. We regret this deliberate stifling of legitimate debate at the UN and think that the Zimbabwe government's human rights record is of huge concern and deserving of censure by the international community.

On 19 February 2004 existing EU measures against Zimbabwe were renewed. These measures include an arms embargo, an



A newspaper vendor sets out his street stall with copies of *The Daily News* in Harare, Zimbabwe, during the newspaper's brief re-appearance in January 2004.

assets freeze and a visa ban. The EU expanded the list of Zimbabwean individuals who are subject to the EU-wide travel ban and assets freeze from 79 to 95. The new names include the chairman of the media and information commission, which has been responsible for the hounding of the independent press, and the retired brigadier who is now in charge of the national youth training programme.

The UK is the second largest bilateral donor of humanitarian aid to Zimbabwe. We have contributed £67 million worth of humanitarian assistance over the last three years, including contributions to the World Food Programme, which is providing food to millions of Zimbabweans. The Zimbabwe government has cancelled the joint crop and food supply assessment mission with the UN's World Food Programme and the Food and Agricultural Organisation claiming that the harvest is 2.4 million tonnes and enough to meet the country's needs. Local assessments by NGOs put the figure at 700,000 to 1.2 million tonnes of cereals, below the domestic consumption rate of two million tonnes. Cancellation of the mission could delay the international response if food aid is needed. We are also contributing £26.5 million over the next five years to programmes to combat HIV/AIDS in Zimbabwe. We support those in the country who are working for a return to democracy, respect for human rights and the rule of law. We are offering political and practical support to civil rights workers, lawyers defending those persecuted by the state, human rights activists, trade unionists and others working to improve the country.

### Looking ahead

It is difficult to be optimistic about any immediate improvement in Zimbabwe. In the next year we will continue to work with the broadest-possible international coalition to apply pressure for change. We will continue to call upon the Zimbabwe government to stop violating human rights, to allow freedom of expression and association and to end the culture of impunity.

A return to democratic accountability and policies, which help rather than harm the poor, is the best hope for the future of Zimbabwe. We will continue to press the South African government and others in the South African Development Community (SADC) to encourage Zimbabwe's government to enter into dialogue with the opposition MDC party. The next elections are due in spring 2005. For these to be meaningful the government will need to implement internationally recognised electoral laws and procedures, including the incorporation of the South African Development Community Parliamentary Forum's electoral principles into domestic law. It will also need to change the wider political environment to ensure that ordinary Zimbabweans, opposition parties, civil society and the independent media are allowed to function

without fear of violence and intimidation for a significant period before the elections take place. However, there are no signs that the Zimbabwe government intends to take any steps in this direction.

## 1.6 Democratic Republic of Congo

Stability in the Great Lakes region continues to be threatened by conflict in the Democratic Republic of Congo (DRC). Despite progress made by the transitional national government (TNG) in asserting its authority over much of the country, fighting between various armed groups continues in the east of the country.

### Political developments

The TNG was inaugurated in July 2003. This has brought peace and stability to parts of the DRC, but the TNG has yet to extend its authority fully across the country. Although new army commanders have been appointed, progress is slow on security sector reform and particularly the disarmament, demobilisation and re-integration of ex-combatants, essential steps to ensuring future stability. Key legislation on decentralisation, elections, nationality and a new constitution has yet to be passed. The five institutions of support to the transition, commonly known as Commissions Citoyennes, need to build sound relationships with one another. The five institutions are the High Media Authority, the Independent Electoral Commission, the Truth and Reconciliation Commission, the Human Rights Observatory and the Ethics and Anti-Corruption Commission.

Improved relations between the DRC, Rwanda and Uganda have relieved some regional tension. We welcome the signing in September 2003 of a Good Neighbourly Pact, which included commitments by the governments to end support for armed groups and end involvement in illegal exploitation of resources in DRC. But in May and June threats were traded between the DRC and Rwanda with allegations of Rwandan support to rebel Congolese troops. The UK consistently encourages all sides to improve relations. In this respect we also support the Great Lakes Conference, the first ministerial meeting of which is scheduled to be held in November 2004. It is envisaged that the conference, an on-going process, should build on peace and good relations in the region to establish a regional framework that would facilitate the adoption and implementation of a stability, security and development pact.

### Massacres

Human rights in DRC featured strongly in the UN High Commissioner for Human Rights' report to the Security Council in November 2003. The report highlighted some of the human rights abuses that had taken place recently, including Burundian rebels hiding in the DRC having committed

massacres in the Kabunambo area. The incidence of massacres had declined since the arrival of the multinational force, Operation Artemis, in mid-2003 and the subsequent deployment of a MONUC brigade to Ituri in north-eastern DRC. However frequent abuses continued to be reported in 2004. These included ethnically motivated massacres of hundreds of people at a time. The human rights situation in Ituri, the Kivus in eastern DRC and north Katanga in south-eastern DRC is particularly bad. Mayi Mayi fighters are reported to have killed around 100 people and displaced 15,000 more in violence in Northern Katanga in March 2004. During May and June 2004, the fighting in and around Bukavu, Uvira, and Kamanyola in South Kivu saw many civilians killed and thousands displaced.

The redeployment of the UN forces in the DRC (MONUC) has been able to secure parts of the east, but there are still large areas where lawlessness is the norm. The question of amnesty and justice for the perpetrators of crimes during the war needs to be addressed by the TNG. MONUC's human rights unit now takes a more active approach in investigating human rights abuses, particularly the monitoring and reporting of cases of sexual violence, conducting on-the-spot visits to areas which have suffered.

### Humanitarian situation

The continued fragility of peace in the DRC means that large sectors of the population still live in poverty. Estimates of internally displaced persons (IDPs) are in the millions. In the east particularly there is evidence of widespread and urgent humanitarian need. Whenever fighting breaks out again, even if it is isolated, access is impaired and the humanitarian situation of the population worsens. Our humanitarian assistance supports health, nutrition and protection interventions through experienced international agencies. The UK also supports the UN's co-ordination services and their joint emergency humanitarian interventions.

### UK and EU action

The Prime Minister Tony Blair, the Secretary of State for International Development Hilary Benn and Foreign Office Minister Bill Rammell met the President of the TNG, Joseph Kabila, in February 2004. They urged him to promote human rights, particularly in the armed forces, and to restore the moratorium on the death penalty. The UK has continued to take a leading role in drafting EU declarations and UN Security Council statements condemning the on-going violence and human rights abuses in Ituri and eastern DRC and calling for those involved to be brought to justice. The UK supported and contributed to the country resolution on the DRC, adopted at the 60th session of the UN Commission on Human Rights in April 2004. The UK also pushed for the inclusion of texts on the blocking of arms supplies to the DRC in UN Security

Council Resolution 1493 and, more recently, for the setting up of a monitoring mechanism in the country in UNSCR 1533.

The UK has made repeated calls for all parties in the DRC to allow free access to MONUC to fulfil its mandate. We have interceded with different authorities on a number of specific occasions to support the work of MONUC in humanitarian and peacekeeping operations. This includes pressing the TNG to allow inspectors access to military airports, to allow humanitarian access to the conflict affected Haut Plateau and to assist investigation into alleged human rights abuses committed in the DRC by all parties.

The UK provides five key military personnel to MONUC. We have supported a wide range of local peace-building initiatives including through the MONUC-run Radio Okapi. Our Embassy has supported a range of projects by local NGOs to work on sensitisation of the population to human rights issues, for example, working with a Bukavu-based NGO to run a training programme for law enforcement authorities on treatment of women prisoners. The Embassy also supported, through an international NGO, a hospital in Bukavu for women who have suffered sexual violence. DFID are also offering support to the five institutions of support to the transition.

The UK increased its development commitment to DRC to over £20 million in financial year 2003–2004. The only sustainable way to end the cycle of abuse is to bring to an end the conflicts in the region and the prevailing climate of impunity. This has been the main focus of the UK's development assistance in DRC and the wider region, including peace-building initiatives, demobilisation activities, security sector reform, restoring nation-wide rule of law and transparent and accountable governance. We have provided €1 million to an EC Trust Fund and US\$1.7 million to a UN Development Programme Trust Fund to support – in collaboration with other donors – the five Commissions Citoyennes.

The UK has committed US \$25 million to the Multi-Donor Disarmament and Re-integration Programme for the Great Lakes region. Funds from this programme are being used to promote the demobilisation and protection of child soldiers. We also provided £750,000 to UNICEF to help them move quickly to establish child protection networks in each province in the DRC.

### Looking ahead

In the coming year we will take every opportunity to press for improvements in the human rights situation with all Congolese parties. Our Ambassador will maintain regular pressure on the TNG to improve human rights in his role as the UK member of the Comité International d'Accompagnement de la Transition

(CIAT). We will continue to press all parties to facilitate MONUC's access to all areas of the DRC and to co-operate fully with investigations.

## 1.7 Uzbekistan

Over the past year progress in the human rights situation in Uzbekistan has been negligible. While the UK welcomed the Uzbek government's verbal and written commitments on human rights reform, our primary benchmark for judging the government's record on human rights remains changes in actual practice and a decline in reported human rights abuses. Until we see such improvements, human rights will remain the primary focus of the UK's bilateral relations with Uzbekistan. The US announced plans on 14 July to cut US\$18 million in military and economic aid to Uzbekistan because of human rights concerns. The proposed US position is consistent with messages conveyed to the Uzbek government by many countries, including the UK, at the European Bank of Reconstruction and Development's annual meeting in 2004 and other international fora.

### Combating terrorism

The UK appreciates Uzbekistan's support to the international coalition effort in Afghanistan, but this does not mean that we have ignored human rights abuses in this or any other context. We continue to emphasise the need for a proportionate response to all acts of terrorism. In a press release issued on 30 March 2004, Foreign Office Minister Bill Rammell condemned the terrorist incidents that had just taken place in Uzbekistan as "appalling acts of violence". However, he also reiterated the importance of ensuring that responses to terrorist threats are "measured and proportionate, so that the disease is isolated and eliminated rather than faced with conditions where it is possible to spread further". In fact human rights organisations have reported mass arrests following the bombings, including that of female relatives of alleged extremists. The Uzbek government has continued to use the fear of Islamic extremist terrorism as a pretext for wider repression of opposition groups. The government has particularly targeted alleged members of the Islamist party Hizb ut-Tahrir which it claims is implicated in the recent attacks. We are concerned at the heavy-handed persecution of alleged Hizb ut-Tahrir activists, including disproportionate prison sentences awarded by the Uzbek courts. We believe that they will increase support for extremist and terrorist organisations.

On 30 July further terrorist attacks, including on international targets, took place in Tashkent. In a press release on the same day, Mr Rammell again condemned acts of terrorism but also noted that in the struggle against terrorism we must "combine determination with carefully judged responses".

### Political reform

We are extremely disappointed that no opposition political parties have been able to register in Uzbekistan. This will prevent the participation of opposition parties, such as Ozod Dehqon and Birlik, in the December 2004 parliamentary elections. The ministry of justice refused registration of Birlik on the grounds that it required 20,000 signatures in support of its application. Yet on 26 January, at the time Birlik's documents were submitted, the requirement was to collect a minimum of 5,000 authentic signatures. Birlik achieved this, even allowing for 329 signatures judged to be false by the ministry. At the beginning of March, however, the ministry of justice sent an official letter to Birlik refusing its application. At the end of April the EU asked the Uzbek authorities for clarification of the legal basis upon which Birlik's registration was denied.

### Civil society

Recent restrictions imposed on civil society have been a backward step. The international NGO community in Uzbekistan has continued to complain of harassment. The Uzbek authorities claim that they introduced a new requirement last year for international NGOs to re-register with the ministry of justice in order to streamline the registration process. However the new requirements have meant that the ministry of justice has refused to re-register the Open Society Institute, a private foundation that aims to support open society by shaping government policy and supporting human rights, rule of law and good governance projects. The Uzbek authorities have instructed government institutions to end co-operation with the institute, thereby effectively stopping all its programmes in the country. According to official figures over 70 international NGOs have now registered, including Human Rights Watch. However, we believe that the new requirements seriously curtail the activities of international NGOs by stipulating that they can only use nominated state banks, must submit programmes of work in advance for approval, and must invite Uzbek government officials to all meetings. On 10 February the EU wrote to the minister of justice stressing the important role that NGOs play in society and raised the issue again with the deputy minister of justice in March. As acting local EU Presidency, our Ambassador Craig Murray raised these, and other human rights issues, with the Uzbek foreign minister in April. We are still awaiting an official response.

### Torture

We remain extremely concerned at reports that prisoners have been tortured to death in custody. In August 2003 the EU raised with the Uzbek foreign minister the case of Orif Ershanov, who died in custody on 15 May 2003 while detained on suspicion of belonging to Hizb ut-Tahrir. None of the EU and UK lobbying efforts has so far yielded a credible investigation

into his death by the Uzbek authorities. In January 2004, the EU asked the Uzbek authorities for further information on the cases of Komoladhin Djumaniyozov and Nodirjon Zamonov, who both died in suspicious circumstances while detained in custody in August and December 2003 respectively. We shall continue to raise these and other suspected cases of torture with the Uzbek authorities and to ask for impartial and transparent investigations into deaths in custody. The OSCE held a round-table on torture in July 2003 in Tashkent, showing that the Uzbek authorities are now at least talking about the subject in a way that would not have been possible two years ago. A national action plan on torture, signed by the Uzbek prime minister on 9 March 2004, was a positive step. However, publication of the plan was severely delayed and it fails to mention the recommendations made in the UN special rapporteur's report of November 2002.

In last year's Annual Report, we highlighted the case of Muzafar Avazov, an alleged member of Hizb ut-Tahrir, who was apparently tortured to death with boiling water in Jaslyk prison in 2002. Following the findings of an independent pathologist, we disagreed with the Uzbek authorities official finding that torture was not a factor in his death. The UK was deeply concerned at the sentencing of Mr Avazov's 62-year-old mother, Fatima Mukadirova, to six years' imprisonment on 12 February 2004. Mrs Mukadirova was convicted under Articles 159 and 244 of the Uzbek criminal code for possession of proscribed religious literature and for conspiring to overthrow the Uzbek government. However, we believe she may have suffered persecution for publicising the case of her son. Our Ambassador to Tashkent Craig Murray publicly criticised the Uzbek authorities' handling of Mukadirova's case in BBC media interviews. We believe this played a significant role in bringing the case to the attention of the international community. FCO officials also raised Mrs Mukadirova's case with the Uzbek ambassador in London. We subsequently welcomed her release on 24 February following the reduction of her penalty to a fine.

### Death penalty

We welcomed the reduction of the application of the death penalty in Uzbekistan to two offences: acts of terrorism and premeditated murder under aggravated circumstances. However, the two articles which were removed were articles which had not been used in practice. We remain strongly opposed to the death penalty in all cases and through the EU we have repeatedly asked the Uzbek authorities for confirmation of the number of people sentenced to death or executed each year. The EU has urged the Uzbek government to consider adopting a moratorium on the death penalty as a first step. At the end of 2004, the EU expressed its deep concern about the executions of six individuals whose cases were pending before the UN Human Rights Committee (UNHRC). The executions were carried out in spite of the UNHRC issuing a request for interim measures of protection until the cases could be heard. The EU also brought to the attention of the Uzbek government the case of 25-year-old Azizbek Karimov, who was sentenced to death by the supreme court of Uzbekistan on 16 February 2004 for having participated in alleged terrorist activities in Kyrgyzstan.

### Freedom of expression

In last year's Annual Report, we highlighted our concerns over the arrest of journalist and human rights activist Ruslan Sharipov on 26 May 2003. The UK believes that the serious allegations made against him may have been politically motivated. The EU, supported by the UK, raised the Sharipov case with the Uzbek foreign minister in January. Despite indications from the authorities that Mr Sharipov would be included in the December 2003 presidential amnesty, he was not released. However, his sentence was reduced from four to just over three years, and he was transferred to an open prison. It is not clear if this move was simply procedural for prisoners who have served one-third of their sentence. Mr Sharipov has now been released on probation, but is effectively under house arrest.



A plainclothed Uzbek security officer breaks a protest banner at a demonstration in support of jailed journalist Ruslan Sharipov, outside a prison in Tashkent, Uzbekistan, June 2004.



Relatives and friends of Andrei Shelkovenko, who allegedly died from police torture, mourn over his body at a funeral in Gazalkent, Uzbekistan, May 2004.

### Judicial system

Uzbekistan continues to suffer from a lack of an independent judiciary and a lack of judicial reform. In April 2004 the EU raised the importance of respecting the independence of the judiciary with the Uzbek foreign minister in a formal *démarche*. On 9 April, an Uzbek court sentenced Muhiddin Kurbanov, chairman of the banned opposition party Birlik in Jizzak province and chairman of the Human Rights Society of Uzbekistan in Zarbdor district, to three-and-a-half years' imprisonment for possession of drugs and firearms. This was in spite of the prosecution's evidence being discredited in the courtroom. The British Embassy in Tashkent, in conjunction with local EU partners, closely monitored the trial. The trial had appeared to be open and balanced and we believe that the judgement was a missed opportunity for Uzbekistan to demonstrate that their courts could dispense impartial justice. We welcomed the reduction of Kurbanov's sentence on appeal on 5 May to a fine and believe that the continued lobbying efforts of our Embassy staff played a significant role in achieving this outcome.

### European Bank for Reconstruction and Development (EBRD)

In last year's Annual Report we referred to NGO criticism of the European Bank for Reconstruction and Development (EBRD) for its decision to hold its annual meeting in Tashkent. In April 2004 the EBRD reviewed its country strategy for Uzbekistan. While the EBRD recognised steps taken by the Uzbek authorities to pursue reforms in line with national policies and interests, it concluded that overall progress against seven political and economic benchmarks, including respect for human rights, had been very limited. In its report the EBRD highlighted many of the concerns that we have listed above including the Uzbek government's failure to register any genuine opposition parties, state control of the media and harassment of independent journalists, and the difficulty that NGOs face in registering with the authorities. On a more positive note, the EBRD welcomed steps undertaken by the Uzbek government to improve access to prisons by the

International Committee of the Red Cross, western embassies and other interested parties. It also welcomed the action plan on torture. The EBRD decided to approve investment only to the private sector and to public sector projects that clearly benefit the Uzbek people or finance cross-border activity.

### UK and EU actions

The UK has been forthright in our criticism of Uzbekistan's poor human rights record. Foreign Office Minister Bill Rammell spelt out the UK's policy towards Uzbekistan, including our concerns about the human rights situation, in the House of Commons on 16 December 2003. He also raised human rights issues with the Uzbek Ambassador on 8 October, urging the Uzbek authorities to implement fully the recommendations of the UN special rapporteur. At a Wilton Park conference on 13 October Mr Rammell restated our concerns about Uzbekistan's human rights record. Foreign Office Minister Mike O'Brien stressed the importance of an open, democratic society where freedom of expression was encouraged during a visit to the UK by the Uzbek deputy prime minister on 4 February. Mr Rammell said in the House of Commons on 13 July: "The UK's relations with Uzbekistan are, in general terms, constructive, but we have serious concerns about the human rights situation and the lack of economic and political reforms. We press those concerns strongly, both in public and in private, with the Uzbek government."

At the EU-Uzbekistan Co-operation Council on 27 January, the EU noted a number of positive developments in Uzbekistan over the past year, particularly on prison reforms and the increase in prison visits, and measures taken to combat human trafficking. However, the EU reiterated its concern about the human rights situation in Uzbekistan, namely the lack of political and media freedoms, restrictions on NGO activity, the continued use of the death penalty, and the continued use of torture. The EU noted that the implementation of the UN special rapporteur's recommendations had been slow, and said that President Karimov had still not publicly condemned the use of torture.

The UK supported the statement made by the EU at this year's UNCHR listing Uzbekistan as a country of concern. The statement welcomed assurances given by the Uzbek authorities that Uzbekistan would take further practical steps to achieve full respect for human rights, but hoped that such assurances would soon be reflected in reality.

### Looking ahead

The UK acknowledges the limited efforts by the Uzbek authorities on human rights reform and appreciates an increase in human rights dialogue. However, it is now essential for the Uzbek authorities to turn their positive words and commitments made on human rights reform into action on the ground. Bilaterally, and in conjunction with the EU, the Organisation for Security and Co-operation in Europe and international partners, we shall continue to press Uzbekistan in the year ahead to take practical steps towards democratisation and respect for human rights. The UK will push for the abolition of the death penalty and lobby on individual cases in co-operation with our EU partners. With them and the wider international community, the UK stands ready to assist Uzbekistan in implementing its national action plan on torture and will monitor this closely over the next year.

## 1.8 Turkmenistan

During the period of this Annual Report the human rights environment in Turkmenistan continued to reflect the highly authoritarian rule of President Niyazov and remained characterised by an absence of democracy and freedom of expression. The aftermath of the reported coup attempt of 25 November 2002 continued to have an impact on human rights, including a further tightening of restrictions surrounding civil society activity and freedom of movement. The president's cult of personality continued to grow. Criticism of the president remains a criminal offence.

### Political repression

We remain seriously concerned about the plight of those convicted of involvement in the reported coup attempt. In last year's Annual Report, we highlighted how the UK and nine other members of the OSCE decided to invoke a special OSCE procedure, the Moscow Mechanism. This mechanism allows the OSCE to send a fact-finding mission to visit a country of special concern. The mission took the form of an OSCE Rapporteur, Emmanuel Decaux, who was mandated to investigate all matters relating to the conduct of the investigations following the coup. Turkmenistan ignored the Moscow Mechanism process and the Turkmen authorities refused to issue the rapporteur a visa. He was therefore unable to visit the country. Nevertheless, in February 2004, the rapporteur published a report expressing strong concerns about arbitrary detentions,

the presumed extraction of confessions by torture, the staging of show trials and a lack of access to trials for family members, defence lawyers and international observers. The rapporteur described prison conditions as being so bad that they amounted to a *de facto* "slow death penalty". In spite of the concerted support of the UK, and other EU and like-minded governments, the International Committee of the Red Cross (ICRC) failed to gain access to meet with those convicted of involvement in the reported coup. In response to repeated expressions of concern on individual cases, the Turkmen government has failed to provide clear evidence that all of those imprisoned following the events of November 2002 are still alive.

There has been evidence during the period of this report of harassment of Turkmen opposition figures in exile and their supporters. This includes harassment of family members and others in Turkmenistan believed to have links to dissidents, especially those accused of involvement in the events of November 2002. We have received reports that the Turkmen authorities have targeted individuals in the Iklymov family, some of whose members were convicted of involvement in the events of November 2002. According to these reports, the authorities have evicted family members from accommodation, instigated their dismissal from public employment, denied the children access to education, restricted their freedom of movement within the country, prevented them from leaving the country, prohibited contact with the international community, and subjected them to interrogations and, in some cases, beatings. In another case in August 2003, the Turkmen authorities beat Sazak Begmedov, the 77-year-old father of an exiled dissident, and forcibly relocated him from his home in Ashgabat to the northern city of Dashoguz. Following representations from the British Embassy and other western missions in Ashgabat, the Turkmen authorities gave undertakings that Begmedov would be able to receive his pension in Dashoguz, and would have access to necessary medical treatment. However the Turkmen authorities have not allowed him to return to Ashgabat, and on at least one occasion have forcibly prevented him from doing so.

### Freedom of movement

The alleged coup attempt has also prompted President Niyazov to strengthen further already tight controls over individual freedoms of all Turkmen citizens, as well as over the activities of foreigners visiting Turkmenistan. A major feature of the lobbying efforts of the EU, US and other like-minded governments during 2003 was the removal of exit visas which the Turkmen authorities had reintroduced. This issue formed part of the resolutions on Turkmenistan both at the UNCHR in April 2003 and at the UN General Assembly Third Committee in November. As a direct response to this lobbying effort, a

decree was signed by President Niyazov on 8 January 2004 abolishing exit visas. However, it soon became clear that many Turkmen citizens were still unable to leave the country. In response to continued international pressure, President Niyazov signed a further decree on freedom of movement on 11 March. The British Embassy in Ashgabat has sought and received assurances from Turkmen Foreign Minister Rashid Meredov that Turkmen citizens are "in general" free to leave the country without hindrance. The Turkmen authorities have not given such assurances on freedom of movement for family members of alleged coup plotters.

### Civil society

In autumn 2003 the Turkmen authorities introduced new legislation targeting the already beleaguered NGO community in Turkmenistan. These included new provisions criminalising the activities of non-registered NGOs, with penalties of up to one year of forced labour, and imposing further restrictions on foreign donors wishing to fund civil society groups.

### Freedom of expression

Freedom of expression remains a major concern. In February 2004 the Turkmen authorities took the 78-year-old author Rahim Esenov into custody from hospital. He was accused of various charges relating to his publication of a book deemed to be critical of the regime. Following pressure from the US and UK missions in Ashgabat and from the OSCE, Esenov was released in early March 2004. However serious charges remain against him. His son-in-law, Igor Kaprielov, who was allegedly involved in importing Mr Esenov's book, was given a five year suspended sentence for smuggling on 31 March. An observer from the British Embassy in Ashgabat, together with representatives from the US and Russian missions and the OSCE, was present outside the courtroom during the trial of Mr Kaprielov. We also remain concerned at the continuing degradation of the education system, growing constraints on freedom of religion, and increased evidence of state-sponsored ethnic discrimination (see page 218 for more details on freedom of religion in Turkmenistan).

### UK, EU and multilateral action

The combined weight of human rights concerns in Turkmenistan, coupled with the new areas of concern following the events of 25 November 2002, prompted an EU decision, with the active support of the UK, to table a country resolution on Turkmenistan at the 59th Session of the UNCHR. This was followed by further country resolutions at the Third Committee of the UN General Assembly in November 2003 and the 60th Session of the UNCHR in April 2004. The resolutions recognised limited progress but listed in full the substantial remaining areas of concern. Both resolutions passed with large majorities. The passing of these resolutions, and broader international pressure, has prompted some welcome signs of Turkmen engagement with the international community on human rights issues. The Turkmen government organised in October 2003 a regional conflict prevention forum in Ashgabat under UN auspices. Turkmenistan sent a high-level delegation, headed by the foreign minister, to Brussels for the EC/Turkmenistan Joint Committee in January 2004. Some senior visitors, such as the OSCE Special Representative on Central Asia, have been able to discuss human rights matters directly with President Niyazov, and Turkmenistan extended an invitation to the Office of the High Commissioner on Human Rights to send a needs assessment mission to Ashgabat to help its preparation of reports to UN Treaty bodies. This took place in March 2004. By the end of July, when this Annual Report went to print, Turkmenistan had not submitted its national reports on implementation of the conventions on child rights, racial discrimination and discrimination against women.

In July 2004 the Turkmen authorities refused the extension of the accreditation of Ambassador Badescu as head of the OSCE centre in Ashgabat. The unilateral Turkmen decision not to extend the accreditation of Ambassador Badescu did not conform to the current practice of consultations between the OSCE chairman-in-office, the secretariat and the authorities in the host country. The decision was maintained despite representations and statements from the EU and the US. The Turkmen authorities claim that they will nonetheless work with Ambassador Badescu's successor.



A statue of Turkmen President Saparmurat Niyazov is guarded by soldiers at the country's independence memorial in Ashgabat, Turkmenistan.

## Looking ahead

While some evidence of a greater willingness to engage is welcome, clear indications of real improvements on issues of substance are much patchier. The UK Government welcomes the abolition of exit visas, and the 500-signature threshold for religious minority registration, but wants to see much clearer evidence that this new legislation is being implemented fairly. In the year ahead, the UK, in conjunction with the EU, US and like-minded missions, will continue to pursue a critical dialogue with the Turkmen government. We will continue to monitor the implementation of positive recent decrees. We will continue to press for ICRC access, the repeal of restrictive legislation, such as criminalisation of non-registered NGO activity, and will continue to lobby on individual cases. A continuing focus on long-term progress, including civil society development and helping the Turkmen people to access information about the world outside their country, remain vital.

## 1.9 Belarus

Belarus's record on human rights and democratisation has continued to deteriorate. The authoritarian rule of President Lukashenko has earned the country the nickname 'the last dictatorship in Europe'. In the past year numerous independent newspapers and NGOs have faced increased harassment and closure. In early 2004, the government targeted several NGOs, imposing potentially crippling tax penalties and bringing criminal proceedings against some of their officials. In July 2004 two new draft laws were introduced which include provisions confirming the right of the government to liquidate NGOs or close down political parties for a single violation of rules governing the use of foreign grant aid. In October 2003, the government also announced a restrictive draft media law, which if passed will further limit the already severely restricted freedom of the press. It will grant the authorities greater powers of control over the media, complicate media registration procedures, and make it easier for them to shut down media outlets. These developments represent an escalation in pressure against members of civil society by the Belarusian government. On 1 May 2004 Jon Benjamin, Head of Human Rights Policy Department, gave a speech on human rights to an assembly of Belarusian NGOs (see Annex 1 for full text of speech).

### Elections

We believe that the actions described above are evidence that the Belarusian government is waging a campaign to stamp out any criticism of the regime prior to parliamentary elections in October this year. The Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (ODIHR) has condemned previous elections in Belarus for failing to meet OSCE commitments for democratic elections. The Belarusian authorities have so far refused to amend unsatisfactory electoral legislation. EU heads of missions in Minsk have already conveyed our concerns to the Belarusian

government. We have stressed that it will be unacceptable to the EU if the elections take place under conditions that do not guarantee the voters' right to freedom of expression. Any infringements of civil liberties during the elections will be similarly condemned. It has been made clear to the Belarusian government that these elections are seen as a crucial benchmark on the future of democracy in Belarus. Accordingly, we are encouraging the Belarusian government to establish balanced electoral commissions, and to extend an early invitation to ODIHR to send a mission to observe the elections. No such invitation had issued by the end of July and the EU was considering what further action to take. However, in an ominous sign, the Belarusian ministry of foreign affairs has warned the OSCE's office in Minsk in writing not to "abuse" the parliamentary elections.

### Disappearances

The Belarusian authorities have failed to investigate satisfactorily the disappearances of four opponents of the regime in 1999 and 2000, calling a halt to investigations in January 2003. The four are Yury Zakharenko, the former minister of interior; Viktor Gonchar, First Deputy Speaker of the 13th Supreme Soviet and outspoken critic of the government; Anotoliy Krasovsky, an associate of Gonchar; and Dmitriy Zavadskiy, a cameraman with the Russian ORT network. In April 2004, the Parliamentary Assembly of the Council of Europe adopted the resolutions and recommendations of the Pourgourides report *Disappeared Persons in Belarus*. The report implicates several high-ranking members of the Belarusian government in these disappearances, including the then minister of interior, Mr Sivakov, and the current prosecutor general, Mr Sheyman. On 14 May, the EU published a declaration on the adoption of the report, calling for the Belarusian authorities to open a truly independent investigation into the disappearances and for criminal investigations to be opened into the involvement of those named in the report. The EU also questioned whether those named should remain in their current positions of authority. The EU promised to monitor the Belarusian response and to study further the recommendations made in the report.

### UK and EU actions

Last year's UN Commission on Human Rights resolution on Belarus also urged the government to suspend or dismiss those implicated in the disappearances, pending an independent investigation. A further resolution, tabled by the EU and US, was adopted at the 60th session of the CHR in April 2004. This highlighted the failure of Belarus to co-operate fully with all the mechanisms of the CHR, as requested in the 2003 resolution, and also created a country-specific special rapporteur for Belarus tasked with reporting to the next CHR. On 9 July Adrian Severin was appointed as the Special Rapporteur.

## Looking ahead

Despite the lack of progress shown by the Belarusian authorities to date, we shall continue to make our concerns known. The UK, together with EU partners, will continue to raise human rights issues with the Belarusian government by way of regular EU statements in Brussels and at the OSCE in Vienna and démarches by EU heads of mission. Looking forward, we will also consider how to address the problems in Belarus through the European Neighbourhood Policy (ENP). ENP offers the new neighbours of the enlarged EU greater integration in return for economic and political reforms. Through the ENP we can demonstrate to the Belarusian authorities, and more importantly to Belarusian civil society, that the EU remains ready to engage, but only if the government in Minsk carries out fundamental reforms.

## 1.10 Russia (Chechnya)

In terms of respect for fundamental human rights, Russia is incomparably freer than the Soviet Union ever was. The Russian government has made repeated public pledges to strengthen its commitment to human rights and to respect its human rights obligations, both as a member of the Council of Europe and under the UN human rights treaties to which Russia is a state party. However, there are continued abuses in a number of areas including the use of torture by law enforcement officials, rising racism and extremism, restrictions on media freedom, discrimination and violence against women, suppression of religious rights and abuse of child rights. We cover these issues in more detail throughout the report.

In this section we concentrate on the continuing five-year conflict in Chechnya which remains by far the most serious human rights issue in Russia. The international community has often focused on the actions of Russian federal forces in the region. But we must first recall the increasing threat that terrorism poses to human rights. Terrorists seek to destroy those institutions of the state that are responsible for promoting and protecting human rights. Terrorists try to provoke the state into forms of retaliation that may violate human rights, so providing spurious justification for their actions. And by their indiscriminate use of violence, terrorists show total disregard for basic human rights, like the right to life itself.

### Political and economic background

In 2003 the Russian government made a concerted effort to push forward a political process in Chechnya. A referendum in Chechnya in March 2003 endorsed a new constitution that accepted Chechnya as an integral part of the Russian Federation. International observers were not given access to the referendum process. The Russian government claimed an 89 per cent turnout and a 96 per cent vote in favour of the constitution. The adoption of the constitution launched a

political timetable, which led to elections for the Chechen president on 5 October. The head of the Chechen administration, Akhmad Kadyrov, won with 81 per cent of the vote, on an 88 per cent turnout. The election appeared to be flawed and lacked serious challengers. After his election President Kadyrov strengthened his position, building up a personal militia, the Kadyrovtsy, and increasing his control over funds and resources. At the same time there were a number of significant military victories by federal and local forces over the rebels.

President Kadyrov was assassinated in a separatist bomb attack in a stadium in Grozny on 9 May along with several others. In the aftermath of his death, President Putin restated his commitment to the devolution of power to Chechen institutions and said that the situation in Chechnya should not be allowed to deteriorate. However, serious rebel attacks in neighbouring Ingushetia on 21-22 June raised fears that the Republic could slide back into more serious conflict. New Chechen presidential elections took place on 29 August. The former Chechen Minister of Interior, Alu Alkhanov, won an election that again appeared flawed.

The federal government has increasingly devolved government functions to the Chechen administration by building up local ministries, including the ministry of justice and ministry of the interior. They have also allocated considerable additional funds for economic reconstruction and payment of compensation to people who lost property during the conflict. Although there are reports of reconstructed factories, schools and roads, giving some indication of economic revival, conditions for the majority of the population remain extremely poor. There are few jobs, people live in bombed-out buildings or overcrowded shelters, the mains water, sewage and electricity systems are inadequate, and health care remains basic. In addition, delays and accusations of corruption plagued the payment of compensation to individuals for lost housing. To date, fewer than 2,000 out of 38,000 families have received payments. Moreover, there were widespread reports that officials misappropriated half of the payments that were made, with Russian officials themselves acknowledging that this is a serious problem.

### Chechen terrorism

There are continuing reports of abductions, torture, mine-laying, assassinations and looting carried out by Chechen militants. Chechen militants target civilian local administration members and police, as well as federal military and security forces. We have repeatedly condemned all forms of terrorism in the region. Some Chechen militant groups, notably those associated with leading rebel Shamil Basayev, have increased their use of suicide attacks, in some cases deliberately targeting civilians and locations outside Chechnya, including, for the first time, Moscow itself. Suicide attacks since August 2003 included: a truck bomb which hit a military hospital in Mozdok in August



Chechen government forces stand near the bodies of suspected Chechen rebels killed in the Kurchaloi district, Chechnya, in this television image broadcast in May 2004.

2003 and killed 52 people; train bombs in Stavropol Krai in September and December 2003, which killed six people and 44 people respectively; a female suicide bomber outside the National Hotel in Moscow in December who killed six people; a bomb on a metro train in Moscow on 6 February 2004 which killed at least 40 people and injured around 130 more. Two Russian airliners crashed on 24 August 2004. The causes have not been finally confirmed, but Russian investigations strongly suggest that both aircraft were destroyed by suicide bombers. A bomb near the Rizhskaya metro station in northern Moscow exploded on 31 August. Reports indicate that at least eleven people were killed with over 50 injured.

### Extrajudicial killings and disappearances

The UK recognises the genuine security problems faced by the Russian government in Chechnya and the North Caucasus. However, effective counter-terrorism should be pursued within a framework that respects human rights and international humanitarian law. During the period of this Annual Report, there was evidence that federal forces continued to carry out serious human rights violations. Although the large-scale 'zachistki' (mopping-up operations) have mostly stopped, prominent human rights groups including Amnesty International and Human Rights Watch have found evidence that targeted night-time abductions or disappearances, conducted by masked men in unmarked military vehicles, have become more frequent. International and domestic NGOs made allegations against federal forces which included extrajudicial killings; illegal detention and abduction of civilians (mostly young men), including for ransom; beatings and torture of those detained; theft and looting; and extortion of bribes, especially at the numerous checkpoints. According to Memorial, an NGO which systematically monitors the situation in approximately one third of Chechnya, in the first three months of 2004, 78 people were abducted, of whom 41 remain missing.

There were also consistent reports that the late Chechen President Kadyrov's personal militia, under the command of his son, Ramzan, was increasingly implicated in similar abuses. In July 2003, the European Committee for the Prevention of

Torture issued a critical public statement on detention centres and allegations of torture, following its visit in May 2003 to the Republic.

The Russian human rights NGO Memorial documented 472 disappearances in 2003, a figure in line with official statistics released by Chechen Deputy Prime Minister Movsar Khamidov. Memorial said that of these 472 people, 269 disappeared without trace, 48 were found dead with marks of torture, and 155 were released on payment of a ransom. The pattern of disappearances showed peaks and then sharp declines just before the constitutional referendum in March and the presidential election in October. The number of threats against, and abductions of, locally-engaged NGO staff has increased in the past 18 months: 14 NGO staff have been abducted, with four still missing. The abductions included the Dutch *Medécins Sans Frontières* worker Arjan Erkel, abducted in Dagestan in August 2002, and released only in April 2004 after considerable pressure from the international community. UK officials had raised Mr Erkel's situation in Moscow in October 2003 and again in February 2004, and had fully supported efforts to ensure his safe release.

### Judicial process and impunity

There have been some positive moves forward in re-establishing the Chechen judiciary and courts, but the authorities have made little progress in bringing cases of human rights violations to court. In particular, they appear to have made no attempt to hold anyone accountable for the mass killings of civilians in 1999 and 2000. Minister of Justice Yuriy Chaika said that from the start of the conflict to November 2003, 54 servicemen, including eight officers, had been found guilty of crimes against civilians. We have been unable to obtain detail on what these crimes were or the sentences given. Memorial has documented the difficulties facing individuals who try to get the procurator's office to register and investigate crimes. Human Rights Watch has raised concerns that crimes relating to military personnel are referred to the military procurator, who, after cursory investigation, is likely to report that there is no evidence to support the claim.

There have been very few open court cases. In the most high-profile case, on July 25 2003 Colonel Yuri Budanov was found guilty of murdering an 18-year-old Chechen girl. Budanov had been acquitted of the crime in December 2002 on the grounds of temporary insanity, a verdict subsequently overturned on appeal. In May 2003 four GRU (military intelligence) servicemen were acquitted by a court in Rostov-on-Don of the murder of six Chechen civilians in 2002. The GRU officers had fired on their car when it failed to stop at a checkpoint, and then shot and burned the survivors after radioing their commanders. Their defence, that they were following orders, was accepted by the jury. An appeal against the verdict has been lodged. Attempts to try the first Russian officer in Grozny itself were made in October 2003. OMON (special riot police) officer Sergei Lapin is accused of killing Selimkhan Muralov in January 2001. Mr Lapin failed to appear at two court sessions in October, claiming 'signs of mental imbalance' (the same defence used by Colonel Budanov) and it remains unclear what steps the court will take next to enforce his appearance. The Law Society is concerned for the safety of human rights lawyer Stanislav Markelov, who was investigating the killing of Mr Muralov. Mr Markelov was attacked in April 2004 and documents relating to the trial of Mr Lapin were stolen. There are reports that Mr Lapin has subsequently returned to his work as a policeman.

### Multilateral human rights mechanisms

The Russian government has continued to co-operate to some extent with international organisations, but it has lobbied hard at the Commission on Human Rights against EU supported draft resolutions on Chechnya. A security incident in April 2003 forced Council of Europe (CoE) experts to leave their offices in Chechnya. In January 2004, the ministry of foreign affairs made it clear that no further permanent CoE presence in Chechnya

would be considered and that future activities should move away from human rights monitoring and concentrate on project work.

Following Russia's refusal to extend the mandate of the OSCE Assistance Group in Chechnya at the end of 2002, negotiations to establish *ad hoc* programmes resulted in no concrete progress in 2003.

The EU sponsored another resolution on Chechnya at the 2004 UN Commission on Human Rights. It failed due to a lack of support from other CHR member states. The Russian government has yet to comply with the 2001 CHR resolution calling for a broad-based commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

### Internally displaced persons

The situation of Chechen internally displaced persons (IDPs) in neighbouring Ingushetia and in Chechnya itself continues to raise humanitarian and human rights concerns. Federal and local authorities have not always facilitated, and indeed have often made more difficult, the work of international humanitarian agencies and NGOs operating in the region. The authorities have not repeated the forcible tactics used to close the Aki-Yurt camp in December 2002. They have used a variety of methods to encourage people to return to Chechnya, ranging from cash, promises of destroyed housing compensation payments, to cutting off utility supplies to the camp and simple threats. All of the major IDP tent camps were closed by May 2004. Many IDPs remain in Ingushetia, however, in spontaneous settlements in disused premises such as closed factories or state farms. Security forces are increasingly conducting operations in Ingushetia, further undermining IDPs' sense of safety.

## Federal and international human rights mechanisms in Chechnya

Abdul-Khakim Sultygov, the Presidential Special Representative for Human Rights and Freedoms in Chechnya, proved ineffective; he reserved his strongest criticism for the activities of human rights NGOs rather than the performance of the federal or local authorities. His post was abolished in January 2004, although his office continues to function for the time being.

Russia has continued to co-operate to some extent with international organisations, although it is clear that its policy remains to remove Chechnya as far as possible from the multilateral and bilateral agenda. Following a security incident in April 2003, the Council of Europe experts, previously attached to Sultygov's office in Chechnya, remained in Strasbourg, limiting their effectiveness. Following the removal of Sultygov from his post in January 2004, the ministry of foreign affairs made it clear that no further permanent Council of Europe presence in Chechnya would be considered, with future activities envisaged as moving away from human rights monitoring to *ad hoc* projects on a human rights theme. Relations with the Council of

Europe have been difficult in 2003, with the resignation of Lord Judd as rapporteur in March in protest at the conduct of the referendum, and some strongly critical recommendations from the parliamentary assembly, including that if there was no improvement in the investigation of crimes committed by federal troops, the assembly should consider recommending the establishment of an international war crimes tribunal.

Following Russia's refusal to extend the mandate of the OSCE Assistance Group in Chechnya at the end of 2002, negotiations to establish *ad hoc* programmes resulted in no concrete progress in 2003. The EU sponsored another resolution on Chechnya at the 2004 UN Commission on Human Rights. It failed due to a lack of support from other CHR member states. The Russian government also failed to comply yet again with the 2001 CHR resolution calling for a broad-based commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

## UK and EU actions

After the 5 October 2003 Chechen presidential elections had taken place, Foreign Office Minister Bill Rammell made a statement expressing strong concern over the conduct of the elections. The UK also supported two statements by the EU, both before and after the elections, which also raised deep concern over the way the elections were run. The UK's statement also called for human rights to be upheld, the promotion of a genuinely open political process and for the new president to work for reconciliation. Both the EU statements also called for action to address reports of human rights violations in the Republic. The issue of human rights in Chechnya was raised by Mr Rammell directly with the Russian Ambassador on 7 October.

Senior UK officials have raised human rights in London on 14 October with senior Russian diplomats, in Moscow with senior Russian government officials on 6 October and again in Moscow on 13 February 2004.

Foreign Office Minister Bill Rammell visited Moscow on 6-7 April and raised a number of issues concerning Chechnya with senior Russian officials, including the Russian President's Human Rights Ombudsman, Vladimir Lukin. Mr Rammell raised the UK's continuing concerns over reports of serious human rights abuses in Chechnya by both federal and local forces, as well as over ongoing arbitrary and unlawful detention. He emphasised the importance of providing security for humanitarian workers in the North Caucasus as well as freedom of access for international media to Chechnya. He stressed the importance of providing proper support for internally displaced persons (IDPs) in Ingushetia, and that any IDPs' returns should be voluntary. Mr Rammell also again raised the UK's concerns over the conditions under which Chechen President Kadyrov was elected, as he had done in his statement at the time of the election.

The Foreign Secretary, Jack Straw, visited Moscow on 6-7 July 2004. He raised the human rights situation in Chechnya in meetings with Foreign Minister Lavrov and also with the Russian media.

The UK also supported EU action regarding the treatment of Chechen IDPs who fled to neighbouring Ingushetia. Both the EU statements before and after the Chechen presidential elections called for the facilitation of aid to those in need and for any returns of IDPs to Chechnya to be voluntary. Continuing reports of pressure on IDPs to return to Chechnya prompted a joint *démarche* by the US and EU on 9 February 2004, which the UK supported, and which again called for the principle of voluntary return to be upheld, and for the situation on the ground in Ingushetia to reflect this. The UK supported EU calls for Russia to ensure free access for international and humanitarian organisations to the area and in particular to Chechnya itself.

The UK gives substantial financial aid to NGO humanitarian work in the North Caucasus. In the 2002-2003 financial year, we gave £2.9 million to programmes run by the UN, the IMC (International Medical Corps) and the ICRC (International Committee of the Red Cross). We also contributed approximately £71 million (19 per cent of the total budget) to ECHO (the European Community Humanitarian Organisation) which is the largest donor in the region.

Security concerns severely limit our ability to fund and monitor many projects in the North Caucasus, not least because we strongly advise UK citizens against travel to the region and cannot easily oversee the expenditure of taxpayers' money there. However, within these constraints, Global Conflict Prevention Pool (GCPP) funding was agreed in March 2004 for the European Human Rights Advocacy Centre. This project will be implemented in partnership with Russian NGO Memorial and will provide human rights training for Russian lawyers as well as assistance for advocacy in the European Court of Human Rights in Strasbourg.

## Looking ahead

Over the next year, we hope to be able to increase project work in Chechnya, subject to the restrictions mentioned above. We will continue to raise human rights issues both bilaterally, including at ministerial level, and by working closely with EU partners, emphasising that human rights abuses will undermine any attempt for a political resolution to the conflict. We had serious concerns about the way the presidential elections on 29 August 2004 were conducted. In our view, another opportunity was missed to build up the political process. Nevertheless, we hope that President Alkhanov and the Russian authorities will now try to advance reconciliation in Chechnya, press forward with parliamentary elections and take real steps to address serious problems of human rights abuses, especially abductions and disappearances.

## 1.11 Burma

Since last year's Annual Report, respect for human rights in Burma has not substantially improved. Minor steps forward have been accompanied by continued repression, particularly of the National League for Democracy (NLD).

### Political repression

The military regime implemented a nation-wide crackdown on the NLD following an attack organised and perpetrated by elements of the regime on NLD leader and Nobel Peace Prize winner Daw Aung San Suu Kyi's convoy at Depayin in May 2003. Over 100 party members were arrested and detained in prison. Aung San Suu Kyi was taken into 'protective custody' and held incommunicado by the regime until September 2003, when she was released into house arrest after medical treatment in

hospital. Her deputy, 77-year-old U Tin Oo, was held in harsh conditions in Kale Prison, near Burma's border with India and far from his family in Rangoon, until February 2004, when he too was placed under house arrest. All of the NLD's other senior leaders were also put under house arrest immediately after the Depayin incident, some for over 10 months. While the regime has released some political prisoners throughout the year, it continues to detain scores of NLD members and supporters and to harass others and their families.

Foreign Office Minister Mike O'Brien has repeatedly called on the regime to release Aung San Suu Kyi and her NLD colleagues and to enter into a substantive and meaningful dialogue with the NLD and other opposition groups. The regime has rejected Mr O'Brien's attempts to speak to Aung San Suu Kyi and has failed to respond to the repeated requests by our Ambassador in Rangoon to call on her.

The only members of the international community given access to Aung San Suu Kyi since 30 May 2003 have been the UN Secretary-General's Special Representative to Burma, Tan Sri Razali Ismail, the UN Special Rapporteur for Human Rights in Burma, Sergio Pinheiro and, on one occasion, the Head of the ICRC Delegation in Rangoon. The UK strongly supports the efforts of both UN envoys and has called on the regime to allow them regular unrestricted access to Burma to continue their valuable work. Despite all his efforts, Professor Pinheiro has still not 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.

Over 1,350 political prisoners languish in Burma's notorious prisons. The regime denies them adequate healthcare, food, reading and writing material, and visiting rights. Since the last report, the UK has repeatedly called on the regime to release all political prisoners, particularly the elderly and the sick. The writer U Win Tin, whom the FCO Freedom of Expression Panel has identified as a priority case, spent his 74th birthday in Insein prison this year.

On 30 August, the ruling state peace and development council (SPDC) announced a seven-step roadmap to build a "modern, prosperous democratic state". The national convention to draw up 'guidelines' for a new constitution, the first step of the roadmap, opened on 17 May. The UK fully respects the NLD's decision not to participate in the convention. As Mr O'Brien has made clear, the reassurances they sought from the regime concerning conditions under which the convention would be held were entirely reasonable. If the convention is to be at all meaningful it is essential that delegates should be able to discuss freely key issues. Mr O'Brien urged the regime to reconsider the NLD's requests, including the release of Aung San Suu Kyi and U Tin Oo and the re-opening of NLD offices. Without the NLD, the convention lacks all credibility and prospects for a genuine dialogue have been severely undermined. The convention went into recess on 9 July for an unspecified period. The UK, together with its partners, will continue to press the regime for the release of Aung San Suu Kyi and her NLD colleagues, as well as the release of all political prisoners, so that they can play their part in the process of national reconciliation.

### Death penalty

The death penalty has not been carried out in Burma for over two decades, but it continues to be handed down, including for political 'offences'. Nine people received the death sentence in November 2003 for alleged 'high treason'. It was particularly disturbing that one of the accused was a journalist and editor of a popular sports magazine. The court judgement, which human rights defenders have obtained, shows that three of the defendants received the death penalty for simply possessing a report on forced labour and having links with the International Labour Organisation (ILO). The EU expressed its grave concern over the sentences in a démarche to the authorities in early December. The sentences have since been commuted to life imprisonment for one defendant and for the other two defendants to three years' imprisonment. The EU is monitoring developments closely.



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**1.** Aung San Suu Kyi addressing supporters of the National League for Democracy before she was placed under house arrest in May 2003.

**2.** The prominent journalist and former vice-president of the Burmese writers association, U Win Tin, looking out from his cell in the notorious Insein prison. Now 74 years old, he was arrested in 1989 in a nationwide crackdown on political opposition and given a 20-year sentence.

### **Ethnic groups**

The regime is currently negotiating a ceasefire with the largest armed ethnic insurgent group, the Karen National Union (KNU). A ceasefire has been agreed orally. It is important that this leads to a permanent peace settlement to end 50 years of fighting and human rights abuses in Karen State. There is no doubt that ethnic groups have suffered disproportionately in Burma and successive EU co-sponsored UNGA and UNCHR resolutions have condemned the appalling abuses they have suffered. These include 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 Burmese-Thai border; 20,000 refugees in camps in Bangladesh; and around 630,000 internally displaced people within Burma. A positive step has been the recent agreement by the regime to allow UN High Commissioner for Refugees (UNHCR) access to eastern border areas of the country to assess the situation. It has undertaken several missions.

### **Prisons**

In general, prison conditions remain very poor and have registered only a slight improvement since the International Committee of the Red Cross (ICRC) began their programme of prison visits. Amnesty International visited Burma for the second time in December 2003. They reported that "the human rights situation in Myanmar has deteriorated considerably following the attack on the NLD" and that "people continue to be arbitrarily arrested and sentenced to long terms of imprisonment for conducting peaceful political opposition activities". While permission for their visit is welcome, it is depressing that they were able to report few positive developments since their first ever visit in February 2003.

### **Forced labour and child soldiers**

The ILO suspended its Joint Plan of Action on forced labour as a result of the Depayin incident. In March 2004, it conducted an evaluation mission to Burma to assess whether conditions were now in place to implement the plan. In the same month, the EU issued a statement to the ILO's Governing Body, expressing concern that contact with the ILO contributed to the case against the nine Burmese sentenced to death in November, and that now was not the time to implement the Plan of Action. At the International Labour Conference (ILC) on 5 June, the ILC decided that given the continued lack of clarity over contacts with ILO officials, the Plan of Action could still not be credibly implemented and serious doubts remained over the regime's willingness to eliminate forced labour.

A number of reports, including from the UN, have highlighted the thousands of child soldiers in Burma, both within the army and some ethnic armed groups. Following these reports the rulling SPDC established a committee in January 2004 to

address the issue and began low-level co-operation with UNICEF. It is not yet clear whether these steps have led to a reduction in the problem.

### **Freedom of religion**

There is a lack of religious tolerance in Burma. Members of non-Buddhist religions are less able to practise and proselytise. In October violent clashes erupted between Buddhist and Muslim communities in towns near Mandalay, destroying two mosques. There is strong suspicion that these incidents were instigated by the regime to promote inter-communal tensions to distract from the political impasse and to justify the continuing detention of NLD leaders.

### **UK and EU action**

In April, the EU decided to roll over its Common Position on Burma for a further 12 months. The Common Position contains a range of targeted sanctions designed to bring pressure to bear on the military regime to move towards democratic civil government with full respect for human rights. The Common Position contains an arms embargo, including on the sale of items that could be used for torture, bans on defence links, most non-humanitarian aid and high-level visits and an assets freeze and travel ban on the regime, its families and supporters. However, the EU is committed to providing humanitarian assistance to the poorest and most needy in Burma. The UK is the largest EU donor of humanitarian aid, and is spending £10 million over the next three years on fighting HIV/AIDS in Burma.

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 UN General Assembly (UNGA) human rights resolution on Burma in December 2003 and the resolution on Burma at the UN Commission on Human Rights (UNCHR) in April 2004. Both condemned the attack on Aung San Suu Kyi's convoy at Depayin and called for a full and independent inquiry into the incident with international co-operation. Adopted by consensus and thereby demonstrating the widespread support of the international community, both resolutions detailed and condemned the human rights abuses of the Burmese people through the violation of their civil, political, economic, social and cultural rights, extrajudicial 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 does not encourage tourism with Burma, and offers no assistance to any British companies wishing to trade with, or invest in, Burma.

### Looking ahead

The UK will continue to do everything in its power to encourage national reconciliation and help restore democracy and the respect for human rights to Burma.

## 1.12 People's Republic of China

The UK Government continues to have serious concerns about basic human rights in China. The picture over the last year was mixed, with progress in some areas but no improvement in others. Our on-going concerns include: the extensive use of the death penalty; the use of torture; the continuing harassment of political dissidents, religious practitioners and adherents of the Falun Gong spiritual movement; the situation in Tibet and Xinjiang; and severe restrictions on basic freedoms of speech, association and religion. The section below on the UK-China human rights dialogue gives a detailed assessment of China's record in each of these areas.

### Political background

The new Chinese leadership, which has been in place since March 2003, continued to focus its energies on establishing its policy agenda, including efforts to address growing income disparity between rural and urban regions. The Chinese government argues that it must concentrate on economic, social and cultural rights (by which it means raising the standard of living) before it can achieve full realisation of civil and political rights. Even when problems have been acknowledged and steps taken by the central government to address them, this has not always translated into actual improvement on the ground.

### Setbacks over the last year

Against the background of these serious on-going violations of human rights, there have been some specific negative developments over the last year. These include:

- > Harassment and in some cases prosecution of investigative journalists by the targets of their investigations, as well as the use of economic charges against political dissidents, investigative journalists and other critics of the Chinese authorities. For example, the editors of the outspoken *Southern Metropolitan Daily* were sentenced to long prison terms on economic charges. The convictions caused an outcry in China, and were seen as a response by the local authorities to the paper's reporting on the SARS epidemic and on police brutality. The case went to appeal and the sentences were reduced. However, the defendants still face between eight and 11 years in prison.

- > The use of anti-terrorist legislation in order to detain and jail people engaged in the peaceful expression of political views. This is reported to be particularly prevalent in Xinjiang, where the expression of any separatist sentiment is considered to be tantamount to terrorism.

### Progress over the last year

However, in the last year, there have also been some encouraging developments, for example:

- > The Chinese parliament adopted amendments in March 2004 to the state constitution noting that the state respects and safeguards human rights. We welcome these amendments, but have told the Chinese that in order to have a genuine impact they need to be supported by changes in other legislation, clear commitments to improved human rights in government policies and a strong, independent legal system.
- > The end of the anti-crime 'Strike Hard' campaign in most of China. We believe that the campaign targeted certain groups such as the Falun Gong, led to an increase in use of the death penalty and encouraged abuse by the police.
- > The abolition of the controversial custody and repatriation form of detention in August 2003. The Chinese government also appears to have agreed the abolition of 'Re-Education Through Labour' (see dialogue section below for more details on both these reforms).
- > Improvements in provision of access to basic health and education services for migrant workers. The government has stressed the importance of their contribution to China's economic development, but difficulties remain in implementing provisions at the local level.
- > The government's announcement of plans to make officials more accountable for China's health and safety management record. Some high-level party and government officials have been forced to resign following major accidents.
- > The continued implementation of the village election system, which has now been used in 28 provinces. More than 80 per cent of eligible voters have reportedly participated.

### UK and EU action

The Prime Minister raised human rights issues with Premier Wen during his visit to the UK in May this year. The Foreign Secretary discussed human rights issues with Foreign Minister Li Zhaoxing during the same visit. Other ministers, particularly Foreign Office Minister Bill Rammell, have engaged with high level Chinese



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**1 and 2.** Tibetan monks in Lhasa and Chinese police in Xinjiang read copies of *Peasants Rights Protection*. The publication and distribution of this book in Uyghur and Tibetan languages was funded by the Human Rights Project Fund in 2003–2004.

interlocutors on a range of human rights concerns including the death penalty, North Korean refugees and ratification of the International Covenant on Civil and Political Rights (ICCPR). Mr Rammell raised human rights most recently during his visit to China in July 2004. Ministers from other government departments have also raised concerns in their areas of competence. For example, during his visit to China in April this year Chris Pond, Minister at the Department for Work and Pensions, raised the case of labour activists Yao Fuxin and Xiao Yunliang, who were sentenced in May 2003 to seven and four years' imprisonment respectively for "subverting state power".

Mr Rammell has also bolstered our private exchanges with public statements about our concerns – notably criticism of China in the UK country statement at the UNCHR in March this year. We decided, along with our EU partners, not to co-sponsor the US-tabled resolution critical of China but opposed China's no-action motion which successfully stifled debate and a vote on the draft resolution. We believe that the best way to improve the human rights situation in China is to engage critically with the Chinese on issues of concern. China responded to the US decision by suspending their human rights dialogue and successfully lobbying to block the resolution with a no-action motion.

We have also supported a variety of EU human rights activity, particularly on individual cases of concern. The UK has supported démarches during the last year on labour activists Yao Fuxin and Xiao Yunliang; Internet activists Huang Qi, Yang Zili, Xu Wei, Jin Haiké and Zhang Honghai; Dr Jiang Yanyong, who came to international attention by revealing the real number of SARS cases in Chinese military hospitals and calling for a re-examination of the 1989 Tiananmen protests; the Kang family (North Korean border crossers who made allegations of chemical experiments on labour camp prisoners in the DPRK); Pastor Gong, an imprisoned religious figure who has allegedly been beaten up in custody; Kuerban Tudaji a Uyghur activist who was executed; and several démarches on Tenzin Deleq Rinpoche (for more details see section below on the UK-China dialogue).

We have also supported a range of human rights projects in China designed to promote positive change on issues of concern. Projects approved to begin in financial year 2004-2005 include working to prevent confessions through torture; broadening debate on abolition of the death penalty; increasing media transparency; helping to reform the re-education through labour system; and developing and piloting a labour arbitration court.

### **The UK-China Human Rights Dialogue**

The spring 2003 round of the dialogue, the 10th, was postponed due to Severe Acute Respiratory Syndrome (SARS). The round eventually took place in Beijing in November with the theme of 'The relationship between economic development and human rights'. The UK delegation visited Urumqi and Kashgar in Xinjiang (see separate box for details of this visit).

The 11th round of the dialogue took place in London in May 2004. The theme was 'Building a Human Rights Culture in Government Institutions'. The Chinese delegation attended presentations by experts on the death penalty, the Northern Ireland Human Rights Commission and HM Inspectorate of Prisons. They also visited Latchmere Prison in London.

The dialogue continued to make incremental progress and we believe it is the most useful vehicle to raise our human rights concerns with the Chinese. We have made clear to the Chinese government that the dialogue is not an end in itself and that it has to contribute to real improvements on the ground. Mr Rammell has reiterated this point both in public and in private, including at the most recent round of the UK-China human rights dialogue in May. The UK-China joint statement, signed during Premier Wen's visit in May, made clear that we valued the dialogue but also stressed that the next round of the dialogue would provide a "genuine opportunity for concrete co-operation between our two countries".

The UK continues to look to improve the dialogue, and to this end consults closely with other countries which also have dialogues with China through the Berne Process. This allows us to share experiences and knowledge and to avoid unnecessary duplication of effort. We work closely with NGOs in the preparation of each round of the dialogue and provide a post-dialogue debrief. Between dialogues we talk regularly with the NGO community. We continue to believe that dialogue and engagement are essential for there to be any improvement on the ground in China. Most NGOs share our belief that dialogue should continue.

The UK-China dialogue has specific objectives that cover those areas in which we have concerns. These include:

- > **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 by China in 2001 with a reservation on Article 8.1a which relates to freedom to organise labour)**

China established an inter-ministerial task force in 2003 to prepare for ICCPR ratification. This has been working on a clearer understanding of ICCPR and a comparative study of the Covenant and Chinese law. The final phase of the task force's work will be to harmonise ICCPR and Chinese domestic laws. Some initial harmonisation has taken place. Recent developments such as the inclusion of a clause on "human rights" in the constitution, amendments to the law on marriage and planned changes to the legislation on 'Re-Education Through Labour' and the law on criminal procedures are linked to meeting ICCPR requirements.

The EU and China organised an expert seminar in Beijing on 30 June and 1 July 2004 to exchange experience on ICCPR ratification and provide an update on Chinese progress towards compliance. The Chinese did not, however, offer a timetable for the ratification process. The FCO arranged for Dr Ralph Wilde, of University College London, to participate in the seminar and offer his expertise on the UK experience of ICCPR ratification. The UK is funding several projects in China with relevance to ICCPR requirements, for example on combating torture and promoting the reform of 'Re-Education Through Labour'. The UK hopes that China will ratify and implement ICCPR without reservations before October 2008 – a decade after signing.

There are no indications that China intends to lift its reservation on Article 8.1a of the ICESCR which deals with the right to form a trade union of choice. China submitted its first implementation report in June 2003. At the May dialogue

round the Chinese delegation said that China had no objection in principle to publishing its implementation report but was considering how best to do this.

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

The UK would like to see China issue a general standing invitation to all UN special rapporteurs and sign a memorandum of understanding (MoU) with the Office of the UN High Commissioner for Human Rights covering administration of justice, human rights education and legal and legislative reform. There has been no apparent progress on either of these issues. At the May round of the UK-China dialogue, the Chinese delegation said that a delegation from the office of the UN High Commissioner for Human Rights would visit China on 17 May in order to discuss projects and evaluate co-operation. The Chinese government postponed the visit shortly before the delegation was due to arrive.

There has been some progress on visits by UN special rapporteurs. In September last year the Chinese hosted a visit by the UN Special Rapporteur on Education, Katarina Tomasevski. In her report, the Special Rapporteur criticised China for charging school fees for compulsory education; for non-compliance with the international legal framework defining the right to education; for non-recognition of teachers' freedom of association and academic rights; and for making schoolchildren perform manual work at school.

At the May round of the dialogue the Chinese delegation confirmed that they had invited the Special Rapporteur on Torture, Theo van Boven, to visit in June and the Chairperson of the Working Group on Arbitrary Detention, Leila Zerrougui, to visit in September. In June they announced that they had decided to postpone the visit of the Special Rapporteur on Torture until November because of "technical difficulties". We are concerned at this further delay to the visit and hope that it will go ahead as soon as possible.

- > **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**

There have been positive developments on this objective. At the May round of the dialogue, the Chinese said that the Chinese parliament planned to adopt a new law on the punishment of misdemeanours. When approved and promulgated it would mean the abolition of 'Re-Education Through Labour'. The draft law included provisions that a court must decide any limitation of freedom and that lawyers should have access to the individuals concerned.

The Chinese side indicated that, if work progressed smoothly, they would be able to abolish RTL by the end of 2004. They singled out the UK's helpful role in the debate over RTL and stated that UK experience had directly influenced the Chinese approach to the new draft law. The Chinese delegation also confirmed that the new law will consider how those prisoners currently detained under RTL provisions should be treated. There are no accurate figures for how many people are administratively detained in this way without charge or trial, but it is likely to be several hundred thousand. The UK believes reform of the RTL system will represent a positive development. We shall continue to press for the new legislation to be adopted speedily and for it to include the safeguards of due process and legal representation.

The controversial 'custody and repatriation' system of Administrative Detention, which allowed municipal authorities to detain non-residents, normally migrant workers, and return them to their place of origin was abolished in August 2003. This followed the violent death of migrant worker and student Sun Zhigang, detained under these regulations in Guangdong. High-profile media attention in China appears to have influenced the authorities to agree. In the UK's view, the regulations were fundamentally flawed and open to abuse and we welcome their abolition.

**> 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**

There has been no progress since last year and we remain deeply concerned about the frequent use of the death penalty and the lack of transparency over statistics.

In March 2004 a member of the Chinese parliament was reported in the Chinese press to have said that China sentenced to death "some 10,000" people each year (excluding suspended death sentences). The parliamentarian later withdrew his remarks saying the figure was an estimate. At the May round of the dialogue, Mr Rammell raised the question of statistics. The Chinese side claimed that no separate statistics were held on death penalty cases and claimed to be unaware of the parliamentarian's comments. In response to questioning, they also noted that in March a group of Chinese parliamentary deputies had proposed that the Supreme People's Court (SPC) should take back its authority to review death sentences. The SPC was seriously considering this proposal. The UK believes this would be a positive step, since the SPC would be likely to consider death sentences with more rigour than courts at provincial level and below. The UK continues to press China to reduce the scope of application of the death penalty with the eventual aim of abolition. It is also our view that the Chinese

authorities could easily calculate and publish death penalty statistics if they were minded to do so.

The Chinese side also confirmed at the November 2003 round of the dialogue that the 'Strike Hard' campaign – which we believe led to an increase in the number of executions – had ended. There are some reports, however, that the campaign may be continuing in Xinjiang. We have stressed that we hope the Chinese authorities can rely on normal procedures to manage crime levels in the future.

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

Chinese law prohibits torture, though the Chinese government admits torture takes place. Although the Chinese government has taken some actions to address the mistreatment of prisoners, we believe that much remains to be done. We welcome new reporting mechanisms for complaints on torture and new systems for investigating abuses in prison. We continue to be involved in project work in this sensitive area. We believe more resources, better training and greater transparency would further improve the situation. The UK is disappointed that the visit to China of the UN Special Rapporteur on Torture has been postponed. This would have offered an opportunity for independent assessment of China's efforts.

At the dialogue round in May, the Chinese delegation said the ministry of public security had introduced a new regulation, with effect from 1 January 2004, ruling evidence obtained via torture inadmissible in court. The supreme people's procuratorate had also launched a campaign to investigate allegations against officials of torture and excessive detention. The Chinese press have reported that the Chief Procurator Jia Chunwang directed the police to release 58,872 people who had been arrested with insufficient evidence. The President of the Supreme Court, Xiao Yang, reported that the court has reviewed 1.12 million criminal, civil, administrative and death penalty cases in 2003 and had found 5,805 to be incorrect.

The ministry of justice is currently implementing reforms in nine pilot provinces and municipalities to strengthen rehabilitation programmes in prisons and ensure respect for prisoners' rights. In January the ministry also announced a pilot programme in six provinces to separate the management of prison business units from the prisons themselves. We are concerned that this reform will serve only to improve the competitiveness of the enterprises. While this may help combat official corruption and exploitation of labour by prison guards, it does not directly address inmates' conditions.

### > Full and constructive responses to cases of concern

We received responses on 37 out of 51 individual cases we put to the Chinese at the 10th round of the dialogue and 27 out of 32 cases at the 11th round of the dialogue. This is an improvement on the previous round when the Chinese delegation responded to only 16 out of 44 cases. In addition we raised 14 cases of people we believed had been detained in Xinjiang. We received responses on six out of 14 and confirmation that one person is being held. We consider that the response provided on the Xinjiang list was reasonable as the authorities in the region were providing information, in effect, for the first time and there are particular difficulties in identifying individuals in the prison system in Xinjiang. We have asked for responses on the outstanding cases.

Five prisoners on our lists of individual cases were released early during the course of the year – notably the political dissident Wang Youcai in February 2004 and the Tibetan nun Phuntsog Nyidron in March 2004.

### > Respect for freedom of religion and belief both public and private

There has been little apparent progress on this objective and we remain very concerned that the prohibition of some religious and spiritual groups and the legal restrictions placed upon members of others are tantamount to a denial of their members' freedom of belief. We raised these concerns during the dialogue.

We also remain concerned at reports of the mistreatment of Falun Gong practitioners in detention and have raised this during the dialogue. The Chinese side denies that Falun Gong practitioners are mistreated in detention, despite clear evidence to the contrary.

### > 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

The human rights situation in Tibet remains a cause of concern. We believe the best way to improve the situation in the region is through a genuine dialogue between the Chinese government and the Tibetans, and we encourage both sides to engage in such a dialogue. We have encouraged the Chinese authorities to agree a third visit to China by representatives of the Dalai Lama.

We are concerned at the restrictions on freedom of religion, the treatment of detained prisoners and the campaign of political education in monasteries. We believe that the economic development of Tibet should take the wishes of the local population into account.

The UK strongly supported three EU démarches (most recently in February 2004) about the cases of Tenzin Delek Rinpoche and Lobsang Dhondup, who were sentenced to death (the former's sentence was suspended for two years) for their involvement in a number of bomb attacks in Sichuan province. We welcomed the release in March 2004 of Phuntsog Nyidron who had been on our list of individual cases of concern for several years.

We remain concerned about the status of Gedhun Choekyi Nyima, the Dalai Lama's choice as the 11th Panchen Lama, who has not been seen since 1995. We continue to press for an independent figure to have access to him.

We raise our concerns about Tibet at the dialogue but have also raised our concerns outside this process; the Prime Minister, the Foreign Secretary and Mr Rammell all raised Tibet during visits to China in 2003. The Prime Minister also raised Tibet with Premier Wen during his visit to the UK in May 2004. The Foreign Secretary had a discussion with Foreign Minister Li Zhaoxing about Tibet-related issues during the same visit.

The Dalai Lama visited the UK between 26 May and 4 June in his religious capacity at the invitation of several faith organisations. He had meetings with the Archbishop of Canterbury, Dr Rowan Williams, the Foreign Secretary, HRH The Prince of Wales (who also hosted a reception for the Tibetan community) and members of Parliament.

### > The human rights situation in Xinjiang

We continue to be concerned at persistent reports that China is using the war on terror to abuse the rights of the Uyghur community. In April 2004 the regional governor claimed that no bombings or assassinations have taken place in the last few years. Despite this the authorities continue to detain large numbers of Uyghurs on anti-terrorism grounds. They are often detained without formal charges, and without access to their families or to legal representation.

The authorities continue to repress any religious activity outside of state-controlled practice. There have been numerous cases over the last year of the authorities detaining teachers in unauthorised religious schools and levying fines on parents whose children have attended them.

The most prominent Uyghur prisoner of conscience, Rebiya Kadeer, had her sentence reduced by one year in March 2004, but continues to serve a seven-year sentence for sending publicly available newspapers to her husband in the US.

> **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. We have raised the jamming of the BBC World Service and blocking of the BBC website regularly. The Foreign Secretary discussed the problem with Foreign Minister Li Zhaoxing in May. Mr Rammell also raised it at the May round of the dialogue and during his visit to Beijing in July 2004. The Chinese continue to deny jamming the BBC World Service and maintain there is a technical problem. The Chinese have also raised their concerns about the BBC's editorial policies. We have discussed the situation with the BBC and will continue to raise these issues with the Chinese authorities at appropriate opportunities.

### 1.13 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, with particular regard to the protection of rights and freedoms. The Foreign

Secretary Jack Straw published reports in February 2004 (Cmnd 6125) that covered the period July-December 2003 and in July 2004 (Cmnd 6292) that covered the period January-June 2004.

#### National security legislation

In the previous Annual Report we covered the SAR government's attempts to introduce national security legislation to meet their obligations under Article 23 of the Basic Law. We noted that following a major demonstration on 1 July 2003 by over 500,000 people, the SAR government had decided to delay passage of the legislation in order to allow more time for further discussion of the issues in Hong Kong. Since then the SAR government has withdrawn the draft legislation from the legislative council. The government is still committed to passing legislation on this issue but no timetable has been set out for taking things forward. We believe that it is important not only that the final legislation does not undermine the basic rights and freedoms of the people of Hong Kong, but that people also perceive this to be the case.

#### Constitutional reform

The major political issue in Hong Kong in the past year has been constitutional reform. The Basic Law lays down the ultimate aims of the selection of the chief executive and the election of all members of the legislative council by universal suffrage from 2007, although there is no precise timetable for reaching this goal. Pressure for early democratisation has increased following the major demonstration on 1 July 2003 and a subsequent one on 1 January 2004. Last year the SAR government promised to issue a timetable for discussion of

#### UK dialogue team visit Xinjiang

As part of the 10th round of the dialogue, part of the UK delegation spent three days in Xinjiang Uyghur Autonomous Region (XUAR), following the theme of economic developments and human rights, and raising specific concerns about the treatment of the Muslim Uyghur ethnic group. In Urumqi, the provincial capital, the delegation met the deputy governor and handed a list of 14 cases of local concern to the provincial government. They also had meetings with the local ethnic and religious affairs bureau, the women's federation, University of Xinjiang, the office of economic planning and the production brigades (quasi-military units that run most of the industry and agriculture in the province). Local officials, both Uyghur and Han, were positive about the pace at which Xinjiang was modernising, while accepting that rapid development had brought problems along with benefits. The officials also felt there was a great deal of misunderstanding outside China about actual conditions in the XUAR. The delegation was struck by the officials' willingness to admit to and tackle problems, but also concerned by the extent to which government

employees were restricted in their religious practice, and by minimal membership of the production brigades by members of ethnic minorities.

The delegation spent one night in Kashgar — the first time a western human rights delegation had visited the city. They raised concerns about religious freedom, the misuse of anti-terrorism legislation, and coercive family planning with officials from the local government, the police, the ethnic and religious affairs bureau and the family planning bureau. They also visited a Uyghur school and met religious leaders at Xinjiang's largest mosque. One focus was the rapid pace of urban redevelopment in Kashgar. The delegation explored with officials whether the programme would benefit the local Uyghur community as well as Han Chinese entrepreneurs, and whether adequate guarantees and compensation would be given to those whose homes and businesses were demolished.

## North Korean border crossers

We remain concerned by continued NGO and media reports about the forced repatriation of North Korean border crossers by the Chinese authorities. We have repeatedly asked the Chinese authorities to fully implement the provisions of the 1951 UN Convention on Refugees and allow the UN High Commissioner for Refugees access to border crossers to assess their status. China continues to take the view that their bilateral agreement with North Korea takes precedence over the Refugee Convention and that the border crossers are economic migrants. Foreign Office Minister Mr Rammell raised this issue with Zhang Zhijun, Deputy Director of the International Department of the Chinese Communist Party, in London in March, and the UK raised it at the May round of the UK-China human rights dialogue.

We are particularly concerned by the case of Mr Kang Byong Sop and his family who were repatriated to the Democratic People's Republic of Korea (DPRK) from China earlier this year. Mr Kang had reportedly

obtained documentary evidence supporting claims that the DPRK government had authorised the testing of chemical weapons on political prisoners. This documentation formed the basis of the BBC's This World 'Access to Evil' documentary, broadcast in February this year. Mr Kang crossed the border into China but was later detained. The EU carried out a démarche in Beijing in February asking the Chinese government to give the family safe onward passage to a third country. However, in March the family appeared at a press conference in Pyongyang claiming to have faked the papers used in the BBC documentary. Although EU ambassadors in Pyongyang have since had the opportunity to meet Mr Kang to verify his well-being, the meeting was conducted under supervision. We and the EU have made our concerns about the handling of the Kang case clear to the Chinese and DPRK authorities. We have concerns that the family may have been repatriated against their wishes and we have raised these with the Chinese authorities.

constitutional reform by the end of 2003 and to hold a public consultation on the subject in early 2004.

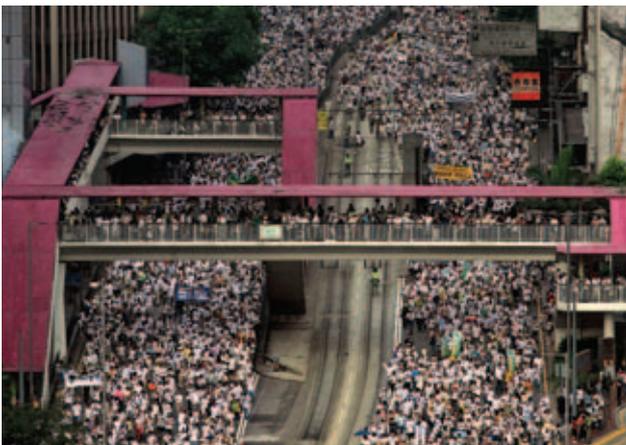
During his visit to Hong Kong in December 2003, Foreign Office Minister Bill Rammell reiterated our long-held position on this issue: that we hoped that the SAR government would make early progress towards the Basic Law's ultimate aims of electing the chief executive and all legislative council members by universal suffrage, at a pace in step with the wishes of the people of Hong Kong.

In the event the SAR government chose not to issue a timetable in December 2003, and in January 2004 the chief executive announced the formation of the Hong Kong constitutional development task force to study the detailed provisions in the Basic Law and to consult with the central authorities in Beijing before taking things further.

However, before the task force had completed its consultation process the standing committee of China's national people's congress (NPCSC) on 6 April conducted a self-initiated

'interpretation' of Hong Kong's Basic Law. Mr Rammell commented on the 'interpretation' in a statement on 7 April: "... that the procedure set out by the NPCSC requiring a submission from the chief executive adds a further step to the procedure set out in the Annexes to the Basic Law. This appears to us to erode the high degree of autonomy which is guaranteed under the terms of the Joint Declaration and which underpins Hong Kong's stability and prosperity".

The 'interpretation' prepared the way for the NPCSC to make a second ruling on 26 April. The subsequent ruling (termed a 'decision') set limits on Hong Kong's constitutional development by ruling out the possibility of universal suffrage for the selection of the chief executive in 2007 and the election of all members of the legislative council by universal suffrage in 2008. Mr Rammell issued a further statement on 26 April: "This decision seems to us to be inconsistent with the high degree of autonomy which Hong Kong is guaranteed under the joint declaration". Mr Rammell also made representations to the Chinese ambassador on 26 April and the Prime Minister



Hundreds of thousands of pro-democracy demonstrators pack a Hong Kong street on 1 July 2004.

discussed Hong Kong with Premier Wen during the Chinese leader's visit to London in May.

The Hong Kong constitutional development task force released its third report on 11 May, setting out the possible scope of amendments to the methods of selecting the chief executive in 2007 and legislative council in 2008 within the scope of the NPCSC 'decision'. For the chief executive election, potential amendments include the size and composition of the electoral committee and the delineation and size of its electorate. For the legislative council, possible changes include the number of functional and geographical constituencies (though in equal proportion). The Hong Kong SAR government is due to continue its consultation of Hong Kong people and then come forward with concrete proposals for constitutional development for 2007 and 2008. We hope these proposals will meet the wishes of the people of Hong Kong.

### Falun Gong

In the previous report we covered the conviction in August 2002 of 16 Falun Gong members on public order offences and noted that their appeal was due to be heard in September 2003. The appeal was duly heard, but the appeal verdict has still not been delivered.

### Racial discrimination

The timetable for legislating against racial discrimination in Hong Kong has slipped. The SAR government had previously announced that a bill would be tabled in the legislative council in 2004 following a public consultation exercise lasting up to three months at the end of 2003. The SAR government has recently said that the consultation paper on anti-racism legislation was ready, but would be delayed until September this year to avoid politicising the issue in the run-up to the legislative council elections. Mr Rammell raised this issue with the chief executive in Hong Kong during his visit in December 2003 and we shall follow the progress of this bill closely.

### Looking ahead

We continue to follow developments in Hong Kong closely and will respond appropriately if it appears to us that the high degree of autonomy guaranteed under the terms of the joint declaration is being eroded.

## 1.14 Democratic People's Republic of Korea

The Democratic People's Republic of Korea (DPRK) is one of the most isolated countries in the world with one of the very poorest human rights records. Despite provisions for civil rights in the DPRK constitution, the national ideology of self-reliance, 'juche', promotes collective national strength rather than

individual human rights. The governing Korean Workers' Party (KWP) maintains strict control over all aspects of society, and there is a total absence of freedom of expression, freedom of the media, freedom of movement and freedom of association. A number of religious faiths are officially recognised, but defectors' reports suggest that serious religious persecution exists. Officially sanctioned faiths are allowed to meet to worship, and members of the British-DPRK All-Party Parliamentary Group were encouraged by what they saw during a private visit to Pyongyang in September 2003. Some NGOs continue to report torture, incarceration and even execution of those practising non-official faiths. Under the auspices of leader Kim Jong il (whose official titles include General Secretary of the Korean Workers' Party and Chairman of the National Defence Commission), the government severely limits the flow of information into the country, thereby maintaining a strong grip on society. By keeping foreign influences to a minimum, DPRK citizens have very little knowledge about the outside world and are mostly convinced that the country is on a continuous war footing against supposedly imminent attack from the US. State-sponsored propaganda constitutes the bulk of TV and press news coverage and the social and political system is not, and cannot be, openly questioned.

### Labour camps

DPRK defectors' reports of the cruel and inhuman treatment of prisoners in labour camps continue to generate deep and serious concern. While the sheer volume of reports and similarity of their content attests to their credibility, the DPRK government has refused to allow access to the country by independent human rights monitors to verify or disprove them. Indeed, suspected labour camps, identified in commercially available satellite photographs, are almost exclusively in those provinces still closed to all visits by foreigners. On 1 February 2004, the BBC broadcast a documentary entitled *This World: Access to Evil* about the human rights situation in DPRK. The programme alleged that the DPRK government had authorised the testing of chemical weapons on political prisoners, and claimed to have documentary evidence to support this. Bill Rammell, Foreign Office Minister responsible for relations with DPRK and human rights, summoned DPRK Ambassador Ri Yong Ho on 12 February and raised the appalling claims made in the documentary. Mr Rammell visited DPRK from 11–14 September 2004. He was accompanied by the Head of Human Rights Policy Department, Jon Benjamin. He pressed the DPRK government to allow a visit by the UN Special Rapporteur for Human Rights in DPRK. Mr Rammell also asked the DPRK government to allow further visits by UK and international human rights experts. He sought written information from Vice Foreign Minister Choe Su Hon on several individual cases.

## Refugees

Significant numbers of DPRK nationals cross the border into China. We believe that many go there for economic reasons, looking for work and food to bring back to their families in DPRK. Many others reach the Republic of Korea (RoK), where they are able to start new lives with the support of the RoK government. Reports indicate that over 1,000 North Korean defectors reached South Korea in 2003. But anecdotal evidence suggests that many are detained in China and forcibly repatriated to DPRK by the Chinese authorities. We have protested to the DPRK and Chinese authorities about the treatment of DPRK refugees in China on a number of occasions this year. In particular, we have raised our concerns about Kang Byong Sop and his family. We continue to urge China to allow the UNHCR access to North Korean border crossers.

## Economic reforms

We welcome the DPRK government's continuation of its programme of economic reforms, begun in 2002. These include the loosening of restrictions on private enterprise, the monetarisation of the economy and the expansion of farmers' markets. However, without free access to information, it is difficult to assess whether the reforms have resulted in greater economic freedom for the DPRK people. Reports suggest that many find themselves more economically vulnerable than previously, with the scaling down of the state-run public distribution system and runaway inflation to match the shortage of available goods and foodstuffs. As a result, the food situation remains precarious and a large sector of the population is vulnerable to severe food shortages. The resident aid community, including UN aid agencies and other humanitarian organisations, is working hard to meet these needs and reports welcome, if modest, improvements in operating conditions in recent years. However, general government-imposed restrictions on its ability to access the neediest areas and monitor food distribution effectively are still hampering its work. We have pressed the DPRK government to remove all remaining obstructions to the effective operation of humanitarian aid projects on the ground.

We also welcome the DPRK Supreme People's Assembly adoption by decree of a law on the Protection of Persons with Disabilities in June 2003, and encourage the authorities to comply with the principles it espouses for the rehabilitation, education, cultural life and rights of the disabled.

## Compliance with international treaties

The DPRK has yet to accede to two core human rights treaties: the Convention Against Torture and the Convention on the Elimination of all forms of Racial Discrimination. DPRK claims that a combination of political and technical factors prevent immediate accession and that more time will be required to

make the provisions of the conventions compatible with domestic legislation. We will continue to urge the DPRK government to overcome these obstacles and accede to the remaining treaties as a matter of urgency.

## UK and EU actions

As a result of the very strict limitations on the movement of UK and other diplomats in the DPRK, we are unable to gain free access to the DPRK judicial system and our requests to visit prisons and labour camps have so far been denied. Similarly, proposals for UK human rights experts to visit the DPRK have yet to be accepted by the DPRK authorities. Nevertheless, we continue to take every opportunity open to us to express our concerns about the human rights situation in the DPRK, and to encourage the authorities to engage in dialogue with us on this issue.

Since the UK established diplomatic relations with the DPRK in December 2000, human rights have been high on our agenda in our dealings with the DPRK government. We have raised the issue regularly at ministerial and official levels, via our Embassy in Pyongyang (which was established in 2001) and the DPRK Embassy in London (which was established in 2002). Despite our efforts and those of our EU partners, however, we have found it increasingly difficult to engage the DPRK authorities on this issue. As more defectors' reports detailing shocking human rights violations have come to light over the past year, public and parliamentary interest in the human rights situation in the DPRK has increased accordingly. Lord Alton and Baroness Cox expressed their concerns about reports of religious persecution and other human rights abuses to the DPRK authorities during their visit to Pyongyang last year. But the DPRK government's outright rejection of all such reports as groundless has precluded a constructive bilateral dialogue on the issue.

The EU has paid close attention to the human rights situation in the DPRK over recent years, and has consistently called upon the government to make significant and verifiable improvements. However, concerned by the DPRK authorities' lack of concrete progress, the EU took the decision to table a resolution on the DPRK at the 2003 UN Commission on Human Rights (CHR). The resolution was adopted by a wide majority, reflecting the level of international concern about continued and serious reports of human rights violations in the DPRK. The DPRK government refused to respond to the recommendations in the resolution, and rejected subsequent attempts by EU member states to engage in dialogue on the issue. The DPRK authorities also refused to have substantive discussions on human rights with a visiting EU delegation in December 2003. As a result of the DPRK's refusal to co-operate with UN human rights mechanisms, the EU tabled a second

resolution at the CHR in April 2004. This also received large-scale support from the international community and was adopted by an increased majority. The resolution again urges the DPRK to co-operate with the UN and calls for the establishment of a special rapporteur dedicated to the human rights situation in the DPRK. Once again, the DPRK government reacted with anger at the invitation to co-operate. The DPRK authorities have stated that they will not enter into dialogue with the EU or any of its member states on human rights issues until the EU refrains from tabling resolutions at the CHR. We will not give such an undertaking as a precondition for discussing human rights with any country of concern. The removal of the DPRK from the CHR agenda must be predicated upon those actions called for by two successive CHR resolutions, particularly access for independent UN human rights experts.

### Looking ahead

We have made it clear to the DPRK authorities that we cannot extend the benefits of a full, normal bilateral relationship until there is evidence that the DPRK is taking measures to address our concerns about human rights and other issues of concern, including the DPRK's nuclear programmes. The DPRK government can be in no doubt about the fundamental importance attached to human rights issues in UK domestic and foreign policy.

## 1.15 Vietnam

There has been a gradual improvement in the human rights situation in Vietnam over recent years. However, last year saw setbacks with regard to use of the death penalty, freedom of religion and freedom of expression. These, along with lack of access to justice, remain the UK's key areas of concern.

### Death penalty

There was a sharp increase in reported executions in Vietnam in 2003. Amnesty International, monitoring Vietnamese media sources, counted over 100 death sentences handed down and over 60 executions – an increase of at least 100 per cent over 2002. The true figure, Amnesty International believes, is likely to be much higher. This trend appears to have continued into 2004. Although the number of crimes attracting the death penalty has been reduced from 44 to 29 in recent years, they still cover a broad range of offences, including economic crimes and drug-related offences. Execution is generally by firing squad. In January 2004, the Vietnamese prime minister signed a decision classifying reports and statistics on the death penalty as a state secret.

There have been some encouraging developments in this area. In March 2004, the Vietnamese foreign minister told Foreign

Office Minister Mike O'Brien that Vietnam was slowly moving towards abolition of the death penalty. At the EU-Vietnam human rights dialogue meeting in November 2003 (see below for more details), Vietnam proposed an EU-Vietnam seminar on the death penalty. The UK is now taking the lead within the EU on preparations for the seminar, which should take place later in 2004.

### Freedom of expression

Despite constitutional safeguards, there is no free media in Vietnam. All domestic media outlets are state-controlled and may not report on sensitive issues – although some media are trying to gain more freedom in such areas as the reporting of corruption. Foreign journalists also face numerous restrictions, foreign publications are occasionally censored and foreign websites periodically blocked (including the BBC's Vietnamese language service). Internet use is growing in Vietnam, but government regulations seek to restrict access and ban 'subversive' material. A number of 'cyber dissidents' have been jailed for expressing their views over the Internet (see page 225 for more details). Vietnamese websites must be registered and their content checked before being posted. As well as blocking 'subversive' websites, Internet service providers are required to allow government bodies to monitor usage.

The UK takes action on freedom of expression bilaterally and through the EU. The FCO has designated Vietnam one of the five priority countries for funding freedom of expression projects under the Global Opportunities Fund. Pham Hong Son, as a leading example of all Vietnam's 'cyber-dissidents', has been added to the Freedom of Expression panel's list of imprisoned journalists and writers. Mr O'Brien raised 'cyber-dissident' cases with Foreign Minister Nien in March 2004. The EU also raises the issue of freedom of expression, most recently at the EU-Vietnam human rights dialogue in June 2004. EU diplomats tried unsuccessfully to attend recent 'cyber-dissident' trials.

### Freedom of religion

Vietnam's constitution guarantees freedom of religion. However, the Vietnamese authorities permit only state-approved religious organisations. We are particularly concerned about the plight of non-recognised Buddhist and Protestant groups. The non-recognised Unified Buddhist Church of Vietnam (UBCV) held a congress in September 2003 at which the UBCV sought to re-establish and re-organise itself. Previously its leader, Patriarch Thich Huyen Quang, had met Vietnamese Prime Minister Phan Van Khai in April 2003, raising hopes of an accommodation. However, following the congress, the Vietnamese government launched a crackdown against the UBCV and in October the Patriarch and his deputy Thich Quang Do were placed under *de facto* house arrest. We had welcomed Thich

Quang Do's release from his previous house arrest in last year's Annual Report. Other UBCV members have also been detained.

As a 'foreign religion', Protestantism faces official suspicion in Vietnam and is often equated with separatism (some Protestants in the central highlands are believed to have links to the separatist Dega movement). Relations between the officially-recognised Protestant churches and the authorities have slowly been improving. We have, however, received reports of continuing repression of non-recognised groups. At Easter 2004 there was serious unrest in the central highlands involving ethnic minority Protestants over land, poverty and religious freedom issues.

Mr O'Brien raised the issue of the UBCV and Protestants with Foreign Minister Nien in March 2004 (prior to the central highlands unrest). EU diplomats made visits, guided by the Vietnamese authorities, to the central highlands in June and December 2003 respectively. Further missions are planned. EU diplomats, including the UK, also visited the north west highlands in April 2004. Such visits enable us to get a better understanding of the human rights situation in these areas. The UK and the EU are pressing Vietnam to allow greater access to the central highlands, including by the UN High Commissioner on Refugees (UNHCR). In June 2004, the national assembly passed a new ordinance on belief and religion. While guaranteeing freedom of religion in Vietnam, it also places restrictions and state control on all aspects of religious activity. (See Chapter 8 for more details on freedom of religion in Vietnam.)

### Access to justice

The laws in Vietnam are often unclear, with multiple, ambiguous and sometimes conflicting provisions passed by different bodies. Common knowledge of legal rights and remedies is poor. A nation-wide shortage of qualified lawyers further hampers access to justice. Many civil disputes never make it to court but are settled through out-of-court agreement. In criminal cases, the justice system is weighted heavily in favour of the prosecution. Judges' powers are largely unchecked and verdicts are in practice pre-determined before trial. Suspects are routinely detained without access to a defence lawyer for long periods – over one year is not uncommon.

The government is attempting to address many of these shortcomings. On 1 July 2004 a new criminal procedure code will come into force, which should give greater rights to defendants and defence lawyers, and separate the roles of judges and the prosecution more clearly. But it remains to be seen how the new code will be implemented in practice. The national assembly passed a new civil procedure code in May 2004, but its potential impact on access to justice is still unclear.

### UK and EU actions

Our overall relations with Vietnam are gaining in substance and our dialogue on human rights forms a key part of that bilateral relationship. The UK also works closely with EU partners, through our participation in the EU Political and Human Rights Working Group, which meets monthly in Hanoi. The EU also maintains a list of prisoners and detainees of concern, whose cases are regularly raised with the Vietnamese.

The last full session of the EU-Vietnam human rights dialogue took place in November 2003. It was attended by the Vietnamese ministries of foreign affairs, justice, public security and culture and information, plus the national assembly and other bodies. The future structure of the dialogue was confirmed, with full plenary meetings to be held every December and smaller interim meetings every June. The most recent mid-term meeting, attended by our Ambassador in Hanoi, took place on 22 June. The EU raised religious freedom, 'cyber-dissidents', press freedom and the death penalty. This dialogue enables us to engage constructively with Vietnam on human rights issues and demonstrates the importance we attach to improvement in the human rights situation in the country.

### Looking ahead

In the coming year we will continue to work closely with EU partners, raise human rights issues bilaterally at ministerial level, and use carefully targeted projects and bilateral assistance to encourage improvements. We will press Vietnam to take an active and constructive role in the EU-Vietnam human rights dialogue. We will also ask Vietnam to allow diplomats, journalists and others to have free access to the central highlands and to let the UNHCR establish a presence there.

## 1.16 Indonesia (Aceh and Papua)

Indonesia continued to develop its democracy with parliamentary elections in April, and the first ever direct presidential elections in July, with a second round due in September. But the central government treatment of separatist movements in Aceh and Papua remained a problem. The Indonesian government has taken steps to improve its human rights record, such as punishing members of the security forces responsible for human rights violations. But we continue to encourage them to take further action to adequately protect fundamental rights and freedoms there.

### Aceh

The Indonesian government originally declared martial law in May 2003 after the breakdown in negotiations between the government and the Free Aceh Movement (GAM). Martial law

in Aceh was downgraded to civilian emergency law on 19 May this year. Civilians suffered at the hands of both GAM and the security forces during the conflict over the last year. GAM has taken hostages, including journalists, and has allegedly carried out violent attacks on individuals and burnt down government buildings, including schools. Human Rights Watch (HRW) issued a report in December 2003 which provided disturbing accounts from Acehnese refugees based in Malaysia of human rights abuses by the Indonesian military. These included extra judicial executions, disappearances and torture. HRW also expressed concern at the high number of casualties in Aceh since the imposition of martial law, many of whom are civilians and children. We have raised our concerns at these reports with the Indonesian government, most recently in Jakarta in April 2004. We also maintain regular dialogue with international and Indonesian NGOs about the situation in Aceh. We continue to stress the need for a political solution to this conflict, and the need for both sides to return to the negotiating table. In October 2003 five GAM negotiators were sentenced to prison for between 12 and 15 years. We are concerned that these sentences are excessive and will reduce the chance of renewed negotiations to bring peace to Aceh.

The lack of international NGO and diplomatic access to the region has made it difficult to obtain reliable, substantiated information on the human rights situation. We continue to try and improve access to Aceh. In December 2003 the Indonesian government did grant access for the UN and the Red Cross, but this was limited. In February 2004 officials from the British Embassy in Jakarta were also able to visit Aceh and spoke with local NGOs, who confirmed that they wished to see increased access to the region. There was a further visit in May. It is hoped that, with the downgrading of the security situation there, conditions for access will be improved. Four election observers from the EU were allowed into the province to monitor the parliamentary elections on 5 April. EU election

observers monitored the presidential elections on 5 July and reported positively.

The press in Indonesia continues to be one of the most free in Asia. However, media freedom has deteriorated in Aceh since the imposition of martial law, with journalists in the province subjected to restriction of movement, intimidation, kidnapping and death. We were greatly concerned by the intimidation of journalists that surrounded the defamation case brought against *Tempo* magazine by prominent businessman Tomy Winata. In June 2003, *Tempo* magazine published an allegation that Mr Winata was responsible for a fire at a textile market in order to profit from a planned renovation project. Despite also quoting a denial of the allegation from Mr Winata, the magazine was found guilty of defamation in January 2004. Prior to the guilty verdict, the district court hearing the case had ordered that one of *Tempo's* offices and the home of the senior editor and founder of *Tempo*, Goenawan Mohamad, be impounded as surety, pending the verdict on the case. This action was condemned by several freedom of expression NGOs as confiscation of property is generally only ordered in cases of debts or property disputes. There were also concerns that this case was pursued under the criminal code rather than under press law 10/1999 which has provisions for dealing with complaints against the media.

We are encouraged by signs that some military personnel are being held accountable for human rights violations. At least 35 soldiers were court-martialled in 2003 for their involvement in human rights abuses in Aceh. We also noted that the Indonesian government removed Major General Adam Damiri from service in Aceh following his conviction for crimes against humanity for human rights violations in East Timor. However, significant problems remain within the security forces and further commitment on the part of the Indonesian government is needed to bring individuals to account for human rights

**1.** Hundreds of demonstrators pack the street protesting the martial law mandate in the province of Aceh, Indonesia, 11 May 2004. Martial law was downgraded to civilian emergency law on 19 May.



**2.** A demonstrator protests the Indonesian government's military operations in Aceh. The sign reads: 'the military operation will not end the conflict in Aceh'.





Indonesian soldiers accused of human rights violations stand at attention during their trial at a military court in Lhokseumawe, Aceh province, Indonesia, October 2003. The military tribunal acquitted the 12 soldiers, in a ruling that has been widely criticised.

abuses. Major General Damiri, for example, was freed on appeal in July.

DFID is providing financial support to the International Committee of the Red Cross (ICRC) of £2.2 million over three years for humanitarian assistance and support for international humanitarian law. DFID is considering providing additional support to the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) and the ICRC.

### Papua

Over the past year, we have been increasingly concerned about human rights violations in Papua (formerly Irian Jaya). Mixed political signals and lack of consultation with the Papuan people led to an increase in tension in the province towards the end of last year. In November 2003 the Indonesian military (TNI) killed 10 alleged members of the Free Papua Movement (OPM), including its leader, Yustinus Murib. This armed group was blamed for the attack on 4 April on a TNI barracks in which two soldiers were killed and a number of weapons taken. The Indonesian military subsequently increased their presence in the area, and conducted security sweeps to find the perpetrators. We were concerned at NGO reports of the military committing a number of human rights violations during its operations. These included reports of civilians being abused and buildings burned. We raised these concerns regularly with the Indonesian authorities (see below). We welcomed the decision by the official Indonesian human rights commission, KOMNAS HAM, in December 2003 to inquire into possible human rights abuses by security forces in Wamena, in 2003, and also into security forces activity in Wasior, in 2001, an incident that left 12 civilians dead following an attack on a police station.

In January 2004 five Papuans were sentenced to between 20 years and life for their alleged involvement in a raid on a military post. By contrast, the nine soldiers accused of human rights abuses while investigating the raid (including torture and

the death in custody of a suspect) only received sentences of between six to 14 months. We continue to stress to the Indonesian government the importance of a fair and transparent judicial system, and of applying the law in an even-handed way to all. In April 2003 the Indonesian government accepted our offer of human rights training for Indonesian supreme court judges. Five judges have so far attended this training programme and we hope it can be repeated later in 2004.

Our then Ambassador to Indonesia raised the situation in Papua with President Megawati on 29 January 2004, with Hamzah Haz, the Indonesian Vice-President, on 27 January 2004, and with Susilo Bambang Yudhoyono, the then Co-ordinating Minister for Political and Security Affairs, on 17 December 2003. When our Ambassador met Mr Hamzah Haz, he expressed our disappointment that the Papuan Peoples' Assembly (MRP) had yet to be established. This was to be the locally elected parliament set out in the special autonomy law 2001. The Ambassador said during this meeting that any settlement of the issue of Papua would need to take account of the aspirations of the Papuan people, and that the UK, with the international community, was concerned about the peace and stability of the region. We have continued to encourage the Indonesian government to implement the special autonomy law which granted greater autonomy to the province but which was later contradicted in January 2003 by a presidential instruction which proposed splitting Papua into three provinces.

### Looking ahead

In October 2004, Indonesia will see the election of a new government. This marks a further step in the country's development as a democracy. The UK will continue, with other members of the international community, to encourage the Indonesian government to return to the negotiating table with the interested parties in Aceh to seek a political, not a military solution to the long-standing problems there. We will also continue to push for NGO and diplomatic access to the region. We will also seek to assist where possible in supporting the full

implementation of special autonomy in Papua. The UK currently enjoys good dialogue at all levels with the Indonesian government, and we will ensure that we continue to raise issues of mutual concern, such as press freedom and human rights.

## 1.17 Iran

The last year has been a disappointing one for human rights in Iran. Two events attracted particular international attention: the death of Canadian-Iranian journalist Zahra Kazemi in police custody in July 2003, and the mass disqualification of candidates for the Majlis (parliament) elections in February 2004.

The death of Ms Kazemi epitomised many of the year's worst trends. She was arrested for taking photographs of people protesting the detention of their relatives at Evin Prison in Tehran, and suffered a violent death. The Iranian authorities buried the body before a full and public autopsy could be carried out. President Khatami ordered an inquiry, which found that she died from injuries sustained in custody and not from natural causes. The trial of the person accused of causing her death began on 17 July 2004, and ended abruptly a day later. He was later acquitted. Having earlier been assured that the trial would be open, Canadian and other international representatives who wished to attend were barred from the courtroom on the second day. The EU expressed concern that justice might not be done.

Many candidates were barred from standing in Iran's parliamentary elections, among them a third of sitting deputies. Most of the disqualified candidates were associated with reformist factions. Some other reformist candidates withdrew in protest. It has been claimed that in as many as half the constituencies, electors faced no real choice. EU foreign ministers, including Foreign Secretary Jack Straw, expressed deep regret and disappointment that large numbers of candidates had been prevented from standing, thus making a genuine democratic choice by the Iranian people impossible. The Foreign Secretary has stressed that for elections in any country to be regarded as free and fair, electors must have a chance to vote for candidates with a range of views. The previous Majlis, with a reformist majority, was an important forum for political debate on human rights issues within Iran. The new Majlis, with a conservative majority, is likely to be much less active on this front.

### Political repression

The last year has also seen a deterioration in other areas essential to a well-functioning democracy, including freedom of expression and assembly. Many newspapers have been closed down, several on the eve of the elections, and there have been increased restrictions on Internet access. The media has been

subject to heavier official censorship, journalists and intellectuals have been arrested and intimidated, and lawyers have been prosecuted for speaking out on behalf of their clients. Foreign journalists have also been subjected to various forms of harassment.

In last year's Annual Report we gave details of the large-scale demonstrations that took place in June 2003. Many of the thousands of students arrested during those demonstrations have been released, but some have not. Others still have criminal cases pending.

The award of the Nobel Peace Prize to human rights lawyer Shirin Ebadi in October 2003 was one of a small number of encouraging developments. Ms Ebadi, who had been based in Paris, returned to Iran where she has spoken out against injustices, particularly on women's and children's issues. Hardliners have sought to intimidate her, but some in the government welcomed the award. Ms Ebadi is the first Iranian, and the first Muslim woman, to have won the Nobel Peace Prize.

There have been a few other small steps in the right direction. For example, two new laws aimed at reducing discrimination received final approval. One gave women improved (but still not fully equal) divorce rights, while the other brought the amount of 'blood money' to be paid to Christians, Jews and Zoroastrians into line with amounts paid to Muslims. But the overall context in which these measures have been introduced is one where human rights violations are on the rise.

Other reform measures have been defeated. For example, President Khatami withdrew two reform bills on presidential powers and on election procedures after 18 months of obstruction by the guardians council – an unelected body of clerics and jurists with the power to block legislation. The guardians council also rejected a bill equalising the inheritance rights for men and women. There is widespread reluctance within the Iranian regime to address the legislative and institutional shortcomings that allow human rights violations to occur. The Iranian constitution recognises the fundamental rights of freedom of expression, press, religion and association, and fair judicial process, and it enshrines protection from torture, degrading treatment and arbitrary arrest. But the constitution also contains other provisions restricting the scope of these rights and freedoms when deemed contrary to Islam. It is invariably these provisions the judiciary has invoked when seeking to restrict dissent or block attempts by the outgoing Majlis to introduce legislation safeguarding human rights.

### Judicial and penal systems

We continue to have serious concerns about Iran's judicial and penal systems. There continue to be frequent reports of

arbitrary detention and disappearances. Despite a welcome statement in May 2004 by the head of the judiciary outlawing torture, we believe that this continues to be widespread. The Iranian authorities claim that moratoria on stoning and amputations remain in place, although there have been reports of public amputations in the last year. Human rights organisations say at least 100 executions and 50 public hangings took place in 2003.

### Women's rights

Women in Iran enjoy certain rights and freedoms that they are denied in other countries in the region. They have the right to vote. There are a number of women MPs. Women work, drive, and make up over half of the university intake. But serious inequalities persist. The law on issues such as divorce, child custody and 'blood money' give women fewer rights than men, and a woman's testimony in court is worth half that of a man. Women's participation in the labour force is low, and domestic violence is a major problem.

### Freedom of religion

Members of all Iran's non-Muslim communities face widespread violations of their rights. We continue to encourage the Iranian authorities to treat religious minorities fairly and equally. Religious freedom has been a theme of discussion in the EU/Iran human rights dialogue. We have significant concerns about the persecution of people who convert from Islam to other faiths and those who help them to do so. Reports indicate that the harassment of Protestant Christians is widespread, and that Protestant converts from Islam are the subject of particular surveillance. Unconfirmed reports suggest local authorities have threatened to close down churches for accepting converts from Islam. In our exchanges with Iran on human rights issues, we have made clear that we regard the persecution of individuals for their religious beliefs as unacceptable. We have called on the Iranian government to implement its freely-undertaken treaty obligations to protect freedom of religion.

The treatment of Baha'is in Iran is of particular concern. The Baha'is are the largest non-Muslim religious group in Iran, yet unlike Christians, Jews and Zoroastrians they do not enjoy recognition under Iran's constitution. Members of the Baha'i community have had property confiscated, been denied access to education, suffered intimidation and harassment, and been denigrated in Iran's state-owned media. In April 2004, the shrine of Quddus at Babol, a sacred site of the Baha'is, was levelled. We have raised our concern about the Iranian regime's persecution of Baha'is on many occasions, bilaterally, with EU partners and at the UN. We are deeply disappointed that the Iranian authorities continue to pay no heed to the desire of

governments and people of all faiths across the world to see Iran's Baha'i minority enjoy basic human rights.

### UN treaties and mechanisms

The Iranian authorities allowed a visit by the UN Special Rapporteur on the Right to Freedom of Expression and Opinion, Ambeyi Ligabo, in November 2003. Mr Ligabo found that in recent years the number of publications closed down and of people arrested, prosecuted and sentenced for the peaceful expression of their opinion had increased. He also described a climate of fear induced by the systematic repression of people expressing critical views against the authorised political and religious doctrine. We have encouraged the Iranian government to implement all of his recommendations as soon as possible. Progress so far has been disappointing. For example, six months after Mr Ligabo was assured that there would be a complete amnesty for Siamak Pourzand, a 75-year-old journalist, this has not happened, and there are credible reports that Mr Pourzand has been seriously ill and kept in unacceptable conditions. The UK and EU have repeatedly urged the Iranian authorities to free him. We are also deeply concerned that some people who spoke to Mr Ligabo may have been punished as a result. The Iranian authorities said they would arrange a visit by the UN Working Group on Enforced Disappearances on 23-25 July 2004, but cancelled it at the last minute without explanation, and without setting a future date.

The outgoing Majlis voted in favour of a draft law enabling signature and ratification of the UN Convention on the Elimination of Discrimination Against Women. But the guardians council rejected it in August 2003 on the grounds that it violated Islamic law and the Iranian constitution. This was also the case with a draft law allowing signature and ratification of the UN Convention Against Torture. The laws await a ruling by the expediency council, another unelected body which arbitrates in cases of dispute between the Majlis and the guardians council. Iran has not sought to lift its reservation to the UN Convention on the Rights of the Child under which it reserves the right not to apply any provisions or articles of the convention that it regards as incompatible with Islamic laws.

### UK and EU action

The EU has held two rounds of its human rights dialogue with Iran, established in 2002, during the period of this report. In October 2003 the third session of the dialogue was held in Brussels and in June 2004 the fourth session was held in Tehran. Topics discussed at the dialogues included torture, public executions and discrimination against women and minorities. The EU also uses the meetings of the dialogue to raise specific cases of concern. The UK and most other

European countries co-sponsored a resolution on human rights in Iran at the UN General Assembly in December 2003. The resolution reflected the depth of international concern at continuing human rights violations in Iran and practices such as the use of torture, amputation and flogging, discrimination against women and religious minorities, and the persecution of people for the peaceful expression of their political views.

### Looking ahead

We will continue to seek opportunities to press the Iranian authorities to address human rights concerns. The EU/Iran human rights dialogue provides one channel. For now, the EU is prepared to continue with the dialogue, though its results have been disappointing. The EU has made clear that its relations with Iran can only move forward if Iran takes action to address the EU's political concerns, including in the area of human rights. We are prepared to support action in UN bodies, as appropriate.

## 1.18 Saudi Arabia

There has been no significant improvement in human rights in Saudi Arabia since the publication of the last Annual Report. The UK supported a statement by the EU at the CHR in April 2004 that summarised our on-going concerns: "Women are subject to discrimination. Prisoners suffer maltreatment and torture. Capital punishment is imposed without adequate safeguards, and often executed in a cruel way and in public. Amputations are imposed as corporal punishment. Shiite citizens suffer discrimination. We also have concerns about freedom of expression, assembly and religion".

### Death penalty

We estimate that between January and December 2003, the Saudi authorities executed about 52 people – one of the highest figures for any country in the world. Adultery can be punished by death. Amputation can be imposed by the judicial and administrative authorities, for example for theft. Flogging

## Encouraging reform in the Middle East

The groundbreaking UNDP Arab Human Development Reports of 2002 and 2003 identified three major deficits inhibiting development in the Arab World: freedom, knowledge, and the position of women. The UK Government shares the concern in the reports that the region is falling behind other regions across a number of governance indicators, including those related to democracy and human rights. We agree that the region's development potential is stifled by restrictions on the expression of ideas and opinion, inadequacies in the rule of law, accountability and transparency, mixed in with the blight of terrorism and regional conflict.

We view the strengthening of democratic practice and institutions, and adherence to human rights and fundamental freedoms, as key to furthering the region's human and economic development. By creating an enabling environment, new energy and optimism can help overcome stagnation, poverty, disaffection and extremism. Increased adherence to civil liberties and the rule of law will give confidence to local citizens and foreign investors that their interests will be fairly judged and protected, thereby enabling them to contribute to their own development, as well as that of the region.

Encouraging renewed international commitment to resolving regional conflicts, particularly the Israel/Palestine dispute, is a key objective for Government policy in the Middle East. The full potential of the region cannot be realised without solutions to issues that induce instability. Progress on the Middle East Peace Process should be part of a wide-ranging approach to the region's development that includes encouragement for broad-based, regionally-led change and modernisation, which addresses factors underlying the region's problems.

Promoting reform in the Middle East region is one of the main international priorities of the Government. The FCO has established a team based in London and the region to encourage reform, working in partnership with local governments and civil society organisations. Co-

ordinating with the British Council and DFID, as well as our international partners, we are giving increased emphasis to reform through our bilateral diplomatic activity, including through ministerial and sponsored visits, scholarships and use of programme funds.

The FCO has established an Engaging the Islamic World programme fund, dedicated to supporting locally-led initiatives on good governance, the rule of law and the advancement of women. Since its inception in September 2003, the programme has supported 22 projects across the Middle East and North Africa region. Examples of support include human rights and the management of prisons in Libya; strengthening the capacity of human rights organisations in Yemen; assisting the development of parliamentary democracy in Bahrain; enhancing the realisation of women's rights under the new family code in Morocco; and the training of lawyers on human rights issues in Egyptian governorates. (For more details on the Global Opportunities Fund see Annex 02.)

The UK is also using its influence within multilateral organisations to encourage increased international support for the region's reform efforts. The G8 Summit in June 2004 agreed a Declaration on a Partnership for a Common Future with the broader Middle East and North Africa, together with an accompanying Plan of Support outlining initiatives in areas of political, social and cultural, and economic reform. With agreement at the June European Council on a new EU Strategic Partnership with the Mediterranean and the Middle East, the UK has worked to ensure EU instruments for engaging the region are directed at the promotion of reform, with increased emphasis on issues of democracy and human rights. We are encouraging other multilateral organisations, such as the UN, to deploy their expertise and resources in the region towards the enhancement of democracy and fundamental civil liberties in the region, building on regional momentum for reform.

as a judicial punishment remains prevalent. Individuals can be sentenced to flogging for consumption of drugs and alcohol, fornication, distribution of pornography, slander or harassment of women in public.

### Judicial system

The UN Special Rapporteur for the Independence of Judges and Lawyers, Dato' Param Cumaraswamy, visited in October 2002. He reported that: the Saudi judicial system relied heavily on confessions; the control of the ministry of justice over judges contributed to a lack of transparency and impartiality; and torture and prolonged incommunicado pre-trial detentions continued. In May 2002 Saudi Arabia adopted a new code of criminal procedure for the criminal justice system. This code provides for significantly improved protection for the accused, but more than two years later the extent of its practical implementation is still unclear. However, most Saudi citizens appear not to know at all what their rights are if detained.

A number of British men who were detained in Saudi Arabia and accused of involvement in a series of bombings were released in August 2003. We welcomed their release and were relieved at their return to the UK and to their families. Ministers and officials had worked vigorously to secure that outcome. After their return, the men claimed that the Saudi authorities had tortured them in order to obtain confessions. Throughout the men's detention in Saudi Arabia we always made clear our concerns about their case, including their treatment and conditions of detention. We raised these concerns repeatedly with the Saudi authorities.

### Discrimination

Last year's Annual Report detailed Saudi Arabia's discrimination against women, foreigners, non-Muslims and non-Sunni Muslims. There has been no real improvement over the last year on any of these issues. The public profession of any religion other than Islam remains forbidden. Non-Muslims are forbidden to assemble for religious purposes. Apostasy from Islam carries the death penalty. Women are subject to tight restrictions in many areas of their lives. They are constrained in the types of employment they are able to secure and the positions they can hold in society. They cannot drive. They cannot travel, buy tickets or obtain a passport, unless they are accompanied by, or have permission from, a male guardian.

The NGO, Human Rights Watch, published a report on the abuse of migrant workers in Saudi Arabia in July 2004. It detailed human rights violations such as torture, forced confessions and unfair trials.

### Reform

There is a growing recognition by the Saudi government of the need for reform in Saudi Arabia. In October 2003 the Saudi authorities announced a plan to hold partial municipal elections. In January 2003 Deputy Prime Minister, Crown Prince Abdullah, set out wider reform proposals for the Arab world in a document called *Self-reform and the promotion of political participation*. His proposals sparked a number of petitions for reform, from various sectors of the population, including members of the Shia community and women. The petitions argued for: election of members of the Majlis Council and of regional assemblies; an independent judiciary; freedom of speech and association; the development of civil society; increased respect for human rights; an end to discrimination between Sunni and Shia Muslim citizens; and a greater public role for women.

Saudi Arabia has embarked upon a process of internal debate. Crown Prince Abdullah announced a series of National Forums for Dialogue. The first two in June 2003 and January 2004 called for action to address problems faced by women and youth; greater involvement by the Saudi people in the reform process; the expansion of public participation in government; freedom of expression; and moderation and tolerance. A third national dialogue was held in Madina in June 2004 and discussed issues relating to women and their role in society.

The Saudi Red Crescent organised the first Saudi human rights conference in Riyadh in October 2003. In April 2004, the ministry of justice held the first Saudi conference on judicial reform. FCO officials attended both. That these conferences took place, with some international participation, is a positive development. But we believe future conferences should have far greater international and civil society participation to ensure more open, focused and constructive discussion of human rights issues.

The Saudi government arrested about 13 people in 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 known in Saudi Arabia for supporting the process of reform. This was a disappointing backward step for the human rights and reform agenda. Ten have been released but three were held in detention for refusing to sign a pledge not to speak publicly or agitate reform. Their trial began on 9 August, as this Annual Report went to press. We are concerned at these on-going detentions and we have lobbied the Saudis to resolve the cases as soon as possible.

Saudi Arabia inaugurated its first human rights body, the national human rights association (NHRA), 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). It is too early to judge what impact the NHRA will have on the ground. If it is to be an effective body, it will be important that it has a high degree of independence from the Saudi authorities and is willing to voice its concerns publicly. The Saudi government has also announced its intention to establish an inter-ministerial human rights committee to investigate and resolve cases before they reach the NHRA.

We believe that these are positive steps. It is now more possible to discuss human rights issues in a way that would have been impossible in Saudi Arabia a few years ago. We have also noticed some increased press freedom. The Saudi authorities have encouraged a more open policy towards journalists from both international press agencies and individual media outlets. But until these developments lead to practical improvements on the ground, our concerns will remain.

### UK action

The UK Government is committed to encouraging Saudi Arabia to improve its human rights record. We 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 have lobbied the Saudi

authorities over the use of both corporal and capital punishment.

The UK Government supports Saudi Arabia in its process of reform. For example, under the FCO's Global Opportunities Fund we are encouraging the strengthening of civil society through the training of journalists. We worked with the council of the Saudi chambers of commerce to organise seminars on accession to the World Trade Organisation (WTO). The British Council is also engaged in supporting this process of reform. For example, its Connecting Futures programme is aimed at developing deeper mutual understanding between young people in the UK and 10 initial priority countries in the Muslim world including Saudi Arabia.

## 1.19 Israel and the Palestinian Authority

### Israel

We remain deeply concerned by Israel's failure to respect the human rights of ordinary Palestinians in the Occupied Territories, and by the impact of Israeli occupation and associated military operations on their lives. Israel has the right to self-defence. Israeli citizens have suffered greatly at the hands of Palestinian rejectionist groups and the Israeli government has a duty to protect them. But Israeli actions must remain within international law, notably the relevant provisions of the Fourth Geneva Convention and Universal Declaration of Human Rights.

## Libya

The UK welcomes the progress which Libya has made over the past year in reintegrating with the international community. As Prime Minister Tony Blair said when he visited Libya in March 2004, we are aware of Libya's past record, but we should acknowledge and support change where we judge that is real. In particular, Libya's renunciation and dismantling of weapons of mass destruction and formal acceptance of responsibility for the Lockerbie bombing are very important developments.

However, the UK remains seriously concerned by the human rights situation in Libya, including restrictions on freedom of expression and assembly, political prisoners, arbitrary detention and conditions in Libyan prisons. The UK is particularly concerned by the case of the Bulgarian and Palestinian medical staff sentenced to death in May 2004 for allegedly deliberately spreading the HIV virus. We are sympathetic to the needs of the victims of HIV/AIDS in Benghazi and their families. But the UK and the EU have serious concerns about the conduct of the investigation, treatment of the defendants and delays in bringing the case to a conclusion.

The UK continues to look for ways in which we can work with the Libyan government to improve the human rights situation in Libya. Two former UK prison governors visited Libya in October 2003 to advise on prison conditions and the FCO's Global Opportunities Fund is supporting a project to improve prison management. The Head of the FCO's Human Rights Policy Department visited Libya in July 2004. During his visit the Libyan authorities agreed to further joint work on prison management.

We welcome Amnesty International's visit to Libya in February – the first since 1988 – and its subsequent report as well as the statements in April by Colonel Qadhafi on reform of the legal system and abolition of the people's courts. We continue to encourage Libya to make early progress on this reform programme, including signature of international agreements against torture.

### Israeli defence force actions

We continue to be concerned about civilian casualties during the course of Israeli Defence Forces' (IDF) incursions into the Occupied Territories, often in response to suicide bombings by Palestinian rejectionist groups. Particularly worrying are the deaths of children. According to the Israeli human rights NGO B'Tselem, between the start of the Intifada and the end of July 2004, 533 Palestinian children have been killed during Israeli operations in the Occupied Territories. Many more have been injured. Six children were killed between 16 December 2003 and 6 January 2004 alone, during IDF incursions into Nablus. During an Israeli operation in Beit Lahiya on 20-22 April, 17 Palestinians, including nine children, were killed.

According to B'Tselem, the IDF demolished 321 homes in 2003-2004. In a significant number of cases, the demolitions constituted collective punishment, which is illegal under the Fourth Geneva Convention.

We remain concerned by the level of accountability of Israeli security forces in the Occupied Territories, and the limited progress in deterring, investigating and prosecuting human rights abuses. However, there are welcome exceptions when prosecutions are sought; for example, for a manslaughter prosecution against an IDF soldier for the shooting of Tom Hurndall on 11 April 2003. Mr Hurndall, a British peace activist, was shot in Rafah, Gaza, while trying to shield Palestinian children from gunfire. He died on 13 January 2004. A military investigation is also being carried out into the circumstances surrounding the death of the British journalist James Miller, shot on 2 May 2003 while filming a documentary on the destruction of Palestinian homes in Gaza.

### Israeli barrier

We also have concerns about the appropriation of Palestinian land to build the barrier. This aims to protect Israelis from suicide bombers and violence from rejectionist groups, and we do not object to its construction in principle. But it is being built on occupied land. Palestinian land has been confiscated

for barrier construction or included in closed zones. An example of this is the barrier at Abu Dis which separates Palestinians from Palestinians, negating the argument that the barrier follows the most effective route for Israeli security. The Foreign Secretary made a written statement on 30 January 2004 to the International Court of Justice on the legality of the Israeli barrier. The International Court of Justice published an Advisory Opinion on 9 July stating its view that the barrier built on Occupied Territory is illegal. This view echoes the consistently held position of the UK, EU and UN. The UK voted in favour of a UNGA resolution which acknowledged the receipt of the Advisory Opinion and made clear that both Israel and the Palestinian Authority must abide by international law. The UK will continue to urge Israel to route the barrier away from Occupied Territory.

Israel's reaction to demonstrations against the Israeli barrier has ended in civilian deaths and injuries. On 26 December 2003, IDF soldiers shot and injured two demonstrators near Mash'a, and on 26 February 2004 four Palestinians were killed during a demonstration near Bidu. One of the deaths was caused by heart failure due to inhalation of tear gas. IDF soldiers killed a further four Palestinians on 23 March during Palestinian protests against the killing of Sheikh Yassin.

### Targeted assassinations

We have made clear our continued opposition to the Israeli policy of targeted assassinations. They are illegal. Moreover, they are carried out in a way which does not do enough to avert civilian casualties. An example is the killing of two Palestinian Islamic Jihad (PIJ) activists on 25 December 2003 which also resulted in the deaths of three civilians. The Foreign Secretary Jack Straw has consistently spoken out against Israeli targeted killings, for example after the killing of the Hamas leader Abdul Aziz al-Rantisi which he described as "unlawful, unjustified and counter-productive".



Palestinian houses are seen on both sides of Israel's separation barrier in the West Bank village of Abu Dis, on the outskirts of Jerusalem. On 9 July 2004 the International Court of Justice published an Advisory Opinion, stating that the barrier built on occupied territory was illegal.

### Freedom of movement

The pattern of widespread closure and curfews, and the very many checkpoints dividing Palestinian population centres from each other, have put restrictions on Palestinian freedom of movement and cannot always be justified on security grounds. They have had a catastrophic affect on the Palestinian economy. Between 30-40 per cent of Palestinians are registered as unemployed. Fifty-five per cent of Palestinians live in poverty on less than US\$2.10 dollars a day, with the figure rising to 75 per cent in Gaza. Closures make it more difficult for medical personnel and ambulances to travel to the sick. We are particularly concerned by attacks on ambulances and medical personnel, and IDF actions conducted in and around hospitals.

There is also evidence of punitive closures. A checkpoint at Jit Junction, which provides access to Nablus from the south-west, requires Palestinians to leave their transport and walk up the hill to another embarkation point. No IDF security checks are made at this point, suggesting that security is not the main concern.

### Settler violence

There were repeated reports of violence by settlers against Palestinian civilians, and an apparent failure of the Israeli authorities to prevent such actions and prosecute and punish those responsible. Examples include the harassment by settlers of Palestinians in Hebron, and the kidnapping of a 15-year-old Palestinian boy by settlers from Yitslav settlement on 15 February.

### UK and EU action

The UK raises its concerns directly with the Israeli authorities at the highest levels, including senior ministers. It does so in the full knowledge that continuing acts of terror confront them with difficult choices every day, but believing that a rigorous respect for international law serves Israel's interests as well as those of the Palestinian population.

### Israeli Arabs

*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.*

*The British Embassy ran a Human Rights Project Fund project with the Bedouin Council for Unrecognised Villages, to build their advocacy capacity. We also ran projects to promote shared Arab-Israeli citizenship, and to support Arab women to stand in municipal elections.*

*On 31 July 2003 the Knesset approved the Nationality and Entry into Israel Law (temporary order). This discriminatory legislation, which will need to be renewed annually, denies Palestinians (though not Syrians or Jordanians, for example) who marry Israelis (predominantly Arab Israelis) the automatic right to citizenship or residency.*

The UK Government works with civil society within Israel on a number of projects with human rights objectives. These include one with an Israeli human rights organisation providing monitors at Israeli checkpoints, and another providing a legal hotline for Palestinians facing difficulties at checkpoints.

### Palestinian Authority

We are concerned about the failure of the Palestinian Authority (PA) to act with sufficient energy to prevent acts of terrorism against the Israeli population being perpetrated from those areas. A respect for human rights has to be at the heart of all efforts to achieve peace. A critical element of such respect is accountability. In failing to bring to justice those who assist and train suicide bombers the PA is complicit in sustaining an environment in which human rights are not respected. The PA needs to reform the security sector, ensuring transparency and a system better able to take real action against groups which have rejected the peace process and those who finance them.



Israeli army officers and investigators collect evidence and remove debris at the scene of a suicide bomb attack at the Erez crossing terminal between Israel and the Gaza Strip, 14 January 2004.

We have continuing concerns about the abuse of Palestinian human rights by the PA and within areas controlled by the PA. There is much that can and should be done by the PA to enforce respect for human rights in areas under its control. The PA should ensure that any security measures taken in the future are carried out in a manner that respects the basic human rights of the Palestinian people.

### Justice and the death penalty

The Palestinian Authority must also improve its human rights record in respect of its treatment of its own citizens. During the period July 2003 to July 2004 18 Palestinians, suspected of collaboration with the Israeli authorities, were murdered (this figure includes killings where collaboration may have been used to justify a killing for other motives). The PA must make a real and visible effort to bring the perpetrators to justice.

The PA also continues to maintain the death penalty. On 13 April this year the death penalty was handed down in the case of three Palestinians convicted of rape and murder in Gaza. The conviction is currently being appealed and we await the outcome. We have made clear to the PA our continued opposition to the death penalty.

### Elections and the media

The PA should allow Palestinians to have a democratic stake in their future by putting in place the required administrative and

legal framework, including the registration of voters, to enable elections to take place. We await PA action.

There were a number of reports that Palestinian security forces intimidated Palestinian journalists reporting on law and order issues in the Occupied Territories. A number of journalists reported practising self-censorship as a result of the intimidation and, on 15 February 2004, a group of journalists occupied legislative buildings in protest. The PA should take action against those running an intimidation campaign against journalists, including its own security forces, and ensure press freedom.

### UK and EU actions

The UK Government is working with the PA to provide training and non-lethal equipment to enable them to tackle rejectionist violence in all its forms. We are providing similar support to improve Palestinian capacity to deal with armed civilians, in an effort to improve security for the Palestinian public. We are supporting a range of practical activities aimed at improving the human rights situation in the Occupied Territories.

We are working with EU partners to assist capacity building for the Palestinian civil police. Our objective is to equip them better to tackle human rights abuses in the Occupied Territories.

## 1.20 Cuba

Following the crackdown on peaceful opposition in March 2003, the Cuban government continued to violate many basic human rights. We are particularly concerned about the deliberate and systematic nature of Cuban government violations. Cuba's key violations are of civil and political rights but serious restrictions on economic rights, for example, to own property or open businesses, also continue.

### Political repression

Cuba maintains that it practises 'participatory democracy'. Elections by direct ballot exist at municipal, provincial and national levels, but within the framework of a one-party system, thus denying voters any political alternatives. The communist party's popularity has not been tested in a free election since the revolution, and the Cuban leadership does not envisage any kind of reform that will lead to a political system based on pluralist democratic values. Any individual who stands against the system is deemed to be 'counter-revolutionary' or a US agent – crimes that carry harsh sentences.

In theory, fundamental freedoms are guaranteed under the Cuban constitution, but Article 62 states that these rights may not be exercised "contrary to the existence and the objectives of

## Rejectionist violence

A hundred and twenty Israelis have been killed in suicide bombings in the period June 2003-2004. Suicide bombers and those who commit terrorist acts against Israelis have a total disregard for human rights. The Palestinian Authority (PA) should do all it can to tackle rejectionist groups who commit terrorist attacks against Israelis. While it faces severe constraints on its freedom of action, it has the responsibility to act where it can.

There have been 15 suicide attacks over the last year. The PA has made some arrests but has not been fully committed to carrying out its responsibilities to track down perpetrators. On 29 January 2004 a suicide bomber blew himself up, killing 10 Israelis and injuring approximately 50 more. The bomber came from Bethlehem, an area controlled by the PA. No accomplices were caught. Lack of action by the Palestinian Authority to bring to justice those who commit violence against Israelis, especially when the perpetrators are known to come from within PA-controlled areas of the Occupied Territories, is a failure to comply with internationally accepted standards.

We are particularly concerned by a number of cases of children being used to carry explosives or carry out reconnaissance missions on behalf of rejectionist groups.

the socialist State". This provides justification for the state to control any form of undesired activity or expression of opinion. Many repressive practices are explicitly sanctioned in Cuban domestic legislation. The rights to freedom of expression, association, assembly, movement, and of the press are expressly restricted in law. Independent trades unions are not permitted. The 1999 Law 88 ('gagging law') for the Protection of the National Independence and Economy of Cuba criminalised the ownership of "unauthorised news" and its distribution to or reproduction for the US or any other foreign entity. It also banned collaboration with any form of foreign media with the purpose of destabilising the country.

Other Cuban statutes deny freedom of speech under the guise of protecting state security, for example, penalising behaviour vaguely termed as 'contempt' or 'dangerousness', and are open to politically motivated misuse. Journalists and human rights defenders are frequently accused of the vague charge of 'dangerousness' and the authorities regularly arrest and convict opponents for trivial offences.

In last year's Annual Report we highlighted the sentencing of 75 members of the peaceful opposition to long prison terms totalling 1,454 years. More than a year on, and despite condemnation of the Cuban government by, among others, the EU, the Caribbean Community, Amnesty International, UNESCO and the Personal Representative for the UN High Commissioner for Human Rights, at the end of July 2004 all but seven of the 75 remained in prison. A further 13 members of the peaceful opposition were sentenced to prison or strict parole restrictions in the first half of 2004. In total, the Cuban Committee for Human Rights and National Reconciliation (an illegal opposition group) estimates that there are a further 240 political prisoners in Cuban prisons. Short-term detentions and detention without trial, which do not feature in these figures, are also commonplace.

Those political opponents not in prison operate in a difficult environment. Individuals continue to be subject to short-term

detentions, house arrest, surveillance, arbitrary searches, evictions, travel restrictions, politically-motivated dismissals from employment, threats and other forms of harassment. The authorities use the threat of a 'second wave of arrests' to try and control remaining opposition members.

Despite this, there remains some creditable civil society activism. Oswaldo Paya, author of Project Varela (a petition based upon a provision of the Cuban constitution and which calls on the government to respect fundamental rights in Cuba) continues to push forward with new projects. Mr Paya met Bill Rammell, Foreign Office Minister responsible for human rights, in January 2003. In October 2003 he delivered another 15,000 Project Varela signatures to the Cuban national assembly, and in December 2003 he launched a national dialogue programme aimed at preparing Cuba for transition towards a democratic and pluralistic society. His work to date has won him the EU Sakharov Freedom of Thought Prize in 2003 and he has twice been nominated for the Nobel Peace Prize.

Raul Rivero, one of those arrested in the March 2003 crackdown, won this year's UNESCO World Press Freedom Prize. On 12 March 2004 the EU issued a statement congratulating Mr Rivero, a Cuban journalist and poet, on his award. UNESCO Director-General, Koichiro Matsuura, declared: "The Prize is a tribute to Raul Rivero's brave and longstanding commitment to independent reporting, the hallmark of professional journalism". Unfortunately, despite repeated requests, the Cuban government denied Mr Rivero's wife an exit permit to leave the country to collect the prize.

### Prison conditions

Cuba's treatment of political prisoners falls well below the UN Standard Minimum Rules for the Treatment of Prisoners; use of punishment cells, reports of physical abuse, contaminated water and lack of sanitation are all routine. Under the provisions of the Cuban penal code, prisoners in seriously bad health should be released from jail to serve their term under house arrest. Despite evidence that several of those being held suffer from



Cuban dissident Carmelo Diaz, speaks with the press after being released from prison on 18 June 2004. Mr Diaz, one of the 75 dissidents jailed in last year's crackdown on the opposition, was freed for medical reasons.

serious health complaints, repeated requests from the families of these prisoners to the authorities to obey their own laws go unheeded. In many cases, prisoners are kept in prisons far away from their homes, making family visits almost impossible because of poor transportation. Visits are limited to once every three months and can be cancelled if the prisoner or his family is deemed not to have behaved. Examples of poor behaviour include talking to the press or foreign diplomats.

Last year we reported the execution by firing squad of three Cubans in April 2003, which ended a three year *de facto* moratorium on the death penalty. Their arrests, trials, appeals and executions were all completed in nine days. There have been no executions in 2004 although at least 30 prisoners remain on death row.

### EU and UK action

At the UNCHR in Geneva on 15 April 2004, the UK co-sponsored a successful resolution condemning Cuba's human rights record and calling on the Cuban government to accept the Personal Representative of the High Commissioner for Human Rights to monitor the situation on the island. Cuba rejects the basis of the resolution, and has for the past three years refused access to the High Commissioner's Personal Representative.

Cuban Foreign Minister Perez Roque told the UNCHR on 16 March 2004 that those who condemned Cuba but failed to condemn the US for its treatment of prisoners at Guantanamo were hypocrites. To date, the only part of Cuba that the International Committee of the Red Cross has been allowed to visit is the US base at Guantanamo.

### Looking ahead

The UK will continue to work with the EU to exercise a policy of constructive engagement to promote a peaceful transition to a multi-party democracy in Cuba. We will continue to insist on the release of all political prisoners, especially the 75 imprisoned in March 2003, and those being held without trial. We will also continue to call for greater freedom of expression; a free media; freedom of private enterprise; and an end to arbitrary detention.

## 1.21 Colombia

Over the past 12 months the civilian population continued to bear the brunt of the current armed conflict, which is now over 40 years old. The left-wing guerrillas – the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) – and their right-wing paramilitary counterparts – the United Self-Defence Forces of Colombia (AUC) – remained engaged in a bitter fight against the state and frequently each

other for territorial control, much of it linked to the drugs trade in which they are all heavily involved. The current government's military success, achieved with the help of significant US assistance, further shifted the focus of the conflict to the civilian population.

### Political background

The independent liberal President Alvaro Uribe continued to enjoy strong public support two years into his term of office. Uribe's landslide victory in May 2002 had been achieved on a platform of weakening the illegal armed groups and re-establishing security throughout the country in order to bring the insurgents to the negotiating table. Following his election, left- and right-wing illegal armed groups intensified their activities as the new government reversed its predecessor's policy of making concessions to the guerrillas in the hope of obtaining a negotiated end to the conflict. The president's 'democratic security' policy aimed to translate these aims into action. The backbone of the policy is efforts to bring the population into the fight against terrorism. The establishment of a police presence in 150 municipalities, previously without any law enforcement coverage, also attempts to hit the guerrillas and the paramilitaries hard militarily.

Some aspects of this policy have been criticised by civil society and international observers for bringing the civilian population into the conflict. The creation of battalions of 'peasant soldiers' and 'informers' networks' have come in for particular criticism. However, the number of deserters from all three armed groups is rising steadily. The civilian population is co-operating in the fight against terrorism and is providing the information to foil much of the campaign of urban terrorism planned by the FARC. Public confidence, particularly in the military and police, has increased significantly. We cover the paramilitary demobilisation process in more detail in Chapter 5.

### Armed forces and security forces

Although there are credible allegations that some units of the Colombian armed forces and police have colluded in unlawful killings and drug trafficking, there is no evidence to suggest that the Colombian government has a policy of such collusion or that the authorities condone it. Indeed, President Uribe has publicly stated on a number of occasions that he will not tolerate such collusion and will act decisively against those who are proved to have such links. We have been encouraged to note that the Colombians are taking practical steps to address the issue. This has resulted in dismissals from the security forces and in some case arrests and imprisonment of both high-ranking army and police officers. In April 2004 the Attorney-General brought charges against three army officers – Colonel Orlando Hernando Pulido Rojas, Captain Carlos Martinez and Lieutenant Sanchez Garcia – for their alleged part in a 1988

paramilitary massacre of five people in Arauca department. Such action sends a strong message to the security forces that collusion with illegal groups and involvement in drug trafficking will not be tolerated. It also helps increase public confidence in the security forces. The UK has stressed to the Colombian government on many occasions that it has a clear duty to undertake thorough judicial investigations into all attacks and abuses, including those where there are credible allegations of collusion. We commend the Colombian government for their actions so far and will urge them to continue to strengthen their efforts to crack down on collusion.

### Armed violence

In 2003 there were well over 20,000 murders in Colombia (see separate box), making it one of the most dangerous countries in the world. Of these some 10-15 per cent are classified as politically motivated and directly attributable to the armed conflict. These include regular massacres (defined as the killing of at least three people in a single incident) carried out by one or another of the armed groups. These groups see human rights defenders, union activists, left-of-centre politicians, local government officials, teachers, journalists and members of the judiciary as legitimate targets. Even employees of local telephone companies have been targets in the guerrillas' attempts to bring down the country's infrastructure. Threats against local government officials have forced many of them to flee their municipalities, leaving the local population with no democratic representation, although many continue to try to govern from Bogota.

In last year's Annual Report we covered the mortar attack on the presidential inauguration in August 2002 and the bombing of the exclusive El Nogal club in February 2003. Since then the security forces have had some success against FARC urban cells, but there is still a high risk of further attacks. In rural areas, the guerrillas and paramilitaries continued to carry out frequent massacres and acts of torture. The ELN and FARC used bombs and landmines to attack the armed forces and police, as well as the civilian population.

Many of the non-politically motivated murders are related to domestic disputes or are related to the drug trade or alcohol abuse. Recently, evidence has emerged that paramilitary forces are murdering homosexuals, prostitutes and drug addicts in the areas under their control as part of a programme of 'social cleansing' of people they consider undesirable.

British and international NGOs in Colombia, the UN Office for Human Rights in Colombia and national governments, including the UK, have all voiced their concern over the high levels of violence in the country and over the government's human rights performance.

### Colombia – the conflict in numbers

On 15 December 2003 an amalgamation of Colombian institutions signed an agreement marking the creation of a human rights information network. This serves as the main tool by which the government will have access to accurate and timely statistics on human rights violations.

Although the conflict continues to claim horrific numbers of casualties, there has been a perceptible improvement in recent years. Below are figures for 2002 and 2003, with the relevant percentage change. There are statistics for some of these incidents from other, non-governmental sources, which differ from these, but in general all sources show a similar downward trend. While this downward trend is encouraging, it still reveals an appalling situation and one in which human rights abuses continue to occur consistently.

Incidents	2002	2003	% Change
Total murders *	28,837	23,013	-20.2%
Murders of trade unionists	114	52	-54.4%
Murders of mayors	13	9	-30.8%
Murders of town councillors	80	75	-6.3%
Murders of indigenous people	180	164	-8.9%
Murders of teachers	79	41	-48.1%
Murders of journalists	10	7	-30.0%
Victims of massacres	680	423	-37.8%
Number of massacres	115	77	-33.0%
Kidnappings	2,986	2,200	-26.3%
Displaced households	83,011	39,223	-52.7%
Members of paras* surrendered	187	346	+85.0%
Members of paras* captured	1,356	3,166	+133.5%
Rebels surrendered	1,690	1,919	+13.6%
Rebels captured	3,763	6,967	+85.1%

\*not all conflict-related

\*Paramilitaries

It is also worth comparing figures for the Uribe administration with those of his predecessor, Pastrana. The following statistics are for the 19 months from Uribe's inauguration in August 2002 until February 2004, compared with the 19 months immediately preceding this (January 2001-July 2002).

Incidents	Jan 2001- Jul 2002	Aug 2002- Feb 2004	% Change
Total murders*	45,347	37,892	-16%
Murders of trade unionists	266	74	-72%
Murders of mayors	14	16	+14%
Murders of town councillors	53	116	+119%
Murders of indigenous people	300	241	-20%
Murders of teachers	89	73	-18%
Murders of journalists	17	10	-41%
Victims of massacres	1,497	718	-52%
Number of massacres	257	132	-49%
Kidnappings	4,842	3,559	-26%
Members of paras surrendered*	215	550	+156%
Members of paras captured*	1,787	4,344	+143%
Rebels surrendered	2,004	2,993	+49%
Rebels captured	3,592	9,940	+177%

\* not all conflict-related

\* Paramilitaries



Three locals carry the body of a victim killed by the Revolutionary Armed Forces of Colombia in the village of San Carlos, 110 miles northwest of Bogota, Colombia, July 2004.

The president has called publicly on all state employees to respect human rights and to allow NGOs and civil society to make their contribution to the nation's development in an environment free from threats. But there is legitimate concern that the message has not filtered down to lower levels in the state apparatus, particularly the armed forces. In September 2003 we also expressed concern that a recent speech by the president criticising some NGOs ran the risk of directly adding to the danger faced by such groups. We reminded the Colombian government that human rights NGOs were part of the solution to the very difficult situation the Colombian government faces, and urged them to reiterate their support for NGOs and civil society.

Foreign Office Minister Bill Rammell visited Colombia in June 2004. The main theme of the visit was human rights and Mr Rammell reinforced to the Colombian government the importance that the UK attaches to this issue. He emphasised the need for the government to do more to promote and safeguard the human rights of all Colombians, and in particular those from vulnerable groups such as trade unionists, human rights defenders and other non-governmental groups. Rory Murphy, a senior representative of the UK Trades Union Congress, accompanied Mr Rammell.

### Kidnapping

Although more effective government action has led to a decline in the number of kidnappings, the number of incidents (2,200 in 2003) is still alarming. 'Political' victims, who have not been taken with a view to extracting a ransom payment, can expect to spend many months or even years in captivity. Their kidnappers allow them little contact with the outside world during captivity. Parcels sent by families often do not arrive. In the past, bungled release attempts by the Colombian armed forces have highlighted the dangers of trying to rescue hostages. Although kept in very basic conditions, there was no evidence of systematic physical or psychological abuse of captives by the FARC/ELN.

### Internally displaced persons

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 as many as three million Colombians have been forced from their homes by this on-going conflict. This puts Colombia third only to the Democratic Republic of Congo and Sudan in the global league table for displacement. Many of those displaced end up in large urban centres where they are no longer able to provide for themselves through subsistence farming. They also find it difficult to gain access to education, health care and employment. The ethnic minority indigenous and Afro-Colombian populations were the main victims of displacement because their traditional homelands are at the heart of the struggle for territorial control between the armed groups. Women and children are also over-represented in the displaced population. Displaced people faced 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 continued to threaten travel by river in strategic parts of the country. There was a growing problem of cross-border displacement.

### UK, EU and UN actions

Our policy on human rights in Colombia is clearly set out in the speech given by Foreign Office Minister Bill Rammell in a House of Commons adjournment debate on human rights in Colombia on 23 March 2004 (available at [www.parliament.uk](http://www.parliament.uk)) in which he made clear that human rights lie at the heart of the UK Government's agenda and policy on Colombia. We have also made it plain that our policy towards Colombia is one of critical engagement rather than uncritical support. We believe that the Colombian government needs to do more to tackle issues of impunity and collusion. Mr Rammell made this point strongly during his visit to Colombia in June 2004.

In last year's Annual Report we highlighted the London Meeting on International Support for Colombia in July 2003. This meeting was intended to identify key human rights problems in the country and bring them to the attention of the international community. A working group of representatives of governments which attended the London meeting was set up in Bogota to monitor progress on and assist with commitments made on all sides, including UN recommendations. It has regular meetings with the Colombian government, the UN and civil society groups to do this, as well as having facilitated dialogue between these bodies. The UN High Commissioner for Human Rights in Bogota has released his latest assessment on implementation of the UN recommendations. The report calls for more progress in three distinct areas: the investigation of collusion between public forces and paramilitaries; the paramilitary demobilisation process, which must be "in line with relevant international law and jurisprudence, and in a manner that respects the right of the victims to truth, justice and reparation"; and the anti-terrorist statute, which must "respect human rights and international humanitarian law". We will continue our efforts to impress upon the Colombian government the importance of taking full account of, and acting on, the UN's assessment.

The UK Government continues to work with EU and UN partners to improve the human rights situation in Colombia by highlighting and addressing key issues and ensuring they remain under the international spotlight. We follow closely and support the work of British NGOs such as Peace Brigades International and Amnesty International and their local partners, and hold monthly meetings between FCO staff in London and Bogota and NGOs. Individual cases of human rights abuse have been brought to the attention of the Colombian government following these meetings. A frequent stream of visitors, including an Inter-Parliamentary Union delegation of six Members of Parliament (two Conservatives, three Labour and an Ulster Unionist) in September 2003, has helped to raise the profile of Colombia, which has been reflected in the increased number of parliamentary questions raised in the House.

We are providing financial support to help improve human rights in Colombia both bilaterally and through the EU. The EU's programme of assistance, to which the UK contributes £3.5 million per year, is worth €330 million over the period 2001–2006, including €105 million to support alternative development, good governance, and human rights projects. We also contribute £3 million per year through other multilateral channels. In 2004–2005 we are continuing to provide political and financial support to the work of the UN High Commissioner on Human Rights' office in Bogota and to the Special Adviser to the UN Secretary-General on Colombia.

Through the Global Opportunities Fund we are supporting two projects aimed at protecting the right to freedom of expression for journalists and trade unionists. Through the Global Conflict Prevention Pool (GCPP) we are working with the UN to try to cut the number of displaced people and, with local organisations, to manage already displaced communities. We are also using GCPP funds to support regional community defenders and to provide training in humanitarian law and human rights law to the police and armed forces. More details of these projects can be found in the conflicts section of Chapter 5.

The British Council also has projects that support the peace process and civil society development in Colombia. These have included building academic and civil society links between Northern Ireland and Colombia, civic education workshops, and a Bradford/Medellin police project on community policing issues. The latter has established links between public sector workers, policy makers, community and voluntary sector organisers and social activists in the urban areas of Medellin. Medellin is considered one of the most violent cities in the world.

### Looking ahead

Over the coming year we will continue to work with a wide range of partners to try to help bring further improvements to the human rights situation in Colombia. These will include the Colombian government, local and international NGOs and civil society groups, international bodies such as the UN, and EU and international powers. We will also support the work of the UN High Commissioner for Human Rights (UNHCHR), whose annual report containing recommendations on human rights issues is a key component of our strategy.



A group of Sikh dancers, Nachda Sansaar, performs at the Foreign Office as part of the FCO's multi-faith week, 7 October 2003.

# HUMAN RIGHTS

## Working with others

This Annual Report is primarily intended as a record of the FCO's actions to promote human rights abroad. In giving a full picture of what the FCO does, however, it is important to show how we often achieve our objectives by working in partnership with others. In Chapters 3 and 4 we describe how the FCO acts through regional and international organisations both to set human rights standards and to give added collective weight to our concerns about human rights abuses. In this chapter we look at some of the organisations based in the UK whose expertise in the field of human rights the FCO most often draws upon.

Our partnerships can be broken down into four main groups. The first and most obvious is our partnership with other government departments. The close relationship that exists between the FCO and the Ministry of Defence, for example, is a reflection of the equally close link between conflict prevention, post-conflict reconstruction and respect for human rights. In countries such as Iraq and Afghanistan, the FCO's work to help build a culture of human rights is dependent upon the security and stability that our armed forces can help to provide. In a different context there are many cases where the FCO's work on international human rights instruments is informed by the specialised knowledge of our colleagues in other government departments. For example, we continue to co-operate closely with the Department for Work and Pensions on the proposed new UN convention on disability rights. Similarly the FCO and the Department for Constitutional Affairs liaise closely on the UK's own domestic reporting requirements under the international human rights treaties to which we are a party. We work with the Department for International Development to promote sustainable development and good governance, and to reduce poverty worldwide.

The second group with whom the FCO co-operates on a daily basis is civil society, and in particular the wide global network of human rights non-governmental organisations (NGOs). This relationship is sometimes characterised by the media and others as a necessarily adversarial one. It is not and does not need to be. There are inevitable disagreements about the approach to some issues, and it is inevitable that in a functioning liberal democracy NGOs criticise the Government when they think our policies are wrong. NGOs need no invitation to do just that and we welcome their passionate engagement in human rights issues around the world. At the same time FCO-NGO co-operation is deep and wide-ranging – arguably more so now than ever. It covers not only exchanging information and ideas, but also working together on practical projects that will improve human rights on the ground. In this chapter we look into the mechanisms through which we engage with civil society.

The FCO also provides some or all of the funding for a variety of non-departmental public bodies. The British Council's governance and human rights programme enhances awareness of the UK's democratic values and processes. Wilton Park is a residential conference centre that has built up a worldwide reputation for bringing together leading opinion-formers and decision-makers in an open and participatory atmosphere. The Westminster Foundation for Democracy is active worldwide supporting and promoting democratic development.

This chapter also covers corporate social responsibility where our key partners outside of government are UK companies and business groups. We look at some of the existing global initiatives in this area and also examine recent moves by the UN Commission on Human Rights to strengthen standards.

This chapter concentrates on the framework of co-operation under which the FCO works with its partners. We have placed most of the individual initiatives and projects which these partners are implementing in the relevant geographic or thematic sections throughout this report.

## 2.1 The FCO and civil society

Civil society includes many organisations, such as community-based organisations, campaigning groups, research bodies and academic institutions, that are not part of government.

The UK has a strong tradition of establishing and fostering civil society groups and NGOs. This includes NGOs that are active in the field of human rights. London is the base for more human rights NGOs than almost any other city in the world and many of the NGOs that were founded in the UK in the last century, such as Amnesty International and Oxfam, remain the leaders in their field. The FCO has great respect for the work that UK-based human rights NGOs do.

We do not always agree with NGOs. It would be surprising if we did. The Government must often balance several priorities when formulating foreign policy. Human rights are one such priority, but not the only one. Contradictions sometimes have to be resolved between, for example, human rights and security, including counter-terrorism priorities, or promoting the UK's commercial and economic opportunities overseas. This may lead us to take a slightly different approach to an NGO for whom human rights may be its prime or only focus. But even where there is a difference in approach, we share the same underlying goal of promoting human rights throughout the world.

UK-based NGOs are only one part of a global network that chronicles human rights abuse, calls governments to account and works to improve the situation on the ground either by implementing projects or by lobbying to strengthen the international human rights framework. The work of small NGOs, often short of funds and poorly staffed, in those countries with the worst records on human rights is particularly valuable. In dangerous conditions they alert the world to abuses that might otherwise go unnoticed and they provide unrivalled insight into local issues. Throughout this Annual Report we give examples of our overseas posts co-operating with local NGOs to promote respect for human rights.

FCO departments in London liaise closely with NGOs on thematic and geographical issues. The NGOs make a significant contribution to the formulation of government policy. Some have developed a very high level of specialised knowledge about particular regions. Christian Solidarity Worldwide has consistently provided the FCO with updates and material on the

situation of North Korean refugees in China. Others offer technical expertise as in the case of the disability NGO DAART which has worked with us in the UN on negotiations for a new convention on rights for the disabled. We can often feed the information we receive from NGOs, such as Amnesty International and Human Rights Watch, both of which deserve their reputation for producing exceptionally well-researched reports, directly into our decision-making processes. For example, we find their input valuable when we are considering export licence applications. Briefings for FCO ministers frequently include NGO material. Leading NGOs are included in the pre-posting briefing programmes for most British Ambassadors. On an almost daily basis there are *ad hoc* meetings between NGOs and FCO geographical desk officers in the UK.

Over the past year we have continued to expand the framework of the thematic panels that form the backbone of our engagement with NGOs in the UK and which reflect those areas which ministers have identified as priorities. We have added two more panels on the rule of law and child rights to those panels we already have on the death penalty, freedom of religion, anti-torture and freedom of expression. We have also expanded the scope of the panels. The move to the Global Opportunities Fund (GOF) (see Annex 02 for more details) has given the panels a more participatory role in advising on project funding. The death penalty, freedom of expression, anti-torture and child rights panels all commented on project proposals in their areas, helping us to decide which projects we should support. By inviting the panels to play an active part in this process, we can focus on substantive schemes of work rather than simply offer a forum for discussion.

The panels meet on average twice a year. During the period of this Annual Report the freedom of expression, death penalty and anti-torture panels met twice. The child rights panel held its first meeting in December and met again in June 2004. We have adjusted the timings of the panel meetings so that they correspond to the GOF funding cycle. The freedom of religion panel did not meet separately during the period of this Annual Report but we invited panel members to participate in a special session of the FCO's multi-faith week in November 2003.

## Freedom of expression panel

The freedom of expression panel brings together media professionals, freedom of expression NGOs, academics and officials from different government departments. Foreign Office Minister, and former journalist, Dr Denis MacShane set up the panel in 2002 and Foreign Office Minister Bill Rammell has now taken over as Chair of the panel.

The panel provides a valuable opportunity for people from a variety of backgrounds to exchange views on how best to protect freedom of expression. We invite key speakers from overseas to talk to the UK-based freedom of expression community. The panel plays a valuable role in advising on project proposals.

Soon after it formed the panel realised that a three-hour meeting every six months was not the best way to deliver specific actions on such a wide range of issues. The panel has therefore set up working groups that operate independently between the formal panel meetings. The hate speech working group has been co-operating with BBC Monitoring on a project to monitor hate speech around the world. The working group on journalist safety reflects the concern of members of the panel about journalists killed or injured in recent conflicts. It has looked at practical ways of minimising the number of media casualties in conflict zones. This group includes a representative from the Ministry of Defence. Other working groups address imprisoned journalists and public service broadcasting. All the groups benefit from more frequent meetings and tightly defined remits and can bring their findings back to the panel at the formal meetings to the further benefit of all participants, including the FCO.

We cover the work of the individual working groups in more detail in Chapter 8.

In 2004 Foreign Office Minister Bill Rammell, who is responsible for human rights work, hosted two meetings for UK-based NGOs on the UN Commission on Human Rights (CHR). At the first meeting in February over 20 NGOs were able to raise issues of particular concern with members of the official UK delegation before the delegation attended the CHR in March. We then invited NGOs back to the FCO for a post-CHR debriefing in May. The NGOs said that the UK's position at CHR generally reflected many of the key concerns that they had expressed in February, for example, with regard to action on specific countries. Overall, the expertise and information that the NGOs provided greatly enhanced the performance of the UK delegation in Geneva. We will continue these annual CHR-related exchanges with the London-based NGO community.

The work of the FCO's Human Rights Policy Department (HRPD) is only one aspect of our effort to promote human rights abroad. HRPD takes the lead on overall policy on human rights, on relations with multilateral bodies and on key thematic issues. However, individual departments and overseas posts monitor and take action on violations of human rights in the

countries for which they are responsible. In doing this they benefit from maintaining a regular dialogue with NGOs and civil society groups at organised events and on a more informal basis. In March 2004 the FCO's Eastern Department invited human rights NGOs, think-tanks and experts to a special event to discuss political reform in Russia. The China Hong Kong Department met with NGOs before and after the UK's bilateral dialogues with China on human rights in November 2003 and May 2004. In addition, many FCO officers are in more frequent, informal contact with NGOs that share an interest in particular geographical regions. We also benefit from NGO expertise at multilateral meetings. This year we have taken strong UK delegations, which included human rights NGOs and civil society groups, to the Organisation for Security and Co-operation in Europe (OSCE) conference in Berlin in April on anti-Semitism, and to the OSCE conference in Paris in June on the Internet and hate crimes. Jeremy Dear, General Secretary of the National Union of Journalists, joined the official UK delegation to the World Summit on Information Society (WSIS) in Geneva in December 2003. Through the EU we are pushing for civil society to participate fully in the next stage of the WSIS process due to be held in Tunisia in 2005.

HRPD runs a monthly one-day training course designed for all FCO officers. More than 200 officers of all grades completed the course in the past year. In June 2004 we updated our internal *Guidelines on Human Rights* and printed 1,000 copies. HRPD distributed this booklet to all departments and overseas posts. The FCO provides an advanced two-week human rights course for staff whose current and future jobs have a significant focus on human rights. This is run by the NGO JUSTICE and is taught by some of the UK's leading human rights academics, lawyers and NGOs. The course covers historical, philosophical and practical aspects of human rights, their link with democracy and good governance and their applicability to FCO staff. There is a regular one-day course on the Human Rights Act and the FCO's obligations under this. It covers the implications of the Act for the FCO's substantive work and also the implications for the FCO as an employer.

The FCO has two London-based human rights advisers, Harriet Ware-Austin and Peter Ashman. Both play a vital role in advising and guiding the work of HRPD. They also help to set strategic policy on human rights across the FCO and make a central contribution to decisions on FCO human rights related project work. Harriet Ware-Austin, who worked as the parliamentary officer for Amnesty International UK for 10 years, returned to HRPD this year after a short break (see box overleaf on Peter Ashman).

### Peter Ashman, human rights adviser

Peter Ashman joined the Human Rights Policy Department in May 2004. Peter Ashman is a lawyer who worked as legal officer for the NGO JUSTICE for 15 years. He then spent 12 years as director of the European Human Rights Foundation, a Dutch organisation that provides technical advice and management assistance to the European Commission (EC) on human rights and democracy programmes. For the past two and a half years, he worked in the EC as strategic planner for human rights and democracy. Peter is a founder member of the Stonewall Group and one of the founders of the International Lesbian and Gay Association. He brings a wealth of experience and expertise, in particular his knowledge of how the EU managed the process of mainstreaming governance and human rights into foreign policy and actions. He hopes that during his time in the FCO he will contribute to a similar process that will reflect good governance in the UK's agenda on co-operation and development with other countries.



Peter Ashman.

society and its direct contact with large numbers of young people create opportunities for increasing mutual understanding and demonstrating the UK's commitment to democracy, accountability and universal human rights.

In 2003-2004 the British Council spent an estimated £14 million of its grant-in-aid from the Government on governance and human rights projects. This work develops links and advances knowledge, skills and debate among academics, civil servants, the private sector, NGOs, civil society and the media in the UK and other countries. The British Council uses a variety of activities for its work, through its extensive overseas network, including international conferences, in-country training and consultancy, academic links, study tours, and information and learning provision.

The British Council also manages projects funded by the FCO's Global Opportunities Fund (GOF). In the past year, examples of these included a project in **Bulgaria** to assist the Bulgarian ministry of justice to develop an implementation and training strategy for the national probation service; and a pilot project in **Uganda** to incorporate human rights and citizenship education in 12 secondary schools.

## 2.2 Non-departmental public bodies

### The British Council

The British Council works through its network of 218 offices in 109 countries to enhance awareness of the UK's democratic values and processes. It also works in partnership with other countries to strengthen respect for good governance and human rights. The British Council's governance programme stresses the importance of human rights and access to justice for all members of society. This contributes to the UK's foreign policy objectives of spreading the values of human rights, civil liberties, democracy and the rule of law.

The British Council's reputation for impartiality is a critical factor in its ability to operate as an internationally valued and trusted partner. Its well-established networks in all sectors of

The British Council continued work on another project, now in its final year and funded by GOF, to build a network of national human rights commissions across the Commonwealth in order to share experience and best practice. As part of the project there were international workshops, in **Northern Ireland** on the effectiveness of international human rights institutions; in **Nigeria** on the relationship between human rights commissions and the legislature; and in **Ghana** on improving working relations between national human rights institutions and the media to promote and protect human rights. Additional projects are listed throughout this report.

Over the past year the British Council has promoted human rights by:



Bill Rammell MP, the Foreign Office Minister with responsibility for human rights.

## British Hajj Delegation

Over 21,000 British Muslims attended the annual Hajj pilgrimage in February 2004 to Mecca, Saudi Arabia, where over two million pilgrims perform one of the five pillars of Islam.

Since 2000 the FCO has worked in partnership with the Hajj Advisory Group, a committee of Muslim representatives from around the UK and FCO members, to select and organise the British Hajj Delegation. This year's delegation was once again led by Lord Patel of Blackburn and consisted of eight doctors, two counsellors and two members of staff from our Consulate General in Jeddah. They operated a clinic from a hotel opposite the Grand Mosque in Mecca and provided medical, pastoral and consular support to over 3,500 pilgrims.

This year we are implementing a new fundraising strategy with an external consultancy to supplement the FCO's core funding of £30,000. This will run alongside a review of the Hajj Advisory Group and build on the experiences of the last five years to ensure the successful organisation of future delegations.

- > linking people and organisations in the UK and overseas who are working to promote human rights;
- > strengthening human rights organisations; and
- > developing projects with partners overseas to promote human rights.

The British Council also draws on its expertise in information, arts, education and English language training to develop innovative ways of promoting and communicating human rights. In November 2003 the British Council organised a regional governance seminar in **Peru** for 18 countries in Latin America and the Caribbean. The seminar brought together 100 experts from the region and the UK to discuss freedom of information and aspects of the information society. In **Indonesia**, the BBC World Service Trust in collaboration with the British Council ran a series of workshops on conflict reporting for 180 journalists and editors from printed and electronic media in Medan, Banjarmasin, Surabaya, Makassar,

Manado and Jakarta. The aim of the project is to support the development of fair, free and independent media in Indonesia through practical training in conflict reporting skills.

The British Council plays an active role in citizenship education and human rights education. In September 2003 the British Council organised an international conference in Birmingham on citizenship education in the Commonwealth. In partnership with the Lithuanian ministry for education, the British Council in **Lithuania** published a book on citizenship education which is now being used in secondary schools throughout the country.

## Wilton Park

Wilton Park is the academically independent executive agency of the FCO. It holds about 50 residential conferences each year to promote international dialogue between parliamentarians, policy makers, NGOs and opinion-formers. The conferences cover key international policy issues and are normally held at Wilton Park's conference centre near Brighton, although some conferences are organised abroad.

Ideas for conferences come from a variety of sources. Wilton Park's independent Academic Council, comprising political, academic and business figures, meets twice a year to put forward suggestions for conference themes. The FCO is a major customer of Wilton Park and both commissions and supports many conferences. FCO support for Wilton Park conferences includes helping to find and sponsor speakers and participants.

Human rights is a priority at Wilton Park. During the last year the FCO supported conferences on a wide range of human rights issues that are closely related to FCO strategy. For example, the conferences 'Post-Conflict Justice: what lessons for the future?' (September 2003) and 'Transforming War Economies: challenges for peace-making and peace-building' (October 2003) addressed human rights protection following major violations of human rights and in situations of armed conflict. Other conferences included four that dealt with international development priorities that affect the realisation



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2.

1. Mike O'Brien MP, is Minister of State for Trade, Investment and Foreign Affairs.

2. Chris Mullin MP, is Parliamentary Under-Secretary. His ministerial portfolio includes Africa, the Commonwealth and UK Visas.



Foreign Secretary Jack Straw speaks with Ann Clwyd, the Prime Minister's Special Envoy to Iraq on human rights, at a news conference to launch our previous Annual Report on Human Rights in September 2003.

of economic, social and cultural rights, one on combating child abuse and another on the role of the UN Security Council. Further conferences considered human rights in regional or national settings, including South Asia, Iraq and Africa as well as two workshops on Kosovo. Delegates debated human rights during the British-German Forum (July 2003) and at the Young US-European Event (August 2003).

More information on Wilton Park conferences as well as reports on the conferences are available from Wilton Park's website: [www.wiltonpark.org.uk](http://www.wiltonpark.org.uk)

### Westminster Foundation for Democracy

The FCO established the Westminster Foundation for Democracy (WFD) in 1992 after the demise of the former Soviet Union to promote and support sustainable political change in emerging democracies. WFD is funded principally through a grant-in-aid from the FCO, currently £4.1 million for 2004–2005. As a non-departmental public body, WFD is independent of government and establishes its own strategy and priorities in line with those of the FCO. The FCO's Human Rights Policy Department manages the FCO's relationship with WFD.

WFD runs programmes to develop political parties across the political spectrum, through the political parties at Westminster. This work is complemented by parliamentary, civil society and other non-partisan initiatives. WFD's new strategy, adopted in 2003, is to run programmes which combine non-partisan activities with political work. WFD concentrates its efforts in Eastern Europe and Africa and is exploring opportunities for developing its work in the Middle East.

WFD's board of governors, which has 14 members, is constituted on a cross-party basis and appointed by the Secretary of State for Foreign and Commonwealth Affairs. There are six independent governors and eight political appointees: three Labour, three Conservative, one Liberal Democrat and one representative of the smaller parties. The board meets four times a year, chaired by Mike Gapes MP, who took up his appointment in August 2002.

WFD has 12 staff based in London. WFD's chief executive is David French, appointed in January 2003.

In the past year WFD has been funding projects to promote democracy and good governance in South East Europe, the former Soviet Union, Africa and the Middle East (see Chapter 8 for more details).

## 2.3 Other government departments

### Department for International Development

The Department for International Development (DFID) is the UK government department responsible for leading the UK's contribution to international efforts to promote sustainable development and to reduce poverty. DFID works in partnership with governments around the world and with civil society, the private sector and the research community. It also works with multilateral institutions, including the World Bank, UN agencies and the EU. DFID concentrates its assistance in the poorest countries of sub-Saharan Africa and Asia and also works to reduce poverty and achieve sustainable development in countries in Latin America and Eastern Europe.

The international community faces an enormous challenge. One in five of the world's population – 1.1 billion people – is still living on less than \$1 a day. More than one billion people do not have safe drinking water and two billion lack adequate sanitation. There are 104 million children who are not enrolled in school and some 10 million children die each year before their fifth birthday, largely from preventable diseases. The world population is rising and the HIV/AIDS epidemic continues unabated in many parts of the world.

The Millennium Development Goals (MDGs) provide the framework for action against poverty. These goals are to: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure



Iraq's interim Defence Minister Ali Allawi at a press conference with Defence Secretary Geoff Hoon, May 2004.

environmental sustainability; and develop a global partnership for development (for more details on MDGs see page 166).

Human rights and good governance have an important role to play. In adopting a rights-based approach to development, the UK recognises the important connection between successful long-term assistance and human rights and good governance. This recognises the need to give ownership to programmes, emphasising that poor people must play a role in their own development wherever possible. DFID has identified three core

principles of a human rights approach to development which are integral to achieving the MDGs: participation concerns enabling people to realise their rights to participate in the decision-making processes which affect their lives; inclusion concerns building socially inclusive societies, based on the values of equality and non-discrimination, through promoting all human rights for all people; and fulfilling obligations focuses on strengthening institutions and policies which ensure that obligations to protect and promote human rights are fulfilled by states and other duty bearers.

### A change in the FCO's Human Rights Policy Department

Jon Benjamin leaves the Human Rights Policy Department (HRPD) at the end of November after three years as its head. Human rights issues have run through his career since joining in 1986 with postings in Indonesia and Turkey and as desk officer for such countries as Burma, the Central Asian republics and Zimbabwe during previous stints in the FCO's head office in London.

Looking back, Jon says: "I recall keenly wanting this job from my earliest days in the FCO when it was only a very distant and, frankly, unlikely prospect. So, I was overjoyed to be appointed to it in January 2002. And I have never been disappointed by the challenge since. Although the last three years have not always been the easiest time to pursue the human rights agenda, it has been a real privilege to head HRPD and to work with dedicated colleagues who have a real passion for the issues they deal with. I'm particularly glad that, despite our occasional disagreements, the FCO in general and HRPD in particular have, during my time here, strengthened our links with NGOs, for example through our thematic panels, the legal profession and academia. I have really enjoyed a whole series of feisty debates with human rights students and practitioners throughout the UK.

"I am glad to leave this job in the very capable hands of Alex Hall Hall, a friend and contemporary from the same FCO intake. But I will miss this challenging portfolio and hope that human rights will continue to form an important part of my future postings both in London and overseas."

Alex Hall Hall will become the new head of HRPD in November after five years in Washington, including two years on secondment to the US Department of State, where she served first as a Special Adviser to the Assistant Secretary for Democracy, Rights and Labor, Lorne Craner, and most recently as Special Adviser to the Office of the Middle East Partnership Initiative, focusing on rule of law and women's empowerment issues. As with her predecessor, human rights have been a constant theme through her career, starting with her time as Burma desk officer during the 1988 uprising, and including two years as Head of UN Humanitarian Affairs section at the height of the Balkans conflict, and crises in Rwanda, Somalia, Angola, Sudan, Haiti, Afghanistan and Northern Iraq, as well as one year as Head of Middle East Peace Process section in 1998-1999. She worked on Burma, Cambodia and Vietnam during a posting to Thailand in the early 1990s, and on Colombia and Cuba during her time in Washington. Other assignments include the Cabinet Office European Secretariat, and Policy Planning Staff, where her duties included liaison with the Westminster Foundation for Democracy. Alex joined the office in 1986 from Durham University.

Alex is spending two months on attachments to NGOs and visits to key international human rights bodies in New York, Geneva, Strasbourg, Brussels, Vienna and Warsaw, as preparation for her new role in HRPD. She said: "I am delighted to be working in this field. Human rights and democracy promotion is one of those happy areas where our core values and our national interests coincide. My aim as Head of HRPD will be to strengthen the UK's reputation as a leading champion of human rights worldwide, working in partnership with NGOs, businesses and other governments who share our ideals".

DFID works closely with the FCO on developing the UK's international human rights policy in London, at international organisations and at our posts overseas. DFID staff work with Embassies and High Commissions to contribute to the FCO's country human rights strategies. Similarly, the FCO plays an important role in helping to develop DFID's country strategies.

### The Ministry of Defence (MOD)

The Ministry of Defence (MOD) promotes human rights as a central part of its Defence Diplomacy, one of its core missions. This mission states that the MOD will "dispel hostility, build and maintain trust and assist in the development of democratically accountable armed forces, thereby making a significant contribution to conflict prevention".

The MOD works closely with the FCO and DFID on regional conflict prevention strategies through the jointly-funded conflict prevention pools (for more details about the conflict prevention pools, see page 134). Through these initiatives, the MOD engages with other countries to promote democratically accountable armed forces that respect human rights within their own countries as well as when taking part in international peace support operations.

The British-led International Military Advisory Training Team (IMATT) in **Sierra Leone** is making significant progress in creating effective, democratically accountable and professional armed forces, which enjoy public trust. The team achieves its goals by working closely with DFID, the UN Mission in Sierra Leone and NGOs. An example of this work includes providing support to the Security Sector Reform (SSR) programme and the related Republic of Sierra Leone Armed Forces Command and Structure review. The IMATT played a key role in establishing the first recruitment and officer cadet course, which has since seen its first intake of students.

In **Indonesia** the MOD is assisting the Indonesian government with security sector reform. This programme engages a wide range of parties including the armed forces and defence ministry, the judiciary, police, parliament and academia. In **East Timor** the MOD has been helping the newly-formed armed forces to develop a discipline act governing the conduct of armed forces personnel, according to internationally accepted standards of behaviour.

The British Military Advisory and Training Team in West Africa has been working with **Ghana's** armed forces staff college since 1976 and is currently assisting the Ghanaians in the newly established Kofi Annan International Peacekeeping Training Centre, which opened on 24 January 2004. The centre provides a course on defence of human rights in peace support

operations. We are helping to create an appropriate armed force that can be drawn upon if conflict arises within the region, by educating the Ghanaian armed forces on how to conduct military operations with the utmost respect for human rights.

In **Kenya** the British Peace Support Training Team (BPSTT) has been training the Kenyan armed forces in SSR principles, to help create democratically accountable armed forces their nation can be proud of. British troops have also been involved in other humanitarian projects throughout Kenya. Specialist British troops travelled to Kenya to train Kenyan armed forces engineers in de-mining techniques. This programme has been highly successful, and we are now witnessing the Kenyan armed forces helping to de-mine the border between Ethiopia and Eritrea. This includes helping to build schools and developing water holes for villages. Our troops have also worked tirelessly to connect villages with stable and usable roads.

The MOD, FCO and DFID provide a range of assistance to **Nepal** under the Global Conflict Prevention Pool. This assistance emphasises the importance of the Law of Armed Conflict and observing human rights to the success of counter-insurgency operations. Broader UK counter-insurgency training contains a focus on human rights, in addition to specific assistance given to the Royal Nepalese Army human rights cell or to the police.

Defence Diplomacy also addresses the issue of civil control of the military. During 2004 approximately 70 students from 40 countries came to the UK to complete a seven-week postgraduate diploma course, Managing Defence in a Democracy. The MOD is exporting a shorter version of the course in 2004 to **Macedonia, Kenya, Chile and Sri Lanka**.

MOD civilian advisers continue to work mainly within partners' defence ministries, advising on defence management. Over the past three years, the permanently established civilian-led Defence Advisory Team (DAT) has provided in-country advice on defence reform. Good governance and democratic accountability are the guiding principles in activities such as the conduct of defence reviews, financial management and civil-military relations. The DAT is funded from the SSR Strategy and currently comprises military and civilian advisors from the MOD and a DFID senior governance adviser. It has recently expanded to include police and intelligence advisers, broadening the range of expert SSR advice available. The DAT aims to promote effective policy development and technical assistance to SSR in developing and transitional countries.

Defence Diplomacy will remain a key mission for the MOD. It provides the opportunity to strengthen international

## European Convention for the Prevention of Torture

The Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which the UK ratified in 1988, aims to prevent the ill-treatment of people who are deprived of their liberty. That work is carried out by a committee of independent experts, the European Committee for the Prevention of Torture (CPT), through a series of periodic and ad hoc visits. The Government welcomes the CPT's visits and co-operates fully with them.

The CPT has carried out nine visits to the UK. During its eighth visit to the UK in May 2003 the CPT visited places of detention in England, Scotland and the Isle of Man. In Scotland CPT members visited Glasgow Police Headquarters, Barlinnie Prison, and Carstairs State Hospital; on the Isle of Man, Douglas Police Headquarters and the Isle of Man Prison; and in England, Liverpool, Pentonville and Winchester prisons.

The most recent was a visit in March 2004 by members of the European Committee for the Prevention of Torture (CPT) to examine the treatment of people detained under the Anti-Terrorism, Crime and Security Act 2001 (ATCSA). The Act allows the detention of foreign nationals who are suspected of being terrorists and are believed to pose a risk to national security, but who, for legal or practical reasons, cannot be removed from the UK. In the course of their visit to the UK the CPT members held discussions with the Director General of the Prison Service as well as with officials in the Department for Constitutional Affairs who co-ordinated the visit, the Department of Health and the Home Office. The CPT visited Belmarsh High Security Unit, Woodhill High Security Unit and Broadmoor Special Hospital where people detained under the Act were being held. They spoke with the prisoners themselves as well as with members of staff. The Government has received the CPT's report on its visit and is formulating its reply. Both will be published later in 2004.

partnerships through shared interests and common respect for human rights and democratic principles. Defence Diplomacy provides valuable opportunities to promote these principles internationally within the defence community and to help engage the military and defence community with wider civil society.

### Department for Constitutional Affairs (DCA)

The Department for Constitutional Affairs (DCA) is responsible for human rights policy in the UK. Its Human Rights Division delivers guidance, training and publicity on human rights. It advises ministers; leads on human rights policy initiatives; takes an active interest in prominent human rights litigation; and helps other government departments develop their approach. It also maintains and develops the UK's position under various international human rights treaties. DCA is working in partnership with the Department of Trade and

Industry (DTI) to establish a Commission for Equality and Human Rights (for more details see box below).

### Protocol 13 to the European Convention on Human Rights

The UK abolished the death penalty in all circumstances, in peacetime and wartime, under the Human Rights Act 1998, the Crime and Disorder Act 1998 and the Armed Forces Act 2001. The UK ratified Optional Protocol 13 to the European Convention on Human Rights (ECHR) on abolition of the death penalty on 10 October 2003. Ratification of Protocol 13 and its incorporation into the Human Rights Act is the culmination of a process of abolition that began in 1965 with the Murder (Abolition of Death Penalty) Act. Protocol 13 abolishes use of the death penalty in all circumstances, including during times of war and imminent threat of war. No reservations or derogations are allowed under Protocol 13.

## Commission for Equality and Human Rights

On 30 October 2003 the UK Government announced its intention to establish a Commission for Equality and Human Rights. The Commission will combine the existing equality commissions for equal opportunity, race relations, and disability, and will promote three new strands of equality – sexual orientation, age, and religion and belief. Human rights will run across the Commission's remit and be promoted as a separate topic.

The Commission will have powers to promote equality and human rights; to undertake general investigations; to review legislation; and act as a centre of excellence for equality and human rights issues. It will also be able to enforce legislation to protect against discrimination;

support important discrimination cases in court; and support networks of organisations throughout the country to promote a deeper culture of equality and respect for human rights.

A task force, including NGO representatives and representatives from business, has finished its series of discussions about the new commission and published its recommendations to the Government. Patricia Hewitt, Secretary of State for Trade and Industry, and Lord Falconer of Thoroton, Secretary of State for Constitutional Affairs, jointly launched a White Paper, *Fairness For All*, on 12 May 2004. A Bill is being drafted, with the intention of its being introduced as soon as parliamentary time allows.

Following the Protocol's ratification and entry into force, the Secretary of State for Constitutional Affairs will amend the Human Rights Act 1998 (by Affirmative Order) to ensure that Protocol 13 is read as one of the scheduled Convention Rights. He will seek parliamentary approval for the necessary Order under section 1 (4) of the Human Rights Act 1998.

### Review of the UK's ratification of international human rights instruments

The UK Government has carried out a Review of International Human Rights Instruments in the light of experience of the Human Rights Act; the availability of existing remedies within the UK; and law and practice in other EU member states. Departments reviewed the UK's position on the following UN and European instruments:

#### UN instruments ratified

- > ICESCR (International Covenant on Economic, Social and Cultural Rights)
- > ICCPR (International Covenant on Civil and Political Rights)
- > ICERD (International Convention on the Elimination of all forms of Racial Discrimination)
- > CEDAW (Convention on the Elimination of all forms of Discrimination Against Women)
- > CRC (Convention on the Rights of the Child)
- > CRC Optional Protocol AC (Involvement of Children in Armed Conflicts) – ratified on 24 June 2003

#### Instruments signed but not ratified

- > CRC Optional Protocol SC (Sale of Children, Child Prostitution and Child Pornography)

#### Provisions for the right of individual petition under

- > ICCPR Optional Protocol
- > CEDAW Optional Protocol
- > Convention Against Torture Optional Protocol
- > Declaration under Article 22 of the UN Convention Against Torture
- > Declaration under Article 14 of ICERD

#### European instruments ratified

- > Protocol 1, European Convention on Human Rights
- > European Convention on the Legal Status of Children born out of Wedlock

#### Instruments signed but not ratified

- > Protocol 4, European Convention on Human Rights
- > Convention on the Participation of Foreigners in Public Life at Local Level

#### Instruments not signed and not ratified at the beginning of the Review

- > Protocol 7, European Convention on Human Rights
- > Protocol 12, European Convention on Human Rights
- > Protocol 13, European Convention on Human Rights – ratified 10 October 2003
- > European Convention on the Exercise of Children's Rights
- > Convention on Human Rights and Biomedicine
- > Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine on the Prohibition of Cloning Human Beings

DCA led the review in consultation with other government departments and outside organisations with a human rights interest, including NGOs. The review body of representatives from government departments met on six occasions and there were several smaller meetings between departments.

In July the Government announced the conclusion of its review of international human rights treaties. The review had looked at 67 reservations, interpretative declarations and treaties unsigned and unratified. The outcome of the review included acceptance of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This is the first time that the UK has decided to accept an individual petition mechanism under one of the core UN human rights treaties. This means that people in the UK will be able to take complaints about discrimination against women directly to the UN body that monitors the treaty (see page 231 for details).

Other outcomes in the review include ratification of the Optional Protocol to the Convention on the Rights of the Child on the use of children in armed conflict and the Optional Protocol to the Convention Against Torture, which would establish a system of regular visits by independent national and international bodies to places of detention in signatory states. The review also agreed to extend the European Convention on Human Rights to the Sovereign Base areas in Cyprus and void a number of long standing reservations in respect of territories formerly under UK jurisdiction.

### Ministerial/ NGO forum

The DCA maintains an on-going discussion with NGOs about human rights policy through its Ministerial Forum on Human Rights. David Lammy MP chairs the Forum. It has discussed progress on the Review of International Human Rights Instruments, followed up recommendations by international monitoring bodies such as the UN Human Rights Committee and discussed general policy issues arising from the Human Rights Act. The core membership consists of the principal organisations concerned with promotion of human rights within the UK: Amnesty International, the Bar Human Rights Committee, the British Institute of Human Rights, Charter 88, the Commission for Racial Equality, the Committee on the Administration of Justice, the Disability Rights Commission, the Equal Opportunities Commission, the Institute for Public Policy Research, JUSTICE, the Law Society, the Law Society of Scotland, Liberty, the Northern Ireland Human Rights Commission and the Scottish Human Rights Centre. The Forum meets at least three times a year and recently established a sub-committee to monitor progress within the UK, the UK Crown Dependencies and the UK's Overseas Territories against recommendations by international treaty monitoring bodies.

### Reporting to the UN

DCA's Human Rights Division is responsible for co-ordinating the UK's reports to the UN under the Convention Against Torture (CAT). On 12 November 2003 the UK submitted its fourth formal report to the UN. NGOs taking part in the DCA Ministerial Forum on Human Rights were invited to comment on an early draft of the report. They provided helpful commentary which improved the range and quality of the report. The UN intends to examine the UK's fourth report in November 2004.

### Home Office

The Home Office works closely with the Foreign Office to promote human rights, democracy, good governance and the rule of law. This takes many forms. In this chapter we examine the role of police officers in providing expertise abroad. In Chapter 5, we also examine UK asylum policy, the non-suspensive appeal process and migration partnerships.

UK police officers play an important role in the international community's work in establishing, training and advising local civilian police forces. The UK currently provides 168 serving and 41 retired UK police officers to UN, OSCE and EU international peacekeeping missions in Bosnia, Kosovo, Serbia and Montenegro, Macedonia and East Timor. Their role is to assist the transfer of security from military and peacekeeping operations to state-owned civilian police forces. A key aspect of their work is to provide expertise in democratisation and on protecting human rights and minorities.

The European Union Police Mission (EUPM) in **Bosnia and Herzegovina** (BiH) began operations on 1 January 2003. EUPM was the first EU civilian operation initiated under the European Security and Defence Policy and followed the end of the mandate of the UN's International Police Task Force (IPTF). Operating within a wider framework addressing rule of law, EUPM will work until December 2005 on developing the BiH police force to the highest European and international standards. It aims to establish a fully independent police institution in BiH that respects human rights and provides the necessary security to the society it serves. It monitors and mentors middle and senior ranking police officers, in contrast to the IPTF which provided basic training and monitoring at the grass roots level. There has been much positive feedback and EUPM has recorded some high profile successes, notably against the trafficking of women and against car crime. The UK is contributing over 50 police officers to EUPM's international contingent of 481 police officers.

In **Macedonia** the EU launched its second civilian policing mission, Proxima, on 15 December 2003 at the invitation of the late President Boris Trajkovski. Proxima works closely with international organisations such as the OSCE and the Macedonian authorities to develop an efficient and professional police service in Macedonia. The one-year mission is progressing well. EU police experts are monitoring, mentoring and advising Macedonia's police in addition to promoting European standards of policing. Proxima is also helping to implement the comprehensive reform of the ministry of interior and helping to establish a border police as a part of the wider EU effort to promote integrated border management. The UK is currently contributing three retired police officers and four civilians to the mission.

UK police officers have essential experience and training in modern policing and crime fighting methods, ethics and community policing. The UK has pledged a maximum 475 police officers through the EU for international civilian crisis management operations. Within that total a maximum of 40 officers could be deployed at 30 days' notice. This figure was negotiated between the Home Office, the FCO and police

organisations. It is given subject to the provisos that it is a voluntary contribution; that it depends on finding sufficient volunteers; and that it is subject to domestic policing priorities and circumstances.

The UK has also seconded police officers to train their Iraqi counterparts in the basics of civilian policing principles and practices. Thirty-nine British police officers are currently working in the police academies in Basra and in Baghdad. An additional 62 serving officers and eight retired officers are training Iraqi police officers in Muwaqua training college in Jordan.

The Prison Service sometimes lends experts to other countries through the FCO or the Council of Europe. They provide advice and examples of best practice. Officials from other countries visit the UK and the Prison Service hosts visits at its headquarters and other establishments. There is no structured exchange scheme in place at the moment.

### Department of Trade and Industry (DTI)

The UK Government's commitment to human rights is reflected in its export licensing system. We have one of the strictest and most transparent export licensing regimes in the world. We assess all export licence applications case by case against the consolidated EU and national arms export licensing criteria and other announced government policies. Criterion two addresses internal repression and makes specific reference to "the respect for human rights and fundamental freedoms in the country of final destination". The UK Government will not issue an export licence if it judges that there is a clear risk that the proposed export would contravene any of the criteria or any other announced UK policy.

The Department of Trade and Industry (DTI) is the licensing authority for the export of arms and other items controlled for strategic reasons. The DTI circulates all relevant licence applications to other government departments with a policy interest, including the FCO, the MOD and DFID. The Government publishes details of UK export licensing decisions, together with the criteria and international commitments against which it made these decisions, in its *Annual Report on Strategic Export Controls*, available from the FCO website: [www.fco.gov.uk/sanctions](http://www.fco.gov.uk/sanctions)

The Government is committed to maintaining the highest standards of export licence decision-making, including a full assessment of human rights considerations. The latest export control legislation, the Export Control Act 2002, complements the on-going review of the EU Code of Conduct and the Government's regular interaction with other countries encourage them to adopt stricter and more transparent arms export policies, and has further strengthened the UK's position as

having one of the world's most robust export licensing regimes. Implementation of the Act was completed on 1 May 2004.

The Act enshrines in primary legislation the UK's commitment to human rights. It specifies that the Government "must give guidance about the general principles to be followed when exercising licensing powers" and that this must include guidance on issues relating to "breaches of international law and human rights". The consolidated criteria, as outlined above, constitute this guidance.

The Act is a significant step forward in the UK's commitment to human rights. The Act includes new trafficking and brokering controls covering British nationals anywhere in the world who traffick or broker arms to embargoed destinations and torture equipment to any destination. There are also controls covering the trafficking and brokering of military equipment, including relevant spares and parts, to any destination, where any part of the activity takes place in the UK. Licence applications under these new controls are considered in the same way as export licence applications, on a case-by-case basis against the consolidated EU and national arms export licensing criteria and any other announced government policies. These are extremely far-reaching controls which will help us to prevent the UK from being used as a base for irresponsible and immoral trafficking or brokering of arms for use in conflict zones and other sensitive areas, or to abuse human rights.

We are active in encouraging other countries to follow our standards. We led on efforts to agree an EU Common Position on arms brokering, agreed on 23 June 2003, and on work towards the Elements for Effective Legislation on Arms Brokering, agreed at the Wassenaar Arrangement plenary session in December 2003.

The UK has been pressing for EU-wide controls on torture equipment to match those which we introduced in 1997. These banned the export from and transshipment through the UK of equipment which had been shown to be used for torture and other cruel, inhuman or degrading treatment or punishment. On 30 December 2002 the European Commission made a proposal for a Council Regulation on trade in equipment related to torture and capital punishment. Discussions of the proposal are continuing in Brussels.

The DTI co-ordinates with business and other Government departments in developing standards of corporate social responsibility in the UK. It works closely with the FCO in helping to promote these standards to UK businesses and internationally.

### Women and Equality Unit

The UK promotes women's rights through negotiating resolutions and other key documents in the international arena. The Ministers for Women promote gender equality throughout government policy with the support of the Women and Equality Unit (WEU), based in the Department for Trade and Industry. The WEU liaises across Whitehall on international policy relating to gender equality to help co-ordinate and represent the UK's position on women's issues. The FCO and WEU work together particularly closely at the UN Commission on the status of women to which the UK was re-elected in May 2004 (for information on WEU's work see Chapter 9.)

### The Department for Education and Skills (DfES)

The Department for Education and Skills (DfES) works closely with the Council of Europe on promoting human rights and citizenship in education.

The DfES continues to play a central role in the Council of Europe's flagship project Education for Democratic Citizenship and Human Rights Education (EDC). The project is now in its third phase from 2004–2007. The aim of this phase is to disseminate the outcomes of the first two phases which produced definitions and concepts from 1998–2001 and examined the nature of policies and practices across member states from 2001–2004. A vital part of the third phase is designating the European Year of Citizenship, which will encourage citizenship and human rights education in member states and bridge the gaps between policy ideals and actual practice.

The DfES is also working with the Council of Europe on the EDC project's policy development, teacher training and networking. More information on these activities is available on the Council of Europe's website at [www.coe.int](http://www.coe.int)

### The Department for Work and Pensions (DWP)

DWP leads on UK relations with the International Labour Organisation (ILO), the UN specialised agency promoting internationally recognised human rights for workers through conventions that are legally binding on those countries that ratify them. DWP co-ordinates the UK's engagement with the ILO and pays the annual assessed contribution, which for 2003 was £8.51 million. Our priorities are to ensure that the ILO produces effective, workable and international instruments that protect and safeguard workers' rights and can be ratified by countries worldwide. DWP promotes UK labour policies and stresses the importance of work and jobs creation in reducing poverty.

DWP's Disability Unit leads on disability issues and represents the UK on these matters in Europe and elsewhere.

Developments and initiatives in 2003 have made a positive contribution to disability rights. These include the European Year of Disabled People, the publication of the draft Disability Discrimination Bill and constructive developments on the UN's proposals for an International Convention on the Protection and Promotion of the Rights of People with Disabilities (for more details see page 215).

## 2.4 Working with business

All companies have a responsibility to conduct their business ethically. This means taking into account human rights as well as the impact a company's operations may have on local communities and environments. In practice, businesses have found clear benefits from greater social and environmental involvement. By taking these issues seriously they bring benefits to society while enhancing their own reputation, improving competitiveness and strengthening their risk management.

Government has a role in encouraging and stimulating corporate social responsibility (CSR). The UK Government encourages businesses to take full account of their economic, social and environmental impacts and to address challenges of sustainable development that relate to their operations. About 80 per cent of FTSE-100 companies now provide information about their environmental performance or social impact. Many UK companies are regarded as trendsetters for CSR initiatives in areas such as community engagement, provision of anti-retroviral drugs to HIV/AIDS sufferers and local empowerment in Africa. British NGOs, including human rights NGOs, the Prince of Wales's International Business Leaders Forum and Business in the Community, play an active role in the CSR debate. The FCO raises awareness of CSR issues with its staff at home and overseas. Some overseas posts have held seminars to raise awareness of CSR in their host countries. CSR is a core element of the FCO's training courses on human rights and environment, and all commercial staff receive training in CSR before taking up overseas postings.

The UN Global Compact incorporates nine core principles covering human rights, environment and labour issues. It encourages companies to incorporate these principles into their business strategies and expects them to report annually on their performance against the principles. Some 29 UK companies have signed up to it and many of the NGOs involved with it are based in the UK. Through the FCO, the UK contributes to the cost of the activities of the Global Compact Office in New York. A growing network of in-country groups around the world help to raise awareness and increase implementation of the principles.

Within the UK the Department of Trade and Industry (DTI) promotes the Organisation for Economic Co-operation and Development's (OECD) *Guidelines for Multinational Enterprises* as a code of conduct for international business. Through its overseas posts the FCO further promotes the guidelines to non-adherent countries and to companies operating abroad. We encourage all companies operating in the UK and British companies operating overseas to work in accordance with the guidelines. They reflect what are increasingly seen as universal standards of behaviour and values in human rights and labour relations, to which we believe companies should aspire, going beyond minimum standards that may be enshrined in local law. They are not a substitute for local law however. The UK's national contact point is based at the DTI. A DTI webpage on the OECD Guidelines is available at: [www.dti.gov.uk](http://www.dti.gov.uk)

### Corporate social responsibility (CSR) at the Commission on Human Rights

At the 2004 UN Commission on Human Rights (CHR) the UK worked alongside a cross-regional group of 25 states to reach a decision that would keep CSR on the CHR agenda, while clarifying some of the problems in an initial set of draft norms drawn up in August 2003 by the Sub-commission on the Promotion and Protection of Human Rights to cover the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.

The decision confirms the importance of the question of corporate responsibility with regard to human rights. It requests the Office of the High Commissioner for Human Rights (OHCHR), in consultation with all relevant stakeholders, to compile a report on the scope and legal status of existing initiatives and standards including the draft norms and to identify outstanding issues. The decision

asks for this report to be submitted to the CHR next year so it can identify options for strengthening standards of corporate responsibility and their implementation. The decision also affirms that the Sub-commission document containing the norms is a draft proposal, has no legal standing and should not be monitored by the Sub-commission. Twenty-five states co-sponsored the text, including South Africa, Nigeria, Mexico, Japan, Bangladesh, Croatia, Australia, Guatemala, Norway, France and Sweden.

The OHCHR is in the process of compiling its report. The UK Government is consulting with a range of stakeholders including NGOs and business leaders before feeding its views into this process. The Government looks forward to the report's publication and to working with a cross-regional group of states in order to move the issue of CSR forward at next year's CHR.

Prime Minister Tony Blair launched the Extractives Industry Transparency Initiative (EITI) at the World Summit for Sustainable Development in Johannesburg in September 2002. DFID is responsible for promoting the initiative worldwide, supported by the FCO. The initiative aims for greater transparency of company payments to governments and government-linked bodies. By increasing people's knowledge of revenues, we empower citizens and institutions to hold governments to account and we make it more difficult for companies to mismanage or divert funds. The initiative will benefit developing and transition economies by improving the business environment, helping them to attract foreign direct investment. There has been progress in all the pilot countries, Azerbaijan, Georgia and Nigeria and in April 2004 we expect to see the first publications of payments received by governments.

Implementation of the EITI is continuing in the pilot countries. In Azerbaijan audit companies are considering the technical aspects of the collation process and a civil society coalition has been set up to discuss the results when they become available. In Nigeria an independent financial and operational (value for money) audit of extractives industries is pending. In the last six months many more countries have volunteered to implement EITI. Trinidad and Tobago and the Kyrgyzstan are already implementing the initiative and we expect Chad, Timor Leste, São Tomé and Príncipe, Niger, Gabon and Congo Brazzaville to begin implementation shortly. We have also had discussions with Georgia, Angola, Equatorial Guinea and Cameroon. The Cameroon government hosted an EITI conference for the Economic and Monetary Committee of Central African (CEMAC) states in Yaoundé in June 2004.

### The Voluntary Principles on Security and Human Rights

The UK and the US jointly launched the Voluntary Principles on Security and Human Rights in December 2000. The Principles provide practical guidance for extractive companies operating in zones of conflict. They aim to ensure that company measures to protect the security of their personnel and facilities are taken in a way which guarantees respect for human rights.

The Principles were developed through consultation with companies in the oil, gas and mining sectors and NGOs. In the short-term they aim to encourage companies to understand better the environments in which they operate. The long-term goal is to create an improved environment for sustainable economic investment and human rights. Participants in the Principles hold regular meetings to discuss their implementation and to exchange best practice. They have also established working groups in two priority countries, Colombia and Indonesia. In these countries high levels of foreign investment in oil, gas and mining combined with domestic

## Who Cares? – A BBC World Service Trust project

The BBC World Service Trust's Who Cares? project, funded by the Ford Foundation, used radio programmes in Spanish and Portuguese to ask Who Benefits? from CSR initiatives in Latin America. BBC World Service producers visited a wide range of enterprises, from indigenous coffee farms to initiatives involving large corporations, recording the stories of the people involved. The programmes included expert comment and analysis from journalists and academics in the region. Dedicated websites in both languages gave more detailed information on the topic and follow-up studio debates further explored the pros and cons of CSR in Latin America. To encourage continued interest among the local media, there were training seminars for journalists in Mexico, Peru and Brazil.

tensions have previously led to violent incidents that the Principles are designed to prevent. Visits were planned for Nigeria and Indonesia during 2003. The visits have been postponed until later this year, however, following consultations with our posts and some Voluntary Principles participants.

The number of participants in the Voluntary Principles process has increased. The Dutch and Norwegian governments joined in 2002 and in the last two years the following companies and NGOs have also become participants: Norsk Hydro, Statoil, BHP Billiton, BG Group, Amerada Hess and Pax Christi.

## 2.5 The UK's Overseas Territories

The 14 Overseas Territories each have a written constitution which establishes a framework within which their local governments manage their affairs. The UK retains responsibility for the Territories' international affairs, including for compliance with their obligations under those human rights conventions that have been extended to them.

The constitutions of most include basic civil human rights guarantees and provisions to preserve the independence of the judiciary and protect the public service from political and other pressures.

Our 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 therefore expect the governments of the Territories to promote human rights in their domestic policy.

We want to see the six core UN human rights Conventions extended to all the populated territories. Most of the Conventions have already been extended (see table overleaf). We are currently seeking confirmation from the British Virgin Islands, Cayman Islands and Turks and Caicos Islands that they

will agree to accept re-extension of the right of individual petition under the European Convention on Human Rights. The right of individual petition exists in all the other populated Territories except Pitcairn, where the UK Human Rights Act (HRA) has to-date been taken to apply so far as practicable. The application of the HRA is among questions currently before the Pitcairn supreme court. Relevant provisions of the European Convention on Human Rights were extended to the Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus on 1 May 2004.

In 2001 we commissioned a UK-based consultancy to report on human rights observance in the Overseas Territories. This revealed encouraging developments such as the establishment of official human rights committees in a number of Territories and increasing involvement by civil society as a whole.

The research also highlighted certain areas of concern, such as child protection and domestic violence, labour rights, the status of long-term residents and the low level of public awareness of individuals' rights.

In light of this research we are discussing with Territory governments how we might support them in raising human rights standards. DFID has proposed the appointment of a human rights adviser to assist local capacity-building by, for example, arranging human rights awareness training for government officials, police and social workers. In response to our concerns about the incidence of child abuse in some Territories, we are also seeking commitment by the Territories to a four-year strategy to raise standards of child protection in line with the requirements under the UN Convention on the Rights of the Child. The strategy would complement the technical assistance that Anguilla, British Virgin Islands, Montserrat and Turks and Caicos Islands are receiving from the UK children's charity National Children's Home (NCH) under a four-year (2001–2005) FCO-funded project. The NCH is advising the four territories on child welfare standards and associated management systems and training. We are looking at extending NCH technical assistance to the Cayman Islands and St Helena.

Our concerns over access to legal aid in some of the Overseas Territories led to the FCO funding a study by the Cayman Islands' Law School into low-cost funding options for legal aid.

Many of the Territories' prisons are overcrowded and it is clear that greater use could be made of alternatives to custody, a move that is supported by the judiciary in the Territories. The FCO funded an external study of the alternatives to custodial sentencing of offenders in the Caribbean Overseas Territories and Bermuda. The study considered cost-effective alternatives such as curfew orders, exclusion orders, periodic custody orders and community service orders that would be applicable in small

jurisdictions. The two studies into legal aid and custodial sentences were discussed at the annual conference in February 2004 of Overseas Territory Attorneys General, chaired by the Attorney General of England and Wales. Follow-up work is now being considered.

The FCO spent a total of £114,587 on human rights-related activities in the Overseas Territories in the financial year 2003–2004.

### Overseas Territories with a resident population

	Population
Anguilla	12,738
Bermuda	64,482
British Virgin Islands	21,730
Cayman Islands	41,934
Falkland Islands	2,967
Gibraltar	29,400
Montserrat	8,995
Pitcairn Islands	45
St Helena and Dependencies	5,178
Turks and Caicos Islands	19,350

### Overseas Territories: human rights instruments ratification table

Treaty	UK	Ang	Ber	BVI	Cay	Gib	Fal	Mon	StH	Pit	TCI
ICCPR	•		•	•	•	•	•	•	•	•	•
ICESCR	•		•	•	•	•	•	•	•	•	•
European Convention on Human Rights	•	•	•	•	•	•	•	•	•		•
CAT	•	•	•	•	•	•	•	•	•	•	•
CRC	•	•	•	•	•		•	•	•	•	•
CEDAW	•			•			•				•
CERD	•	•	•	•	•	•	•	•	•	•	•
Convention on Prevention and Punishment of Genocide	•		•	•		•	•		•	•	•
Geneva Conventions I, II, III IV (1949)	•	•	•	•	•	•	•	•	•	•	•
European Convention for Prevention of Torture	•					•					
Convention on Abolition of Slavery	•	•	•	•	•	•	•	•	•		•
ILO Convention No.182 Worst Forms of Child Labour (UK ratified 2000)	•										
ECHR Protocol No. 1 (Possessions/Education/Elections)	•		•	•	•	•		•	•		•

# HUMAN RIGHTS and Europe



A Polish man celebrates the enlargement of the European Union, shortly after midnight on 1 May 2004.

Throughout this Annual Report we give details of how the UK works bilaterally, through both project work and political dialogue, to promote human rights around the world. We are willing to engage constructively in debate on how to improve the international framework of human rights and ready to commit resources on the ground. We hope that one result of this is that the UK's human rights expertise is widely acknowledged and respected both by other governments and by broader civil society.

There are many occasions, however, where the influence of the UK, and thereby the chances of gaining real improvements in human rights, is enhanced by working in concert with our partners in the European Union (EU). Respect for human rights is a core concern of the EU. All existing and potential members of the EU must meet the Copenhagen Criteria, which require each country to achieve stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. Every member of the EU has ratified the European Convention on Human Rights. Since 1 May 2004 when 10 new member states acceded, the EU has become the world's single largest trading bloc. Through its common foreign and security policy the EU can represent 25 countries, over 450 million people and, when combined, the largest economy in the world. Together, these countries provide over half of the world's development assistance, and all now recognise the importance of good governance for achieving sustainable impact through this assistance. Such a grouping can carry immense weight in ensuring respect for human rights in third countries and internationally.

In this chapter we begin by looking at how the EU's common foreign and security policy has operated over the last year in the field of human rights, including how the EU has made human rights a part of any agreement it has concluded with a non-EU state. We also look at the EU's funding of human rights projects through the European Initiative for Democracy and Human Rights (EIDHR). We then look more closely at the potential next stage of EU enlargement and give assessments of the human rights situation in some of those countries that want to join the EU – Bulgaria, Romania, Turkey and the Balkan states.

Finally, we look at two other important organisations with a European focus. The Organisation for Security and Co-operation in Europe (OSCE) lists among its founding principles respect for human rights and fundamental freedoms, including freedom of thought, conscience, religion and belief, as well as the equal rights and self-determination of peoples. Although the OSCE's decisions are not legally binding, it has the advantage, unique outside of the UN, of bringing together political figures of the highest standing from North America, Europe and Central Asia to discuss these important issues. The Council of Europe includes human rights and democracy as a core part of its

mission. At the heart of its work on human rights are the European Convention on Human Rights and the European Convention for the Prevention of Torture. These two treaties remain the most effective regional human rights instruments in the world.

### 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**

Human rights are central to the EU's relations with non-EU countries. 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 25 member states of the EU can be more effective than bilateral action. It is through the CFSP that member states will agree a common policy towards other countries, working at one or more of three levels:

- > ministers and officials of the 25 member states agree policies and make declarations and statements on events in non-EU countries;
- > officials of member states agree common negotiating positions in human rights discussions in other international organisations such as the UN; and
- > embassies of EU member states in other countries identify human rights concerns, deliver démarches and lobby their host governments on human rights issues.

The EU is committed to raising human rights issues in all relevant meetings with other countries, at all levels. The EU includes a human rights clause in many agreements with states, for example in the Cotonou Agreement (see page 96 for more details). The human rights clause promotes dialogue in human rights and also carries the possibility of adverse consequences if human rights are violated. The EU has invoked the clause in certain cases and suspended aid as a result in countries such as Zimbabwe, Haiti and Liberia.

The EU has dedicated human rights dialogues with Iran and China and launched a human rights dialogue with a number of southern Mediterranean countries in 2003. At these dialogues the EU raises concerns about specific human rights issues, such as co-operation within the UN framework, economic, social and cultural rights, freedom of expression, freedom of association,

freedom of religion and belief, torture and the death penalty. The EU also uses the opportunity to highlight individual cases of concern. We are, however, aware that some critics doubt the effectiveness of these dialogues as an instrument for change.

The UK aims for a coherent EU approach to human rights. To this end, we have pressed for close consultation with EU partners before sessions of the UN Commission for Human Rights (CHR) and the UN General Assembly Third Committee.

CFSP employs 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 instruments focus on human rights or contain substantial human rights elements. Common Strategies set out EU objectives towards a third country. The Common Strategies on Russia, Ukraine and the Mediterranean region stress that their relations with the EU must be based on shared values, consolidation of democracy and the promotion of human rights.

Joint Actions set out specific EU operational action. In December 2003 the EU adopted a Joint Action on its second civilian policing mission, Proxima, in Macedonia at the invitation of President Boris Trajkovski. Proxima supports the development of a professional police service and promotes European standards of policing. In partnership with the Macedonian government, EU police experts monitor and advise the country's police. Initially set up for one year only, Proxima works closely with other international organisations, including the Organisation for Security and Co-operation in Europe (OSCE).

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. The EU retained restrictive measures such as economic sanctions, assets freeze, visa bans and arms embargoes on members of the military regime in Burma following a violent attack on Daw Aung San Suu Kyi and her supporters in May 2003. The EU extends Common Positions imposing restrictive measures annually against countries such as Zimbabwe and Liberia, if it remains concerned about their human rights records.

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 actions and frequently addresses human rights. Démarches are carried out either by the presidency of the EU, the Troika or, in cases of extreme concern, by all member states. They are sometimes confidential but are often supplemented by a public declaration calling on a government

to respect human rights or welcoming positive developments. Such statements often attract considerable media attention.

During 2002–2003, the EU carried out human rights démarches on: Afghanistan, Algeria, Angola, Armenia, Bangladesh, Barbados, Belarus, Belize, Benin, Botswana, Burkina Faso, Burma, Burundi, Cambodia, Cameroon, Chad, China, Côte D'Ivoire, Cuba, the Democratic Republic of Congo (DRC), Djibouti, East Timor, Egypt, El Salvador, Ethiopia, Equatorial Guinea, Gabon, Ghana, Georgia, Guatemala, Guinea Bissau, Haiti, Honduras, India, Indonesia, Iran, Israel, Japan, Jordan, Kenya, Kuwait, Laos, Libya, Malaysia, Mauritania, Moldova, Mozambique, Namibia, Nepal, Nigeria, the Palestinian Authority, Pakistan, the Philippines, the Russian Federation, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Singapore, South Korea, Sri Lanka, Sudan, Swaziland, Syria, Tajikistan, Thailand, Togo, Tunisia, Ukraine, Uganda, the US, Uzbekistan, Vietnam, Zambia and Zimbabwe.

In the same period, the EU made declarations related to human rights on: Afghanistan, Angola, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Bolivia, Brazil, Burma, Burundi, Cameroon, Central African Republic, China, Colombia, Côte d'Ivoire, Croatia, Cuba, East Timor, Egypt, Equatorial Guinea, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (now Serbia and Montenegro), Guinea Bissau, Haiti, India, Indonesia, Israel, Jamaica, Kazakhstan, Liberia, Madagascar, Malaysia, Moldova, Morocco, Nepal, Nigeria, the Palestinian Authority, Qatar, the Russian Federation, Sierra Leone, Somalia, Sri Lanka, Sudan, Syria, Togo, Turkey, Turkmenistan, Venezuela, Yemen and Zimbabwe.

NGOs and civil society play an important role in CFSP. The main EU working group on human rights, COHOM, meets with NGOs both before and after the CHR. NGOs were closely involved in the preparation of the EU's Guidelines on Children and Armed Conflict, adopted in December 2003. NGOs also participated in round-table discussions during sessions of the EU-Iran human rights dialogue. There is an annual EU-NGO human rights forum each December.

All these EU actions are explained fully in the EU's annual report on human rights, available at: [www.europa.eu.int](http://www.europa.eu.int)

### **EU trade agreements and development co-operation**

The EU's system of agreements with other countries has evolved over the years. The agreements vary in their terms, but since the early 1990s the EU has included a human rights clause in all its bilateral trade and co-operation agreements with third countries. These include association agreements such as the Europe Agreements with accession countries, the Euro Mediterranean Agreements with countries in North Africa and the Near East, and

## The Charter of Fundamental Rights

At the 2004 June European Council in Brussels, EU heads of state and government agreed to include the Charter of Fundamental Rights in the EU Constitutional Treaty. If the Treaty is ratified, this will give the Charter, originally drawn up as a political declaration at the 2000 Nice European Council, legal status for the first time.

The UK Government believes that we should welcome the Charter of Fundamental Rights. The Charter makes plain to EU institutions the citizens' 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. Following incorporation of the Charter, the institutions, bodies and agencies of the EU will be bound to recognise those rights in exercising any of their powers. 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 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 52(5), and not as justiciable fundamental rights. In addition, some of the Charter's provisions are subject to national laws and practices, as stated in the Charter.

The Charter creates no new powers for the EU, nor does it alter any of the EU's existing powers. It will only apply to 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/](http://www.europarl.eu.int/charter/).) These explanations are now the subject of a specific duty, placed directly upon the courts, and requiring the courts to give them due regard.

As the Charter is part of the EU Constitutional Treaty, it will only come into force once the 25 member states have ratified the Treaty, which is planned for the end of 2006.

the Cotonou Agreement with the 77 African, Caribbean and Pacific (ACP) states. Since 1995 all bilateral agreements of a general nature have contained the human rights clause, which include:

- > 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 extend its network of agreements with human rights provisions, and to use these provisions as a basis for dialogue on human rights 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 2003–2004 the EU renewed its suspension of aid to Zimbabwe, Haiti and Liberia. The EU opened consultations with the Central African Republic (CAR) following a

coup in May 2003. During these consultations the new President, François Bozizé, committed to establishing a multi-party governing body and to plan elections. The EU continues to monitor the situation and will maintain a partial suspension of assistance until the government addresses the problems with human rights, democracy and the rule of law. The EU has opened new consultations with Guinea, Guinea Bissau and Togo.

The EU's Co-operation Agreement with Pakistan came into force in April 2004, including a human rights clause. In December 2003 the EU signed Political Dialogue and Co-operation Agreements with human rights provisions with the countries of Central America and the Andean Community. Negotiations also continued on an Association Agreement with the South American common market, Mercosur. Once these agreements 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.

An Association Agreement with Egypt came into force on 1 June 2004. The EU also held discussions on human rights with Egypt at the first EU-Egypt Informal Dialogue on Human Rights on 10 May 2004. Negotiations are underway for an Association Agreement with Syria and a free trade Agreement with the Gulf Co-operation Council. Both will include a human rights clause. Negotiations with Iran for a Trade and Co-operation Agreement will only conclude if there is real progress



Dr Denis MacShane MP, Foreign Office Minister for Europe.

on co-operation in human rights. The EU has used the mechanisms in the Euro Mediterranean Association Agreements to raise human rights at a formal level with third countries. On 26 June 2003 we raised the importance of respecting human rights, strengthening the rule of law and early abolition of capital punishment in the Palestinian Territories at the EC-PLO Co-operation Committee; on 30 September, we raised concerns about freedom of expression and association in Tunisia at the EU-Tunisia Association Council; and on 17–18 November we raised our continuing concern about the deteriorating situation in the Occupied Territories at the EU-Israel Association Council.

The European Commission (EC) published a Communication in May 2003 on reinvigorating human rights and democratisation with Mediterranean partners. The Communication suggests mainstreaming human rights issues further into the EU's relationship with its Mediterranean partners. It focuses on using EU instruments such as the Euro Mediterranean Partnership and the MEDA programme, which is the EU's principal financial instrument for the implementation of the Euro Mediterranean Partnership, to promote human rights more effectively. The Council of the European Union welcomed the Communication and its recommendations on 25 November 2003. The Commission has taken forward its recommendations, which include establishing sub-committees on human rights. Progress on human rights is a key priority for the enhanced relationship offered to the Mediterranean countries through the European Neighbourhood Policy.

In October 2003, the Commission published a Communication on governance and development which argued that good governance is key to the effectiveness of development assistance and introduced policy principles to be implemented on a country-specific basis. The EU Council endorsed this approach in November. This complements the FCO priority on sustainable development and we will work with DFID to mainstream good governance into all UK development assistance.

### 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 2003 EIDHR received over £67 million from the EU budget to support its activities, of which the UK contributed approximately 17 per cent. The EIDHR currently has four main goals:

- > 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 2003 the EIDHR selected 63 projects focusing on democracy, good governance and rule of law. It allocated 64 per cent of its budget to projects in 30 focus countries; eight per cent to regional activities; and 28 per cent to programmes with a global reach. Six projects involved UK-based applicants: the BBC World Service Trust (promoting democratic culture in Bosnia and Herzegovina and training media professionals in Sudan); the Charities Aid Foundation (dialogue between citizens and the state in Russia); the Institute for War and Peace Reporting (regional media development in Georgia); Oxfam (combating gender discrimination and violence against women in Pakistan); and Action Aid (enhancing public finance analysis in Nigeria).

European Commission delegations in most of the focus countries also managed small local projects based on the EIDHR strategy. Funding for these projects is only available to local NGOs and builds the capacity of civil society to work on democracy and human rights.

In addition to the 63 projects mentioned above, the EIDHR also funded another 39 projects in 2003 on strategic priorities agreed with national and international organisations and with NGOs. Two were with UK-based organisations: the International Foundation for Election Systems (voter education in Georgia); and the Commonwealth Local Government Forum (building local government capacity in Zimbabwe).

Each year the EIDHR funds election observation missions in countries where EU member states consider that such missions will add legitimacy to the election process and help to consolidate democracy. In 2003 the EU deployed election observation missions to Cambodia, Mozambique, Nigeria (three elections), Rwanda (three elections) and Guatemala (two elections). (See page 205 for more details of election monitoring by the EU and other organisations.)

The EIDHR also funds activities with other multilateral agencies to achieve joint objectives. In 2003 it funded a programme with the OSCE on conflict prevention and human rights capacity building in the Caucuses; a programme with the Council of Europe in Russia and the Ukraine; and work with UNICEF to enhance legal protection for children in Cambodia. For the first time, the EIDHR agreed a project with the African Union (AU) to develop AU capacity to improve democracy, human rights and governance in Africa. In addition, the EIDHR has for several years supported the International Criminal Tribunal for the former Yugoslavia and the campaign to create the International Criminal Court.

For the past two years the EIDHR has selected projects by issuing calls for proposals, as required by the new EU Financial Regulation. The results have been mixed. The European Commission sets a minimum threshold of €300,000 for its contributions towards projects. This has limited the number of applications and projects to manage but has meant that only large and experienced NGOs can apply. This has sharply reduced the number of projects operated by NGOs in developing countries, from 50 per cent in 1997 to 31 per cent in 2003. Another consequence has been the difficulty of meeting target expenditure in 14 of the 30 focus countries. Unless the larger NGOs are able and willing to operate in these countries, they are less likely to benefit from the programme.

The EIDHR funding aims to complement other EU mainstream programmes that tackle economic, social and cultural rights. These include TACIS (former Soviet Union countries); PHARE (Central and Eastern Europe); CARDS (Western Balkans); MEDA (Mediterranean partners – Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia and the Palestinian Authority); the European Development Fund (Africa, the Caribbean and the Pacific); and ALA (Asia and Latin America). However, as there are no links between the EIDHR strategy for focus countries

and the EU country and regional strategy papers, it is difficult to determine whether the EIDHR is achieving this objective.

The EC has not produced reports on the results of EC-funded activities since 2000. While it is difficult to measure the impact of activities in democracy and human rights, it is not impossible. The UK will encourage the EC to make greater efforts in developing indicators and benchmarks to evaluate its activities.

For more information on EIDHR see: [www.europa.eu.int](http://www.europa.eu.int)

### 3.2 EU enlargement

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. These principles are enshrined in the accession criteria for all new member states.

The prospect of EU membership helped transform some of the 10 new member states which joined the EU on 1 May 2004. This transformation is more remarkable for the fact that it took little over a decade to change post-Soviet states into credible EU members. The same extraordinary transformation is happening in Bulgaria, Romania, Turkey, and some Balkan states, which are seeking future membership.

The EU's accession criteria were set out at the Copenhagen European Council in 1993 (see box opposite on the Copenhagen Criteria). Foremost among 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 first fulfil these criteria before opening accession negotiations with the EU.

The EU works closely with all candidate countries to help them meet the accession criteria. The detailed requirements for accession are set out for each candidate country in an Accession Partnership. Funding is allocated under the Accession Partnership for projects ranging from judicial training to human rights awareness raising. The UK augments this EU assistance with targeted bilateral funding to help EU candidates meet the accession criteria.

Of the present candidates for accession, Bulgaria and Romania were deemed to have met the political criteria by December 1999, while the EU will open accession negotiations with Turkey if it fulfils the political criteria by December 2004. The Balkan countries are at various stages of the process that we hope will eventually lead to their joining the EU. In the sections below we give an assessment of the current human rights situation in each of these countries.

## Bulgaria

The **Bulgarian** government has ratified all the main international human rights conventions and recently adopted an amended law on child protection, a law on denominations and an anti-discrimination law. Parliament is currently passing a new law on the integration of disabled people. However, the government's implementation of certain laws, strategies and action plans is insufficient and the lack of financial resources exacerbates the problem.

Most Roma in Bulgaria live in extreme poverty, reflected in high school drop-out rates, high unemployment and crime rates and poor access to health-care. The government has not fully implemented a framework programme for equal integration of Roma into Bulgarian society. It needs to focus on developing utilities, health-care provision and education institutions in areas where Roma live. The government must desegregate education for Roma pupils and reduce school drop-out rates, provide professional training for Roma unemployed and generally combat discrimination against Roma.

Bulgarian prisons do not meet EU standards. There are many reports of ill-treatment and torture, police discrimination against Roma detainees and limited access to medical examination. There is no legal counsel in nearly half of all criminal cases. According to the Bulgarian Helsinki Committee's surveys, 37 per cent of those interviewed by the police complained of violent treatment in 2003, 43 per cent in 2002. Despite the slow decline over the past five years, the number of complaints remains unacceptably high and the European Court of Human Rights continues to find Bulgaria guilty in such cases.

Bulgaria is one of Europe's supplier and transit countries for trafficking in women and children for sexual exploitation. The victims are traditionally poor people from border and minority regions and Roma are particularly vulnerable. The country has been making efforts to fight trafficking. The government passed a new law on countering illegal trafficking in human beings in

May 2003, in line with the UN Convention against Trans-border Organised Crime.

The UK provides financial support and expertise for human rights projects. For 2003 and 2004 Bulgaria has received financial aid from the Global Conflict Prevention Fund, DFID, the Global Opportunities Fund and the small grants scheme. We have been funding a long-term initiative that is helping former Eastern bloc countries to provide more accountable policing, particularly towards ethnic minorities. The project promotes respect for human rights by training officers working in minority regions. There are now two training centres in Plovdiv and Pleven, where many Roma live, and 13 regional training units are now operating. Most importantly, the number of allegations of police excesses has reduced dramatically in these areas.

DFID's small grants scheme funded a variety of smaller projects in 2003–2004. These included strengthening the capacity of local authorities and the social assistance directorate to deliver adequate services to ethnic communities in the Rousse region; assisting a local NGO to deliver a model of probation services to groups at risk; integrating vulnerable Roma children in the Varna region into mainstream schools; improving vocational education for people with hearing impairments and helping them find employment; working with women victims of domestic violence and trafficking; producing a television documentary about child rights; and working with socially excluded young people with intellectual difficulties in the Karlovo region.

## Romania

**Romania** has made major advances in human rights since 1989 and has ratified all the main international human rights treaties. In 2001 the governing Social Democratic Party launched a 10-year national strategy to improve the situation of the Roma; abolished in 2002 laws criminalising homosexual acts; and in 2004 revised legislation on international adoptions and child protection.

## 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;
- > the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union; and
- > the conditions for its integration through the adjustment of its administrative structures, so that European Community legislation transposed into national legislation is implemented effectively through appropriate administrative and judicial structures.

Despite these efforts, some human rights concerns remain. We are concerned about police brutality; press freedom; treatment of disadvantaged children; and treatment of minorities, particularly Roma. Poverty is widespread, affecting Roma and pensioners in particular. Eleven per cent of the population lives in extreme poverty and a further 30 per cent is poor. Corruption is a serious problem. The government is trying to address the situation, although with alleged cases of corruption at the highest levels it is unlikely that all senior officials are fully committed. A British adviser on corruption took up his post in the prime minister's office in March 2004.

There is a high number of allegations of ill-treatment by police officers, particularly against Roma. Complaints are often not properly followed up and rarely result in successful prosecutions. Conditions in prisons are poor and overcrowded. On average, prisons are 26 per cent over capacity – in some areas they are four times over the legal capacity. Pre-trial detention is excessive, although the government adopted a new law in June 2003 to tackle the problem. The government plans to improve prison conditions by building 14 new prisons, modernising detention areas in nine prisons and demilitarising the entire system. It has introduced community service for minor offences. An emergency ordinance adopted in June 2003 improved the rights of prisoners slightly by, for example, giving them the right to complain about abuses directly to a civil court. Judicial corruption is widespread, with apparently political appointments of judges and allegations that the ministry of justice protects corrupt magistrates. The ombudsman's office needs strengthening: there are no regional offices and applicants have to travel to Bucharest. Since late 2003 the UK and Spain have been leading an EU-funded pre-accession project following up the demilitarisation and decentralisation of the police.

The government adopted its 10-year Roma strategy in 2001 in consultation with Roma organisations to enhance Roma political, social and civil rights. In May 2003 the government announced more funds to develop Roma communities; strengthen the council on combating discrimination; increase

the number of primary schools teaching Romani; and set up theatres and cultural institutions. The 2003–2004 FCO-funded Chevening scholarship programme includes a Roma scholar for the first time. Our advertisements for the next round of scholarships will encourage applications from minority groups, including Roma and disabled people.

Some discrimination issues also remain for the Hungarian minority, which makes up seven per cent of the Romanian population. The new constitution provides for the use of Hungarian in legal matters, but implementation is patchy. Other issues include the restitution of church property and under-representation in administration and in the police force. Despite appropriate legislation being in place, there are also instances of abuse and discrimination against homosexuals.

There has been increased intimidation and more violent attacks on journalists, mainly linked to investigations into organised crime and corruption. There is external and political pressure on the media, particularly at regional level and in television. According to monitoring agencies the Social Democratic Party has the monopoly on press coverage, particularly on television. New legislation has reduced the punishments for libel and slander although libel is still a penal offence and can carry a prison sentence.

Romania is a supplier and transit country for people trafficking, and trafficking in women is increasing. The government has been slow to implement new laws. The UK has appointed an immigration liaison officer, based at the British Embassy, to help tackle immigration abuse and people trafficking. We also provided financial support, training and two officers to help the Romanians tackle organised immigration crime, including trafficking of women through Project Reflex, which began in April 2002. The project has so far identified many trafficking networks, leading to numerous arrests. Since the British officers left Romania, the project has become self-sustaining. (For more details on Project Reflex see page 174.)



Turkish Prime Minister Recep Tayyip Erdogan meets with Irene Khan, Secretary-General of Amnesty International, during a meeting in Ankara, Turkey, 12 February 2004.



Baroness Emma Nicholson, a member of the European Parliament, helps Hediye Zana, the mother of Leyla Zana, as they arrive at a state security court in Ankara for the retrial of her daughter, January 2004.

## Turkey

There has been far-reaching reform in **Turkey** over the last two years. Of particular note in 2002–2003 were the abolition of the death penalty, the end to incommunicado detention, and improvements in minority rights. The government continued its progress in 2003–2004, changing several articles of the constitution in May 2004, passing a new press law in June 2004 and a ninth package of legislative amendments in July 2004. These changes have underlined gender equality, given greater freedom to the press and removed military representatives from civilian bodies. In addition, the May constitutional reform package abolished state security courts and a replacement system of serious crimes courts was established in the first week of June 2004. Turkey is a signatory to many important international human rights agreements, and ratified both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Cultural and Social Rights in September 2003.

In the past year there has been evidence that the government is implementing reforms better. The judiciary is increasingly relying on ECtHR rulings as a basis for its judgements, as illustrated by the decision by the court of appeal to order a re-trial for Leyla Zana and the other former MPs of the People's Democratic Party (DEP). We anticipate more progress both in legislative reform and in the implementation of reforms.

There has been considerable progress in reforming civil-military relations. There is greater civilian representation on the national security council, which is now an advisory body. The national security council and the Turkish general staff can no longer nominate members of RTUK (the broadcasting authority), and YOK (the higher education council). Civilian oversight of military expenditure is increasing. Civil society groups welcomed the removal of security force personnel from regional human rights monitoring boards in January 2004. In February 2004 the government directed the human rights presidency (a special unit in the prime minister's office set up last year as the focal point

for government human rights policy) to make monthly human rights reports using these reconstituted monitoring boards.

Turkey has increased its engagement with the World Bank and International Monetary Fund on socio-economic issues and entered into discussion with the EC and other organisations about how best to tackle the socio-economic disadvantages in the south-east region. As a result of this, and the impact of the wider reform programme, the human rights situation in the south-east has gradually improved.

There has been notable progress on Kurdish issues: private language courses in Kurdish opened in Batman, Sanliurfa and Van in April 2004, and a course in Adana will begin in September; the Kurdish language newspaper *Welaat* is freely available, as are Kurdish music cassettes and CDs; the government issued a circular in September 2003 allowing the use of non-Turkish names; and Kurdish plays and concerts have occurred without incident. Broadcasting (both radio and television) in Kurdish began on 7 June 2004 on TRT. This followed the publication by RTUK of a regulation in January 2004 allowing up to four hours of non-Turkish TV broadcasting and up to five hours of non-Turkish radio broadcasting a week on national channels. Educational or children's programming is still prohibited under this regulation.

International bodies are now recognising the progress that Prime Minister Erdogan's government has made. The Parliamentary Assembly of the Council of Europe voted on 22 June 2004 to end its monitoring of Turkey, judging that the government had made significant progress in fulfilling its statutory obligations concerning human rights, pluralist democracy and rule of law.

In February 2004, the Secretary-General of Amnesty International, Irene Khan, visited Turkey, meeting Prime Minister Erdogan and Foreign Minister Abdullah Gul. The meeting was a clear sign of the government's willingness to discuss human rights reform with the international community. In the first week of June 2004, the government invited international and

domestic human rights organisations to meet with ministers of human rights, justice and the interior.

There are, however, still areas of real and continuing concern. Allegations of physical torture continue. The right to peaceful assembly, freedom of expression and freedom of religion remain restricted in practice, despite recent reforms. The authorities' implementation of reforms remains inconsistent, but central government has sought to address this through circulars and by establishing in September 2003 a cross-departmental ministerial level EU Reform Monitoring Group. NGO reports of allegations of torture and other abuses increased in 2003–2004. We believe this reflects an improved system of reporting of abuses rather than an increase in incidents. But we remain concerned about the apparent impunity of law enforcement officials alleged to have committed acts of torture or ill-treatment (see Chapter 7); there needs to be greater supervision and training of law enforcement bodies.

There has been a growing trend of acquittals in freedom of expression trials, such as the acquittal on 16 June of writer Filiz Bingolce who was facing charges of pornography for her book *Dictionary of Women's Slang*. But cases leading to custodial sentences continue to be opened for freedom of expression offences. On 21 April 2004, a Turkish NGO reported that Hakan Albayrak was sentenced to 15 months' imprisonment on the grounds that he had "insulted Atatürk" in his article published in the daily *Milli Gazete* on 28 July 2000.

There are also allegations of heavy-handed policing of non-violent protests. However, the situation is better than in the past and on 18 June 2004 the ministry of interior issued instructions for improved policing of demonstrations. We continue to stress the importance of the right to peaceful assembly in our contacts with the Turkish authorities.

We welcome the recent acquittals in cases that have been re-tried in Turkey following ECtHR rulings. In a re-trial related to freedom of expression on 27 April, Munir Ceylan, who was convicted in 1993 of inciting racial and religious hatred over a newspaper article he had written in 1991, was acquitted. Parliament adopted a package of constitutional amendments on 8 May 2004 that included measures to abolish the state security courts, and to affirm that international agreements on basic rights and freedoms, such as the ECHR, take precedence over domestic law. The abolition of the state security courts was particularly significant. These have on many occasions delivered verdicts not in accordance with the ECHR.

Turkey still has a large number of human rights cases pending at the ECtHR, although most date from the pre-reform era.

On 9 June 2004 we welcomed the release from prison of the Turkish politician and writer Leyla Zana and former DEP MPs Selim Sadak, Hatip Dicle and Orhan Dogan, pending appeal. They were originally convicted in December 1994 by the Ankara state security court of "membership of an armed gang" and sentenced to 15 years' imprisonment. In July 2001 the ECtHR ruled that the four had not had a fair trial and they were re-tried after the introduction of a new law in February 2003 allowing re-trial for any trial judged unfair by the ECtHR. On 21 April 2004 the judge in the re-trial confirmed the original verdict and Mrs Zana's defence lawyer lodged an immediate appeal. The court of appeals ordered a second re-trial on 14 July on the basis that the first re-trial had been unfair. The re-trial is expected to take place in a serious crimes court (these have now replaced the state security courts) in August or September 2004.

There have been several notable successes for freedom of religion this year. These include the acquittal, on 12 May 2004, of Ahmet Guvener, pastor of the Evangelical church in Diyarbakir, on charges of running an illegal church. In December 2003 the Turkish authorities dropped a long-running expropriation of land case against the Bahai community in Edirne. Many properties belonging to minority religious foundations have now been successfully registered. However, minority religious communities continue to report difficulties in building and registering places of worship, in educating their children and clergy, and over titles to property. The Greek Orthodox seminary on Heybeliada remains closed despite high-level government commitment to its re-opening. Many religious groups feel uncomfortable with the requirement to register as an official foundation or association in order to be recognised under the law.

There has been intense bilateral contact between Turkey and the UK over the past year, culminating in the first prime ministerial summit on 17 May 2004 in Ankara, where human rights and Turkey's progress against the Copenhagen political criteria formed a critical part of the agenda. Human rights again featured on the agenda of calls between Prime Minister Erdogan and the Lord Chancellor on 28 May 2004; between the Foreign Secretary and Foreign Minister Gül at the NATO summit 28–29 June in Istanbul; and between the Lord Chancellor and Justice Minister, Cemil Cicek, on 14 July 2004.

We are working with Turkey on human rights reform bilaterally and through the EU. In addition to the UK's contribution to EC-administered programmes for Turkey, which exceeds €29 million, this financial year we have made over £2.3 million available to support a wide range of bilateral activities, including in human rights. The UK has sponsored the training of 3,200 Turkish judges and prosecutors in human rights and European law, and a comprehensive code of conduct for the police and gendarme based on the Police and Criminal Evidence Act. Other projects address women's rights, child rights and education.

The UK holds an annual human rights dialogue with Turkey to encourage further progress in particular areas and to raise individual cases. Ahead of the dialogue UK government officials meet with international NGO representatives to hear their views of the human rights situation in Turkey. The most recent dialogue was held on 15 July 2004 in London. The UK congratulated the Turkish officials on the enormous progress that Turkey has made and encouraged them to maintain the momentum of reform, indicating particular areas where there was a need for further progress. In addition, our Embassy in Ankara monitors the human rights situation on the ground, attends key trials, meets regularly with human rights contacts, and raises individual cases with the Turkish authorities.

The UK's human rights strategy for Turkey in 2004–2005 will focus on full implementation of reform. We will continue to press for improvements in several areas including the judicial and penal system and the exercise of fundamental freedoms. In the latter half of 2004, we expect further reforms as the Turkish government continues its drive to meet the Copenhagen political criteria. This will include a new Turkish penal code that, among other measures, should increase women's rights and hand down harsher penalties for torture. The Turkish prime minister has repeatedly stated that human rights reform is not just about EU accession – it is about ensuring respect for the fundamental rights of all citizens. The UK is committed to supporting this process so that the government's reforms translate into real changes for the Turkish people. We consider that the pre-accession process has played an important role in underpinning reform in the country. We believe a decision to open accession negotiations with Turkey at the December 2004 European Council would help sustain the momentum of reform, and bring about further improvement in the human rights situation.

(See page 237 for more details about women's rights in Turkey.)

### **Serbia and Montenegro**

The protection of human rights in Serbia and Montenegro (SaM) is constitutionally guaranteed under the SaM Charter on Human and Minority Rights and Fundamental Freedoms. However, Serbia and Montenegro still faces many challenges in its efforts to build a multi-ethnic, tolerant, democratic society based on the rule of law.

SaM became a member of the Council of Europe in April 2003, a move which has allowed for more effective monitoring of the government's commitment to human rights. The country has made progress in meeting its post-accession obligations. In December 2003 we welcomed SaM's ratification of the European Convention on Human Rights (ECHR) and on the Prevention of Torture. We have been funding the training of legal professionals on how to implement the ECHR since 2002. But SaM now needs

to ratify other Council of Europe treaties by April 2005, including the European Charter for Regional or Minority Languages.

We continue to urge SaM to implement institutional reforms to safeguard the independence of the media, police and judiciary and establish an independent Serbian broadcasting council in 2004. DFID is already providing assistance to the Serbian justice and interior ministries. We are assessing opportunities to offer further assistance in reforming the prosecution service through the Crown Prosecution Service.

SaM must fulfil its international obligation to co-operate fully with the International Criminal Tribunal for the former Yugoslavia (ICTY). (See section on the ICTY on page 125.) We are also encouraging efforts to establish local capacity within Serbia to try persons accused of war crimes during conflicts of the 1990s.

New legislation in July 2003 established a special war crimes court in Serbia. The first trial began on 9 March 2004 of six Serbians accused of involvement in the 1991 Vukovar massacre in Croatia. While we support Serbia in the prosecution of war criminals locally, we are concerned by the Organisation for Security and Co-operation in Europe's (OSCE) assessment that the Serbian judiciary lacks the capacity to conduct fair war crimes trials in accordance with international standards. We continue to urge the Serbian authorities to reform the judiciary to ensure effective domestic trials and to implement witness protection programmes. We have offered our assistance in this regard.

In March 2004 a court in Belgrade sentenced an ex-police reservist to 20 years' imprisonment for killing 14 and injuring five Kosovo-Albanian women and children in March 1999. We assisted the Serbian judiciary by enabling the surviving victims, now living in the UK, to travel to Belgrade and give their testimonies at the trial. This was the first time non-Serb victims of war crimes had testified at a trial of this kind in Serbia.

The 42-day state of emergency that followed Prime Minister Zoran Djindjic's assassination in March 2003 allowed for the incommunicado, extra-judicial detention of those taken into police custody. We are concerned that the Serbian authorities have not properly addressed reports of torture from NGOs and several detainees. We continue to urge the authorities to investigate allegations and criminalise torture under Serbian domestic law. The OSCE is working to ensure that the police develop internal mechanisms to investigate and punish allegations of torture. The trials of those allegedly implicated in Djindjic's murder began in December 2003. These, together with other trials before the special chamber for organised crime, will be an important test of Serbia's judicial system.

In May 2004 we were appalled by the murder of a prominent Montenegrin journalist Dusko Jovanovic, the first killing of a journalist in SaM since 2001. We have stressed to the Montenegrin authorities the importance of bringing to justice those responsible for Mr Jovanovic's death. We have also raised the problems regarding freedom of the media with the Serbian authorities, in particular during the state of emergency and in relation to the Broadcasting Council.

Human trafficking is another serious problem in the region. In 2003 the OSCE and Council of Europe found serious failures in the authorities' handling of a Moldovan woman's allegations that senior Montenegrin officials participated in human trafficking. The Montenegrin government accepted the recommendations and the state prosecutor is among those who have been replaced. However, we are concerned that the government has still not properly investigated the victim's allegations. Foreign Office Minister Dr Denis MacShane raised our concerns with Igor Luksic, then SaM deputy foreign minister, when he visited the UK in June 2003. During the period covered by this report, we have continued to raise the case repeatedly with the Montenegrin government.

In 2003–2004 we welcomed the establishment of several national minority councils in Serbia and amendments to electoral legislation to improve the representation of ethnic minority parties in the Serbian parliament. We had expressed our concern that, due to the previous election law, no ethnic minority parties had won seats in the December 2003 parliamentary elections. SaM also acceded to the Council of Europe Framework Convention for the Protection of National Minorities. We look forward to the full implementation of the recently adopted Strategy on the Integration and Empowerment of the Roma. In the period covered in this report, Montenegro had yet to pass its own legislation on minority rights or to implement the progressive federal law in this field.

Through ministerial and official representations, we urge SaM to make further progress on a range of human rights issues. During his visit to Belgrade in October 2003, the Attorney-General Lord

Goldsmith stressed the importance of building civil society institutions and expressed concerns over torture allegations during the state of emergency. The UK provided over £1.1 million in 2003–2004 to help SaM develop a free, tolerant and multi-ethnic society. We continue to fund human rights projects; one project provides legal assistance for Roma in Serbia and Montenegro, another assists internally displaced people (IDPs), and our media projects promote inter-ethnic reconciliation.

### Kosovo

Under UNSCR 1244, Kosovo is legally a province of SaM, but has been a UN protectorate since June 1999 pending a process to determine its future status. The violence that occurred across Kosovo on 17–19 March 2004 has severely hampered human rights in the country. Rumours of the involvement of Kosovo Serbs in the tragic drowning of three Kosovo Albanian children sparked riots across Kosovo, with angry mobs attacking Serb houses and churches as well as buildings belonging to the UN interim administration mission in Kosovo (UNMIK). Eight Serbs and 11 Albanians died in the violence and up to 1,000 people were injured. Since March the situation has calmed, but the events are a reminder that significant work remains to be done in Kosovo.

The main human rights challenge in Kosovo is the protection of minority groups – their freedom of movement, the freedom to use their own languages, and their security. Restricted freedom in these areas also affects minority groups' access to basic public services and to the legal system.

UNMIK is responsible for promoting human rights in Kosovo and in March 2004 the publication of the Kosovo standards implementation plan gave new impetus to UNMIK's work to protect the rights of the minority communities. UNMIK had drafted the plan in conjunction with the Kosovo government to consolidate a "truly multi-ethnic, stable and democratic Kosovo".

There has been some progress. In 2003 there were 3,801 returnees (of all ethnicities) to Kosovo, compared with 2,756 in 2002. Freedom of movement for Serbs improved in most areas of Kosovo although some 'no-go' areas remained for both Serbs



A Kosovo police officer stands guard in a mainly Serb neighbourhood in the Kosovo capital Pristina after clashes between ethnic Albanians and Serbs that killed eight Serbs and 11 Albanians, March 2004.



A Kosovo Serb man cries after fleeing his home in the village of Svinjare, in central Kosovo. Hundreds of Serbs were evacuated by NATO-led peacekeepers because of attacks by extremist Kosovo Albanians in March 2004.

and Albanians. The ethnically divided town of Mitrovica is a prime example.

The violence of 17–19 March 2004 dealt a blow to this progress, but the return of refugees is one of the standards that Kosovo must meet before the country's final status can be addressed. The British Office in Pristina has attached a priority to funding projects that encourage the sustainable return of refugees and internally displaced people.

All major local political parties condemned the acts of violence in March. The government quickly established a fund to repair damaged houses and churches. The Kosovo Prime Minister Bajram Rexhepi and other ministers of the Kosovo provisional institutions of self-government have visited Serb communities, sites for the reconstruction of damaged buildings, and areas where Serb IDPs are returning.

The riots have had a clearly negative impact on human rights. Up to 4,000 people were newly displaced during the violence, although some have begun to return home. Serbian communities again feel that their freedom of movement has been greatly restricted. The Belgrade-Pristina dialogue launched in Vienna in October 2003 has been suspended. However, a process of intensified dialogue between the communities in Kosovo, and between Belgrade and Pristina, has been launched to address the key concerns of both communities, and to look for ways finally to put the violence behind them.

The FCO funded projects in 2003 to provide human rights training to local communities as well as projects to promote sustainable returns to Kosovo. These included 'go and see' visits for potential returnees, support for a new community centre for Serbs in Plementina and a booklet to provide accurate information to communities of displaced people outside Kosovo. In 2004, we are focusing on helping internally displaced people to return to their homes and a sustainable solution in the divided city of Mitrovica.

A review of Kosovo's progress in meeting the standards as set out in the standards implementation plan is scheduled for mid-2005. A positive assessment will lead to a process to determine Kosovo's final status. However, it is clear that much work remains to be done.

### **Bosnia and Herzegovina**

Bosnia and Herzegovina (BiH) continues to make progress in promoting and protecting human rights. Since the war the international community has mainly driven the improvements in human rights, but increasingly Lord Ashdown – the international community's High Representative to BiH – is working alongside the BiH authorities and encouraging local ownership of the reform process. The UK continues to support Lord Ashdown and the BiH authorities in their efforts.

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 125).

We are committed to the international community's efforts to strengthen BiH's capacity to prosecute war criminals. Work began in 2003 to establish a state war crimes chamber which, once fully operational, will prosecute war crimes cases including lower-level cases transferred from the ICTY in The Hague.

Acknowledging crimes committed during the war and identifying those still missing or buried in unmarked and mass graves is an important part of reconciliation. This year we are supporting a project to establish a memorial room near the site of the Srebrenica massacre. This room will be a poignant means of remembering the victims and will also have immense educational and historical value. Additionally, since 2001, the UK has donated over £640,000 to the International Commission on Missing Persons (ICMP). The ICMP projects strengthen domestic initiatives and strategies for missing people and include the release of information on the location of missing people.

Many women suffered repeated sexual assault and rape during the conflict. We are concerned about their physical and psychological well-being and press the BiH government to put adequate measures in place to assist them. The UK is supporting the ICTY witness support unit, OSCE, and the NGO Medica to provide care for as many women as possible. The World Bank continues to work with BiH authorities on a sustainable system of benefits to give proper care to all victims of the conflict.

The UK is helping to create a climate that enables refugees to return to their homes. In order for refugees to return, they must be reassured on economic and security matters. The UK-sponsored Srebrenica recovery programme focuses on economic development, business support and youth development, and comprises several projects implemented through UNDP addressing refugee return and the development of the Srebrenica region.

Bosnia has made important progress over the last year in entrenching the rule of law. Through the work of the high judicial and prosecutorial council, every judge in Bosnia has now been assessed on merit and only those deemed independent and competent have been re-appointed. This has removed the ethnic bias and suspicion that once overshadowed the judiciary.

The UK provides important practical support to the Bosnian police force through the EU Police Mission (EUPM). Fifty-five British officers and 10 civilians are part of the multi-national mission tasked with monitoring and mentoring their Bosnian counterparts. EUPM observes and helps the police develop the high standards and sophisticated techniques expected of a modern European force. We are also supporting the EUPM FIGHT project, which combats human trafficking, by funding the construction of specialist hearing rooms. These will create an environment where trafficked victims feel more at ease when giving evidence.

The recently established special chamber for economic and organised crime in BiH has completed its first major case. British experts helped the state prosecutor investigate and pursue the case against Milorad Miljakovic for charges relating to establishing slavery, people trafficking, international prostitution and people smuggling. This leading organised criminal was sentenced to nine years in jail.

DFID continues to assist BiH reform its civil service. During 2004 we expect to see the Republika Srpska civil service streamlined further, becoming increasingly transparent, impartial and accountable. In 2004 we are contributing over £320,000 towards training for BiH NGOs, citizens and public officials in human rights and good governance, looking in particular at local-level decision-making. This project will positively influence public interest in, and local government respect for, human rights.

As BiH works towards European integration, the pressure on all institutions, officials and people to improve the standard of human rights will increase. We hope that the positive signs seen in 2003 will continue to build a safer and more just Bosnia throughout 2004.

## Croatia

In general, human rights have improved in Croatia but the government needs to address important issues related to refugee return, minority rights and judicial reform.

The opposition centre-right Croatian Democratic Union (HDZ) party defeated the ruling centre-left coalition in the general election held in November 2003, which was assessed to be free and fair. The new government is supported by the three Serb minority deputies in parliament and is committed, as the previous administration was, to EU and NATO accession.

In April 2004 Croatia received a positive opinion from the EC Commission on its membership application. The opinion stated that "there are no major problems regarding the respect of fundamental rights ... Croatia needs to make additional efforts in the field of minority rights, refugee returns, judiciary reform ... On this basis, the Commission confirms that Croatia meets the [Copenhagen] political criteria". In June 2004, the European Council declared Croatia an official candidate for EU membership.

The OSCE and the UN High Commissioner for Refugees (UNHCR) estimate that around 110,000 Croatian Serbs have returned to Croatia, out of the approximately 320,000 who fled in 1995 at the time of the military operations to recapture Serb-held Croatian territory. The rate of return is levelling off. The legislative and administrative framework to facilitate refugee return is in place but in certain areas implementation is lacking. In many refugee return areas, the economic and social possibilities are poor or non-existent, and the majority of those returning are elderly. Prime Minister Sanader has personally endorsed the process of Serb refugee return by visiting Serb returnees in the difficult Zadar hinterland area.

The enforcement of eviction orders against illegal occupants, which has been one of the main stumbling blocks to property repossession by returnees, has begun to move forward at a faster pace. The government has pledged to return illegally-occupied property to its legal owners by the end of June 2004. Other Serb-owned properties occupied by temporary users are due to be returned by the end of 2004. Sometimes properties are returned looted and damaged. The authorities need to tackle this problem firmly. In the period 2003–2006, the UK is providing £400,000 to projects that support sustainable refugee return and community re-integration.



Vasilje Jovanovic mourns over the body of his son Dusko Jovanovic, editor of *Dan*, a Montenegrin daily newspaper. Mr Jovanovic was killed on 28 May 2004 in front of *Dan's* head office.

The authorities have yet to implement in any meaningful way plans to provide social housing for those Serbs who lost tenancy rights after leaving their homes during the conflict. However, requests from Croatian Serbs for reconstruction assistance are now being processed more quickly.

The Croatian government must continue to fulfil its international obligation of co-operating fully with the ICTY. The ICTY is, at present, content with Croatia's co-operation but the government needs urgently to locate and detain one fugitive indictee, Ante Gotovina. (See section on the ICTY on page 125.)

Implementation of the constitutional law on national minorities has been slow in some areas. Ethnic minorities remain under-represented in the judiciary and police as well as in the local and state administration. This needs to be addressed. Representation at local councillor level has improved and councils for national minorities are being set up in most municipalities, cities and counties, although the functions and terms of reference of some are not yet clear. The new HDZ government has taken the welcome and unprecedented step of appointing seven Croatian Serbs to assistant ministerial positions, and another as one of the prime minister's advisers.

The Roma minority in Croatia, which numbers 30-40,000, suffers discrimination and acute social exclusion, for example in employment, health services and political representation. The government adopted a national programme for the Roma in October 2003. It remains to be seen how well it will implement this plan.

Although access to justice is guaranteed by the constitution, the Croatian judicial system suffers severely from bureaucratic inefficiency, inadequate funding and training, and judicial prejudice. This has serious implications for people's access to justice, the right to a fair trial and the rule of law, as evidenced by the high number of cases pending against Croatia at the ECHR. The backlog of 1.6 million domestic cases (in a country of only 4.7 million) means that people can wait years for their

case to come to trial. The new administration has publicly committed itself to comprehensive judicial reform. It is too early to tell whether significant progress has been made

There is evidence that defendants are not always treated equally under the judicial system. An OSCE report published in March 2004 found that 83 per cent of ethnic Serb defendants in Croatian war crimes trials held in 2002 were found guilty, while only 18 per cent of ethnic Croat defendants were convicted. It is essential that the government takes steps to make the judicial system fair and impartial. The supreme court has still not ruled on the appeal lodged by a local prosecutor in February 2003 following the acquittal in Split of former Croatian prison guards accused of murdering and torturing Serb PoWs at the Lora prison. The judge in the case ignored clear evidence of witness intimidation.

The UK is funding a £750,000 project to train local police in community policing techniques in several of the war-affected areas. The UK police trainers concentrate on how to handle hate crimes correctly.

Civil and political rights are guaranteed by the constitution, but the EC opinion notes that there are limitations on the right of ownership by foreigners, and there are some concerns about the transparency of media ownership. The OSCE and other international observers are generally content with the recent laws to harmonise Croatian media legislation with European standards. However, there are still concerns about the possibility of political influence on regulatory bodies. The government needs to ensure that this is not possible.

### **Albania**

Albania is a young democracy with a modern constitution and formal separation of powers. To accelerate European integration, Albania has introduced legislation on human rights and related policing and judicial standards.

There is no evidence of systematic government abuse but a small elite dominates politics and business, which contributes to

inequalities and limits people's enjoyment of their rights. The country's institutions are weak and a stable, consensual democratic culture has yet to take hold. Poverty and underdevelopment have slowed reform, particularly in rural areas. Widespread corruption and an inexperienced legal system hamper the achievement of justice. There are still reports (although the number is decreasing) of police brutality mainly against minority groups, such as Roma and homosexuals. Encouragingly, large-scale anti-government demonstrations in early 2004 passed without serious incident and there have been no reports of related human rights abuses. Human trafficking is still a problem and Albania is both a transit and departure country. The government set up a serious crimes court earlier this year to address crimes attracting sentences of 10 years or more and including organised crime such as human trafficking. However, many trafficked women are often too afraid to give evidence and facilities for their protection are basic.

Albania is making efforts to strengthen its democratic procedures, including elections, but there are still shortcomings. Early action must be taken to ensure that parliamentary elections in 2005 are free and fair. The UK provided monitors during local elections in October 2003 through the OSCE's Office of Democratic Institutions and Human Rights. We will do the same for next year's elections. We have contributed to successive EC police assistance missions in Albania, part of whose remit is to raise awareness of human rights policing and judicial standards. We support and assist Albania in its wider reform efforts and have recently secured funding for an extension of an existing forensic policing unit. The unit currently maintains a fingerprint database, and will soon begin developing facilities for DNA analysis. The unit has already increased acquisition of evidence that can be used in securing criminal convictions.

### **Macedonia**

As Macedonia prepares for eventual integration into the EU and NATO, the Macedonian government has made much progress in implementing necessary reforms in human rights, justice and home affairs, and community policing. The UK fully supports such reforms and is committed to helping Macedonia make further progress in promoting democracy and the rule of law.

We have advised the government on holding free and fair elections and we provided election monitors during both rounds of the April 2004 presidential elections. These elections were generally consistent with international standards although marred by irregularities. We are encouraging Macedonia to implement fully the OSCE/ODIHR recommendations from their post-election report, in particular with a view to improvements being in place for the municipal elections in October 2004.

We have continued to supply personnel to the OSCE spill-over mission and the EU monitoring mission in Macedonia over the past year. In addition to this, we sent eight experts to the EU Police Mission Proxima, which started operations in Macedonia in December 2003 following a request for assistance from the Macedonian government. Its primary role is to mentor, monitor and advise the local police in order to improve policing standards.

In the past year the UK has worked with local partners to improve life for disabled people throughout Macedonia. This helped bring about the first inter-party parliamentary lobby group in Macedonia and legislative change enabling disabled people to become equal and fully contributing citizens. Other work involved lobbying for ramps to allow access to public buildings; establishing a community law practice; and raising people's awareness of the issues through innovative media campaigns. We have extended our awareness-raising activities to wider human rights concerns such as torture and other cruel, inhumane, degrading treatment and punishment in closed institutions such as prisons and psychiatric hospitals. We have supported efforts to increase respect and tolerance among Macedonia's different ethnic groups by promoting independent and responsible media, and encouraging freedom of expression. The BBC World Service and the Macedonian institute for media delivered a series of training activities, working together to produce 13 programmes.

### **3.3 The Organisation for Security and Co-operation in Europe**

The Organisation for Security and Co-operation in Europe (OSCE) brings together 55 states from North America, Europe and Central Asia with the shared aim of preventing conflict through a comprehensive approach to security. 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 enforced through peer review and monitoring.

The OSCE makes a particularly effective contribution to human rights through its missions and field presences in 17 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. Roughly 10 per cent of international OSCE mission staff are seconded from the UK. Over the last year, at any one time, there were at least 100 British secondees working in OSCE missions at a cost to the UK of approximately £5.5 million.

More information on the OSCE and the work of its missions and institutions is available at: [www.osce.org](http://www.osce.org). Application forms for secondment to an OSCE field mission are available in the OSCE section of the FCO website: [www.fco.gov.uk](http://www.fco.gov.uk)

The OSCE has developed several structures and institutions to follow up on the political decisions negotiated 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. The UK has supported several of the HCNM's key long-term projects. These include a conflict prevention and integration plan for the Samtskhe-Javakheti region of Georgia, now in its third 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. The 2003 programme targeted senior civil servants.

In Kazakhstan, the UK supported a media project that created an agency to publish newspapers in Kyrgyz and Uzbek. This is encouraging the press to be more independent and improving relations between the two countries.

### **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. Mr Haraszti also made a strong statement condemning the media in Kosovo for "reckless and sensationalist" reporting following the drowning of three Kosovar Albanian children in the majority Serb-populated municipality of Zubin Potok. In his report, he said that the reporting may have contributed directly to riots involving up to 50,000 people.

We are funding 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 will compile a matrix of existing criminal libel laws in the OSCE region which Mr Haraszti will then use as a basis for lobbying for the abolition of these laws.

### **Office for Democratic Institutions and Human Rights**

The Office for Democratic Institutions and Human Rights (ODIHR) began as the Office for Free Elections in 1991. It is now the largest OSCE institution. ODIHR's Director Christian Strohal took office in March 2003.

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 monitoring. 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 and NGOs. ODIHR's assistance in rule of law is increasingly in demand and the UK supports this work in Central Asia. Programme activities included assistance to legal clinics, civic education initiatives, teaching civil society about law and support to national human rights institutions across the region. The UK contributed £75,000 to this project.

The ODIHR's unrivalled expertise in monitoring elections is widely recognised within Europe, the US and Africa (see page 205 for more details). Last year FCO grants to the ODIHR for election monitoring and follow-up work and for projects to combat torture and trafficking and build civil society were just over £1.5 million. The projects included monitoring the new unified election code in Azerbaijan and a civil society centre in Albania. The UK contributed to the ODIHR Anti-Torture National Action Plans, mainly in Georgia and Uzbekistan, allowing a rapid response to an operative need. The ODIHR continues its comprehensive approach, working on torture prevention as an integrated part of its criminal law and prison reform work with the aim of minimising and ultimately eradicating torture.

### OSCE field missions

The OSCE has missions or is present in 17 countries. The UK is a major contributor to the field missions, giving £13.9 million in 2003. We provide funding for core running costs through the subscription payment, funding for projects through voluntary contributions and funding for secondees.

About 25 per cent of UK secondees to the OSCE are serving and retired police officers with extensive training skills. They have made a major contribution to the success of the Kosovo police service school, which has trained over 6,000 officers so far, and the police development unit in Macedonia, which has trained 1,156 police cadets to date. The secondees have also advised on police reform in Croatia and Serbia. In addition, the UK has seconded a retired deputy chief constable, Richard Monk, as senior police adviser to the Secretary-General of the OSCE. His role is to co-ordinate OSCE policing activities with other organisations; to promote the OSCE's capabilities in police training, monitoring and capacity-building and develop links to principal humanitarian aid agencies.

## 3.4 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 45 member states; Serbia and Montenegro was the last to join in April 2003. 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) plays an important role in protecting human rights. The PACE, which comprises MPs 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

## Human rights and the OSCE mission to Bosnia and Herzegovina

The FCO funds UK secondee Alison Jolly as director of the Human Rights Department of the OSCE mission to Bosnia and Herzegovina. Alison writes:

One state, two entities, and over 130 municipalities. The challenges of human rights work with such a wide range of public bodies is immense. With 130 staff in its head office and across 23 field locations, the human rights department of the OSCE mission to Bosnia and Herzegovina (BiH) remains unique in its capacity to identify issues at local level, and address them at local, entity and national level. It is unique also in the links it has created with the domestic bodies that can provide redress where rights are not respected, or implement reforms to prevent violations in future.

The department's main priority to date – ensuring that people can repossess their pre-war homes – has seen unprecedented progress. Today, over 210,000 (about 93 per cent) of housing claims resulting from displacement during the conflict have been decided, allowing people to return to their homes. The department, working directly with national authorities, was central to this process. It is now crucial to ensure that outstanding property issues are fully completed, and that return is

sustainable. These priorities form part of the department's new focus.

Far-reaching legal reform provides another challenge. The way courts are organised has changed. New offences, such as those relating to trafficking in human beings, have been introduced. Every judge and prosecutor in BiH has been through a re-appointment process. New criminal codes are in place. War crimes trials are on-going, and a new domestic body to hear war crimes cases is being set up. The department plays a central role in all these areas.

Every member of the department faces the daily task of identifying and reporting failures to respect human rights. Gathering this accurate, reliable information is the first step. However, we don't only monitor rights. We direct information to the individuals and institutions responsible for protecting those rights and we work to ensure that remedies are effective where rights are violated. With citizens, public officials, courts and ombudsmen, the department works to build understanding of the relevant standards, and to support public authorities in developing and implementing human rights compliant policies, laws and practices. It is only by building this long-term domestic capacity that long-term protection of human rights will be assured.

## Georgia: secondment to the OSCE Mission

Ross Matthews was seconded from the FCO to the OSCE Mission in Georgia in January and February 2004. He describes his experiences:

The ‘rose revolution’, in November 2003, signalled a new dawn in Georgia’s history. However, before Georgia could move on, an ambitious election schedule lay ahead, with presidential elections due in one month and parliamentary elections three months after that.

I joined the OSCE Mission to Georgia in January 2004. The mission employs approximately 350 staff and focuses on political and military issues, human rights and the monitoring of the borders with Chechnya, Ingushetia and Dagestan. The office shares the president’s military compound in Tbilisi and overlooks the city. To assist the Georgian authorities through the period building up to the elections, an OSCE elections unit was set up. At the pledging conference which formed part of the OSCE’s ministerial summit in December 2003, the UK committed £500,000 to pay for observers and electoral assistance.

I joined the elections unit, known as the Georgia Election Assistance Programme, as it was preparing for the parliamentary elections in March. In the month before the presidential elections in January, a huge amount had already been achieved towards improving election standards. However, many challenges still lay ahead. There were two main aims: to further educate voters about the electoral process and to improve the

technical standards on polling day. We achieved this through a series of projects, collaborating with local and international NGOs in the region and, most importantly, with the Georgian electoral commission.

My job was to organise a group of experts that would look at what was required to install long-lasting improvements in the Georgian electoral system. The group looked at three specific areas: electoral commission reform; voter list reform; and electoral code reform. Following meetings with ministers, parliamentary committees, the electoral commission, regional and national experts and NGOs, the experts wrote a report, which was presented to the OSCE.

The OSCE played a vital role in helping Georgia through this difficult period. In a statement after the elections, the OSCE said: “The Georgian authorities have seized the opportunity ... to further bring Georgia’s election process in closer alignment with European standards for democratic elections.”

My secondment to the OSCE mission was an incredible experience. It made me realise what a huge amount of valuable and worthwhile work the OSCE does, not only on elections, but on all aspects of human rights work. I believe that the extraordinary commitment and knowledge of the international and national staff should ensure that the mission to Georgia does excellent work for many years to come.

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. Other recommendations are more far-reaching and require a change to the Convention. In the UK, the Government has consulted parliamentarians, NGOs and the judiciary on these recommendations. The evaluation group’s reform programme began in January 2003 and will run until the end of 2005. The UK is contributing an extra £9 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 draft protocol to the ECHR was adopted at the May 2004 ministerial.

One way of decreasing the workload is for member states to take domestic action that obviates the need for applicants to take their cases to the ECHR. 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 available at:

The Council of Europe: [www.coe.int](http://www.coe.int)

The European Court of Human Rights: [www.echr.coe.int](http://www.echr.coe.int)

The Parliamentary Assembly: [www.assembly.coe.int](http://www.assembly.coe.int)

### The Council of Europe Commissioner for Human Rights

The Office of the Commissioner for Human Rights is an independent institution within the Council of Europe that promotes awareness of and respect for human rights in its member states. Mr Alvaro Gil-Robles was elected the first Commissioner in 1999.

Over the last year Mr Gil-Robles visited Turkey (June 2003) and Lithuania (November 2003) to investigate human rights concerns. He examined issues affecting refugees and asylum seekers; the protection of vulnerable groups; and ill-treatment and torture in policy custody. He also visited Latvia and Estonia in October 2003, where he focused on the protection of minorities and human trafficking.

The Commissioner’s 2004 Annual Report is available at [www.coe.int](http://www.coe.int)



Coffins lie in Nyamata church, after 400 new bodies were recovered from a mass grave near Kigali, Rwanda. Rwanda is marking the 10th anniversary of the genocide that began on 7 April 1994.

# HUMAN RIGHTS

## and international actions

The Universal Declaration of Human Rights makes clear that human rights are not the preserve of any one country or region. They are rights with which each and every one of us is born. Violations of these rights, wherever they occur, are a concern for all of us. This is 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. The UK rejects the notion that criticism of a country's human rights record means interfering in its internal affairs. Such criticism by individuals, civil society, the media and other governments is both legitimate and necessary.

In order to safeguard human rights effectively, therefore, we need a truly international system which applies the same standards across the board; which ensures that governments everywhere are aware of their obligations; and which allows citizens to realise their rights effectively. The United Nations (UN) is the natural context in which to take forward this work and it is the single most important body for promoting human rights worldwide.

This chapter looks at how the UK has worked with EU partners within the UN to highlight violations of human rights and to push for an improved international human rights system. We begin by looking at the main UN human rights forum, the 60th session of the UN Commission on Human Rights held in March–April 2004. We then look at the Third Committee of the UN General Assembly, which took place in November 2003 and which also deals with human rights issues. At both meetings the UK maintained its strong position that human rights abuses, wherever they occur around the world, are the legitimate interest of the international community.

The UN is sometimes criticised for being little more than a talking shop. In fact the UN plays a unique and vital role in ensuring protection of human rights on the ground. In this chapter we give details not only of the UN's peacekeeping work but also the work that it has done through the international criminal tribunals in the former Yugoslavia and Rwanda. We also give an update on the International Criminal Court which we believe represents a genuine opportunity to bring to justice the very worst abusers of human rights.

The chapter concludes by looking at some of the other vital regional and inter-regional mechanisms that promote respect for human rights. The UK has a particular interest in the Commonwealth, a unique organisation that straddles five continents and encompasses nearly a third of the world's population. We also look at international efforts to bring peace and security to Africa through the New Partnership for Africa's Development and the Prime Minister's Commission for Africa. We provide details on how African countries themselves are helping to promote and enforce respect for human rights through the African Commission on Human and Peoples' Rights and the African Court on Human Rights.

### 4.1 Human rights at the UN

Promoting respect for human rights has been a central feature of the UN since its inception. Article 1(3) of the UN Charter (1945) states that one of the purposes of the UN is to "achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion". One of the UN's first acts was to task the newly-created Commission on Human Rights (CHR) to draw

up the Universal Declaration on Human Rights (UDHR). This historic document, drafted by government representatives from around the world and adopted by the General Assembly in 1948, contains the first internationally agreed definition of human rights. It remains the cornerstone of the present day international human rights system. No country voted against its adoption and no country has rejected it since.

The UDHR is an important statement of principle, but it is not legally binding on UN member states. The UN soon realised the best way to make member states accountable to their citizens would be to draw up detailed treaties which place binding obligations on states to protect the human rights defined in the UDHR. In 1966, after years of painstaking negotiations, the UN adopted two covenants which elaborate in more detail the human rights set out in the UDHR: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Taken together with the UDHR these documents are known as the International Bill of Rights.

The UN adopted further Conventions which contain more detail about states' obligations in specific areas of human rights protection. The four most important are:

- > the International Convention on the Elimination of all forms of Racial Discrimination (CERD), adopted in 1965;
- > the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), adopted in 1984 (see Chapter 9 for details);
- > the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted in 1984; and
- > the Convention on the Rights of the Child (CRC), adopted in 1989.

The UK is a party to all six treaties and several related optional protocols, and takes its obligations under them extremely seriously, including the obligation to provide regular reports to the treaty monitoring bodies. As part of our on-going dialogue with other countries on human rights issues, we urge all UN member states to sign and ratify these core UN human rights treaties. As part of its Public Service Agreement with HM Treasury for 2001–2004, the FCO set targets of ratification of the Convention Against Torture by 70 per cent of UN members and 60 additional ratifications of the remaining five core treaties by March 2004. It was a target we met well before the deadline. The latest status of ratifications is available at: [www.unhchr.ch](http://www.unhchr.ch) and in Annex 4 of this Annual Report.

### New human rights standards

The UK participates in elaborating and upholding new human rights standards. The most recent examples are:

- > on 10 December 2003, UN International Human Rights Day, the UK became the third country in the world and the first in the EU to ratify the Optional Protocol to the UN Convention Against Torture (see page 182 for more details);
- > a UN Ad Hoc Committee of the General Assembly has begun negotiations on the text of a new international human rights convention on the rights of disabled people. The UK has among the most progressive legislation on disability of any country and is playing an active role in ensuring the Convention will genuinely lead to people with disabilities effectively realising their human rights (see page 215 for more details); and
- > in October 2003 we ratified Optional Protocol 13 to the ECHR which abolishes the use of the death penalty in all circumstances, including times of war.



1.



2.

1. A UN security guard looks at the assembly hall during the first day of the 60th session of the Commission on Human Rights at the UN, March 2004.

2. Louise Arbour, the new UN High Commissioner for Human Rights.

## UN Commission on Human Rights

The UN Commission on Human Rights (CHR) is the main UN forum for discussion of human rights. It develops international human rights standards and aims to address serious violations of human rights around the world. Its work is pivotal to the UN human rights system. The 53 member countries of the CHR meet for six weeks in Geneva each spring. Any member can put forward a draft resolution or decision on any human rights issue. The CHR discusses and, if necessary, votes on each initiative. Some resolutions establish UN Special Procedures, such as special rapporteurs, special representatives or working groups. Others encourage the Office of the UN High Commissioner for Human Rights to focus on particular issues.

Foreign Office Minister Bill Rammell visited Geneva on 18 March 2004 to attend the CHR and to meet the heads of Geneva-based UN organisations. In his speech to the plenary session of the CHR, he set out the UK's view that justice and the rule of law are a fundamental and indivisible element in the effective enjoyment of human rights (see Annex 01).

### The 60th session

The 60th session of the UN Commission on Human Rights (CHR) took place in Geneva from 15 March–23 April 2004. The CHR has 53 member countries which are voted on to the Commission from the UN membership for a period of three years. All documents from the session, including voting records, are available at: [www.unhchr.ch](http://www.unhchr.ch)

As always a number of unexpected factors had an impact on the work of the CHR this year. **Israel's** assassination of Sheikh Yassin on 22 March prompted a special sitting, during which the EU strongly condemned extrajudicial killings. Immediately following the adoption of the resolution on the human rights situation in **Cuba**, the Cubans pointedly tabled a resolution on the US detainees in Guantanamo. Cuba later withdrew this resolution when it became clear that there was no support for such politicised use of the UN's main human rights forum.

### Country resolutions

The issue of how to address the human rights situation in individual countries is now, more than ever, the main area of disagreement within the CHR. Many countries argue that 'naming and shaming' is unjustified and lobby hard against shining the spotlight on countries. The UK, on the other hand, believes that political peer pressure gives the international community a useful and legitimate tool for improving human rights in individual countries. Where a country refuses to co-operate or seek assistance in addressing human rights abuses, criticism is the only means of persuasion left to the international community. We believe international scrutiny was demonstrably helpful in improving human rights in apartheid

South Africa and in countries such as Nigeria, Chile and the former Soviet bloc when they were under dictatorships.

This year the EU tabled seven resolutions, including two jointly with the US, and two Chairman's statements on the human rights situation in specific countries. We achieved some important successes: new special rapporteurs dedicated to **Democratic People's Republic of Korea** and **Belarus**, the first new country rapporteurs to be appointed for 10 years, and resolutions on **Turkmenistan** and **Burma**. All of the resolutions express concern about reports of human rights violations and urge each of the governments to co-operate with the UN special procedures. The EU supported Switzerland whose achievement of a consensus Chairman's statement on **Nepal** was an example of the Commission at its most effective. During the negotiation process, the Nepalese government made a statement on its human rights commitments and began negotiations on a memorandum of understanding for assistance from the Office of the High Commissioner for Human Rights (OHCHR). (For more details about the chairman's statements on Nepal see page 139.) Close co-operation between the EU and the African Union resulted in a consensus text on **Democratic Republic of Congo** appointing an independent expert and a decision to establish an independent expert to report on human rights in **Sudan**. There were also chairman's statements, by consensus, on **Colombia** and **East Timor**.

The EU supported initiatives put forward by other countries on **Haiti**, **Afghanistan**, **Cambodia**, **Somalia**, **Burundi**, **Sierra Leone**, **Liberia** and **Chad**. It also supported the successful resolution on **Cuba**, presented by Honduras, which called upon Cuba to co-operate with the UN High Commissioner for Human Rights' Special Representative.

However, there were also no action motions on country resolutions on **China**, **Zimbabwe** and **Belarus**. These motions are designed to prevent the CHR considering resolutions. The first two succeeded. The no-action motion on Belarus failed. We narrowed the gap on the Zimbabwe resolution by one vote, but the whole African group refused to allow examination of Zimbabwe's human rights record, which meant that the no-action motion automatically defeated the resolution. A resolution on **Chechnya** was defeated in a vote.

### Thematic resolutions

While country-specific resolutions often attract the most attention, most of the CHR's output consists of resolutions on thematic issues such as civil, political, economic and social rights that develop the UN's approach to the rights set out in the UN treaties. There were over 60 such resolutions at the 2004 session and the CHR agreed to appoint new rapporteurs

on counter terrorism, impunity and trafficking. The UK delegation participated in discussions of thematic issues.

### Civil and political rights

With Amnesty International and the EU, the UK played a full part in developing a lobbying strategy for the death penalty resolution. The resolution calls upon states to abolish the death penalty or, as a first step, to impose a moratorium on its use. It calls upon those states which retain the death penalty to ensure they comply with the minimum safeguards for the use of capital punishment established by the UN's Economic and Social Council in 1984. This attracted a record number of 76 co-sponsors, one more than last year, and a record number of 29 votes in favour, with five abstentions. It is a shame that some countries that had co-sponsored in previous years did not do so again, despite repeated lobbying. But the trend remains in the right direction.

Sweden introduced a resolution on extrajudicial, summary and arbitrary executions which as usual met with opposition from member states of the Organisation of the Islamic Conference (OIC). The OIC objects to inclusion of references to killings on the basis of sexual orientation and to honour killings. These are killings of women, usually by close family members, who have 'dishonoured' their families, for example by refusing to marry the man of their parents' choice. The OIC called a vote on this paragraph and, when this failed, on the resolution as a whole. The resolution passed with 39 votes in favour and 12 abstentions, and the CHR renewed the mandate of the special rapporteur for a further three years

As in previous years the CHR adopted by consensus the resolution tabled by Denmark on torture, renewing the Special Rapporteur's mandate for another three years. The resolution included new language on non-refoulement, that is returning people into a situation where they might be tortured, and maintained good references to the Optional Protocol to the Convention Against Torture.

It was disappointing that the Brazilians withdrew their resolution on sexual orientation. As we said in our statement at the CHR, supported by all EU member states except Italy, we believe the consideration of non-discrimination on the basis of sexual orientation is a step towards ensuring that everyone can enjoy their human rights and fundamental freedoms. The EU, including the UK, will continue to support **Brazil's** efforts towards building consensus on this important human rights issue and we look forward to its consideration next year.

### Economic, social and cultural rights

The UK was fully involved in discussions of economic, social and cultural rights and we helped to renew some important special rapporteur mandates. We co-sponsored Portugal's resolution on the right to education, which retained the language on good governance we had inserted last year. For the first time we co-sponsored the resolution tabled by Brazil on the right to health (for more details on economic, social and cultural rights including access to health and education see Chapter 6).

The UK believes that by implementing the right to development, we can place human rights at the heart of development policies. We have welcomed the increasing efforts to debate practical progress towards implementing the right to development. The question of creating a legally-binding instrument still remains contentious. The EU is seriously concerned that in trying to create such an instrument, the ensuing negotiations would then stall any real progress for years. We hope instead that two bodies established by the CHR, namely the high level task force and the working group, will help embed the more pragmatic, consensual approach to this subject that has been gaining support (for more details on the right to development see Chapter 6).

We welcome the result at CHR on the sub-Commission's draft norms on the responsibilities of transnational corporations (see page 90 for more details). The UK fully supports corporate social responsibility (CSR) with regard to human rights. We therefore worked with a group of states to draft a decision which asks the OHCHR to compile a report on the scope and legal status of existing initiatives in CSR, including the norms, and to identify outstanding issues. We will submit this report next year for the CHR to identify options for strengthening standards of CSR and their implementation. A cross-regional group of 25 states, including South Africa, Nigeria, Mexico, Japan, Bangladesh, Croatia, Australia, Guatemala, Norway, France and Sweden, co-sponsored this text which was adopted by consensus.

As in previous years some countries (notably Cuba) introduced spurious resolutions on issues such as structural adjustment, peace, unilateral coercive measures and globalisation. While these are important issues, we believe that the motives behind these resolutions stem from a desire to divert the CHR's focus from meaningful progress on human rights. Some of these resolutions are simply obstructive in that they divert resources from more relevant human rights issues, others have a more damaging purpose. This year, the Like-Minded Group, chaired by China, introduced a text on human rights and human responsibilities which aims to make the enjoyment of human

rights conditional on compliance with a set of responsibilities. In other words individuals should only enjoy their human rights if they do not criticise or upset their governments. This attacks the very foundation of human rights as universal and inalienable and goes far beyond the concept of duties contained in international human rights instruments. Last year the text was defeated. This year despite active lobbying by numerous western states, it passed by one vote with 26 in favour, 25 against, with two abstentions. We and partners will be contributing to the consultation process on the draft Declaration, continuing to make clear our strong opposition to any attempt to make individuals' enjoyment of their human rights conditional on fulfilment of certain "social responsibilities".

### UN General Assembly Third Committee

The United Nations General Assembly (UNGA) meets annually in New York each autumn. The Third Committee of the UNGA, which includes all 191 UN member states, is responsible for human rights, social development and humanitarian issues. The 58th session of UNGA took place from 6 October–1 December 2003, adopting 72 resolutions.

Third Committee adopted five resolutions on human rights situations in **Burma, Turkmenistan, Democratic Republic of Congo (DRC), Iran and Cambodia**. The EU tabled the resolutions on Burma, Turkmenistan and DRC, with strong support from the UK.

UNGA agreed social policy resolutions on women's rights, ageing, family, crime and drugs. The main contentious issues are a new resolution on the role of parents (see box above) and violence against women. Vocal opposition from countries opposed to the resolution on violence against women eventually caused the main sponsors, including the UK, to split the resolution into two separate initiatives: one on domestic violence and the second commissioning a UN study into all forms of violence against women. Both are valuable initiatives.

As in 2002 the EU and Latin American/Caribbean countries sponsored their usual resolution on the Rights of the Child. Unfortunately the US felt that there were so many issues outstanding for them at the end of the process that they were not content with simply calling paragraph votes and, for the first time, called a vote on the whole resolution. The resolution was passed with no abstentions and only the US voting against.

UNGA voted on two other resolutions this year which had previously attracted consensus. The Pakistani-sponsored resolution on the right to self-determination was unchanged from previous years, but this year India called a vote, linking the text with Pakistan's references to Kashmir and Gujarat in

### The role of parents

**Benin** presented a resolution at UNGA on the role of parents as an attempt to establish primacy for the role of parents over children's human rights. The EU and other partners felt that, if the resolution was passed, it would effectively undermine the authority of the Convention on the Rights of the Child, which is almost universally ratified. The EU worked hard with western and Latin American partners to improve the resolution. New Zealand tabled formal amendments, which were agreed. Once the resolution had effectively changed, the original co-sponsors withdrew and tabled a no-action motion to stop the amended resolution going any further.

the general debate. In the past the EU, including the UK, joined in consensus because of the EU's commitment to the right of self-determination, despite our reservations about parts of the text which we expressed in a statement on adoption. However, this year the UK abstained along with several of the EU member states when the resolution was put to a vote.

The Indian delegation forced a vote on the resolution tabled by Mexico on the protection of human rights while countering terrorism. India was the only country not to vote in favour of the resolution, preferring to abstain. We were disappointed that the resolution could not be adopted by consensus. The EU has been working closely with Mexico to establish this as the authoritative text on terrorism.

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.

### The Office of the High Commissioner for Human Rights (OHCHR)

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, such as the Colombian office, and provides technical assistance at the requests of governments in many countries, for example Mexico and Sudan. 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.

In 2003 the UK continued to support the OHCHR to make sure it received more financial support from the UN's regular budget and through voluntary contributions made directly to the OHCHR. The UK was the third largest donor to the OHCHR in 2003. A large part of the UK's support comes through the

Department for International Development's (DFID) institutional strategy agreement with OHCHR, valued at £2 million per year.

The objectives of this strategy agreement are:

- > to enhance the capacity of the OHCHR in order to support the development and management of its field programmes and operations;
- > to mainstream all human rights across the work of the UN;
- > to integrate economic, social and cultural rights into the UN's work; and
- > to provide human rights information to other implementing agencies.

2003 was the last year of the existing institutional strategy and DFID and OHCHR are now consulting on the next four-year strategy, likely to be agreed in autumn 2004.

FCO contributions to OHCHR focus on project work, complementing DFID's institutional approach. In 2003 the FCO contributed the following:

#### **£150,000 to the UN voluntary fund for 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 2003 from the grants. The following British organisations received grants in 2003: Jammu and Kashmir Council for Human Rights, Kurdish Human Rights Project, Medical Foundation for the Care of Victims of Torture, Muslim Women's Aid, Penal Reform International, Prisoners of Conscience Appeal Fund, the REDRESS Trust, and the Sudanese Victims of Torture Group. The UK supported a major review of the fund during 2003 to help ensure that the fund operates as effectively as possible.

#### **£80,000 to the UN voluntary fund for technical co-operation**

This contribution was shared between two field offices.

OHCHR **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.

OHCHR **Mexico** office. With the Mexican government the Mexico office has played a major role in developing a national plan of action on human rights. In the last year the office carried out a diagnostic study of human rights to inform the implementation of that national plan. One of the main issues for the office is the rights of minorities, especially indigenous people.

#### **£100,000 to the OHCHR Office in Colombia**

This office monitors human rights in Colombia and promotes policies and programmes to protect and promote human rights. It also promotes an environment that can protect human rights within Colombia without the need for outside assistance.

#### **£100,000 to national human rights institutions**

Supporting national human rights protection systems is one of the UN's key objectives. The OHCHR provides advisory services to countries on national systems and in 2003 advised 70 countries, including Afghanistan, Democratic Republic of Congo (DRC), Sierra Leone and Sudan. The UK sought advice from OHCHR on establishing the Northern Ireland human rights commission. In 2003 OHCHR also worked towards strengthening regional networks of national human rights systems and provided training courses on issues such as human rights standards, monitoring systems for human rights and treaty monitoring bodies.

We envisage that in 2004 the FCO's total contribution to the OHCHR will be £480,000.

#### **The UN High Commissioner for Human Rights**

The General Assembly in February 2004 approved the appointment of Justice Louise Arbour of Canada as United Nations High Commissioner for Human Rights, for a term of four years. Ms Arbour succeeds Sergio Vieira de Mello, who was killed in a terrorist attack in Baghdad on 19 August 2003. Following Mr Vieira de Mello's death the Deputy High Commissioner Bertrand Ramcharan was appointed Acting High Commissioner until the end of June 2004, when Ms Arbour took up her post.

Ms Arbour, a Canadian Supreme Court Justice, was the Chief Prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and for Rwanda from October 1996–September 1999. Prior to her appointment to the bench she served as vice-president of the Canadian Civil Liberties Association. Throughout her career she has written extensively on criminal procedure, human rights, civil liberties and gender issues. We welcome her appointment and look forward to working with her.

## International Labour Organisation (ILO)

Labour rights are established in the Universal Declaration of Human Rights and International Convention on Economic, Social and Cultural Rights. They are set out in greater detail in the Conventions of the International Labour Organisation (ILO) (for more details on labour rights see page 169).

The UK fully supports the implementation of fundamental labour standards. Through the 1998 ILO Declaration on Fundamental Principles and Rights at Work, we are committed to realising and promoting the core labour standards which cover freedom of association and the right to collective bargaining, the elimination of forced and child labour and ending discrimination in employment. The UK has ratified the eight core ILO Conventions covering these principles and rights. We continue to promote the ILO Declaration and we encourage all member states to ratify and implement the core ILO Conventions.

We play an active role in the many ILO meetings that take place throughout the year, including the annual conference. At the June 2003 International Labour Conference the UK actively participated in discussions and negotiations leading to the adoption of a new Convention on seafarers' identity documents. This Convention establishes a more rigorous identity regime for the world's 1.2 million seafarers, and aims to provide seafarers with the freedom of movement necessary for their well-being and professional activities, and also to develop an effective security measure to protect against terrorism.

The ILO estimates that two million people die every year of work-related causes. At the conference the UK joined discussions that led to agreement on a global strategy on occupational health and safety. This calls for worldwide action to reduce the number of deaths, injuries and disease among workers.

Despite decades of effort women and ethnic minorities are still far from enjoying equality of opportunity and treatment. The conference held a special sitting to discuss the ILO Global Report *Time for Equality at Work*, when the UK highlighted ways in which we have sought to overcome discrimination in the workplace. Delegates affirmed that discrimination is a major cause of poverty and that new forms of discrimination based on age, sexual orientation, HIV/AIDS status and disability are emerging.

## Sanctions

The international community applies sanctions in response to challenges to international peace and security and as a viable alternative to the threat or use of military force. Sanctions are an integral element of the collective security provisions of the UN Charter. They are designed to change behaviour; they are not intended to be punitive. Sanctions should exert maximum pressure against leadership élites while having minimum impact on the

civilian population. When applying sanctions the priorities are arms embargoes, selective 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 enforced internationally. It is vital to consider the potential humanitarian impact of imposing sanctions and to make sure that sanctions regimes contain humanitarian exemptions from the outset.

The UK fully implements 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's response to developments in **Liberia** provides an example of the deployment of targeted sanctions. The Security Council updated sanctions against Liberia in Security Council Resolution 1521 of 22 December 2003 to reflect the departure of former president Charles Taylor and the improving, but fragile, situation in the country. The arms embargo remains in place, with certain specific exemptions, as does a travel ban against named individuals. The Liberia sanctions committee in New York keeps the travel ban under quarterly review. There are also bans on the import of rough diamonds and timber from Liberia. The Security Council will lift the bans once Liberia's national transitional government has achieved prescribed goals relating to the control of the diamond trade and of timber-producing areas. 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. Charles Taylor was given exile in Nigeria in late 2003 in exchange for him not interfering in Liberia's peace process. While this served as a useful short-term measure, we do not support impunity. We have made and continue to make representations at the highest level to have Taylor transferred to the Special Court for Sierra Leone.

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*. This document will ensure that EU-inspired sanctions regimes are developed in an expeditious and consistent manner. The guidelines will also inform the EU's implementation of UN sanctions. Details of the guidelines can be found at: [www.europa.eu.int](http://www.europa.eu.int)

## 4.2 International Humanitarian Law

International Humanitarian Law (IHL) governs the conduct of armed conflict between states and in certain circumstances within states. IHL has developed over many hundreds of years. The plight of the casualties left to die on the battlefield of Solferino in 1859 prompted the first international agreement on the care of the wounded and sick – the Geneva Convention of 1864. Since then states have adopted new international instruments covering the treatment of the sick and wounded, prisoners of war and other humanitarian matters, as well as the methods of warfare and the types of weaponry which could be legally used.

But there was widespread flouting of established rules, especially concerning the treatment of civilians in occupied territory during the Second World War. In response to this, the international community updated and consolidated laws on the protection of victims of armed conflict in the four Geneva Conventions of 1949. Most states have ratified these instruments which, together with their two Additional Protocols of 1977, form the cornerstone of modern IHL. Many of the provisions in these treaties are now accepted as customary international law – general rules that apply to all states whether party to a particular treaty or not.

The Additional Protocols (AP) are particularly significant. They augmented the provisions of the four 1949 Geneva Conventions to take account of changing circumstances in conflict between states (AP I), and extend the protection of civilians to cover internal armed conflicts (AP II). There are now also treaties dealing with biological and chemical weapons, conventional weapons deemed excessively injurious or likely to cause unnecessary suffering, and anti-personnel landmines.

The main instruments of IHL require states to train their soldiers and officers in what is acceptable conduct during a war and what is not. For example, there are rules on how to treat people who are not or who are no longer fighting, not targeting ambulances and hospitals, not mistreating prisoners, and not deliberately targeting civilians. Serious violations of the laws and customs of war, such as ill-treatment of prisoners of war or deliberate targeting of civilians, are defined as war crimes. Crimes against humanity are serious crimes committed as part of a widespread or systematic attack directed against a civilian population.

The Geneva-based International Committee of the Red Cross (ICRC) systematically offers advice to states and their national armies worldwide on their responsibilities. Increasingly, the ICRC provides advice to commanders of irregular armed groups in developing countries, many of whom are unaware that AP II deals substantively with internal armed conflicts. Nevertheless

some combatants choose deliberately to ignore IHL by deliberately terrorising civilians into submission, calculating that they can act with impunity. In the chaos of war, where normal law enforcement has ceased to function, such crimes often go unreported and hence unpunished. Those in command often protect abusers or deliberately ignore their offences. Army leaders may themselves be complicit in planning and organising war crimes and crimes against humanity. And indeed sometimes terrorising civilians may be one of their specific war aims.

The UK Government is committed to promoting the widest possible awareness of and respect for IHL. One of the principal ways in which we do this is by working closely with the ICRC. In line with practice in recent years, the FCO is contributing £600,000 in 2004 to the ICRC annual headquarters appeal. This funds IHL training for officials and members of armed forces around the world. Meanwhile under a recently renewed partnership agreement, DFID has allocated £17.5 million annually for the financial years 2002-2006 for contributions to the ICRC's field operations. More details available at: [www.icrc.org](http://www.icrc.org). A proportion of this is earmarked for the ICRC's protection work which includes promoting IHL.

During the past year the FCO has provided short IHL training courses for its own policy-makers and lawyers, and those in other government departments, on the relevance and importance of IHL to their own work.

## 4.3 UK involvement in UN peacekeeping missions

There are clear links between conflict and the abuse and denial of human rights. There is almost always a huge increase in incidence of rape, abduction of children, massacres, forced relocations and other human rights violations wherever a conflict takes place. We deal with conflicts around the world more generally in Chapter 5. Here we look at how the UN, through its peacekeeping operations, serves to promote the respect for human rights in a secure and stable environment.

The UN currently has 16 missions deploying military officers, soldiers, civilian police officers and civilian personnel to support sustainable peace. The peacekeepers perform a range of tasks. These include: monitoring and observing elections; assisting in disarmament, demobilisation and re-integration, and supporting the government in capacity building. All of these tasks help create a more positive framework for human rights. In **Sierra Leone**, the UN Mission (UNAMSIL) is helping the Sierra Leone government to extend its authority, restore law and order, and promote a political process. Human rights are fundamental to this process. For example, UNAMSIL human rights officers are helping to develop an accountable police force. Another

We are unable to publish this photograph online due to a re-licence restriction.

example is the peacekeepers working for the UN Stabilization Mission in **Haiti** (MINUSTAH), who are assisting in the development of the Haitian national police and working to bring about good governance and free and fair elections. Their human rights responsibilities include monitoring and reporting on human rights, particularly in connection with returning refugees and displaced people, and supporting Haitian human rights institutions and groups to ensure individual accountability for human rights abuses and redress for victims.

### United Nations Operation in Côte d'Ivoire (UNOCI)

In May 2003 the warring parties in **Côte d'Ivoire** agreed a ceasefire and signed the Linas-Marcoussis Agreement (see page 143 for more details). The UN Political Mission (MINUCI), the Economic Community of West African States (ECOWAS) and French troops supported the implementation of this agreement. However, the situation remained critical with militias committing serious abuses against civilians, recruitment of child soldiers, ethnic clashes, and, in March 2004, the killing of opposition supporters. The Security Council decided to support implementation of the peace agreement and established a UN peacekeeping mission (UNOCI) on 4 April 2004, following UNSCR 1528. The tasks of the 7,000-strong mission (civilians, police and military) are to monitor the ceasefire and movements of all armed groups and assist in the process of disarmament, demobilisation, re-integration, repatriation and resettlement in Côte d'Ivoire. The UN mission will also help prepare for elections in October 2005.

The mission has a strong focus on human rights, as mandated by the resolution. In April 2004 Bertrand Ramcharan, the Acting High Commissioner for Human Rights, appointed three human rights experts to conduct an investigation into the violence in Abidjan and the commercial capital, Yamoussoukro. The mission is also promoting and protecting human rights, with special attention to violence committed against women and girls.

The work of the UN peacekeeping missions in Sierra Leone, Haiti and **Côte d'Ivoire** (see box below) demonstrate a strong focus on human rights, following the recommendations of the Brahimi report (August 2000) which assessed UN peace support operations. The report emphasised that while human rights had not always received the necessary level of political and administrative support, they were critical to effective peacekeeping. The report set out recommendations to improve human rights, including that:

- > ceasefire and peace agreements must be consistent with international human rights standards;
- > UN member states should create a national pool of human rights experts in order to deploy trained specialists rapidly;
- > elections should be supported by a broader process of democratisation and developing civil society that includes a respect for basic human rights;
- > missions should document difficulties in police training and also reform, train and restructure local police forces according to international standards for democratic policing and human rights; and
- > all UN peacekeepers should receive training in human rights issues and the relevant provisions of international humanitarian law.

The UK plays a pivotal part in making sure that UN peacekeeping work focuses on human rights. As a permanent member of the Security Council we take a leading role in establishing and tasking UN missions. We can ensure that missions address human rights appropriately, through our involvement in drafting the resolutions that set the mandates for missions. It is important that the resources we commit to the UN are used effectively. We are the fourth largest contributor to the UN regular budget and to peacekeeping operations. We are also one of the biggest voluntary

**Table: British citizens working in UN peacekeeping missions (average figures for January–June 2004)**

	Troops	Military Observer	Civilian Police
<p><b>MONUC</b>  <b>United Nations Mission in the Democratic Republic of the Congo</b>                      Established in 1999. Main focus: supporting the implementation of the ceasefire. Also working to release prisoners of war and facilitate humanitarian assistance and human rights monitoring.</p>	5		
<p><b>UNAMSIL</b>  <b>United Nations Mission in Sierra Leone</b>                      Established in 1991. Main focus: supporting disarmament, demobilisation and re-integration following the Lomé Peace Agreement.</p>	7	15	10
<p><b>UNFICYP</b>  <b>United Nations Peacekeeping Force in Cyprus</b>                      Established in 1964. Main focus: supervising ceasefire lines, maintaining a buffer zone and providing support to buffer zone residents and Greek Cypriots living in the north and Turkish Cypriots living in the south.</p>	396		
<p><b>UNMEE</b>  <b>United Nations Mission in Ethiopia and Eritrea</b>                      Established in 2000. Main focus: monitoring the cessation of hostilities and supporting completion of the delimitation and demarcation of the border between the two countries.</p>	2	1	
<p><b>UNMIK</b>  <b>United Nations Interim Administration in Kosovo</b>                      Established in 1999. Main focus: supporting the return to peace and stability, including the promotion of human rights.</p>		1	107
<p><b>UNMIL</b>  <b>United Nations Mission in Liberia</b>                      Established in 2003. Main focus: supporting the implementation of the ceasefire agreement and peace process. Also working to promote, protect and monitor human rights.</p>	3		
<p><b>UNMISET</b>  <b>United Nations Mission in Support of East Timor</b>                      Established in 2002. Main focus: supporting the process of independence of Timor Leste. This includes work on justice and law enforcement.</p>			4 (Jan–Apr) 0 (May–June)
<p><b>UNOMIG</b>  <b>United Nations Observer Mission in Georgia</b>                      Established in 1993. Main focus: verifying compliance with the ceasefire agreement between the Georgia government and the Abkhaz authorities. A human rights office was established as part of UNOMIG in 1996.</p>		7	

contributors to UN funds, programmes and agencies. In 2003–2004 we provided over £140 million in contributions to support UN missions overseas and over £146 million in voluntary contributions.

In addition, the UK contributes personnel to UN missions in which we have particular interests and involvement or skills to offer. Some UK personnel are directly involved in human rights work. From January–June 2004, over 550 British citizens were working in peacekeeping missions on behalf of the UN. (See table opposite.) We anticipate maintaining this level of involvement, although the composition according to missions may change.

#### 4.4 International justice and the UN

An international system of justice that can effectively deal with those responsible for gross violations of human rights and crimes against humanity is a vital tool in enforcing the will of the international community for global peace and stability. This ultimate accountability increases the confidence of those who work to promote human rights around the world and gives those who would wish to flout international law pause for thought. The creation of an International Criminal Court is a major achievement in this direction.

The UN is uniquely placed to co-ordinate the international community's work on strengthening international justice particularly in post-conflict situations. The UN's most visible efforts in this area are the international criminal tribunals in the former Yugoslavia and Rwanda, but it is engaged in a broad range of judicial, legal, penal and policing activities aimed at re-establishing justice and the rule of law. We cover other post-conflict justice mechanisms such as the special court in Sierra Leone and the East Timor truth and reconciliation commission in Chapter 5.

In September 2003, Foreign Secretary Jack Straw launched an initiative on justice and the rule of law. Following this, UN Secretary-General Kofi Annan offered to present a report on how the international community might develop a cohesive and better co-ordinated response in dealing with post-conflict justice. The report was issued in August. We will be pushing forward work on its recommendations during our forthcoming Presidency of the Security Council in October 2004.

#### The International Criminal Court

The UK is one of the strongest supporters of the International Criminal Court (ICC). The ICC represents a major advance in international justice and the fight against impunity for perpetrators of international crimes. The court began operating in summer 2003 when it appointed its first chief prosecutor, Luis Moreno Ocampo (Argentina). The bodies of the court are still establishing themselves. The chambers and the office of the prosecutor have been finalising their rules and regulations. The registry has been setting up the court's supporting infrastructure and holding expert meetings on issues such as victims' reparation. Although the court does not yet have a full complement of staff, it is ready to launch investigations.

The ICC's budget for 2004 is £35.3 million, of which the UK pays £4.4 million (11 per cent).

Two of the court's state parties have now made an official referral to the court – the **Democratic Republic of Congo** (DRC) and **Uganda**. In June the prosecutor launched a formal investigation into the situation in the DRC. He is expected to focus on the Ituri region, where conflict between opposing militia and rebel groups has resulted in serious breaches of international law including massacres, systematic sexual violence and the endemic use of child soldiers by all parties. An estimated 50,000 have died since 1999, and atrocities continue despite the presence of UN troops. Uganda asked the court to investigate the activities of the Lord's Resistance Army (LRA) in northern Uganda. The LRA has been leading a long insurgency against the Ugandan government, causing



International Criminal Court judges pose with the UN Secretary General Kofi Annan, Queen Beatrix of the Netherlands and Dutch Prime Minister Jan Peter Balkenende, after the inaugural session of the International Criminal Court in The Hague, 11 March 2003.

widespread suffering and terrorising local communities. The prosecutor is exploring the situation before deciding whether to launch a full investigation.

The Rome Statute which established the ICC made a special provision for victims through a trust fund that will, on the court's instruction, provide compensation for victims. Work continues on the fund's criteria and operation. In September 2003 the Assembly of States Parties elected a five-member board of directors for the trust fund. They are Her Majesty Queen Rania Al-Abdullah (Jordan), Archbishop Desmond Tutu (South Africa), Oscar Arias Sanchez (Costa Rica), Tadeusz Mazowiecki (Poland), and Simone Veil (France).

The board held its first meeting in April 2004. It will present proposals to the Assembly of States Parties meeting in September 2004.

Two more states, Congo and Burkina Faso, have ratified the Rome Statute for the ICC since our last Annual Report on Human Rights, increasing the states parties to 94. It is a UK and EU objective to increase the number of states parties further, so that the court can operate within the widest possible jurisdiction. The EU carried out 37 lobbying exercises from July 2003 to June 2004 urging states to ratify the Rome Statute. We also need a better geographical spread of states parties. In particular we need more representation from Arab and Asian states. So far only one Arab state, Jordan, has ratified the Rome Statute. The UK and some other EU states co-financed a regional conference in the Yemen in January 2004 to discuss human rights and the ICC. So far no major Asian state such as India, China or Japan has acceded to the Statute. Europe has the best representation but Russia, which signed in 2000, has yet to ratify the Statute. In February 2004 the UK contributed towards the first victims' seminar on the ICC in Asia. This was held in the Philippines and involved around 100 representatives of victims' groups from 15 countries across Asia, helping to strengthen support for the ICC in Asia.

A related UK and EU goal is to help existing states parties put legislation into place so that the court can carry out its mandate. The UK is co-sponsoring a project with the Commonwealth Secretariat to create model legislation for common law states. In addition we co-financed a course in July 2004 in South Africa. Nottingham University and Cape Town Law School ran the course for legislators and legal professionals who are involved in implementing the Rome Statute.

At the same time we recognise that 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.

The US has responded to its concerns by trying to create a global network of bilateral non-surrender agreements. These agreements prevent states from handing over US citizens to the ICC. The US efforts received an extra impetus last year when the American Servicemembers' Protection Act came into force on 1 July 2003. This Act obliges the US to withdraw military co-operation from states, except close allies, where US service personnel could possibly be accused of war crimes and therefore be surrendered to the ICC. So far around 89 states – including some 36 ICC states parties – have signed the US agreement. Fourteen of these agreements have been ratified, which gives them legal force. The US has already started action to withdraw military aid from states that do not sign its bilateral agreement.

We obviously regret that the US is withdrawing military and other aid, but we recognise that it is a bilateral matter for the countries in question. The EU has agreed a Common Position and some Guiding Principles (30 September 2002) to assist EU states and others, which are considering signing such agreements. This states that such agreements are allowed under Article 98.2 of the ICC Statute provided they follow three basic principles:

- > they must have operative provisions to ensure that people who have committed crimes falling within the jurisdiction of the court do not enjoy immunity;
- > they must only cover people who are not nationals of a state party; and
- > they should cover only people officially sent by the state in question on government business (including extradited persons); the agreement cannot cover all that state's citizens.

The US administration decided in June 2004 to withdraw its resolution seeking a roll-over of UNSCR 1422 which granted a 12-month exemption from ICC investigation for UN peacekeepers from non-states parties. The US will not be resubmitting this resolution.

Once the ICC has established a responsible track record and it is clear that the safeguards against politically-motivated nuisance cases are working, we hope that those states currently opposed to the ICC will reconsider becoming a party to the ICC Statute. We realise, however, that this is a long-term goal. In the meantime with our EU partners we continue to lobby for ratification of the ICC Statute.

More information on the ICC is available at: [www.icc-cpi.int](http://www.icc-cpi.int)

### **International Criminal Tribunal for the former Yugoslavia (ICTY)**

The International Criminal Tribunal for the former Yugoslavia (ICTY) is now in its 12th 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 from all countries, especially those in the region.

UNSCR 1503 of 28 August 2003 reinforced this message, calling on states to comply with their responsibilities under international law and to transfer indictees within their territory to the ICTY's jurisdiction. The resolution highlighted the need to detain and transfer for trial fugitive indictees Radovan Karadzic, Ratko Mladic and Ante Gotovina. There are currently 59 accused in detention at the ICTY. A further five have been provisionally released pending trial. Fourteen others have been publicly indicted over the last year and 21 remain at large.

UNSCR 1534 of 26 March 2004 again called on the ICTY to meet the deadlines within its completion strategy. It also called on the tribunal to ensure that future indictments concentrated on the most senior and most responsible. The ICTY judges have since passed an amendment to the Rules of Procedure and Evidence, giving a greater role to the judges in reviewing indictments for appropriate seniority. The deadlines of the completion strategy stipulate that investigations must be completed by the end of 2004 and to all trial activities wound up by the end of 2010. By the end of July 2004, 103 accused had appeared in proceedings before the tribunal, 34 were at the pre-trial stage, seven were currently at trial and one was awaiting trial chamber judgement or sentencing. Fifty of the accused have been tried, of whom 15 were currently at appeal, and 29 had 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 has now entered its third year; the case for the prosecution closed on 25 February 2004. In June the trial chamber ruled that there was a case to be answered. Mr Milosevic started his defence on 5 July. There were concerns about his health and further hearings were postponed until 31 August. The trial chamber has said that should he not be fit to present his own defence, it would consider assigning counsel to present the case for him.

The UK continues to support the ICTY by providing documentary and eye-witness material and through financial

### **Judge Richard May**

Judge Richard May died on 1 July 2004, aged 65.

Sir Richard played a pivotal role in the UN International Criminal Tribunal for the former Yugoslavia (ICTY), where he drafted the court's rulebook and advised on the establishment of the International Criminal Court.

Sir Richard joined the ICTY in 1997 and had presided over the trial of Slobodan Milosevic since February 2002. He gained widespread respect and admiration for his handling of the Milosevic trial, refusing to be intimidated. He exercised firm control over an immensely complex trial while ensuring that Milosevic was treated fairly.

Judge Theodor Meron, who chairs the tribunal, recently described Sir Richard as "a pioneer and leader in this great adventure". He played an important role among the 16 judges at The Hague tribunal, where he headed the committee tasked with drawing up the court's rules and procedures, helping to influence how the tribunal works. Sir Richard became a full-time judge in 1987, and was always an energetic activist for international justice. His contribution to creating a body on international case law leaves the international community with an impressive legacy to draw on in the future.



Judge Richard May opening the proceedings against Slobodan Milosevic at the UN war crimes tribunal, in this photo taken in July 2001.

contributions. In addition to our annual payment, £5.7 million in 2004, 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, the Outreach Programme which informs the regional population of the ICTY's work, and the Rules of the Road Project. This advises the courts in Bosnia and Herzegovina (BiH) on the domestic prosecution of war crimes cases, and on monitoring the quality and fairness of these prosecutions.

At a donors' conference in October 2003 the UK pledged almost 10 per cent of the total costs, £2.6 million over five years, to an international project to set up a special war crimes chamber in the Bosnia state court. The Office of the High Representative to Bosnia will oversee this project initially. Once the court is up and running, it should facilitate the ICTY's transfer of some lower-level cases to domestic BiH jurisdiction.

## Momir Nikolic pleads guilty to Srebrenica crimes against humanity.

In December 2003 the ICTY sentenced Momir Nikolic, a former senior Bosnian Serb military officer with responsibilities for security in the Srebrenica area, to 23 years' imprisonment.

Nikolic was one of four people named in the indictment concerning the Srebrenica massacre, during which 7,000 Bosnian Muslim men and boys were killed. He was charged with genocide, crimes against humanity and other war crimes for his involvement in these events.

Following a plea-agreement Nikolic pleaded guilty to crimes against humanity, in particular persecutions against Bosnian Muslims. During his trial the former high school teacher expressed "sincere regret and repentance", shedding tears as he apologised to the victims. This was the first time a senior Bosnian Serb official indicted at the ICTY had acknowledged that the Srebrenica massacre had occurred and that senior officials had been involved. In addition Nikolic co-operated with ICTY prosecutors and gave evidence against his fellow officers. This in turn led to another guilty plea by one fellow officer, Dragan Obrenovic.

This will help the ICTY to achieve the objectives in its completion strategy. More details about the ICTY are available at: [www.un.org/icty](http://www.un.org/icty)

### Serbia and Montenegro

Serbia and Montenegro (SaM) made some progress early in 2003 towards full co-operation with the ICTY. The SaM authorities transferred eight indictees; they arrested four, the others surrendered. However by the end of July 2004 SaM had failed to hand over any further indictees since October 2003. In February 2004 the ICTY Chief Prosecutor described the SaM authorities' co-operation with the ICTY as "frozen". The Bosnian Serb wartime leader, Ratko Mladic, remains at large.

We are concerned that the Serbian government has failed to act on a recent indictment against four former army and police generals for alleged crimes committed in Kosovo which the ICTY made public on 20 October 2003.

We and our partners continue to put pressure on SaM to transfer all remaining ICTY indictees, including Mladic and Karadzic, and to allow the ICTY to have access to documents and witnesses. We take every opportunity to remind the SaM authorities that, without greater co-operation with the ICTY, it will be difficult for SaM to achieve greater integration with the EU and NATO.

### Bosnia and Herzegovina

Bosnia and Herzegovina (BiH), like its neighbour SaM, continues to have a mixed record on co-operation with the

ICTY. In 2003 the BiH government made more effort to find and apprehend ICTY indictees but some high-profile indictees remain at large, including Bosnian Serb wartime leader Radovan Karadzic. The ICTY chief prosecutor has made clear that the BiH authorities, and particularly those in **Republika Srpska**, must do more to detain and transfer the indictees to The Hague for trial.

The UK has stressed to the BiH authorities that allowing the likes of Karadzic and Mladic to remain free obstructs justice and reconciliation and limits the region's political and economic development. We are involved in diplomatic, political and operational efforts to detain and transfer the indictees to The Hague and are working with international and EU partners, the NATO Stabilisation Force (SFOR), the High Representative to Bosnia, Lord Ashdown, and the BiH authorities.

### Croatia

The Croatian government has improved its co-operation with the ICTY in the last year but problems remain. The UK and the ICTY Chief Prosecutor still share the view that the government is not fully co-operating in the case of the fugitive indictee Ante Gotovina. Gotovina is accused of command responsibility for war crimes committed during and after Operation Storm, the 1995 military operation to retake Serb-held Croatian territory. The Chief Prosecutor made clear her concerns in her address to the UN Security Council in October 2003. EU foreign ministers have also called on the Croatian government to co-operate fully with the ICTY. UNSCR 1503 refers explicitly to the need to bring Gotovina to justice.

Respect for the rule of law is a key condition of the Copenhagen political criteria which all countries must meet before EU accession negotiations can begin. It is also a condition of Croatia's Stabilisation and Association Agreement (SAA) with the EU, and the Dayton Peace Agreement requires full co-operation with the ICTY. Thus the UK has suspended parliamentary ratification of the SAA until we judge that Croatia is fully co-operating with The Hague.

Co-operation elsewhere has improved. **Croatia** has now complied with all of the ICTY's requests for documentary evidence and the UK welcomed the voluntary surrender of Generals Cermak and Markac in March 2004, shortly after the ICTY issued their indictments. The generals are accused of command responsibility for war crimes committed during and after Operation Storm. It is important that these improvements continue and that the Croatian government takes decisive action to address the issue of Gotovina.

## Media figures held responsible for genocide

In December 2003 Ferdinand Nahima, founder of Radio Television des Mille Collines (RTLM), Jean-Bosco Barayagwiza, an RTLM board member and Hassan Ngeze, chief editor of the Kangura newspaper, were convicted of genocide, incitement to genocide, conspiracy and crimes against humanity.

On sentencing Nahima, Judge Navanthen Pillay told him: “You were fully aware of the power of your words . . . Without a firearm, machete or any physical weapon, you caused the death of thousands of innocent civilians.”

RTLM, nicknamed ‘Radio Machete’ during the genocide, broadcast calls for the extermination of the Tutsi. In its judgement the court noted that the power of the media to create and destroy fundamental human values came with great responsibility and that those who controlled such media should be held accountable for the consequences.

This case builds on the precedent established at the Nuremberg Tribunal when Julius Streicher was convicted and executed for his role in publishing the anti-Semitic newspaper *Der Stürmer*.

### Macedonia

The ICTY has asserted primacy over five cases relating to the inter-ethnic conflict of 2001 but has not yet issued any indictments.

### 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–31 December 1994. This was when up to a million people, mostly members of the Tutsi tribe, were murdered. Ten years on, and despite a slow start, the tribunal is well on the way to fulfilling that mandate. Since the beginning of 2003 the tribunal has handed down 14 judgements, compared with nine judgements delivered during 1995–2002.

The tribunal has achieved this turnaround by making better use of courtrooms to allow more concurrent trials and, through the ability of the tribunal president, to call on 18 *Ad Litem* judges. These are part-time judges who can hear cases as and when requested. Another important factor was the UNSCR 1503 of 28 August 2003 which provides the tribunal with its own dedicated prosecutor, Hassan Jallow (Gambia). Carla Del Ponte had previously held the role jointly with her role as Prosecutor of the International Criminal Tribunal for Yugoslavia. To date the tribunal has issued over 70 indictments and over 60 indictees have been transferred to the tribunal's custody. The tribunal has handed down 17 judgements involving 23 accused, resulting in 19 convictions and three acquittals. Six trials involving a further 20 defendants are currently in progress.

In October 2003 the tribunal presented the UN Security Council with its revised completion strategy which foresees completing all investigations by the end of 2004 and winding up the ICTR in 2010. A further report was made in June 2004 which indicated that the tribunal remains on track. The UK fully

supports the tribunal and has contributed over £4.1 million towards its budget in 2004.

More information on the tribunal is available at: [www.ictor.org](http://www.ictor.org)

## 4.5 The Commonwealth

The UK's work within the Commonwealth is an important part of our global human rights effort. There are 1.7 billion people living in the Commonwealth, over 30 per cent of the world's population. We work closely with our 53 fellow members to uphold the Commonwealth's fundamental principles, set out in the 1991 Harare Declaration and subsequent heads of government meetings. The principles include:

- > 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.

### Commonwealth Heads of Government Meeting (CHOGM)

Commonwealth heads of government met in Abuja, Nigeria, in December 2003. In their communiqué, the heads of government reaffirmed their commitment to the fundamental political values of the Commonwealth as set out in the Singapore and Harare Declarations and subsequent CHOGM communiqués and reinforced by the Millbrook Action Programme. Heads of government reiterated their commitment to human rights, equality, international peace and security, democracy, the rule of law, the independence of the judiciary, freedom of expression and political cultures that promote transparency, accountability and economic development.

The heads of government met in retreat and subsequently summarised their discussions in the Aso Rock Declaration. In this they made a commitment to democratic development through sustainable development programmes and enhancing

democratic institutions and processes. They described democracy-building as a constantly evolving process which must take into account national circumstances. The Commonwealth heads promoted participatory democracy characterised by free and fair elections and representative legislatures, an independent judiciary, mechanisms to protect human rights, the right to information, active participation by civil society, and increased global democracy.

The Commonwealth Ministerial Action Group (CMAG) continues with its mandate to engage on human rights. Before the Abuja CHOGM, the UK commissioned a study by the Commonwealth Policy Studies Unit at the Institute of Commonwealth Studies in London to consider two schemes: a Commonwealth human rights commission or commissioner and a human rights adviser to CMAG. Both schemes were designed to address the lack of reporting to CMAG on human rights questions. After broad consultation the study found that the proposal for an adviser to CMAG was more likely to win consensus support. The role would be pastoral and promote best practice, assisting national human rights commissions. This avoids any conflict with the work of the UN High Commissioner for Human Rights. The findings of the study were discussed at meetings before CHOGM, including at the Committee of the Whole, and a review will now look at what mechanism can best work within the organisation. The debate will continue at future meetings.

CMAG also deals with serious or persistent violations of the Harare Commonwealth Declaration. The current CMAG members are the foreign ministers of Bahamas, Canada, India, Lesotho, Malta, Nigeria, Samoa, Sri Lanka and Tanzania. CMAG's main concerns in the past year have been Zimbabwe (working through the troika: see box opposite) and Pakistan.

At its meeting on the eve of CHOGM on 4 December 2003, CMAG was not able to recommend lifting Pakistan's suspension from the councils of the Commonwealth. Heads of government hoped however that "negotiations between the government and the political parties on the outstanding issues in the LFO (Legal

Framework Orders) would be concluded successfully in the spirit of Commonwealth parliamentary practice and process and a comprehensive package would be passed in parliament in accordance with the constitution, thus leading to the full restoration of democracy and enabling the lifting of Pakistan's suspension from the councils of the Commonwealth". These conditions were met in early 2004 and CMAG lifted Pakistan's suspension at its London meeting on 21–22 May 2004. Pakistan, however, remains on the CMAG agenda.

Young people have promoted the Commonwealth's role in improving human rights in member countries in their communiqués issued after three Commonwealth youth summits, held in Botswana, Scotland and Nigeria. The last, held in the margins of the Commonwealth Heads of Government Meeting, set out a series of recommendations, an action plan and success indicators. The youth summit submitted its communiqué to heads of government as the voice of the next generation that wants human rights to figure high on Commonwealth members' political agendas. Ministers have committed to meeting with their country's youth representatives to monitor progress.

### Working with civil society in the Commonwealth

Commonwealth civil society comprises a wide range of professional organisations, religious bodies, business networks, trade unions, arts organisations, sports groups and charities.

Human rights commissions aim to protect and promote human rights and are important institutions for civil society. There are Commonwealth human rights commissions currently operating in Australia, Cameroon, Ghana, India, Malawi, Malaysia, Mauritius, Nigeria, Northern Ireland, South Africa, Sri Lanka, Uganda and Zambia. There are also human rights commissions in Canada and New Zealand, as well as the recently announced commission for equality and human rights in the UK (see page 85 for more details). The main concern of these three latter commissions is anti-discrimination issues.



Leaders attend the final executive session of the last day of the Commonwealth Heads of Government meeting in Abuja, Nigeria, 8 December 2003.

## Zimbabwe

**Zimbabwe** has been a major concern for the Commonwealth. The councils of the Commonwealth suspended Zimbabwe in March 2002 soon after the Coolum CHOGM for breaching the Harare Principles. While Zimbabwe has remained on the formal CMAG agenda, it came under the remit of the Commonwealth troika mechanism. This is a group of three leaders – the past, present and next Chairs of the Commonwealth. Currently they are Prime Minister John Howard of Australia, President Olusegun Obasanjo of Nigeria and President Thabo Mbeki of South Africa. The troika's task is to monitor Zimbabwe's compliance with the Harare Principles. At the troika's request, and after consulting Commonwealth heads of government, the Commonwealth Secretary-General, the Rt Hon Donald McKinnon (New Zealand), issued the Commonwealth Statement on Zimbabwe on 16 March 2003.

This concluded "that the most appropriate approach in the circumstances is for Zimbabwe's suspension from the councils of the Commonwealth to remain in place until the Commonwealth heads of government address the issue and decide upon a way forward at the CHOGM in December 2003". During the retreat at the CHOGM, the UK Prime Minister and other heads of government argued that it was inconceivable

for Zimbabwe to be re-admitted to the councils of the Commonwealth. Zimbabwe should remain suspended until they saw concrete evidence of a return to democracy, respect for human rights and the rule of law – the principles on which the Commonwealth is founded. Heads agreed that the Commonwealth would encourage national reconciliation in Zimbabwe. The Chair-in-Office of the Commonwealth, President Obasanjo, and the Commonwealth Secretary-General were to facilitate progress "and the return of Zimbabwe to the councils of the Commonwealth". President Obasanjo was encouraged to visit Zimbabwe at the earliest opportunity and then to consult the committee of six (South Africa, Mozambique, Jamaica, India, Australia and Canada) established at CHOGM. When Zimbabwe had made progress and provided there was consensus in the committee, President Obasanjo was to consult heads about Zimbabwe's suspension. However Mr Mugabe's reaction was to withdraw Zimbabwe from the Commonwealth, demonstrating clearly that he does not accept Commonwealth Principles.

The strong bonds that exist between the Zimbabwean people and the rest of the Commonwealth remain. There will always be a place for a democratic Zimbabwe in the Commonwealth.

We continue to explore ways of strengthening the relationship between the official Commonwealth and its civil society, a key mandate given by Commonwealth heads of government. We funded, in collaboration with the Commonwealth Human Rights Initiative, a workshop for civil society organisations to share knowledge and ideas on using the Commonwealth as a platform to advocate change. The workshop took place in Accra, Ghana, and brought together participants from five Commonwealth countries: Cameroon, The Gambia, Ghana, Nigeria and Sierra Leone. We also supported the inclusion of representatives from civil society in the Commonwealth Foundation's governing structure to improve further its already close working relationship with civil society.

### 4.6 The New Partnership for Africa's Development (NEPAD)

The New Partnership for Africa's Development (NEPAD) is an African initiative addressing sustainable growth and development within that continent. It is a long-term strategy which recognises the need for sound political and economic governance, conflict resolution and regional co-operation as preconditions for Africa's economic regeneration.

Its development features prominently on the UK's agenda. We provide political and financial support to NEPAD through our wider development programme operated by DFID. DFID bilateral assistance to Africa is rising to £1 billion per year by 2005–2006 and we are increasing assistance where we believe governments are strongly committed to reducing poverty for example in **Ghana** and **Tanzania**. Tanzania has been at the

forefront of the Poverty Reduction Strategy (PRS) approach. It has a credible Poverty Reduction Strategy Paper and is currently preparing its second Strategy. Progress from this focused approach is evident and has had a positive impact on the lives of the poor. DFID will continue to support the government in the implementation of its PRS. Our bilateral country allocation will have risen from £80 million in 2003–2004 to £110 million for 2005–2006. We will increase the amount we spend through general budget support (75 per cent in 2003) as the most effective way to support the government.

Much of our bilateral assistance focuses on helping African governments strengthen institutions and governance. This approach underpins the increasing volume of development aid provided through direct budgetary support to African governments. DFID funds FCO posts to improve monitoring of the implementation of the OECD anti-bribery Convention. Our Embassies and High Commissions are promoting the OECD anti-bribery Convention with UK businesses abroad. The governments in Nigeria and Ghana are implementing the Extractives Industries Transparency Initiative and discussions are on-going with six other African countries, including Angola, on possible implementation. The UK has supported the NEPAD Secretariat in developing its work programme in areas such as peace and security.

#### The G8 Africa Action Plan

At the G8 Summit in Evian in 2003 the UK published a progress report on our commitments under the G8 Africa Action Plan, the G8's response to NEPAD. Achievements included a joint Africa/G8 plan to enhance African capabilities to undertake

## Commission for Africa

In February 2004 Prime Minister Tony Blair launched a new initiative, the Commission for Africa, to take a fresh look at the challenges the continent faces.

The Commission aims to generate increased support for the New Partnership for Africa's Development (NEPAD), the G8 Africa Action Plan, the achievement of the Millennium Development Goals (MDGs) and other processes contributing to poverty reduction in Africa. The Commission will build on NEPAD's analysis and galvanise support for it, and other positive initiatives within Africa and beyond, rather than cutting across them. The NEPAD Secretariat supports the establishment of the Commission for Africa.

The Commission for Africa held its first meeting in No 10 Downing Street on 4 May 2004. The Prime Minister chaired the meeting which was attended by all other confirmed Commissioners.

The Prime Minister opened by expressing his determination to work with other Commissioners to make tangible progress on the huge challenges facing Africa. These issues would play a major role in the UK presidencies of the G8 and EU in 2005. The Commission would draw together the work being carried out across Africa which would lead to real and positive action on the ground. Commissioners emphasised that it was important for the Commission to have tangible outputs and to look at the root causes of poverty in Africa. Hilary Benn, Deputy Chair and Secretary of State for International Development, gave a short presentation summarising the key challenges facing Africa, recent progress, the partnership within Africa and between Africa and the international community, and the opportunities for further progress in 2005.

The Commissioners agreed responsibilities for the different work strands and agreed six themes as a basis for the report: Economy (Gordon Brown, UK Chancellor of the Exchequer; Trevor Manuel, South African finance minister; Ralph Goodale, Canadian finance minister); Natural Resources (Meles Zenawi, prime minister of Ethiopia; Michel Camdessus, Africa personal representative – France); Human Development (Dr William Kalema, chairman of the Uganda Investment Authority; Benjamin Mkapa, president of Tanzania; Ji Peiding, China's vice-minister for foreign affairs); Governance (Linah Mohohlo, governor, Bank of Botswana; KY Amoako, executive secretary, UN Economic Commission for Africa); Peace and Security (Tidjane Thiam,

group strategy and development director, AVIVA plc; Nancy Baker, former US Senator); Culture and Participation (Sir Bob Geldof, campaigner; Anna Tibaijuka, executive director UN HABITAT; Fola Adeola, chairman of FATE Foundation, Nigeria). The cross-cutting issues identified are HIV/AIDS, gender and exclusion, migration, private sector involvement, and water and sanitation.

The Commissioners agreed on several guiding principles for their work. It was for Africans to solve African problems, while the international community could create the external environment which would allow them to do so. They agreed that the Commission for Africa should build public support for its work through widespread consultation across and outside Africa, capitalising on the opportunities already set in the international calendar. It would be a particular challenge to overcome cynicism within Africa, as Africans have seen many reports and initiatives come and go without improving their lives. The Commission would like to invite the participation of parliamentarians across Africa and beyond. African MPs could carry discussion of the Commission's work to their constituents, many of whom would otherwise be hard to reach.

The Commission's second meeting is provisionally planned for October 2004 and the third meeting in early 2005. The Commission will produce an action-oriented report setting out what moves are required within Africa and by the international community. The Commission will publish its final report in March or April 2005 and will present it to the G8 Summit to be held in July 2005.



Tanzania's President Benjamin Mkapa, Ethiopia's Prime Minister Meles Zenawi, Prime Minister Tony Blair, and campaigner Sir Bob Geldof, at the first meeting of the Commission for Africa in London, May 4 2004.



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peace support operations and increased funding to the Global Fund to fight HIV/AIDS, tuberculosis and malaria. Over the next year our priorities are HIV/AIDS, primary education, conflict and economic growth. We will publish a further progress report during 2005 when the UK holds the G8 presidency.

We welcome 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). **Kenya** is next in line to begin the process later in 2004. The UK encourages more countries to participate and is providing finance through a UNDP Trust Fund.

### The African Court on Human and Peoples' Rights

There has been encouraging progress in the past year towards establishing the African Court of Human and Peoples' Rights. The protocol to establish the court came into force in January 2004. Nineteen of the AU's 54 countries have now ratified the protocol. These countries are Algeria, Burkina Faso, Burundi, Côte d'Ivoire, Comoros, Gabon, Gambia, Libya, Lesotho, Mali, Mozambique, Mauritius, Nigeria, Niger, Rwanda, South Africa, Senegal, Togo and Uganda.

During the year the UK continued to support the UK-based NGO Interights to work with the African Union in assisting countries to ratify the protocol. This work included a second regional seminar in Botswana at which participants discussed the ratification process and the implications of the court's establishment.

The UK welcomes the new protocol. 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.

We assist the development of the ACHPR by supporting the NGO Penal Reform International's work on strengthening the role of the ACHPR's Special Rapporteur on Prisons. We also supported Article 19's work with the ACHPR and African NGOs adopting a declaration on freedom of expression, as the African Charter on Human and Peoples' Rights omits such language. The project started by supporting the drafting of a declaration which the ACHPR adopted in 2002. The project team then helped set up a working group with the ACHPR to consider how to enforce the declaration, possibly by establishing an independent special rapporteur.

**1. South African President Thabo Mbeki during the opening ceremony of the New Partnership for Africa's Development on 13 February 2004.**

**2. UN Secretary General Kofi Annan speaks to a group of displaced Sudanese women at the Zam Zam refugee camp in Darfur, July 2004.**



A child soldier of the rebel group Liberians United for Reconciliation and Democracy hands over his weapon to a UN peacekeeper in Gbarnga, Liberia, 15 April 2004, when the UN Mission in Liberia (UNMIL) started the disarmament of about 40,000 combatants.

# HUMAN RIGHTS and conflict

Conflicts have been the backdrop to some of the worst violations of human rights in recent history. Cambodia, the Balkans and Rwanda are just some examples of how conflict can lead to mass killings of civilians either through deliberate attack or through the displacement and hardship that so often accompanies war. Conflict creates a double hazard for those who promote respect for human rights. On the one hand it can serve to polarise views and marginalise certain minority communities, making them a target for others to attack. On the other hand it can be used by governments as an excuse to remove some of the checks and balances that traditionally act as a safeguard for such communities, including freedom of the media, transparent judicial process and respect for the rights of the individual. The gassing of thousands of Iraqi Kurds during the Iran-Iraq war shows how a regime can use the curtain of conflict to hide and to justify horrendous abuse.

The effects on the human rights of those caught up in conflict cannot be measured purely in the number of massacres or the amount of physical damage done to a country. Sometimes there are less obvious consequences of conflict that will severely hinder a country's development in the long term. The disruption to children's education, the devastation of health and transport systems and the breakdown in economic infrastructure have a serious negative effect on the enjoyment of economic, social and cultural rights.

Today, conflicts across the globe continue to endanger and disrupt the lives of millions. In Chapter 1 of this report we gave details of four areas where on-going conflict is contributing to violations of human rights – Chechnya, Sudan, Aceh and the Democratic Republic of Congo (DRC). In this chapter we look at some of the other conflicts that may have a lesser profile in the

outside world but the effects of which are just as severe. These include Nepal, Sri Lanka, Algeria, Western Sahara, Liberia, Côte d'Ivoire, Nigeria, Sudan, Somalia, Burundi and Colombia.

In this year's Annual Report we have also tried to look at the cycle of conflict. We begin by looking at the work that the UK Government is doing through the conflict prevention pools, our initiatives on small arms and light weapons, and the work we are doing to prevent drugs trafficking and conflict diamonds fuelling conflict. All of these initiatives are designed to prevent armed conflict occurring in the first place. We then look at specific conflicts and at some of the immediate consequences, including internal displacement and refugees. Finally we look at post-conflict reconstruction and at the new cross-Whitehall team that will be ensuring that the UK can provide an immediate and effective response to post-conflict situations when it is needed. In Chapter 4 we examined some of the post-conflict justice mechanisms set up by the UN, such as the international criminal tribunals for Rwanda and the former Yugoslavia. In this chapter we look at some of the other post-conflict justice mechanisms around the world including those in Sierra Leone and East Timor.

The causes of conflict are diverse. They include economic marginalisation, poverty, extreme inequality, repression of minorities and expropriation of natural resources. The Government's work to address these issues cannot be covered solely in this chapter. For example, in Chapter 6 we deal with our efforts to meet the Millennium Development Goals and to promote fair trade, and in Chapter 8 we deal with freedom of religion and discrimination issues.

## 5.1 Conflict prevention

The UK believes that conflict prevention is a critical tool in realising its broader strategic security interests and protecting human rights. Conflicts destabilise regions, provide havens for criminal and terrorist activity and generate huge numbers of displaced persons and refugees. In an increasingly interdependent world, the consequences are felt directly in the UK. With this in mind the FCO, the Department for International Development (DFID) and the Ministry of Defence (MOD) work together closely in developing strategies to reduce the likelihood of conflict. Critical to this are our conflict prevention pools.

### Conflict Prevention Pools

The FCO, DFID and the MOD set up two funds in 2001 – the Africa Conflict Prevention Pool and the Global Conflict Prevention Pool. The pools have now been operating for three financial years with the joint Public Service Agreement (PSA) target: “to improve the effectiveness of the UK contribution to conflict prevention, leading to a reduction in the number of people whose lives are affected by violent conflict and a reduction in potential sources of future conflict, where the UK can make a difference”.

By pooling resources across the three departments, we can develop joint strategies on where and how best to focus our conflict prevention efforts. The pools primarily address the medium- and long-term causes of conflict and tension, although there are also some short-term interventions.

These long-term factors include aspects of social exclusion and human rights abuses that are related to conflict. Our joined-up approach to conflict prevention is now embedded within the three departments, bringing better focus and cohesion to the UK’s response to changing situations around the world.

In 2003 the two Conflict Prevention Pools were subject to an external evaluation by University of Bradford to review how well they achieved their targets and to what extent the inter-departmental co-operation was adding value to UK Government activity. The Government published the evaluation and its response in summer 2004. Details are available on the FCO web-site.

The FCO chairs the Global Conflict Prevention Pool with a budget of £74 million for 2004-2005. This pool 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 and spread best practice.

The global pool now has 16 strategies, 13 of which cover conflicts or potential conflicts in Afghanistan, the Balkans, Belize/Guatemala, the Caribbean, Central and Eastern Europe, the former Soviet Union, India and Pakistan, Indonesia/East Timor, Iraq, Latin America, the Middle East and North Africa, Nepal and Sri Lanka. In addition there are thematic strategies dealing with security sector reform (for more details see Chapter 7); small arms and light weapons (for more details see page 136); and the UN’s capacity to manage conflict and its peacekeeping operations (for more details see Chapter 4). We review these strategies annually and they are endorsed by ministers to make sure that the funds are put to best use. Most of the strategies include human rights and governance projects, particularly where these relate to the underlying cause of a conflict.

The **Balkans** Conflict Prevention Strategy, for example, has funded several projects to address human rights and good governance in the former Yugoslavia. The international NGO International Foundation for Election Systems is running two of the largest projects in Kosovo and Bosnia-Herzegovina, training local NGOs, citizens and public officials to improve people’s participation in local decision-making processes. By the end of May 2004, 535 elected officials, 1,241 civil servants and 259 members of NGOs had participated in training sessions in every region in Kosovo. Of the 259 NGO members, 103 were Albanian, 79 Serbian, 12 Turkish, 15 Roma, one Croat, 16 Bosnjak, 15 Ashkalian, six Gorani and 13 inter-ethnic.

The **Middle East North Africa** Conflict Prevention Strategy is funding human rights projects to improve conditions for Palestinians in the Occupied Territories, measured by greater freedom of movement through fewer curfews and closures. An Israeli legal NGO is running one project that involves petitioning Israeli courts on individual cases of alleged restriction of movement and also on behalf of the Palestinian population as a whole. For example, the NGO has petitioned Israeli courts over the incursions by the Israeli Defence Force into the Rafah area of the Gaza Strip in spring 2004. In a second project, another Israeli NGO is drawing media and public attention to the impact of Israel’s policies restricting freedom of movement, to seek to change Israeli public opinion and policy.

Through the global pool we are also part-funding a project on human rights and conflict resolution by the Centre for Humanitarian Dialogue and the Centre for Human Rights and Conflict Resolution, in collaboration with the Office of the UN High Commissioner for Human Rights (UNHCHR). The project will analyse the relevance of human rights to various phases of conflict; how those dealing with conflict could usefully take account of human rights in their work, including in peace

agreements; and how effectively the UN has integrated human rights into its work on conflict, in the light of UN Special Representative Lakhdar Brahimi's report on peacekeeping reform. The project's final output will be a manual for practitioners on the role of human rights in conflict resolution.

The Global Conflict Prevention Pool published a booklet in August 2003, describing the pool's strategies and the activities it funds. *The Global Conflict Prevention Pool: a joint UK Government approach to reducing conflict* is available at [www.fco.gov.uk](http://www.fco.gov.uk) and on the DFID and MOD websites ([www.dfid.gov.uk](http://www.dfid.gov.uk) and [www.mod.uk](http://www.mod.uk)) or by e-mailing [Global.Pool.enquiries@fco.gov.uk](mailto:Global.Pool.enquiries@fco.gov.uk).

### Conflict prevention in Africa

The Africa Conflict Prevention Pool (ACPP) is now in its fourth year of operation. The pool is chaired by the Secretary of State for International Development, Hilary Benn, and develops UK policy on conflict prevention and resolution in Africa. It draws on diplomatic, military and developmental expertise from across the FCO, the MOD and DFID, supported by a network of regional conflict advisers. The UK will spend £60 million on conflict prevention programmes in 2004-2005 and has allocated a further £140 million for the same year for our contributions to peacekeeping missions in Africa.

Over the last 12 months, African leaders and institutions have taken a greater role in resolving conflict. The African Union (AU) Peace and Security Council was formally inaugurated in May 2004 and now represents the foundation of Africa's peace and security architecture. This architecture is extending to the regional level, where the regional economic commissions are developing conflict prevention mechanisms and standby peacekeeping forces.

There has been solid progress in tackling some of Africa's big conflicts, but fundamental challenges remain. In **Angola**, the peace agreement is holding firm but the government must now re-integrate former combatants and establish democratic political processes in order to secure a lasting peace. In **Sudan**, the government and the Sudan People's Liberation Army (SPLA) signed further peace protocols and we hope that a comprehensive peace agreement will be in place soon; however the increased violence and widespread human rights abuses in the Darfur region and the severe humanitarian crisis there have overshadowed peace (for more details see page 31, and page 143). **Sierra Leone** has continued to consolidate peace, moving forward with security sector transformation and opening the special court investigating war crimes (see page 153). However, Africa's political environment remains fragile and prone to conflict, as demonstrated by the recent upsurges of violence in **Côte d'Ivoire** (page 143) and eastern **Democratic Republic of**

**Congo** (DRC) (page 36). Little progress is evident in **Somalia** in spite of the efforts to establish a new national government there (see page 144).

The UK is concerned about all these conflicts in Africa. We have sought to keep a spotlight on Africa's conflicts and to galvanise international and African efforts to tackle the problem effectively through the UN, the EU, the G8 Africa Action Plan and through our bilateral dealings with African and non-African partners. Our priorities in conflict prevention have been, and remain, Sierra Leone, Sudan and the Great Lakes. We are also focusing on African capacity to manage conflict and deploy regional peace support operations in line with the AU and New Partnership for Africa's Development (NEPAD) Common African Peace and Security Agenda.

We played a leading role in developing a G8-Africa strategy to build African peacekeeping capacity. At the G8 Evian Summit in June 2003, G8 leaders endorsed a Joint G8-Africa Plan to Enhance African Capabilities to Undertake Peace Support Operations. This plan aims to mobilise technical and financial assistance so that, by 2010, African countries are able to engage more effectively to prevent and resolve violent conflict on the continent and undertake peace support operations in accordance with the UN Charter.

The plan identifies a number of steps that will help channel existing resources in support of the developing African vision and institutional framework for peace and security on the continent. Early goals to be achieved by 2010 include: the establishment, equipping and training of coherent, multinational, multi-disciplinary standby brigade capabilities at the AU and regionally that would be available for UN-endorsed missions; the development of capacities to provide humanitarian, security and reconstruction support for complex peace support operations; and the development of continental and sub-regional institutional capacities to prevent conflict. Through our presidency of the G8 and the EU in 2005, we will consolidate these commitments to peace and security in Africa, reporting on early progress on the peace and security elements of the Joint G8-Africa Action Plan.

Bilaterally, we have provided military training teams in South Africa, Ghana and Kenya to enhance regional peacekeeping. Through the UK's Africa Conflict Prevention Pool, we have continued to fund the AU's work for peace and security and to support AU-mandated peace support operations in Burundi and Sudan.

In the **DRC** we have supported South Africa's diplomatic efforts and also sought to bolster the role of the UN peacekeeping mission, MONUC (for more details, see Chapter 1). The Africa

Conflict Prevention Pool (ACPP) has supported disarming, demobilising and repatriating Rwandan rebels fighting in eastern DRC. This is a central part of the peace process and an important priority. We have supported grassroots peacebuilding and reconciliation initiatives in the North and South Kivu regions of eastern DRC, which includes support for a radio service, Radio Okapi. Additionally we have been involved in planning post-conflict reconstruction for DRC, which includes rebuilding the DRC army.

We have been involved in long-running diplomatic mediation efforts to ease tensions between **Rwanda** and **Uganda**, and we hosted a trilateral summit in January 2004. We have also worked in partnership with Rwanda and Uganda individually. In Uganda, we continued to support the Acholi-land framework to reduce conflict in the north and supported the development of a local radio station in the troubled Gulu and Kitgum districts. We have continued to support the Ugandan government's national defence review as part of security sector reform. The Africa Conflict Prevention Pool's regional conflict adviser covering the Central Africa and Great Lakes Region is based in Nairobi, Kenya, and focuses on the regional dimensions of, and connections between, the conflicts in this area.

In West Africa, the Economic Community of West African States (ECOWAS) and France have been working on resolving the conflict in **Côte d'Ivoire**. The UK has seconded a military liaison officer to the ECOWAS secretariat and also a regional conflict adviser for West Africa, based in Abuja, Nigeria.

Creating a stable, post-conflict society has been the priority in **Sierra Leone** and we have supplied considerable resources to this end. Our strategy includes reforming the security services through the International Military Advisory and Training Team; re-integrating ex-combatants; establishing a system to guarantee that the exploitation of diamond and other mineral resources benefits the Sierra Leonean people; introducing measures to address corruption, effective governance, access to justice and service delivery at central and local levels; and working with the EU, ECOWAS and the UN to stabilise the Mano River Union, including Guinea and Liberia.

Through the ACPP, we have been working in three areas in **Nigeria** in the past year. We have supported local efforts to improve conflict analysis and research; we have supported community reconciliation efforts in Kaduna, a state badly hit by violence between Muslims and Christians; and the British Defence Advisory Team has been assisting the Nigerian armed forces in implementing security sector reforms (see page 193). The MOD's work with the Kofi Annan International Peace Keeping Training Centre in **Ghana** is covered in Chapter 2.

In southern Africa we have developed a good working relationship with **South Africa** to prevent and resolve conflict in the rest of the continent. We have based a regional conflict adviser in Pretoria, and the British Peace Support Team continues to engage with the South African military on peacekeeping. In addition to assisting the training of troops prior to peacekeeping deployments, such as the AU mission in Burundi, this team also develops staff training and joint operations capability.

In **Ethiopia** and **Eritrea** we are working to resolve the current impasse in the peace negotiations and continue to support the UN operation, UNMEE, in monitoring the peace agreement.

The Africa Pool is funding the British Peace Support Team for Eastern Africa, based in **Kenya**, to develop regional peacekeeping skills and contribute towards the establishment of EASBRIG, the East African Standby Brigade. The regional conflict adviser for East Africa and the Horn is based in Addis Ababa, Ethiopia. In addition to developing UK conflict prevention strategy for the region, the adviser is also an important liaison point for the AU Secretariat in Addis Ababa.

### Small arms and light weapons

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; they are manufactured to military specifications and are the weapons of choice in many internal conflicts. Additionally, these weapons often end up in the possession of drugs traffickers, crime syndicates and warlords. The threat and use of SALW blight the lives and economic security of people everywhere, whether they are already enduring violent conflict or supposedly living in peace. They are light and easy to use and hence make suitable weapons to put in the hands of the world's 300,000 child soldiers.

Both governments and civil society organisations have become increasingly concerned that small arms and light weapons are taking a heavy toll on security and development. International agreement has been forming on common standards of control. At the global level, the UN agreed a far-reaching Programme of Action on small arms and light weapons in 2001, to which the UK has pledged its full support.

The UK combats the supply, availability and demand of small arms and light weapons through progressive policies and programmes. The FCO, DFID and the MOD work together to implement UK strategy, which is supplemented by the £20 million SALW strategy (2001-2004) under the Global Conflict Prevention Pool. UK funding assists UN agencies, regional

organisations, governments and NGOs to combat the proliferation and misuse of small arms. In the past year we supported programmes addressing weapons collection, management and destruction; programmes reducing the demand for weapons; the implementation of existing regional agreements; national action plans; and programmes supporting civil society and NGOs.

On the supply side, the UK has laid the foundations for an important international initiative that aims ultimately for tighter international controls on the export, import and transshipment of small arms. Taking a region-by-region approach, the UK-inspired Transfer Controls Initiative (TCI) seeks, within the framework of the UN's own Programme of Action, to prevent irresponsible transfers which might contribute to instability, conflict or repression. Many countries are now carrying this work forward with the UK and civil society partners. There have been workshops in South America and East Africa, and the UK plans to sponsor more in Central America, West Africa and South East Asia, regions where the small arms problem is particularly acute. The UK Government will push for agreement on minimum common international standards when the UN Programme of Action is reviewed in 2006.

The UK has also helped secure comprehensive agreements in regional forums such as the EU, the Wassenaar Arrangement of Arms Exporting States, and the Organisation for Security and Co-operation in Europe (OSCE). There are similar commitments that focus on specific issues of common regional concern in other areas of the world. For example, in the Great Lakes and Horn of Africa, 11 governments signed the Nairobi Protocol in 2004, which requires them to legislate against the illicit trade in small arms.

Reducing the availability of weapons is vital to eliminating gun violence. The FCO, DFID and MOD jointly support practical initiatives to remove small arms from society, reduce conflict and prevent armed violence in countries as diverse as Kenya, Sierra Leone, Honduras and Brazil.

The UK is committed to helping governments secure their stocks of weapons and destroy surplus weapons – one of the most immediate, practical and inexpensive ways of breaking the cycle of weapons' proliferation. We have given substantial financial support to several weapons collection, management and destruction programmes and provided £7.5 million to the UNDP Small Arms Reduction and Demobilisation Unit. These programmes are closely linked to the social and economic re-integration of former combatants, and to community development projects. Over the last three years, the UK has helped to destroy more than 294,000 weapons and in recent

months we have funded weapons destruction in South America, East Africa, the Caribbean, southern Africa and South Eastern Europe. This includes projects that provide significant funds towards small arms and related ammunition destruction projects in **Albania** and Latin America, which help to keep communities safe from weapons and ammunition reaching the wrong hands. In **Belarus** we have funded workshops on stockpile management, destruction and record keeping. The UK is also one of a number of countries contributing to an ammunition destruction programme in Albania by the NATO Maintenance and Supply Agency (NAMSA), which aims to destroy 11,600 tonnes of small arms and light weapons ammunition over several years.

The demand for small arms and light weapons 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.

Developing countries suffer disproportionately from the effects of small arms and light weapons, but the UK is also not immune. Although guns are only used in 0.18 per cent of crimes in the UK, they bring suffering to communities across the country. To address this, the UK has developed a government-wide strategy to combat the availability of such weapons. The UK has some of the tightest laws in the world, and one of the lowest levels of gun crime. Nevertheless, the threat of armed violence in UK streets remains a major cause for concern and is a top priority for the UK police.

### Conflict diamonds

In countries such as **Sierra Leone** and **Angola**, rebel forces relied on illegal mining and trade in diamonds to fund and continue their armed rebellion. This illicit trade fuelled some of the most brutal conflicts ever seen; the loss of life in the Democratic Republic of Congo (DRC), estimated at around 3.5 million people, has exceeded anything since the Second World War. The conflict in Angola lasted over a quarter of a century until 2002, and UNITA rebels sustained their campaign largely through illegal sales of rough diamonds that earned the movement an estimated \$1.7 billion.

In the past six years, the international community has made huge efforts to stop the flow of these conflict diamonds, both to protect those people affected by conflict and to protect the world's legitimate diamond industry. The UN Security Council acted in the late 1990s to restrict exports of rough diamonds from Sierra Leone and Angola to those coming from mining

areas controlled by the legitimate government. However the international community soon recognised that it needed a co-ordinated global scheme in order to make a serious attempt to choke off the flow of conflict diamonds.

The Kimberley Process (KP) certification scheme for rough diamonds is an international agreement designed to break the link between illicit sales of rough diamonds and conflict. The Government Diamond Office (known as a KP authority) in the FCO is responsible for implementing the KP in the UK.

When countries adopted the KP in November 2002, the UK and others recognised the agreement still lacked robust monitoring provisions to ensure effective implementation by all members. During KP plenaries held in April and October 2003 the UK helped persuade participants to adopt two proposals to address the issue.

The first proposal created a Participation Committee. The objective of this committee was to ensure that members of the KP were capable of implementing the certification scheme properly. Following a review of each member, the committee judged 18 of its 58 members as unable to implement the scheme effectively. These countries were then asked to leave the KP and re-apply once they had made the necessary reforms. Six countries have since been re-admitted.

The second proposal was for voluntary review visits. Member states agreed that a voluntary review visit would take place in each country with a KP authority. The United Arab Emirates volunteered to host the first visit at the end of April 2004. A team led by the European Commission (EC) looked closely at the local system on the ground. While there were a few suggestions for improving implementation, the team considered the system to be working effectively. The proposal has so far proved successful with 27 countries volunteering for a review visit. The UK led a team to Botswana and Mauritius in June 2004, close on the heels of one to Israel led by Botswana. Future visits include one to the European Community (as a participant of the KP) in September 2004. This will include a review of the UK's Government Diamond Office.

Although the UK was hoping for mandatory visits, the early indications are that these voluntary visits might nonetheless prove as robust and thorough as we had hoped. And the Kimberley Process continues to act decisively. Lebanon was removed from the list of participants in April 2004 for failing to pass the necessary legislation and the Republic of Congo was ejected in July for blatantly failing to meet the minimum common standards required.

## Drug trafficking

The cultivation, production and trafficking of illicit drugs fuels disorder and instability in many parts of the world, which in turn lead to the abuse of human rights. The revenues from these illegal activities often finance conflict, providing money for arms and recruitment. Drugs money and the proceeds of other international crime distort economies and threaten financial systems.

The UK Government's strategy to counter drugs, *Tackling Drugs to Build a Better Britain*, addresses four main strands: young people, communities, treatment and availability. The FCO focuses its activity largely, but not solely, on achieving the targets addressing the availability of drugs. The targets are to decrease the proportion of Class A drugs coming into the UK; to disrupt and dismantle criminal groups responsible for supplying Class A drugs to the UK market; and to recover more drug-related assets. We concentrate our overseas assistance on those countries and regions that pose a particular drugs threat to the UK. The FCO Drugs and Crime Fund assists law enforcement and other agencies in the main production and transit countries. In the past year, we have funded a variety of activities to counter drugs.

We are currently working with the NGO Hibiscus on a conference to address the problems that drugs mules (couriers who carry drugs concealed on or within their bodies) face on their return to **Jamaica**. They often return to far worse conditions than those which led them to offend in the first place. It is important to fund solutions that will prevent them re-offending, for example by providing training in skills that will help them re-integrate into the workforce. This conference follows work done in previous years on a campaign to warn people, especially women, of the dangers of carrying drugs.

Last year saw the development of contacts between Oxfordshire Drugs Action Team and three drugs action teams in **Hungary** which are based on the UK model. Drugs action teams bring together everyone involved in fighting the drugs trade in the local community – police, local authorities, schools, youth workers and social services – to pool their efforts. This year, drugs officers from a police station in Hungary visited their UK partners to learn about UK methods of detection and reducing supply. On their return to Hungary they passed on what they had learnt to other regional police forces.

Around 95 per cent of the heroin in the UK originates in **Afghanistan**. But opiate addiction rates are also rising in Afghanistan itself and in neighbouring countries. The Afghan authorities have taken an admirably strong stance in opposing the drugs trade and have pledged to rid the country of opium production. This can only be achieved once Afghan farmers have alternative forms of lawful livelihood and when the

Afghan government has successfully addressed issues such as the reconstruction of infrastructure, effective law enforcement, security and good governance.

The UK takes a leading role in co-ordinating international counter-narcotics assistance to support Afghanistan's fight against drugs. Afghanistan's national drug control strategy, which came into effect on 19 May 2003, provides the framework for our assistance. The strategy is based on improved drugs law enforcement; promoting alternative livelihoods for poppy farmers; building capacity for Afghan drugs institutions; and producing public awareness campaigns and treatment programmes that will help reduce demand.

The UK has committed £70 million over three years (2003–2006) to support the Afghan national drug control strategy. We have also deployed additional personnel to Kabul to support Afghan ministries involved with co-ordination and implementation. We funded several projects in 2003-2004. We continued to provide counter-narcotics training courses for the Afghan police. The courses cover basic investigation and intelligence techniques, drug testing and recognition, evidence gathering, legislation and human rights. We worked with the ministry of interior to set up mobile detection teams in the Afghan counter-narcotics police. The teams detect and disrupt drugs being trafficked through the city gates of Kabul. We also funded *New Home, New Life*, a BBC Afghan education project. Through this radio drama, Afghans learn about the socio-economic, political, health and legal problems associated with illicit drugs and about the choices open to farmers to ensure their futures. We supported an integrated drug prevention, treatment and rehabilitation programme. The project works with local communities and NGOs to develop, document and disseminate effective approaches to drug abuse prevention, treatment and rehabilitation. Finally, we provided an adviser on alternative livelihoods to the ministry of rehabilitation and rural development in Afghanistan. This adviser also works closely with DFID on sustainable livelihoods programmes within Afghanistan.

## 5.2 Conflicts around the world

More than 10,000 people have died in **Nepal** since the Maoist insurgency began in 1996. The conflict continues to affect the country's stability and has brought misery to thousands more. The end of the short-lived ceasefire from January to August 2003 precipitated a return to violence and further suffering to Nepal's citizens, who are caught in the middle of a conflict that neither side can win. More than 1,700 people have been killed since the ceasefire broke down.

The conflict has led to a human rights crisis. There are reports of atrocities by the Maoists and human rights abuses by the Nepalese security forces against both civilians and combatants.

We regularly express our concerns about the atrocities on both sides. We have condemned the widespread Maoist abuses, which include murder, bombings, extortion and intimidation. We are alarmed by the Maoists' policy of indoctrinating children and forcing them into military service. We strongly supported the Chairman's Statement at the CHR in April 2004 condemning this practice.

We also receive reports of human rights violations by the Nepalese security forces, including credible allegations of illegal detention, torture and summary executions. The UK has been critical of the Nepalese government's past record and we regularly make high-level representations on the need for the government to fulfil its human rights obligations and the risks it faces otherwise. The government has taken some positive actions over the past year, encouraged by the UK and other members of the international community. An important step was its unilateral adoption of a renewed human rights commitment in March 2004. The UK strongly backed the Chairman's Statement at the CHR which acknowledged this welcome development and also supported the efforts of the Nepalese national human rights commission (NHRC) in monitoring abuses and providing better human rights observance. In particular, we hope that UN support will



Police officers, injured in a landmine explosion, receive treatment at an army hospital in Kathmandu, Nepal, June 2004.



Head of the eastern faction of the Tamil Tigers rebels, Vinayagamoorthi Muralitharan, sits at the military camp of the rebels, in Batticaloa, Sri Lanka, March 2004.

enable the commission to improve its investigation of human rights abuses by both sides.

Over the coming year we will support the Nepalese government in implementing the human rights commitment and the signature of a Memorandum of Understanding with the Office of the High Commissioner for Human Rights (OHCHR) on the deployment of international support and monitoring. We will also continue to support human rights programmes in Nepal, including those funded by the Global Conflict Prevention Pool. These initiatives include continued training and support for the Royal Nepalese Army's human rights cell to investigate allegations of human rights abuses within the army and a continuing programme on police reform, administered by DFID. This programme contains training on human rights and armed conflict; joint training for police and NGOs on girl trafficking; a project with UNICEF and the Asia Development Bank on the treatment of women and child victims; setting up a police inspectorate to investigate allegations of human rights abuses (this has already led to the arrest of six policemen for rape); training on human rights law for future chief district officers; and translating and distributing 2,000 copies of the ICRC's booklet *Human Rights and Humanitarian Law in Professional Policing Concepts* to police officers.

The UK is also funding a programme for victims from both sides of the conflict. We have allocated additional funds to develop

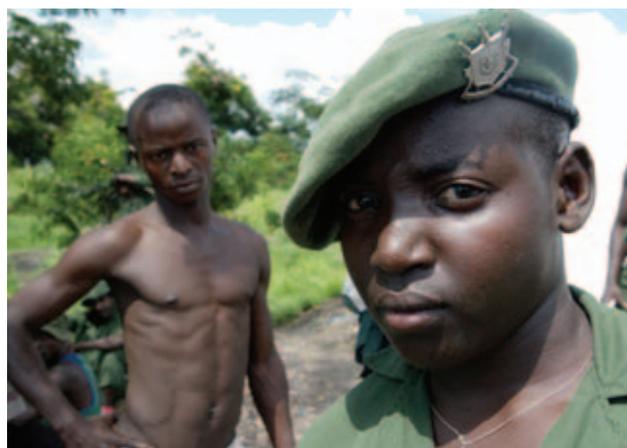
child service centres and juvenile detention centres and rehabilitate child soldiers. We are supporting local human rights organisations in Kathmandu; we are supporting the ICRC's programme in Nepal; and we have contributed to the proposed UN technical assistance programme for the national human rights commission.

There have been no peace talks in Sri Lanka since April 2003 when the Liberation Tigers of Tamil Eelam (LTTE) suspended its participation. However, the ceasefire is holding, despite violations, and both the government and LTTE have submitted proposals for an interim administration for the north and east. By the end of July when this Annual Report went to print they had not yet discussed these proposals. In the run-up to the general election in April 2004, the LTTE stated its willingness to negotiate with any government which had a popular mandate. The president and her new government have said that re-starting peace talks is a priority. However, difficulties on agreeing an agenda for talks, differences within the governing coalition, division in the LTTE, and political violence in the east mean that the prospects for an imminent return to talks remain unclear.

We support the peace process, politically and practically. UK ministers had regular contact with the two Sri Lankan ministers leading on the peace process in the last government, and in June 2004 met the new government's foreign minister. The UK

We are unable to publish this photograph online due to a re-licence restriction.

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has a significant development assistance programme in Sri Lanka. At the Tokyo donor conference in June 2003, we pledged £43 million for the period 2003–2005. We offer practical help that draws on our experiences in Northern Ireland, and support programmes on access to justice and support to the human rights commission.

Our High Commission in Colombo is following developments on the Bindunuwewa and Udathalawinna cases, which we reported last year. The Bindunuwewa Rehabilitation Camp Massacre of 25 October 2000 brought the Sri Lankan government international condemnation for not providing adequate security to those who surrendered or to the detainees. Twenty-seven of the camp's 41 inmates were murdered in the massacre.

The trial of those responsible for the massacre ended at the beginning of July 2003. Of the 18 accused, 13 were cleared of all charges and five, including two junior police officers, were found guilty. Both police officers alleged that they were following instructions from senior officers to take no action to prevent the massacre.

On election day in December 2001 in Udathalawinna a gang that allegedly included General Anuruddha Ratwatte, then defence minister, and his two sons massacred 10 Muslim youths. The trial of 14 people including the general and his sons is underway. In July 2003 the court released the accused on bail but directed them not to leave the country.

The strategy UK Support for Peacebuilding and Reconciliation in Sri Lanka, which receives funds from the Global Conflict Prevention Pool, informs our human rights work. Our human rights activities have included working with the security sector and providing short-term technical assistance to the government's defence review committee. We facilitated visits to Belfast and Edinburgh for stakeholders in the peace process to look at devolution models. We funded the appointment of Ian Martin, ex-Secretary-General of Amnesty International, to advise the Sri Lankan government and the LTTE on human rights

issues. We funded the development and first year of a diploma in conflict resolution and peace preparedness for medium-level decision-makers in areas affected by conflict. Initial feedback on the project has been excellent, and we have agreed to extend it, focusing on the security forces. We are also continuing to fund a human security project in the east, which aims to improve flows of information and develop mechanisms to mitigate and prevent conflict.

We have identified social issues such as human rights and education as a main area for support under the High Commission's small grants scheme for Sri Lanka, in addition to conflict management, consolidating peace-building efforts, and health, nutrition, water and sanitation. We have funded small-scale grassroots projects that give priority to issues relating to women, children and youth, particularly in rural areas.

Although the overall level of human rights abuses in **Algeria** has fallen over the last two years, it remains high. Alongside the violence by the Islamic armed groups there are numerous documented allegations of human rights abuses by the security forces and state-armed militias. There have also been reports of the Algerian armed forces carrying out poorly targeted counter-insurgency operations, leading to civilian deaths.

The UK has been instrumental in EU moves to promote human rights in Algeria. Efforts include maintaining contact with Farouk Ksentini, President of the National Consultative Commission on the Promotion of Human Rights, and requesting an update on the work of his commission and that of the president's *ad hoc* mechanism to look into disappearances. We have also raised concerns over the conduct of investigations into mass graves discovered in recent years. The EU has made clear that it is ready to assist the Algerian authorities in their investigations into all human rights-related issues. Once ratified, the Association Agreement between the EU and Algeria will provide a further opportunity to monitor Algeria's adherence to human rights principles. The UK ratified the agreement on 1 March 2004.



3.

**1.** The bodies of Colombian workers massacred by suspected rebels of the Revolutionary Armed Forces of Colombia, lie in the chapel of La Gabarra, on the north eastern border with Venezuela, June 2004.

**2.** Former Hutu rebel fighters at a camp where they are to be demobilized, north east of Bujumbura, Burundi's capital, December 2003.

**3.** Liberian refugees arrive in the northwestern bordertown of Bo-Waterside, after travelling back to their country from neighbouring Sierra Leone, February 2004.

Since Spain, the former colonial power, left in 1975, the **Western Sahara** has been a disputed territory. Initially Morocco and Mauritania both moved in, and since 1979, when Mauritania renounced its territorial claims, Morocco has occupied the territory apart from a thin eastern strip controlled by the Polisario (a group set up in 1973 with the aim of winning independence for the Saharans). The Polisario has set up a state-in-exile, the SADR (Saharan Arab Democratic Republic).

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 12 years, but so far a lasting solution has not been found. Within the UN Security Council, we fully supported the efforts of the UN Secretary-General Kofi Annan and his Personal Envoy James Baker III to help resolve the situation in Western Sahara. James Baker resigned in mid-June 2004. The Secretary-General asked Alvaro de Soto, his Special Representative to Western Sahara, to take forward the UN's efforts to broker a deal. UN Security Council Resolution 1541, passed on 30 April 2004, 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. MINURSO's mandate was extended until 31 October 2004.

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 establishing a regular telephone and mail service between Tindouf (a refugee camp in Algeria) and the territory. In March 2004, the first of an on-going UNHCR schedule of family visits between Laayoune and Tindouf took place. In January 2004, we joined EU partners in issuing another démarche covering atrocities by both sides. We have encouraged all parties to co-operate with the International Committee of the Red Cross to account for those missing in the conflict. The Polisario continues, in contravention of international humanitarian law, to hold 414 Moroccan prisoners of war, some of whom have been in detention for over 20 years. We have led calls within the EU for their immediate and unconditional release.

**Liberia's** long-running civil war has been at the heart of conflict in West Africa for over a decade. In August 2003, a West African peacekeeping force arrived in Monrovia. Soon afterwards president Charles Taylor left for exile in Nigeria. The comprehensive peace agreement of 18 August led to the establishment of the national transitional government of Liberia in October 2003. This brought together members of the rebel groups LURD and MODEL and forces of the former government

of Liberia under a transitional government led by Chairman Gyude Bryant. Liberia is due to hold free elections in October 2005.

UNMIL troops (UN Mission to Liberia) deployed to Liberia at the beginning of October 2003. UNMIL has a maximum authorised strength of 15,000. Due to low numbers, UN troops were initially confined to Monrovia, which left a security vacuum in the rest of the country. The troops have now effectively deployed out of Monrovia into the major towns and most of Liberia is currently under their control. The UK has three military officers in UNMIL.

Successful disarmament, demobilisation, rehabilitation and reintegration (DDRR) is crucial to securing long-term peace and security in Liberia. The process had a troubled start but is now on track with over half of former combatants disarmed. We have shared lessons we learned during the DDRR process in Sierra Leone with UNMIL. These include the need for full political commitment, an adequate sensitisation campaign and clear co-ordination between the disarmament and reintegration stages. The UK donated £7.6 million to Liberia in 2003-2004; this was mainly directed towards improving the humanitarian situation. We have committed a further £3 million for humanitarian aid and £6 million towards DDRR over the next two years. We also provided £150,000 towards setting up an independent radio station. We have greatly improved our reporting of the political and human rights situation since we opened a small political office in Monrovia in January 2004.

The Foreign Secretary Jack Straw warmly welcomed the lowering of tension between India and Pakistan and their commitment in January 2003 to a composite dialogue, including on **Kashmir**. We hope that as it continues this process will improve the human rights of the Kashmiris. The continued commitment of the state government of Jammu and Kashmir to improve human rights, and of the Indian government to dialogue with Kashmiris are also factors for positive change. We remain however concerned at the credible reports of human rights violations by Indian security forces operating in Kashmir. In our contacts with them, we urge the Indian authorities to investigate all abuses of human rights, and to bring the perpetrators to justice. We also encourage the Indian authorities to permit international human rights organisations to operate effectively in Kashmir.

There continues to be militant violence in Kashmir, which is often indiscriminate, killing and injuring civilians. We condemn all such violence which does nothing for the cause it claims to represent. The militants should renounce violence and pursue their objectives through peaceful and democratic means. We believe that the Kashmir problem can only be resolved through

dialogue between India and Pakistan that takes account of the wishes of the Kashmiri people.

There has been chequered progress in resolving the crisis which has destabilised Côte d'Ivoire since September 2002. All parties remain publicly committed to the Linas Marcoussis Agreement (LMA), which was concluded in January 2002 and which addresses the root causes of the crisis. Despite clashes between elements of the rebel forces and government/peacekeeping troops in central Côte d'Ivoire in early June 2004, a comprehensive ceasefire is holding. A 6,240-strong UN peacekeeping operation – UN Operation in Côte d'Ivoire (UNOCI) – began deploying in April 2004 to assist with a national programme for demobilisation, disarmament and re-integration.

However, levels of confidence between President Gbagbo's party (the FPI) and other members of national reconciliation government remain low. The New Forces (former rebels) and other opposition parties are concerned that President Gbagbo has not delegated sufficient powers to the government; that there has been only slow progress on the programme of legislation required by the LMA; and that anti-LMA militias have continued to operate in Abidjan with impunity. President Gbagbo has pointed to continued delays by the New Forces in starting the programme of disarmament, demobilisation and re-integration. These delays have kept the country effectively partitioned and prevented the restoration of government authority in the north and west.

Although the security situation has improved significantly since mid-2003, the continued political tension has been a backdrop to on-going human rights concerns, in particular attacks on migrant farmers in the west, which is still the most unstable area. Continued division of the country makes it difficult to address the humanitarian problems caused by refugee flows, internally displaced people and the disruption to health, education and other government services.

Political tensions have led to a series of crises in the peace process. The New Forces suspended their participation in the government between September and December 2003. Anti-LMA militias led a brief attempt to breach the ceasefire line in November 2003. Most seriously, on 25 March 2004, the main opposition parties raised their concerns about slow implementation of the LMA by organising a large demonstration in central Abidjan, in defiance of a government ban. The security forces exercised little restraint in sealing off central Abidjan. In response, the main opposition parties suspended their participation in the government. According to the Office of the High Commissioner for Human Rights (OHCHR), which visited Abidjan in April 2004, at least 120

people died in violent clashes on the day and in subsequent attacks by anti-LMA militias. The UNHCHR blamed the Ivorian government and security forces for the killings.

The UK has worked closely with the French, the Economic Community of West African States (ECOWAS), the UN and other key partners in support of the LMA. With international partners we condemn the human rights violations and urge both sides to make early progress on LMA concerns such as eligibility to stand as president, nationality, land ownership rights and identity issues. In addition to our earlier contributions of £3 million to support regional peacekeepers and £900,000 in humanitarian aid, we committed £1 million for ECOWAS peacekeepers in December 2003; £1 million in humanitarian aid in March 2004; and £362,000 to help equip the Ghanaian contingent of UNOCI in April 2004. We welcomed the early agreement by all Ivorian parties to an international enquiry into the events on and following 25 March 2004. We also welcomed the UNHCHR's announcement in June 2004 to set up an enquiry into all human rights abuses in Côte d'Ivoire between 19 September 2002 and the signing of the LMA on 23 January 2003.

Peace talks between the government of Sudan and the Sudan People's Liberation Army/Movement (SPLA/M), who control much of southern Sudan, continue in Kenya under the auspices of the Inter-Governmental Authority on Development (IGAD). The UK, through its Special Representative for Sudan, has played a key role in supporting the parties and the mediators at these talks.

Although the parties have yet to sign a final agreement, good progress has been made in the period covered by this report. On 25 September 2003 the parties reached an agreement on security arrangements during the interim period and on 7 January 2004 the parties signed an agreement on wealth-sharing arrangements. This provides for the division of oil revenues, banking arrangements and for creating a joint transition team to prepare budget estimates and raise funds for reconstruction. Most recently, on 26 May, the parties signed protocols covering power-sharing, the two areas (Nuba Mountains and Southern Blue Nile) and Abyei. Together with the previously agreed documents, these protocols provide the political framework for a comprehensive peace agreement. We hope that the government and SPLA/M will reach agreement on the outstanding issues, and that a comprehensive peace deal will be in place soon.

This progress has been overshadowed by the more immediate crisis in Darfur, western Sudan (covered in Chapter 1). And it is clear that there can be no comprehensive peace without a solution to the conflict in Darfur. However it is crucial that we

and others continue to support the IGAD-led peace talks. Not only do they offer the best hope of an end to more than 20 years of bloody conflict between the government in Khartoum and groups in the south of Sudan – a conflict which is estimated to have led to more than two million deaths, and displaced populations on an unparalleled scale. But the peace agreement which emerges from the talks in Kenya, should, by offering the prospect of a truly decentralised federal system, help address some of the root causes of the problems in Darfur and other politically and economically marginalised areas of Sudan. For example, the arrangements which have been agreed for the Nuba mountains region could provide the framework for a political solution to the conflict in Darfur.

While the peace talks have continued in neighbouring Kenya, the cessation of hostilities has held in most parts of the south. Localised fighting in the Upper Nile region has, however, caused serious concern and led to the displacement of an estimated 70,000–80,000 people. The ceasefire in the Nuba mountains has now held for over two years. This breathing space in the fighting has, importantly, allowed peace negotiations to progress. We support the verification and monitoring team which monitors the cessation of hostilities in the south and the joint monitoring mission in the Nuba mountains, both by providing funding and by seconding staff.

The EU has raised its concerns about human rights with the Sudanese government on a very regular basis. While the focus has often been the dire situation in Darfur, we have, more generally, raised concerns about the death penalty; application of Hudud punishments (amputation, flogging and stoning); freedom of the media; and harassment and arrest of civil society activists and political figures. We have also discussed these issues on a bilateral basis, including during the visits of Hilary Benn in December 2003 and June 2004, and when the Sudanese foreign minister visited London in May. We hope that human rights in Sudan will improve once a peace agreement is in place and as a more effective and transparent system of government develops. A genuinely inclusive, democratic system of governance which respects the rights of all Sudanese people will be the best way to ensure popular ownership of the post-peace arrangements and so the sustainability of the peace.

Given the seriousness of the human rights situation in Sudan, especially Darfur, we were determined to ensure that this year's UN Commission on Human Rights (CHR) tackled the issue. The EU tabled a strongly worded resolution on Sudan, but CHR procedure meant that an alternative draft decision, tabled by the African Group under a different agenda item, took precedence. We and our EU partners decided to support that proposal, primarily because, at our insistence, it called for an independent expert to provide formal international scrutiny of

the human rights situation in Sudan. Though the language of this decision was disappointingly weak, this was a better outcome than last year when the EU sponsored resolution was defeated thereby ending the mandate of the special rapporteur.

We have made clear to the government of Sudan that we expect it to cooperate fully with the work of the Independent Expert, Mr Emmanuel Akwei Addo and the Human Rights monitors, whom the UN are deploying to Darfur with UK financial assistance. We also remain a leading funder of the Office of the High Commissioner for Human Rights in Sudan. It is strengthening the human rights capacities of the Sudan government and civil society institutions through training programmes and advice for governmental and non-governmental institutions.

**Somalia** has had no functioning national government since 1991. Following the collapse of the Siad Barre regime, there have been 14 reconciliation conferences attempting to bring peace and national unity to Somalia. One conference in Arta (Djibouti) resulted in the formation of a transitional national government in August 2000. However, the government's authority never extended beyond Mogadishu and its mandate expired in August 2003. The most recent effort at unity, the Somalia national reconciliation conference, commenced in Nairobi, Kenya in October 2002 under the auspices of the Inter-Governmental Authority on Development (IGAD). Most of Somalia's factions and some civil society groups are participating in these deliberations, but the Somaliland authorities (in north-west Somalia) made clear at the outset that they would not take part.

Progress at the conference has been slow. However, after more than a year of negotiations Somali leaders reached agreement on a draft transitional federal charter on 29 January 2004. The plenary group of leaders endorsed the charter in late February and the process has now moved to Phase 3: the selection of members of parliament and the election of a president. We will continue to support IGAD, and others, in their efforts to encourage Somali leaders to reach agreement on a functioning government which restores the rule of law; is committed to the protection of human rights; and provides for a successful transition to a democratically elected government.

Working through the ACPP and the joint FCO-DFID officer for Somalia, who is based in the region, we are developing a longer-term strategy for Somalia that takes into account the lessons of past failures. Additionally, we supported local elections and election monitoring in Somaliland and a joint World Bank and UN Development Programme (UNDP) conflict analysis exercise.

## Genocide prevention

**“Let us not wait until the worst has happened or is already happening. Let us not wait until the only alternatives to military action are futile hand-wringing or callous indifference. Let us be serious about preventing genocide. Only so can we honour the victims whom we remember today. Only so can we save those who might be victims tomorrow.”**

**UN Secretary-General Kofi Annan addressing the UN Commission on Human Rights, 7 April 2004**

### Rwanda ten years on: the Stockholm Forum for Preventing Genocide

The international community’s failure to take action in Rwanda to halt the massacre of at least 800,000 innocent people has been widely acknowledged as a collective failure. The anniversary has focused attention on strengthening the international community’s response to the threat of genocide. Fifty-five states attended the Stockholm International Forum on Preventing Genocide in January 2004 and signed a Declaration committing themselves to “shouldering our responsibility to protect groups identified as potential victims of genocide, mass murder or ethnic cleansing drawing upon the range of tools at our disposal”. They also promised to explore actively the options presented at the Forum for action against the threat of genocide. The most notable proposal came from UN Secretary-General Kofi Annan to establish a special adviser on genocide prevention within the UN system.

The Stockholm Declaration and further details of the Stockholm Forum are available at: [www.preventinggenocide.com](http://www.preventinggenocide.com)

### UN Secretary-General’s Action Plan for the Prevention of Genocide

Speaking at the Commission on Human Rights in Geneva on 7 April, the Secretary-General announced his intention to appoint a special adviser and outlined a five-point action plan to strengthen the UN’s capacity to respond to the threat of genocide. The points are:

1. To develop a more cohesive and comprehensive approach on prevention of armed conflict, building on the report on the Prevention of Armed Conflict endorsed by the Security Council and the General Assembly. The Secretary-General promised a comprehensive report to the General Assembly later this year.

2. To expand UN activities on the protection of civilians in armed conflict. The action plan calls for both the Secretariat and the Security Council to keep the mandates and resources of all peacekeeping forces under constant review, particularly with the threat of genocide in mind, and ready to reinforce promptly when the need arises.
3. To step up the battle against impunity. The plan calls for a review of the work of international criminal tribunals and national tribunals in punishing and suppressing genocide in order to learn lessons for the future. In tandem, there should be increased efforts to achieve universal ratification for the Rome Statute for the International Criminal Court.
4. To implement an improved early warning capacity within the UN. This would centre round the appointment of a special adviser who would report to the Security Council through the Secretary-General. The adviser’s mandate will cover genocide, mass murder and large-scale human rights violations, such as ethnic cleansing. His or her duties will include collecting information on potential or existing situations or threats of genocide; acting as an early-warning mechanism to the Security Council; and making recommendations to the Security Council on action to prevent or halt genocide.
5. To build up the political will of the international community to take action swiftly and decisively where there is abundant warning. Such action would be a series of steps which may, if unavoidable, result in military action.

The Secretary-General called for clear guidelines on identifying extreme cases that might require military intervention for humanitarian purposes. He referred to the guidelines produced by the International Commission on Intervention and State Sovereignty in its report *Responsibility to Protect*. He hoped the High-Level Panel on Threats, Challenges and Change would make recommendations for achieving consensus on these guidelines.

The Secretary-General’s speech is available in full at: [www.un.org/News/Press/docs/2004/sqsm9245.doc.htm](http://www.un.org/News/Press/docs/2004/sqsm9245.doc.htm)

On 12 July, the Secretary-General appointed Juan Mendez of Argentina as his Special Adviser on the Prevention of Genocide. He will report to the Security Council through the Secretary-General. His mandate is to:

1. 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.
2. 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.
3. make recommendations to the Security Council on actions to prevent or halt genocide.
4. liaise with the UN system on activities for the prevention of genocide, and work to enhance the UN capacity to analyse and manage information relating to genocide or related crimes.

International action obviously also depends on, and must be supported by, action by individual countries. The FCO has introduced training on genocide awareness for its staff to ensure better sensitisation to genocide issues. By examining examples of crimes against humanity and genocide from the Holocaust up to the present day, we can learn lessons from previous failures in the international community.



Director General of the UN European Office, Sergei Ordzhonikidze, UN Secretary General Kofi Annan, and the Australian chairperson of the 60th session of the Commission on Human Rights, observe one minute of silence in memory of the victims of the Rwandan genocide.

Our Embassy in Addis Ababa, Ethiopia, provided small grant scheme funds to SHARE, an NGO in Somaliland which offers community-based care to traumatised victims of war. Our funds enabled doctors, social workers and paramedics at Berbera mental hospital to upgrade their training. Such psycho-social work is largely underfunded yet will be badly needed even after peace has been restored.

**Burundi** gained independence from Belgium in 1962. With six million people living in an area of only 27,830 square kilometres, Burundi is Africa's most densely populated country. Since independence, Burundi's political life has been characterised by rivalry, conflict and violence between the larger ethnic groups, the Hutu and Tutsi. Over half a million people have been killed; more than 281,000 people have been internally displaced; and there are more than 800,000 refugees living in neighbouring countries, mainly in Tanzania.

The Arusha Accords, brokered by Nelson Mandela and signed in 2000, were designed to share power between the main ethnic groups and end the fighting. The Accords provided for a transitional government which was installed in November 2001. The transitional government is now in its second phase, with (Hutu) Domitien Ndayizeye as president, and (Tutsi) Alfonse Kadege as vice-president. Elections are scheduled to take place before the end of October 2004. The Pretoria Protocol, signed in October 2003, finalised the terms of the ceasefire between the Burundi government and CNDD-FDD (Nkurunziza) bringing the largest of the former armed groups who were not part of Arusha into the transitional government. One group, the FNL (Rwasa), remains outside the peace process and continues to fight. The FNL offered a ceasefire on 21 April 2004; however, fighting broke out in Bujumbura Rurale province a few days later.

As part of the peace process, the AU's Mission in Burundi (AMIB), led by South Africa, deployed to Burundi in June 2003. South Africa, Ethiopia and Mozambique contributed troops to the force. The UK has provided £5.7 million to AMIB, including support for the Mozambican contingent. We are also supporting the establishment of a UN peacekeeping mission in Burundi to take over from AMIB.

There are widespread atrocities in Burundi, committed by all sides, and particularly in the rural areas surrounding the capital, Bujumbura. The continued fighting has displaced thousands of people and killed unarmed civilians, including women and children. There have been reports of reprisal killings, rape, theft and forced labour. As this Report went to print, there were reports that 130 people were massacred at the Gatumba refugee camp in northern Burundi. Prime Minister Tony Blair condemned the attack. The post-transition government must

tackle the issue of impunity for those who commit serious human rights violations and the lack of accountability for those who committed past abuses. The Burundian authorities are beginning to act on violations of human rights and there are currently about 400 soldiers accused of violating fundamental rights. The authorities have prosecuted two members of the judicial police for violating human rights. However, the judiciary is not fully independent and suffers from institutionalised corruption and poor administration. On another level, indigenous Twa people are still marginalised economically, socially and politically.

DFID's overall bilateral programme budget for Burundi for 2004–2005 is £6.44 million. DFID is providing humanitarian assistance, support to peace building and conflict resolution initiatives through the UN, NGOs and other international organisations. This includes a project run by Action Aid, entitled 'An Integrated Rights-based Approach to Conflict Response and Prevention'. Based in Karuzi province, this programme encourages a return to peace and prevents future conflict by promoting social cohesion among warring ethnic groups, defending the interests of vulnerable populations and influencing longer-term approaches to conflict prevention and peace building.

After the right-wing paramilitaries the United Self-Defence Forces of **Colombia** (AUC) announced a unilateral ceasefire in November 2002, the government opened negotiations for the demobilisation of up to 13,000 paramilitary fighters. These talks are on-going, but the process has been slow, complicated and controversial. The AUC continues to breach the ceasefire regularly, while violent infighting among the different blocs of the AUC has increased, highlighted most recently by the disappearance (and possible murder) of the group's founder and leader, Carlos Castaño. So far, only 871 paramilitaries have demobilised.

In April 2004 the government released an official statement on the progress of the negotiations, demanding that the AUC respect the ceasefire, halt drug trafficking activities and demonstrate goodwill by concentrating and demobilising paramilitary forces in identified zones under Organisation of American States (OAS) verification. The statement says that the extradition of AUC leaders to the US, an important sticking point in the talks, is "non-negotiable". In addition, the government has proposed a new law, the Law on Justice and Reparation, which proposes 5–10 years' imprisonment for those found guilty of serious crimes and recognises the need to pay reparations to the victims of violence. While these conditions do not go far enough for some parliamentarians and human rights groups, they may be a bridge too far for the AUC.

The UK funded five projects through the Security Sector Reform Strategy of the Global Conflict Prevention Pool in 2003 and 2004. We are supporting community defender posts in the middle and lower Putumayo, Caqueta, Choco and Cauca departments. UNDP is administering the project, which is generating action by the state and international community to prevent human rights violations and protect civilians. The aim is to strengthen the rights of local communities through the permanent presence of community defenders in areas where people are at high risk of forced displacement.

A second project provides training on human rights and International Humanitarian Law for all levels of the armed forces. In another programme, we are funding the Colombian NGO, the Centre for Popular Research and Education, to run a project that will strengthen social organisations and give them the tools, training and knowledge they need to produce proposals for building peace and to develop an environment that is safe, just and tolerant. We are helping displaced families in a fourth project by strengthening 21 organisations that address their specific needs. This project is helping these organisations improve their community management for displaced populations in nine municipalities throughout Colombia. Finally, we are supporting an UNHCR project with local and national authorities and state institutions to prevent displacement and to address the needs of displaced people in rural areas and also of those people who are most at risk from the conflict.

### 5.3 Refugees

This last year has seen positive developments on the number of refugees around the world. According to a report by the United Nations Refugee Agency, the number of refugees and displaced people around the world has fallen by 18 per cent to just over 17 million – the lowest level in a decade. The report said this was due to increased international efforts to help uprooted people. Though these figures are encouraging, there is still much work to be done, and the UK remains committed to reducing these numbers significantly.

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 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...”.

#### United Nations High Commissioner for Refugees

The UN High Commissioner for Refugees (UNHCR) was initially set up in 1951 with a limited three-year mandate to help resettle the people in Europe who were unable to return to their homes after the Second World War. Today, the UNHCR currently cares for nearly 20 million uprooted and vulnerable people, 73 per cent of whom are women and children.

The UNHCR protects refugees in several ways and its work is closely connected to broader progress in human rights. Using the 1951 Geneva Refugee Convention as its major tool, it protects the basic human rights of vulnerable people and ascertains that refugees will not be returned involuntarily to a country where they face persecution. In the longer term, the UNHCR helps civilians repatriate to their homeland, integrate in countries of asylum or resettle in third countries. It also seeks to provide at least a minimum of shelter, food, water and medical care in the immediate aftermath of any refugee exodus.

#### Convention Plus

Despite their continued relevance, the 1951 Convention and the 1967 Protocol (which lifts the time and geographic limits found in the Convention) cannot address all the challenges of protecting refugees in today's changing world. Convention Plus aims to “improve refugee protection worldwide and facilitate the resolution of refugee problems through multilateral special agreements. This will be achieved through a process of discussion and negotiation with states and other partners of UNHCR to mobilize support and bring about firmer commitments”.



Thousands of displaced people gather in Mukjar, Sudan, to hear about peace negotiations between the government and the Sudanese rebels, April 2004. The tribal conflicts in the region have left thousands dead and hundreds of thousands homeless.

The UNHCR is pursuing generic multilateral agreements to tackle three priority challenges: the strategic use of resettlement; addressing irregular secondary movements of refugees and asylum seekers; and targeting development assistance more effectively to support durable solutions for refugees. The UK is working closely with the UNHCR and other countries on these agreements.

The UK was active in the UNHCR's Global Consultations and the Agenda for Protection, in line with our commitment to the effective implementation of the Refugee Convention. We welcome the UNHCR's proposals and will work with the UNHCR to make Convention Plus produce practical solutions for refugees.

The UK sets out its commitments to durable solutions such as voluntary return, local integration and resettlement in the Nationality Immigration and Asylum Act 2002. The UK has agreed to accept up to 500 refugees a year, as part of the UNHCR's Gateway Protection scheme. The first group of refugees from West Africa arrived in the UK in March and April 2004.

### Refugees around the world

The underlying reasons why refugee numbers are in the millions vary from region to region. Conflict remains the most obvious. It is nevertheless not the only reason. State failures also lead to large numbers of internally displaced people, as does state repression, which can drive large numbers to flee their countries, as witnessed in the terrible plight of so many Burmese refugees in Thailand.

In **West Africa** we have been working to improve acceptance of refugees in the region. Local communities sometimes react negatively to sudden influxes of large numbers of refugees into their regions, seeing them as competing for scarce resources, including emergency relief aid. Through the Human Rights Project Fund, the regional human rights adviser based at the Embassy in Dakar, Senegal, funded the Freetown-based NGO FIND to provide human rights education for internally displaced

people and cross-border refugees living on the Liberia/Sierra Leone border. Working with refugees and local communities, FIND trained camp-based trainers to educate the refugees and the local host community in human rights, to improve their understanding of the situation and encourage a greater acceptance of the refugees. The UNHCR has since recognised the value of FIND's work, and is funding its continuation.

It is difficult to get reliable figures for refugees and internally displaced people in **Iraq** (see Chapter 1). It is likely that there are up to 1.1 million displaced people in the country and since May 2003 around 100,000 Iraqi refugees have returned to Iraq.

Living conditions for internally displaced people vary but are generally very poor throughout the country and there have been some outbreaks of communicable diseases. Though overall mortality rates do not indicate a humanitarian emergency, the country needs urgent assistance to ensure that where the situation is fragile, it does not deteriorate into crisis. Some displaced people have integrated into new areas; others would return to their origins, with assistance. Many people are living in unstable conditions, such as public buildings, tents and makeshift shelters where access to water, health and education facilities is basic. The priorities are to give these people access to water (a perennial problem), housing, education and health facilities, especially in rural areas.

Many of the refugees who are returning from Iran come spontaneously and are not registered. They often find their homes destroyed or occupied, and for refugees such as the Marsh Arabs their former means of livelihood are no longer viable. These people often migrate to urban areas in search of housing and jobs. In the south, displacement has increased populations in communities where public services such as sewerage are inadequate, creating the potential for outbreaks of disease. Many returnees in the south have struggled to get access to public services, such as the public distribution system, although this situation is improving.



A Congolese refugee child sits in a camp in Rugombo, Burundi, June 2004. More than 30,000 Congolese refugees have crossed into neighbouring Burundi to escape conflict.



A three-year-old child is held by his mother as he waits to be given medicine by Red Cross workers at the Niela II refugee camp, in Guiglo, Côte d'Ivoire, April 2004.

Living conditions for refugees in Iraq vary but predominately their situation is more settled than that of internally displaced people and they have access to public services. Most receive assistance and protection from Iraqi institutions and the UNHCR.

In its attempt to find solutions to the problems of refugees and internally displaced people and stem movements of populations, the Coalition Provisional Authority implemented a 'stay put' policy throughout Iraq and encouraged countries hosting Iraqi populations to discourage immediate refugee returns. However, in the north of Iraq the authorities have developed a return strategy that provides more assistance to people returning to areas where their return will not fuel political or ethnic tension or property disputes.

The Iraqi Governing Council established the Iraq Property Claims Commission as the entity responsible for resolving disputes arising from violations of property rights since 1968 by the former regime. There is a mechanism in place to initiate a legal, peaceful resolution to property claims. This is a key step for finding durable solutions for many of Iraq's displaced people, particularly in the north.

### Refugees at sea

The UK takes the issue of maritime security very seriously and is intent on taking measures to tackle the problem of people smuggling.

We are assisting developing countries in implementing the requirements of the International Ship and Port Facilities Security Code (ISPS). This is an International Maritime Organisation (IMO) initiative that came into force on 1 July 2004 and will dramatically increase security in ports and on board ships. As a result, unscrupulous people smugglers will find their tasks much more difficult. Furthermore, we fully support the legal requirements for shipmasters to render appropriate assistance to those in distress at sea.

There was no improvement in the treatment of asylum seekers in **Russia** in 2003. The authorities put considerable bureaucratic hurdles in the way of registering as an asylum seeker and receiving appropriate documentation. The UNHCR advises that Russia should not be considered a safe third country for asylum purposes, not least because of the risk of refoulement, or forced return to a country where a person faces persecution.

The Moscow office of the UNHCR has nearly 14,000 displaced people on its register for Russia, most from the former Soviet Union (FSU), and estimates that the federal migration service rejects approximately 96 per cent of asylum requests. The office issued a statement in January 2004 saying that Russia had a good law on refugees which the government was not implementing. The office believes that of the many tens of thousands of asylum seekers from outside the FSU, mainly from Afghanistan, only 392 had obtained refugee status. Of the 731 African refugees on the register, the federal migration service has granted official refugee status to six, temporary refugee status to 19, and 469 are on a waiting list to apply. Over 200 had their applications rejected.

Ethiopian refugees in **Yemen** staged a month-long sit-in outside the offices of the UNHCR in early 2004 requesting full rights to work and legal settlement in Yemen or elsewhere. Yemen has an excellent record on granting refugee status to Somali immigrants and treating others from the Horn of Africa well. The UNHCR has worked hard with the authorities to support refugees in Yemen. The UNHCR will encourage the Yemeni authorities, with major donor support including from the UK, to adopt a proper refugee law and to continue to respect the rights of all refugees in the country.

We remain concerned about the safety and welfare of refugees and internally displaced people who are fleeing fighting and persecution in **Burma**. Many flee to **Thailand**, where the Thai authorities have a long tradition of offering a safe haven. We support the UN and NGOs in their efforts to care for the

## The non-suspensive appeal process (NSA)

The non-suspensive appeal (NSA) process is a key element of the Government's strategy to reduce unfounded asylum claims.

Under the Nationality, Immigration and Asylum Act 2002 (NIA Act), new provisions came into effect that amended the appeal rights previously available to a number of asylum claimants from countries that we believe are safe for most people. The NIA Act provides for UK immigration caseworkers to certify as clearly unfounded any asylum or human rights claim from a designated list of countries, unless they are satisfied that the claim is not clearly unfounded. The NIA Act further provides that once caseworkers have issued an applicant with a certified refusal we can remove them from the UK without them having a right to appeal in this country. They can, however, lodge an appeal from the country to which they have been removed. The NIA Act also enables the Home Secretary to certify an asylum or human rights claim as clearly unfounded even where the applicant is not entitled to reside in one of the listed states. The legal test as to what amounts to a clearly unfounded claim is the same for such cases, and the effect of certification on appeal rights is also the same.

Section 94(4) of the NIA Act currently sets out a list of 24 states. Ten states were included on the face of the Act. The Act provides a mechanism for the UK Government to add to the list of designated countries by affirmative order procedure (an order which must be approved by both Houses of Parliament). A further seven were added by Order, which took effect on 1 April 2003. Seven more were added by Order which took effect on 23 July 2003.

A country may be designated only where the Home Secretary is satisfied that there is in general no serious risk of persecution in that country and that removal of a person to that country would not in general contravene the UK's obligations under the European Convention on Human Rights.

Under the provisions of the NIA Act, asylum or human rights claims from people who are entitled to reside in one of those states are, once refused, to be certified as clearly unfounded, unless the Home Secretary is satisfied that they are not clearly unfounded. The 24 states are:

Albania; Bangladesh; Bolivia; Brazil; Bulgaria; Cyprus; Czech Republic; Ecuador; Estonia; Hungary; Jamaica; Latvia; Lithuania; Macedonia; Malta; Moldova; Poland; Romania; Serbia and Montenegro; Slovakia; Slovenia; South Africa; Sri Lanka; Ukraine.

There is no particular definition of 'clearly unfounded' but essentially it means a claim is plainly without substance and bound to fail. This is an objective test. Credibility may be relevant in some cases but not believing an applicant is insufficient reason to certify the claim as clearly unfounded.

The list currently includes the 10 countries that joined the EU on 1 May 2004. Since this date nationals of these countries have rights in line with other EU nationals and are no longer subject to the provisions of Section 94 of the NIA Act. (If a national of an EU state makes a claim for asylum, and that claim is determined to be clearly unfounded, there is no appeal against the refusal of the claim, by virtue of the Immigration (European Economic Area) (Amendment No.2) Regulations 2003.) These countries will be removed from the list of designated countries.

Objective evidence shows that there is in general no serious risk of persecution in these countries. Those entitled to reside in these countries are protected by the rule of law. The same criteria and legal tests have been applied to these countries, taking into consideration asylum grant rates and success levels at appeal.

Any applicant from a designated country will still have their claim assessed on its individual merits. Therefore not all claims from a designated country will be certified as clearly unfounded.

The majority of claimants from the designated states are detained on arrival, processed at the Oakington Immigration Reception Centre and, if their asylum applications are refused and certified as clearly unfounded, they are removed immediately.

Burmese refugees. In 2003-2004 DFID provided £450,000 to the Burmese Border Consortium to meet the basic needs of Burmese refugees in Thailand and £220,000 to the World Health Organisation to co-ordinate health work by agencies working on the Thai-Burma border.

### UK asylum policy

The UK is committed to its obligations under the 1951 United Nations Convention relating to the Status of Refugees. All applications are carefully considered and persons meeting the terms of the Convention are granted asylum here.

The Government is keen to ensure that the UK continues to offer a safe haven to those genuinely in need, but we are not prepared to accept abuse of the system by those who do not require international protection.

The measures introduced in the Nationality, Immigration and Asylum Act 2002 have had a significant impact on reducing the number of unfounded asylum applications and speeding up the asylum process. In 2003 the number of applications fell by 41 per cent and around 80 per cent of decisions on new cases were made within two months.

The Immigration and Asylum (Treatment of Claimants etc.) Act 2004 builds on the progress already made in reforming the immigration and asylum system. The Act reforms the appeals system, reducing the opportunities for unsuccessful appellants to exploit the system by lodging multiple appeals in order to delay their removal from the UK. The Act also deals with the significant problems caused by those who claim asylum having deliberately destroyed or disposed of their travel documents

in order to make false claims or prevent their removal from the UK.

The Government is also encouraging legitimised ways of entry for refugees by providing a legal route to the UK for those identified as being in genuine need of protection. The Quota Refugee Resettlement Programme is administered by the United Nations High Commissioner for Refugees (UNHCR) and will enable up to 500 refugees to come to the UK in its first year. The first group of refugees arrived in March 2004.

### Migration partnerships

In spring 2003 the UK tabled a discussion paper at the European Council. Our proposals were designed to achieve better management of international migration issues, including asylum.

During the subsequent debate member states, third countries and international organisations showed considerable interest in the UK's proposals and in particular for our proposal for providing protection in regions of origin. However, there was little support for our proposals for transit processing centres which would involve governments sending asylum seekers to centres in third countries in order to have their asylum claims processed.

The European Council noted the UK's proposals and invited the European Commission to present a comprehensive report by June 2004, suggesting measures to ensure a more orderly and managed entry into the EU of people in need of international protection and to enhance the protection capacity in the regions of origin.

In the UK we have developed our own ideas in the light of this response. We are no longer pursuing transit processing centres or zones of protection. Rather we are seeking to develop migration partnerships with certain countries in the regions of major asylum-generating countries.

We see these arrangements as modern partnerships based on equality, in which the two parties recognise that their migration issues are of common concern and need to be tackled together. The partnerships are intended to be flexible and address a range of migration issues. They are also based on the belief that issues such as secondary movement can be effectively addressed in the regions of origin.

We are still developing our ideas on this issue. We are willing to support participating countries by helping them to protect refugees and maintain their border security as part of a balanced approach that will both reduce the abuse of the UK's asylum system and offer better protection for refugees in their region of origin. By strengthening protection in regions of

origin, we will reduce secondary movements and also other incentives for people to migrate which are often supported by organised crime.

Additionally, we are co-funding with Denmark and the Netherlands two EU-supported projects, lead by the UNHCR. The first project is looking into building effective protection capacities in four African states. The second concerns preparatory activities for a comprehensive plan for Somali refugees.

On 4 June 2004, the European Commission tabled its proposals for consideration by the European Council and the European Parliament: *'On the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin – Improving access to durable solutions.'* The European Commission is proposing the development of EU Regional Protection Programmes and an EU-wide resettlement scheme.

The Government welcomes this communication and supports the broad purpose of the outline proposal. We now look forward to engaging in constructive discussion with the Commission and member states as their ideas are considered in more detail over the coming months.

## 5.4 Post-conflict reconstruction

Post-conflict reconstruction takes place once a ceasefire is established, continues throughout any period of transitional government and is ultimately incorporated into long-term development strategies. Recent experiences in Iraq, Afghanistan, East Timor, Sierra Leone and the Balkans have highlighted the importance nationally, regionally and internationally of effective and immediate post-conflict strategies. These strategies support governments at a time when their structures and mechanisms are weak. The ramifications of failing to deliver an effective post-conflict strategy are immense. In half of all cases, armed conflict resumes within five years of a peace agreement. Without a reconstruction strategy, the way is also open for organised crime, drug and people trafficking and terrorism. Such a situation creates refugees and asylum seekers; exacerbates differences in multilateral fora such as the UN; prolongs involvement by other countries; puts at risk international strategic objectives; provokes criticism from the media and civil society organisations; and undermines the prospects for long-term development and poverty reduction.

The UK believes that in order to respond effectively in post-conflict situations we need a UN mechanism to co-ordinate the governments' contribution to post-conflict reconstruction. Such



Members of an all female de-mining group pass a minefield area in Kilinochi in the northern peninsula of Sri Lanka, February 2004. Female de-miners have helped to remove hundreds of thousands of landmines laid over the course of 20 years of civil war.

a mechanism would provide the capacity to plan for, implement and manage the transition from military to civilian rule, and would link the efforts of the wider international community through the UN, EU, OSCE, NATO or regional organisations to ensure that countries work together in reconstruction.

The Foreign Secretary Jack Straw, the Secretary of State for Defence Geoff Hoon and the Secretary of State for International Development Hilary Benn met on 16 September 2003 to discuss the UK's response to post-conflict reconstruction situations. They tasked a team of officials from their departments with reviewing the UK's approach to planning and preparing for post-conflict situations. They directed officials to examine the possibilities for setting up a cross-government co-ordinating mechanism; taking into account what tools, training and resources would be needed and how to spread best practice.

The team recommended setting up an inter-departmental post-conflict reconstruction unit. The Government has now agreed to establish this inter-departmental unit and has agreed its funding. An implementation team is working on the unit's terms of reference and over the next two-and-a-half years will set up a medium-sized permanent unit with a staff of 40. The staff will represent different government departments and at a later stage it is likely that the unit will second staff from the private sector. The unit will have a co-ordinating function and will inform strategy and devise operational plans. It will also deploy civilian personnel alongside armed forces in post-conflict situations. It is widely recognised that post-conflict reconstruction requires expertise beyond that which the FCO, the MOD and DFID can provide – in the past, the UK has seconded civil servants from across government departments to Iraq, Afghanistan and the Balkans. Thus a priority for the unit will be to build up a database of volunteers who can be trained and ready for deployment at any time.

### Certain Conventional Weapons Convention (CCW)

Every year thousands of civilians around the world are killed or injured by the explosive remnants of war (ERW). These include unexploded artillery shells, hand grenades, mortars, cluster sub-munitions, rockets and other explosive devices that are left behind at the end of an armed conflict. ERW can have serious consequences for civilians and their communities. They can pose direct risks to the health and safety of civilians and thereby hinder economic development. A 2003 Global Survey into ERW by Landmine Action UK estimated that at least 82 countries and 10 territories in most regions of the world appear to be affected.

In 2003 there was international agreement on a new Protocol on Explosive Remnants of War to address the problem and deal with the humanitarian problems caused by ERW. Along with the Convention on the Prohibition of Anti-Personnel Mines, the Protocol on Explosive Remnants of War is an important step towards minimising death, injury and suffering in war-torn areas.

The principal obligations of the new Protocol are:

- > the state in control of the affected territory shall mark, clear, remove or destroy the ERW as soon as feasible and prioritise those affected areas posing a serious humanitarian risk;
- > the user of munitions which have become ERW undertakes to provide assistance, where feasible, to the party in control of the affected territory to facilitate marking and clearance, removal or destruction of such ERW;
- > the user of munitions which may become ERW undertakes to provide information on the use of such munitions (subject to legitimate security interests) to the party in control of the territory and to organisations undertaking clearance operations on the affected territory. The content of this information is provided on a voluntary, best practice basis;

- > feasible precautions should be taken to warn civilians of the risks and effects of ERW;
- > states shall take steps, to the extent feasible, to protect authorised humanitarian missions operating in the area under their control from the effects of ERW;
- > states may provide assistance to deal with the threat posed by existing ERW; and
- > preventive measures, such as good practice in managing munitions to reduce the chance of their becoming unexploded, may be undertaken on a voluntary basis.

This Protocol is an important step towards reducing humanitarian risks associated with ERW and fulfils a long-standing UK objective to secure agreement on a legally binding Instrument. We are now looking into the necessary steps that may need to be taken to enable the UK Government to proceed to ratification of this Protocol.

In welcoming agreement on the Protocol, Jacques Forster, vice-president of the International Committee of the Red Cross (ICRC), said: "The ICRC believes that the new Protocol on explosive remnants of war can make a significant contribution to minimising civilian suffering arising in the aftermath of war".

A UK delegation will participate in the continuing negotiations within the CCW. Mandates for 2004 seek tighter controls on the use of mines other than anti-personnel mines and take forward work on ERW by examining possible preventive measures to improve the design of specific types of munitions, including sub-munitions.

## 5.5 Post-conflict justice mechanisms

In the previous chapter we looked at the important progress being made by the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) in bringing to justice those guilty

of some of the worst atrocities during those conflicts. In addition, a special court is currently at work in Sierra Leone. The court is a model for how future international tribunals might operate, such as the forthcoming special tribunal in Cambodia. In East Timor, a Commission for Reception, Truth and Reconciliation is hearing testimony. These bodies, held in their respective countries, address previous injustices and promote reconciliation so that the community can better come to terms with its past.

The Special Court for **Sierra Leone** (SCSL) was established by an agreement between the Sierra Leone government and the UN 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 caselaw. The crimes within the court's jurisdiction cover 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 ICTY and ICTR and it builds on some of their pioneering work. For example, it has adopted the rules and procedures of the ICTR and will draw on some of the groundbreaking caselaw generated by these tribunals. It is also learning from some of the problems experienced by the tribunals, which have been criticised for their slow pace and high costs, and their isolation from the states in which the crimes were committed.

The Special Court is the subject of intense interest by the international political, legal, NGO and academic community. It is the first time that a (partly) international tribunal has been set up in the state where the crimes it is prosecuting took place. It is hoped that the court will be a model for future post-conflict mechanisms, demonstrating the ability to combine



Locals walk by the new headquarters of the Sierra Leone Special Court in the capital Freetown.

cultural and legal traditions of the host state while preserving the minimum standards necessary under international law. Once its work is finished the court will leave an inheritance for the people of Sierra Leone, a new court-house and the transfer of know-how to local legal professionals.

The court is expected to complete its work in three years. To achieve this demanding goal, it works within a narrow jurisdiction involving only the most senior, most responsible perpetrators. The Prosecutor, David Crane (from the US), is raising a relatively small number of indictment counts against the accused – typically fewer than 20 as compared to the 60 counts against Slobodan Milosevic at the ICTY. The number of indictees is also small in comparison to the ICTY and the ICTR, which have indicted 120 and 60 respectively. As the Special Court is based in Freetown, it is not geographically isolated from the victims of the crimes, which helps sensitise the 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. In addition, Sierra Leoneans make up almost a quarter of the court's professional staff and over half of the overall staff numbers.

The court has made a brisk start. Its first permanent officials arrived in Freetown in July 2002. The courthouse officially opened on 10 March 2004. The first trial opened in June and a second in July 2004. 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 and the other, Charles Taylor, former president of Liberia, is in exile.

On 13 March 2004 the court ruled that the amnesty granted under the July 1999 Lomé Peace Agreement (which temporarily ended the conflict) could not bar the prosecution of an accused before the Special Court for international crimes committed before July 1999.

The UK sits on the management committee that assists the court with advice and policy direction on all non-judicial

aspects of its operations, including efficiency, approving its budget and encouraging other states to co-operate with and contribute to the court.

The court relies on voluntary contributions. The UK has committed £6.6 million (around 16 per cent of an overall budget of around £42.2 million) over the court's three-year lifespan. Funding remains a concern and there is a shortfall of around £12.6 million for the court's third and final year. The UK is supporting the UN Secretary-General's efforts to address this problem.

More information on the SCSL is available at: [www.sc-sl.org](http://www.sc-sl.org)

An estimated 100,000-200,000 East Timorese died in the violence and chaos following Indonesia's invasion of **East Timor** in 1975. There was massive displacement of the population and many people fled. 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 and, in response, the Indonesian government declared martial law. Militia groups forced a large number of people into Indonesian West Timor and there was widespread burning and looting in 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.

In 1999 the UN established the UN Transitional Administration of East Timor (UNTAET) with responsibility for administering East Timor and preparing it for self-government. The UN handed control over to the first democratically elected government of the Democratic Republic of East Timor in May 2000 and replaced UNTAET with a UN Mission of Support for East Timor (UNMISSET). UNMISSET's remit has been extended until November 2004 with provision for a final extension until May 2005.

In 2000 the UN Security Council accepted Indonesia's pledge to conduct its own enquiry and prosecute those responsible for



Liberian ex-president Charles Taylor, is shown to his car after handing over the presidency and agreeing to go into exile, August 2003.



In March 2004 an East Timorese woman prays at the grave of her husband killed five years earlier. An estimated 100,000–200,000 East Timorese died in the violence and chaos following Indonesia's invasion of East Timor in 1975.

crimes committed 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. Indonesia's supreme court has since confirmed the three-year sentence for Abilio Soares, former governor of East Timor, and on July 18 2004 Soares began serving his sentence. In August 2003 the EU issued a statement expressing disappointment that the tribunal had failed to deliver justice and did not produce a substantiated account of the human rights violations committed in East Timor in 1999. The supreme court has so far upheld the acquittal of 11 of the 12 defendants acquitted. At the end of July and beginning of August 2004, the *ad hoc* human rights high court quashed the convictions of the four senior Indonesian officers convicted of human rights abuses in East Timor in 1999. These rulings mean that now only two out of the 18 people tried by the court, both East Timor civilians, have been convicted. One has had his conviction confirmed by the supreme court, and is currently in prison.

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 between 1 January-25 October 1999. So far, the SCU has filed 83 indictments at the special panel for serious crimes, charging 373 people including Abilio Soares and the former Indonesian armed forces chief General Wiranto. Two hundred and seventy-nine of those indicted are in Indonesia but Indonesian Foreign Minister Hassan Wirajuda has said that Indonesia will ignore the indictments. The special panel for serious crimes in Dili district court has convicted 50 defendants. Interpol has issued warrants for 76 of those indicted and this may restrict their overseas travel. The work of the SCU is due to complete by May 2005, coinciding with the end of UNMISSET's remit.

In 2002 a Commission for Reception, Truth and Reconciliation (CAVR), an independent statutory authority, was established in East Timor to enquire into human rights violations committed there between April 1974-October 1999 and to assist the process of national reconciliation. The CAVR's functions also help ease the formal judicial system by allowing those responsible for less serious crimes to confess them before a commission panel and do community service in atonement. 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. Copies of the CAVR's final report, to be presented in October 2004, will go to the UN Secretary-General and to the governments of East Timor and Indonesia among others. The UK has provided funding of around £580,000 to the CAVR.

Since 1997 the UN has been negotiating with the **Cambodian** government the establishment of a UN-supported national tribunal to try the surviving Khmer Rouge leaders responsible for an estimated 1.7 million deaths (over 20 per cent of the population) during Khmer Rouge rule from 1975-1979. On 1 March 2003 the UN and Cambodian negotiating teams initialled a draft agreement. The UN General Assembly endorsed it on 13 May 2003 and is still awaiting ratification by the Cambodian national assembly. Problems in forming a Cambodian government have delayed matters. The UN has visited Cambodia to look at the practical arrangements for the tribunal and other outreach programmes. The UK has provided funding and assistance for the tribunal support office in Cambodia and we plan to contribute to a UN trust fund to support the tribunal once it is set up.



Demonstrators carrying mock corpses and shouting slogans, march outside the morning plenary session of the 15th AIDS conference in Bangkok, Thailand, 13 July 2004.

## HUMAN RIGHTS

**Economic, social and cultural rights**

Economic, social and cultural rights have sometimes been regarded as a lesser priority than civil and political rights because their realisation requires substantially greater resources, and so is necessarily more gradual. Governments need to provide significant budgetary support to ensure an adequate standard of living, basic education and medical care for their citizens. It has also proved more difficult to establish international mechanisms to make these rights as directly legally enforceable as most civil and political rights are.

In reality, the different categories of rights cannot be separated. Without adequate clothing, food and medical care, people cannot enjoy human dignity. The right to own property is of little use to bonded labourers, who are held in servitude. Without freedom of expression and association people cannot demand the kind of laws and government policies that guarantee their right to the highest attainable standard of health, or to an adequate standard of living. Education enhances people's participation in the government of their country.

The UK fully accepts the indivisibility and universality of all human rights, and recognises that lasting peace and prosperity are not possible under any other circumstances.

In the past year the FCO has increased its engagement on economic and social rights in specific areas, and in this chapter we look at some of the work that we are doing to promote these rights. The chapter is split into three sections. In the first section we look at the work being done in the specific areas of food, health, development and the environment. We discuss the rights that individuals have in each of these areas along with on-going discussion about an individual complaints mechanism for economic, social and cultural rights. In the second section,

we look at globalisation; specifically, the important work that the UK along with the international community is doing to ensure that a properly managed system of fairer trade delivers economic growth and development for all, including the poorest countries. In the final section, we look at the work that we are doing to ensure labour rights and to promote better working conditions for millions. We focus on the difficulties faced by trade unions in promoting workers' rights, as well as the plight of millions forced to work in intolerable conditions, either as bonded or forced labour.

**6.1 Economic social and cultural rights****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 to establish an intergovernmental 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 UK has participated in all three meetings so far of the intergovernmental working group, with a delegation led by officials from the FCO and DFID. We have worked to influence the draft voluntary guidelines to secure robust language on human rights, development and good governance. In particular we believe that food security is an important element of wider strategies to reduce poverty, and that human rights are an important tool in helping to achieve better outcomes for the poor and those without food security. The deliberations of the working group are likely to conclude at its fourth meeting in October 2004. FCO and DFID representatives remain fully engaged in the process and will send a joint delegation to Rome to negotiate a document that establishes clearly the role of human rights in helping to guarantee food security.

### Individual complaints mechanism

Since the 1993 Vienna World Conference on Human Rights, the international human rights community has been debating the viability and desirability of a mechanism which might allow individuals to bring complaints before the UN Committee on Economic, Social and Cultural Rights. Such individual complaints procedures already exist for a number of the core UN human rights treaties and some states have argued that the lack of such a mechanism for economic and social rights undermines the importance of these rights. In 2003 the CHR established a working group to examine the options for such a mechanism. The first meeting of the working group took place in February 2004. Like many states, the UK has concerns relating to the justiciability of some economic, social and cultural rights; the scope and application of a complaints procedure; and about the wider practicalities of how such a mechanism would work in practice. We are also worried that some states might use the discussions to deflect attention from their own failings in this area, and thereby create a mechanism which is inconsistent with the International Covenant on Economic, Social and Cultural Rights (ICESCR). We nonetheless played a constructive role in the working group's deliberations and sought to engage with the many complex legal issues relating to the possibility of a complaints mechanism. We remain open-minded about the need for, and shape of, a mechanism – we believe that whatever the outcome, it must bring clear benefit to the system of human rights protections for it to be a credible procedure. With this in mind, a delegation from the FCO in London and our mission in Geneva attended a European Round Table on Economic, Social and Cultural Rights in Lisbon in May 2004 hosted by the Portuguese government and the International Commission of Jurists. At the meeting we raised a number of legal and practical issues that future sessions of the working group should address.

### Human rights and the environment

Perhaps in no other area are the universality and indivisibility of human rights made clearer than in regard to the environment which we all share as a common resource. The UK recognises that improving good environmental management is one of the things a state may need to do in order to meet some of its economic, social and cultural rights obligations. And promoting and protecting human rights can be an important tool in protecting the environment.

Environmental issues relate to many economic and social rights. For example, Article 7(b) of the ICESCR recognises the right to “safe and healthy working conditions”, and Article 24 of the UN Convention on the Rights of the Child calls on states to ensure the highest attainable standard of health for children, including nutritious food and clean water, “taking into account the dangers and risks of environmental pollution”.

In the EU, Article 37 of the Charter of Fundamental Rights states that “a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development”.

Development is only sustainable in the long term if it is 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.

The UK recognises that environmental degradation can place a greater burden on states in fulfilling their human rights obligations. We also recognise that human rights violations can preclude good environmental management. Environmental governance concerns decisions on environmental issues and resource management. 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. We believe that it is essential to implement Principle 10 of the Rio Declaration on Environment and Development (1992) on 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 Partnership for Principle 10 (PP10), a partnership of states, international organisations and civil society groups around the world who promote national implementation of Principle 10. The FCO contributed £200,000 in 2003–2005 to support the partnership's secretariat and project work. In June 2004 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. These are specific commitments to improve the UK's own performance in providing access to information, participation and justice. The UK will also contribute, through international environmental governance project work totalling £100,000, to improving both the performance of other countries in these areas and the collective work of the partnership.

The FCO has been supporting a number of projects around the world to promote environmental governance. In Latin America we funded prominent civil society groups to run a series of regional seminars on how best to promote access to information, participation and justice on environmental topics. They also

addressed ways in which Latin American countries could assess the implementation of Principle 10. The FCO, through PP10, also sponsored a regional project co-ordinated by the Mexican Centre of Environmental Law (CEMDA). The project is helping to build a framework to evaluate existing access to information, civil participation and environmental justice.

We have also sponsored five projects in 2003 independently of PP10 to promote participatory environmental governance in Venezuela, Armenia, Kosovo and the Ukraine. For example, in the Ukraine we produced an expert survey of environmental governance with the UK-based Stakeholder Forum for Our Common Future and the Ukrainian NGO MAMA-86, and followed this work with a series of regional seminars. The seminars brought together NGOs, the wider public and decision-makers in the local authorities.

We will base our future work overseas on the new FCO Strategic Priority on sustainable development. This links good governance, democracy and human rights as central components of sustainable development, and makes clear that policy in these areas is central to securing wider UK interests.

### Right to development

The right to development is the right of the individual to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights can be fully realised. Underdevelopment and poverty are often exacerbated by discriminatory practices at local, national and international levels. This is particularly relevant for individuals and groups who are vulnerable, marginal, disadvantaged or socially excluded. A human rights approach to development requires, among other things, that laws, practices and institutions that foster discrimination against individuals in these situations should be eliminated, and resources devoted to improving their possibilities to exercise their rights.

Some countries have implied that the right to development has already created a legal obligation on developed states to provide financial assistance to developing states. This view runs counter to the very premise of human rights: that they belong to individuals and create obligations between a state and its citizens, not between states. However, the UK recognises that for all governments scarcity of resources constrains the speed with which they can advance some of the economic and social rights of their citizens. The UK is committed to a programme of development assistance to poorer countries. This is particularly aimed at achieving the Millennium Development Goals (MDGs) by 2015. UK development aid aims to mainstream human rights within its programmes, ensuring conformity with, and promotion of, human rights in recipient countries.

Until recently, discussion at the Commission on Human Rights (CHR) about the right to development had been obstructed by demands from some states for a legally binding treaty that would create international development obligations. We were concerned that some developing countries might argue that violations of the rights of their citizens were the result of insufficient development assistance, thus absolving themselves of their responsibility to guarantee such rights. This partially explains why the international debate on this right had become sterile and polemical. However, following on from the 2003 session of the CHR, the UK delegation has worked with other members to secure a more constructive outcome which steers the debate away from theoretical discussions towards a focus on how the right to development can lead to practical improvements on the ground.

The UK played a determining role in securing strong language in the Agreed Conclusions of the Working Group on the Right to Development, held in February 2004. The conclusions included a call for the establishment of a high-level task force where representatives of trade, finance and development

## Concluding observations on UK's fourth report on implementation of ICESCR

In mid-2002 the body which monitors states' compliance with the ICESCR, the Committee on Economic, Social and Cultural Rights, issued a set of recommendations following its consideration of the UK's fourth report to the committee (the committee's concluding observations can be found at [www.ohchr.org](http://www.ohchr.org)). The committee welcomed measures such as the New Deal programme for employment, the introduction of a national minimum wage and measures to reduce homelessness, rough sleeping and exclusion from schools. It welcomed too the UK's process of reviewing its reservations to international human rights instruments, with a view to withdrawing those that have been superseded by legislation or practice. It also stated its concerns about areas where it felt the UK could make improvements in its compliance with the Covenant. These include poverty, housing and labour rights. The committee also questioned the

UK's lack of a national human rights plan and our failure to incorporate all economic and social rights into domestic law.

Subsequently, a UK parliamentary select committee, the Joint Committee on Human Rights, started an inquiry into the Government's handling of these recommendations. The Foreign Office Minister responsible for the UK's reporting obligations, Bill Rammell, appeared before the Joint Committee on 15 September 2003 to inform the inquiry, and the Government awaits the formal response from the Joint Committee. In his evidence, Mr Rammell welcomed the inquiry and said that such healthy scrutiny of the Government's work "forces us to sharpen up our act". The full text of Mr Rammell's evidence can be found at: [www.parliament.the-stationery-office.co.uk](http://www.parliament.the-stationery-office.co.uk)

institutions, together with experts on the right to development, will explore further how the right to development relates to their policy fields. At the CHR we worked to get the Commission to endorse the mandate of the high-level task force. While the resolution was less robust than we would have liked, it limits the areas of disagreement so that we can concentrate on those areas which are more likely to produce beneficial and concrete outcomes around which developed and developing countries can reach a consensus.

There was a high-level seminar on the right to development during the working group in February 2004, attended by FCO and DFID representatives. DFID made a presentation which included focus on the MDGs and social impact assessments. DFID also provided financial support for an expert on right to development to address the seminar on practical applications of human rights in development through the presentation of a case study on Uganda. The Office of the High Commissioner on Human Rights welcomed the presentation as a valuable contribution to the debate.

### Right to health

At the CHR this year, the UK co-sponsored – for the first time – the Brazilian resolution on the right to the highest standard of physical and mental health. The text of the resolution was an improvement on that of previous years, when we had been unable to co-sponsor, in that it includes a call for states to protect and promote sexual and reproductive health as an integral element of the right to health. UK co-sponsorship reflects the importance we attach to resolutions which address economic and social rights and our recognition of an improved resolution which sets a clear and suitable direction for the work of the Special Rapporteur on the Right to the Highest Attainable Standard of Physical and Mental Health, Professor Paul Hunt from the University of Essex. The UK and Brazil worked hard to agree a text this year that reflects a common view of the relationship between human rights law and health.

## 6.2 Access to health and education

Everyone has a right to a standard of living adequate to their health and well-being, and everyone has a right to education. Access to health and education is crucial for a country's development. They expand personal opportunities and enable people to participate in civil society more fully. In the last 30 years basic living standards for many of the very poor have improved. Child mortality rates have halved, illiteracy rates among adults have fallen from 46 per cent to 21 per cent and we are close to eradicating polio.

But in some areas the situation is deteriorating. According to the UN Development Programme (UNDP) *Human Development*

*Report 2003*, in the last year 21 countries have seen a decline in their human development index. This is a summary measure of three dimensions of human development – living a long and healthy life, being educated and having a decent standard of living. More than 104 million children do not go to school and each year more than 10 million children die before their fifth birthday, mainly from preventable diseases. More than 500,000 women die every year during pregnancy and childbirth – there has been no improvement over the past decade. Over one billion people cannot get safe drinking water and over two billion lack adequate sanitation.

### Access to health services

**“Lack of access to anti-retroviral therapy is a global health emergency. To deliver anti-retroviral treatment to the millions who need it, we must change the way we think and change the way we act.”**

**Dr Lee Jong-wook, Director General of the World Health Organization, speaking at the General Assembly High-Level Meeting on HIV/AIDS, New York, 22 September 2003.**

The ICESCR obliges states to recognise the right of everyone to enjoy the highest attainable standard of physical and mental health. States are required to take steps to prevent, treat and control diseases, and to create conditions in which citizens can receive medical service and attention when they are sick.

Communicable diseases are an overwhelming burden for most developing countries. Each year, nearly two million people die of tuberculosis (TB), despite the wide availability of inexpensive treatments that are effective in 95 per cent of cases. TB is on the rise in many developing countries, the result of economic decline, breakdown of health systems, insufficient measures to control TB, spread of HIV/AIDS and the emergence of multidrug-resistant TB (MDR-TB).

Malaria killed more than one million people last year and over 41 per cent of the world's population is at risk of contracting it. The incidence of malaria is increasing due to deteriorating health systems, greater resistance to drugs and insecticides, climate change and war. Ninety per cent of deaths from malaria occur in sub-Saharan Africa, where around 3,000 people die from the disease each day, most of them children.

AIDS killed more than three million people in 2003 and an estimated five million people contracted the Human Immunodeficiency Virus (HIV). Thirty-eight million people now live with the virus. Progress on finding a vaccine has been slow. The only vaccine to complete definitive trials did not demonstrate any efficacy. We need to consolidate and intensify international efforts to ensure further progress in this field.

At the 2004 G8 Summit in Sea Island, leaders endorsed the Global HIV Vaccine Enterprise, a virtual consortium proposed by an international group of scientists to accelerate HIV vaccine development.

Tackling AIDS is a UK priority. The Government launched the UK's Call for Action on HIV/AIDS on World AIDS Day in December 2003, setting out how the UK will tackle the global challenge of HIV/AIDS in the years ahead. We will focus on four areas: stronger political direction, better funding, better co-ordination among donors and better HIV/AIDS programmes. Since 1997 we have increased our bilateral spending on work related to AIDS and sexual and reproductive health from £38 million to more than £270 million in 2003–2004. According to the joint UN programme on HIV/AIDS (UNAIDS), the UK is the second largest donor both in absolute volume terms and related to share of gross national income.

On July 20 the Prime Minister launched 'Taking Action: the UK's strategy to tackle HIV and AIDS in the developing world' which sets out how we intend to implement the Call for Action. This includes a special focus on the needs of women, young people and orphans as the people most vulnerable to AIDS in the developing world. The launch included an announcement of £150 million towards international efforts to support and protect orphans and a further £77 million for the Global Fund to fight AIDS, TB and Malaria. Following the 2004 Spending Review the UK has committed to spending £1.5 billion over the next three years on bilateral and international efforts to combat HIV/AIDS. Led by DFID, our cross-government effort will form the basis for our AIDS work during the UK Presidencies of the G8 and EU.

To simplify the international approach, we support the 'three ones' agreed by donors, developing countries and UN agencies in April 2004. These are based on three principles: one HIV/AIDS action framework; one national AIDS co-ordinating authority; and one monitoring and evaluation system. In the past, governments of heavily-affected countries have had to

deal with confusing and duplicated demands from donors to demonstrate progress in tackling the HIV and AIDS epidemics. One of the main aims of the strategy is to co-ordinate country efforts so that extra funds go to those who need them most. This involves working with government, civil society and the private sector to deliver sustainable AIDS programmes.

The UK's response to AIDS prioritises the rights and needs of women, young people and orphans, and marginalised and vulnerable groups. It is important to tackle the causes of vulnerability. We support the UNAIDS co-ordinated Global Coalition on Women and AIDS. We endorse UNICEF's strategic framework for the protection, care and support of orphans and children made vulnerable by HIV and AIDS and we will support its implementation by providing additional funding and advice to country programmes. We have lobbied in international meetings to secure people's rights to sexual and reproductive health as agreed at the International Conference on Population and Development. This means advocating for the services, information and resources that young people, women and men need to ensure their reproductive well-being and to protect themselves from sexually transmitted infection, including HIV. We have supported international partners who are taking forward this agenda, such as the UN Population Fund to which we contribute substantial funds, including £18 million in 2002–2003. We also support legislative reform to combat discrimination against people with HIV and AIDS.

People with HIV and AIDS need better access to treatment. We support efforts to provide increased, and eventually universal, access to treatment and care and we support UNAIDS' and the World Health Organization's (WHO) 'three by five' framework (with its goal to provide anti-retroviral therapy to three million people in the developing world by the end of 2005). We advocate equitable provision of treatment to women and children and, if appropriate, encourage a target of at least 50 per cent of treatment for them.



Two girls are given polio vaccines by a health worker in rebel held territory, close to the city of Bouake, Côte d'Ivoire. Over 30,000 health workers took part in a project to vaccinate 4.6 million children against polio within just four days.



Buddhist monks and nuns in Vientiane, Laos, attend a training session on HIV/AIDS prevention and care. The training formed part of a project funded in 2003–2004 by our Embassy in Bangkok.

Many African governments say their response to HIV and AIDS is limited because they lack skilled staff. Since 1997 the UK has committed £1.5 billion to strengthen health systems in low-income countries and DFID is supporting the Malawi government, among others, to re-staff its depleted health services. This kind of work is vital if countries are to develop the care and treatment programmes that poor people need.

For poor people to enjoy their right to the highest attainable standard of health, they must have access to essential medicines. However, one-third of the world's population cannot receive essential medicines. The WHO estimates that prompt access to diagnosis and medicines could save up to four million lives in Africa and Asia. There were several positive breakthroughs during 2003 which will improve this situation. In August 2003, before the Cancun Summit, World Trade Organisation (WTO) members finalised a process under the trade-related aspects of intellectual property rights (TRIPS) agreement, whereby poor countries with insufficient manufacturing capacity could import cheaper copies of new, patented medicines. The EU agreed a new regulation on diversion. This will encourage companies to offer medicines at lower prices to developing countries by safeguarding against their diversion back to the EU. At the 2003 G8 summit in Evian, leaders committed themselves to encourage lower prices and tackle the diversion of reduced-priced medicines from poor countries to

markets where they can be sold for profit. In May 2003, the World Health Assembly established the Commission on Intellectual Property Rights, Innovation and Public Health to look at issues related to funding and incentive mechanisms for the creation of new medicines and other products for diseases that disproportionately affect developing countries. The committee held its first meeting on 5-6 April 2004 at the World Health Organization in Geneva at which it commissioned the secretariat to draw up a consultative list of stakeholders and experts.

In June 2004 the UK published *Increasing Access to Essential Medicines in the Developing World: UK Government Policy and Plans*. The report is available in the access to medicine section of the DFID website ([www.dfid.gov.uk](http://www.dfid.gov.uk)). The report sets out the UK's approach to increasing access to medicines and includes:

- > working with UK research institutions to establish a UK Funders' Forum for health research that is relevant to the needs of developing countries;
- > monitoring and evaluating the UK vaccines research relief, a tax credit for the research and development of products for HIV, TB and malaria;



Community carers carry an AIDS sufferer to a hospice in Roodepoort, South Africa, July 2004. Ostracised by his community and unable to care for himself, he had been living in a squatter settlement.

## Tackling HIV and AIDS in China

In **China**, the government estimates that 840,000 people are infected with HIV. Some 80,000 people now have AIDS and require anti-retroviral therapy. China's AIDS activists view government figures as a serious underestimate and suggest 5-10 million HIV sufferers is a more realistic figure. Although the government is making some efforts to treat patients and prevent discrimination, we are concerned by NGO reports that those who are ill continue to suffer harassment and discrimination and in some cases are refused treatment and care.

Senior Chinese officials have recently spoken out about AIDS. In a speech at the HIV/AIDS high-level meeting of the UN General Assembly in November 2003 Vice Minister of Health, Gao Qiang, said that the Chinese government would protect the legitimate rights of HIV/AIDS patients and would punish any official found to have caused the spread of HIV/AIDS through negligence. In Henan province during the 1980s and 1990s thousands were infected with HIV through blood collection centres run by the government for profit. No officials have yet been held accountable for the infections. He also said that by the end of 2003 some 5,000 people would have received free treatment and that the authorities would expand the programme in 2004.

China applied for a grant of \$98 million from the Global Fund to Fight AIDS, Tuberculosis and Malaria to support China Cares, the China Comprehensive AIDS Response Programme. Thirty-two million dollars of the total was approved in 2003 for the first two years of the programme.

This is a community-based HIV treatment, care and prevention programme working in 56 of the worst-affected counties in China.

- > working with the pharmaceutical industry to develop a best practice framework that will support and encourage companies in increasing access to medicines; and
- > implementing any necessary legislation in the UK and with the EU to facilitate export to developing countries under compulsory licence, if requested, in line with the WTO General Council's Decision of 30 August 2003.

We are funding projects to tackle HIV/AIDS in **Thailand** through the Embassy's small grants scheme. A two-year education programme is teaching Burmese migrants working in orange plantations on the Thai-Burmese border about HIV/AIDS and reproductive health. The Association for the Promotion of Children, Youth and Family is running the project and has recruited 43 local volunteers, produced HIV/AIDS and reproductive health materials and disseminated health messages to around 300 migrants. A second project in the Chiang Mai province targets men who have sex with men. We are funding the Thai Red Cross AIDS Research Centre and Rainbow Sky Association of Thailand to make these men aware of methods of HIV/AIDS prevention. The project team hosts

The authorities are using publicity to tackle discrimination against AIDS patients. When Premier Wen Jiabao visited AIDS patients at a hospital on World AIDS Day in December 2003, many newspapers published front-page pictures of him shaking hands with a patient. China is reported to have amended its law on contagious diseases and to have dropped the requirement for HIV/AIDS patients to be forcibly isolated. The text of the amendment is not yet available to us, but such a change would be a positive step in preventing discrimination. At the XV International AIDS conference in Bangkok in July 2004 the Chinese premier made an unprecedented appeal in the Chinese media for "all levels of government and society to attach great importance to preventing and controlling HIV/AIDS."

Most provinces now have their own legislation to address HIV/AIDS. Legal provisions include sending officials to live in villages to provide relief and help; designating hospitals for AIDS care; free HIV tests; free anti-retroviral drugs to those below a certain income level; treatment to prevent transmission of the virus between mother and child; measures to stop transmission through medical procedures; legal sanctions on the wilful spreading of the disease; and condom programmes. Provincial legislation also provides budgets for HIV/AIDS activity.

While we welcome efforts by China's senior leadership to tackle AIDS, we remain concerned that local implementation of programmes does not yet match this new commitment. NGOs report that hospitals routinely refuse treatment to AIDS patients because staff fear catching the disease themselves. We hope that China's leaders continue their efforts to tackle discrimination and prejudice.

training sessions and visits public areas frequented by this group to distribute information material on HIV prevention and condom use. Within four months, the team had reached 850 men and 50 men had attended the training session.

Our Embassy in Bangkok provided small grants scheme funds in Laos for HIV/AIDS education and drug counselling training for Buddhist monks and nuns in Vientiane, Luang Prabang and Savannakhet provinces. More than 80 monks and nuns attended the five-day training course on techniques for community mobilisation and improved planning of HIV/AIDS prevention and care. This group is now providing HIV/AIDS education and drug counselling in primary and secondary schools; so far they have visited 150 schools, reaching about 1,500 students. They also provide the same education and counselling services in rural communities and have broadcast lessons on television and radio.

We funded a second effective project in **Laos** to reduce HIV/AIDS among high-risk groups, such as people living in remote villages, mobile workers, adolescents and commercial sex workers. Population Services International (PSI) managed



A mobile unit run by Population Services International teaches young adults about HIV/AIDS. The project in Laos was funded by our Embassy in Bangkok.

the scheme, developing materials to distribute at sponsored events such as nightclub comedy shows, community barbershops and via a mobile video unit that visited remote villages. The mobile unit reached more than 41,000 people within one month. The night activities team produced comedy shows on HIV/AIDS prevention, each performance reaching audiences of over 1,000. The show proved highly popular among young adults. PSI also trained barbers and beauticians to distribute information on HIV/AIDS and condom use to their clients.

### Access to education

**“Study after study has taught us that there is no tool for development more effective than the education of girls and the empowerment of women.”**

**UN Secretary-General Kofi Annan, speaking at the International Women’s Health Coalition, New York, 15 January 2004.**

Everyone has the right to education. Education is integral to a country’s social, economic and cultural development. For individuals, education reduces their vulnerability to ill health and poverty. Through education, we can raise economic productivity, lower infant and maternal mortality rates, improve health and nutrition, and tackle problems such as HIV/AIDS. By educating girls we empower them to make informed decisions about their lives on issues ranging from poverty and inequality to AIDS. Education increases our awareness of our rights and gives a voice to the disadvantaged, enabling them to take part in economic and political decision-making.

Although primary school enrolment has increased in the past decade at twice the rate of the 1980s, 104 million children do not go to school. Eighty million of these boys and girls live in Africa and south and west Asia. There is a strong global commitment to achieving the Millennium Development Goals (MDGs) on universal primary education and many countries have achieved a surge in enrolments by abolishing tuition fees for primary schooling. (See page 166 for details about the MDGs.) These countries must now concentrate on improving

the quality of education they provide and on reducing drop-out rates. Almost a third of pupils in developing countries leave school before completing their primary education. Poor parents are more likely to withdraw their children, especially girls, from school because they need them to help with farming or domestic chores or because the cost of schooling remains too high. Even when tuition fees are cut, parents often face high costs for textbooks and uniforms. We know that we will miss the MDG targets on gender equality, which is to eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education by no later than 2015. At the current rate of progress more than 70 countries will fail to achieve universal primary education by 2015; in sub-Saharan Africa, at current rates of progress, we will not achieve this target this century.

The World Bank launched a Fast-Tracking Initiative (FTI) in May 2002 to provide a financing framework for achieving education for all. The FTI has evolved into a global partnership of over 22 funding agencies with representatives from low-income countries and civil society organisations. This represents a significant step forward and includes a strong focus on country-led processes which is where real progress towards universal education lies. 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. Once they have education programmes up and running, it will be easier for developing countries to attract more international donors. The fund has approximately £150 million including a recent contribution of £12 million from DFID. Countries that will benefit from these funds include Yemen, The Gambia, Niger, Guyana and Mauritania.

Since 1997, DFID has committed over £700 million towards universal primary education in developing countries. DFID works with the international community to increase resources for education and has committed to increase its own spend on education. UK support to education will expand to a further

£1 billion over the next four years, with the objective of helping developing countries to place an extra 20 million children in school by 2006.

The Chancellor of the Exchequer Gordon Brown launched the Commonwealth Education Fund (CEF) in March 2002 to help civil society work with governments to promote education as a top national priority in low-income Commonwealth countries. The UK provided an initial £10 million grant to the CEF, including matched funding on donations. The Government also matched funding with Comic Relief's 2002 Sport Relief to be spent on education in the Commonwealth. In the 2004 Budget, the Chancellor announced that the Government would extend matched funding for the CEF for another year until April 2005, and also for the July 2004 Sport Relief appeal. (For more details on work that the government is doing in the area of child rights, see Chapter 9.)

### 6.3 Globalisation and fair trade

Globalisation refers to a set of processes that make the world increasingly interconnected. These processes, made possible by the rapid advances in communications technologies and reduced transportation costs, cut across national borders, affecting our daily lives in innumerable and profound ways. Though we recognise that globalisation is a cause of concern for many, it is a reality and one which its opponents cannot simply hope to roll back. As set out in the recent White Paper on Trade and Investment, the UK believes that instead we should concentrate on the proper management of globalisation. This has the potential to lift millions of people out of poverty and strengthen human rights across the world.

Globalisation encourages trade, investment and competition between countries, leading to higher levels of economic growth and productivity. To date, economic globalisation has disproportionately favoured a minority of countries. We believe that well-managed globalisation can raise living standards more widely. This means creating an environment that will enable developing countries to participate in the global economy. To do this we need to reduce the debt burden of the poorest countries and create a trade regime that is both open and fair. In addition, by giving all countries a voice at the international level, organisations such as the UN, World Bank and International Monetary Fund will become more widely accountable. Ultimately, globalisation is about human development – broadening the choices and opportunities for people to participate in their communities and to obtain a decent living.

Trade policy reform is a vital part of creating a fairer global economy. The current round of WTO trade negotiations, the

Doha Development Agenda, was launched in 2001. The aim is to tackle the unfair trading practices that hold back developing countries through freer trade. Since the breakdown of negotiations at Cancun in September 2003, due to disagreements on key issues such as agriculture, we have been working hard to revive progress and move the WTO's Doha Development Round forward.

A framework for further negotiation of the Doha Development Agenda was agreed on 1 August. This commits developed countries to reduce their agricultural subsidies and will ensure greater market access for agricultural products and industrial goods. The framework also commits the EU to eliminating its agricultural export subsidies and the US to eliminating all trade-distorting export credits. Other forms of export support, such as trade-distorting food aid and use of state companies to support exports will be tackled. There will also be some liberalisation of trade in services and harmonisation of customs measures.

The UK strongly welcomes the framework agreement, which is a crucial step on the road to delivering a trade round that will benefit all of us – especially developing countries. In particular, we welcome the EU's leadership in achieving this. Recent reform of the EU's Common Agricultural Policy (CAP) helped to unlock the negotiations. All WTO members will need to work together constructively to ensure that further progress is made in advance of the next WTO Ministerial meeting in December 2005. A successful outcome to the Round could boost global income by over \$500 billion, and lift 140 million people out of poverty.

Agriculture is central to trade reform, with a rationale that is both moral and economic. At present, 900 million farming families in the developing world struggle to survive on less than \$1 a day while developed countries spend nearly \$900 million protecting their agriculture through tariffs and subsidies. Ninety-six per cent of the world's farmers live in developing countries. Agricultural protectionism by rich countries costs poor countries \$20 billion a year directly and up to \$75 billion indirectly, twice the amount of development aid they receive. The level of agricultural subsidy that members of the Organisation for Economic Co-operation and Development (OECD) give to their farmers is greater than the national income of sub-Saharan Africa, and six times the amount that developing countries receive in aid.

The EU Common Agricultural Policy (CAP) reforms agreed in June 2003 and in April 2004 will, over time, deliver significant reductions in trade-distorting subsidy to the EU agricultural sector. These reforms will break the existing link between the amount of subsidy that farmers receive and their level of



An Indian woman from the Sabar ethnic group stands in front of her mud house at Almasole, 156 miles west of Calcutta, June 2004. Her husband had recently died of starvation.

production, and remove an incentive for farmers to over-produce. The UK was at the forefront of EU member states pushing for CAP reform and will continue to do so. We believe the EU should agree to further significant agricultural reform that will reduce border protection and make export subsidies no longer an issue for world trade by 2010, and reduce all agricultural tariff peaks towards the maximum level for non-agricultural products.

Weak transport and communication systems, and inadequate health and education provision, are other major barriers preventing developing countries from participating in free trade. Improving this basic infrastructure requires an increased

flow of aid before such countries can share more equally in the benefits of globalisation.

The achievement of the internationally agreed MDGs is central to the UK's international development policy. However, we are unlikely to meet the first of the targets on gender equality in primary and secondary education, which is due in 2005 (see box). There is an urgent need for the international community to deliver additional finance for development and to make aid more effective. The UN Monterrey Consensus, agreed in 2002, represented a partnership between developed and developing countries. Developing countries committed to improving their policies and governance, and developed countries agreed to

## Millennium Development Goals

The Millennium Development Goals (MDGs) were set out in the United Nations' Millennium Declaration of September 2000. It stated that: "We will spare no effort to free our fellow men, women and children from abject and dehumanising conditions of extreme poverty, to which more than a billion of them are currently subjected".

Eight goals were adopted with attached targets:

### Eradicate extreme poverty and hunger

**Target 1:** halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day.

**Target 2:** halve, between 1990 and 2015, the proportion of people who suffer from hunger.

### Achieve universal primary education

**Target 3:** ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling.

### Promote equality and empower women

**Target 4:** eliminate gender disparity in primary and secondary education, preferably by 2005 and to all levels of education no later than 2015.

### Reduce child mortality

**Target 5:** reduce by two-thirds, between 1990 and 2015, the under-five mortality rate.

### Improve maternal health

**Target 6:** reduce by three-quarters, between 1990 and 2015, the maternal mortality rate.

### Combat HIV/AIDS, malaria and other diseases

**Target 7:** have halted by 2015 and begun to reverse the spread of HIV/AIDS.

**Target 8:** have halted by 2015 and begun to reverse the incidence of malaria and other major diseases.

### Ensure environmental sustainability

**Target 9:** integrate the principles of sustainable development into country policies and programmes and reverse the losses of environmental resources.

### Develop a global partnership for development

The UN monitors progress towards these goals. More details are available at: [www.un.org/millenniumgoals](http://www.un.org/millenniumgoals)

support their efforts by providing increased aid, foreign direct investment, debt relief and more open access to their markets.

The UK has made a clear commitment to the UN official development assistance (ODA) target of 0.7 per cent of Gross National Income (GNI) agreed at the Monterrey conference. Since 1997 the Government has made substantial increases to the UK aid budget. Spending commitments in 2002 provided an extra £1.5 billion of UK aid until the end of financial year 2005–2006, representing a near doubling of aid since 1997. This was the largest ever increase in UK aid. In July 2004, the Government announced further significant progress towards the 0.7 per cent target. Total UK ODA will reach 0.47 per cent of GNI, nearly £6.5 billion, by 2007–2008 representing a real terms increase of 140 per cent since 1997. The 0.7 per cent target will be reached by 2013 if this rate of progress is sustained.

In 2002–2003 DFID spent over £3.3 billion on programmes overseas, with 80 per cent of this assistance directed towards low-income countries. These programmes focus on poverty reduction and range from providing assistance for humanitarian disasters to longer-term solutions such as developing health and education infrastructure. Other programmes work with civil society on issues such as gender empowerment and more effective, accountable and inclusive governance. The effectiveness of aid is as important as the volume of aid and all programmes encourage a country's ownership of the development process, often through government-developed poverty reduction strategies. By 2005–2006, 90 per cent of DFID's bilateral spending will be in the poorest countries who need it most. For example, UK development assistance to Africa will increase to \$1 billion by 2005–2006 – a 50 per cent increase.

There has been some significant progress in a few of the target areas; for example, we are on track to eradicate extreme poverty and hunger by 2015 in Asia. However, without additional financing we will fail to achieve almost all the MDGs. And while there have been some improvements in health and

education in developing countries, on current trends we will not achieve our shared target for reducing child mortality in sub-Saharan Africa until 2165.

It is unrealistic to expect the poorest countries to meet the MDGs without extra international support. The World Bank and the UN estimate that an additional \$50 billion in aid is needed each year in order to achieve the MDGs by 2015. The UK believes that no country genuinely committed to poverty reduction and to meeting the MDGs should be denied the chance of reaching its goals through lack of resources. To bridge the financing gap the UK launched in 2003 a proposal for an International Finance Facility (IFF) to raise the additional \$50 billion a year needed to make progress on meeting the MDGs. Through long-term commitments to the IFF, the richest countries would guarantee long-term funding to the world's poorest countries. Donor governments would make a series of pledges for annual payments to the IFF, on the strength of which the IFF would raise large sums in the short to medium term by issuing bonds on the international capital markets. This would bring forward the value of donors' pledges and allow the investment of a critical amount of aid immediately, when it can have the most impact. The IFF would disburse funds through existing bilateral and multilateral mechanisms. By obtaining commitments from a wide range of donors, the IFF would provide recipient countries with predictable, stable and co-ordinated aid flows. It could also ensure that these aid flows are used effectively in areas such as poverty reduction, untying aid and providing aid in predictable multi-year programmes. We believe that the IFF is the only viable option for bridging the resource gap and increasing aid effectiveness. We are building political momentum for the IFF in advance of our G8 Presidency in 2005, with strong support from developing countries and emerging markets.

## 6.4 International financial institutions

In an increasingly interconnected global economy, uncertainty and instability in one region can quickly spread to become a global problem. The UK is committed to working with



Afghan women trained by Care International in a micro finance programme collect weekly installments from other Afghan women in Kabul, July 2004. Funded by the World Bank, the project's goal is to improve the economic security of 1,500 households.

## Heavily Indebted Poor Countries Initiative

For many of the world's poorest countries unsustainable debt burdens are insurmountable obstacles to development. The UK was instrumental in securing agreement on proposals for the original Heavily Indebted Poor Countries Initiative (HIPC) in 1996 and the enhanced HIPC initiative in 1998. We provided commitments of £2.3 billion of debt relief to eligible countries and we pledged \$474 million through multilateral institutions to support debt relief to the world's poorest countries. The UK goes further than the HIPC initiative requires; we are committed to providing 100 per cent debt relief to eligible HIPC countries.

The HIPC initiative is delivering real benefits to participating countries, and has agreed debt relief of over \$70 billion for 27 countries. Total social spending has increased by about \$4 billion since 1999 – equivalent to an average 2.7 per cent of GDP.

But we need to do more if we are to help countries out of unsustainable debt in the long term. At the June 2004 G8 Summit, heads of state discussed proposals to enhance debt relief for the poorest countries. The UK successfully pushed for extending the HIPC by another two years, potentially allowing 10 more countries to benefit from debt relief in excess of \$30 billion.

Heads of state also tasked finance ministers to consider further reforms to HIPC and new mechanisms for a long-term exit from unsustainable debt for the poorest countries. We will push for the granting of additional assistance (topping up) for all countries whose debt profiles have worsened after decision point, due to factors beyond their control. We will also continue to press for the exclusion of additional bilateral aid assistance from the calculation of this topping up assistance at completion point, to ensure that every dollar benefits the recipient. Finally, we will seek commitment on financing the G8's share of costs for the HIPC Trust fund – which we estimate at up to \$1 billion.

international financial institutions to promote development and create a more stable global economy.

The World Bank and the International Monetary Fund (IMF) play important and complementary roles in encouraging development. Since its inception in 1944, the World Bank has supported the efforts of states to realise the economic, social and cultural rights of millions by promoting primary education, health care and nutrition, sanitation and housing. In low-income countries the IMF supports macroeconomic policy reforms to achieve growth, stability and poverty reduction through its lending activities that gradually wean countries off IMF assistance. Together, the two organisations are committed to the MDGs and have coherent strategies to achieve them. These strategies have two main strands: building the climate for investment, jobs and sustainable growth; and investing in

poor people, empowering them to participate in development processes while enjoying a broader range of human rights.

The decisions made by the World Bank and IMF have wide-ranging effects on low-income countries. In recent years the IMF and the World Bank have increasingly involved countries more in their own development and provided support within the context of poverty reduction strategy papers (PRSPs), which developing countries prepare in consultation with civil society. The World Bank has concentrated its lending on areas that are central to the achievement of the MDGs including education, HIV/AIDS, water and sanitation and health. The IMF has streamlined the conditionality of its lending, focusing on macroeconomic and financial sector policies.

## 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 social dimension of globalisation and, in particular, examine the interaction between the global economy and the world of work. The World Commission was an independent body comprising 25 eminent international experts. Tarja Halonen, President of Finland, and Benjamin Mkapa, President of Tanzania, co-chaired the World Commission.

The World Commission published its report *A Fair Globalisation: Creating Opportunities for All* in London on 24 February 2004. Among its recommendations are calls for greater policy coherence among international organisations and institutions; better, 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. The report highlights the crucial importance of work and employment in meeting the needs and aspirations of the individual and recognises the importance of job creation in reducing poverty, particularly in developing countries

The ILO's governing body debated the report at its March 2003 meeting and again at the International Labour Conference in June 2004, where Juan Somavia, the ILO Director General, put forward his views on how the ILO should proceed with some of the report's proposals. In the UK, we are already taking forward many of the issues covered in the report both nationally and internationally and we are considering with the TUC and CBI what further action we can take.

The UK fully supports giving developing and transition countries a stronger voice in the IMF and World Bank. The UK is one of the donors to a recently established trust fund to support independent research for sub-Saharan African executive directors to the Bank and the Fund to represent their constituencies better.

We also want to ensure that programmes in low-income countries are realistic and appropriate. To this end, we encourage using poverty and social impact assessments in programme design and aligning IMF-supported programmes with poverty reduction strategy papers.

## 6.5 Labour rights and trade unions

This section examines labour rights and the conditions of workers around the world, concentrating on the most vulnerable and exploited. Exploitation takes many forms, from the extreme of people trafficking, slavery and bonded and forced labour, to the less extreme though still unacceptable exploitation associated with the denial of basic labour rights. Many workers are unaware of their rights, which is made worse by the fact that in many countries, governments do little to enforce labour laws that would protect and advance the interests of the workforce. Trade unions are therefore vital if these rights are to be realised. With this in mind, we look at the problems faced by trade unions seeking to secure and promote labour rights and the efforts of the UK in supporting their rights of association. We then examine the plight of those millions who have been denied the most basic rights, either by being trafficked, or forced to work as slaves or bonded and forced labour, as if mere commodities.

### Labour rights

Labour rights are the rights of workers to fair conditions and standards in the workplace, such as a safe and healthy working environment. Labour rights are enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

The International Labour Organisation (ILO), through its conventions and recommendations, seeks to set out a comprehensive framework covering these rights. The 1998 ILO Declaration on Fundamental Principles and Rights at Work brings together eight core ILO conventions covering basic workers' rights; the right to freedom of association; the right to collective bargaining; the elimination of forced and child labour; and an end to discrimination in employment.

The UK fully supports the ILO Declaration and has ratified all the core ILO conventions. We continue to promote the Declaration and encourage other countries to do likewise.

We are pleased to note that in the 12 months ending April 2004, a further 13 countries have ratified Convention 182 on the Worst Forms of Child Labour, bringing the number of countries that have ratified it to 149.

### Trade unions

Independent trade unions play a vital role in democracy and good governance and in supporting people's right to freedom of association. Strengthening free trade union movements in developing and emerging market economies can contribute significantly to several FCO strategic priorities. We support the development of trade unions overseas to help prevent worker exploitation and we are committed to working with trade unions in areas of common interest, such as governance and raising awareness of human rights violations.

The FCO's strategic priorities set out in the White Paper in December 2003 imply a key role for trade unions and we are establishing closer links with UK trade unions to support our global objectives and to connect with the international trade union network. A joint FCO-Trade Union Congress (TUC) Advisory Council now meets regularly to discuss foreign policy issues. The most recent meeting was held in May 2004 and another is scheduled for November.

We work with trade unions in a variety of ways. A TUC representative attended the FCO conference Managing the Consequences of Economic Reform in the Mediterranean Partner Countries in May 2004. The Secretary-General of the TUC Brendan Barber was the keynote speaker in **Antigua** when our High Commissioner organised a seminar for trade unionists in March 2004. We also supported a visit by Roger Lyons, TUC President, to West Bank, Gaza and Jerusalem.

The Global Opportunities Fund includes financing for British trade unions to develop projects overseas. In **Serbia** we are funding a project with the UK's biggest trade union UNISON, which represents people who work in public services, the voluntary and private sectors. Two experts from UNISON have assessed the needs and infrastructure of trade unions in Serbia and Montenegro (SaM) and there is a possibility of further work in SaM, also by UNISON. In **Ukraine** we are funding a programme for journalists with help from the National Union of Journalists.

**China** ratified the International Covenant on Economic, Social and Cultural Rights in 2001 but exercised a reservation on Article 8.1a which deals with the right to form a trade union of choice. Trade union activity is regulated and controlled by the All-China Federation of Trade Unions, a body with close ties to the Chinese Communist Party. As China transits from a centrally-planned to a market-oriented economy, labour disputes have

become more common. Activists participating in such disputes are routinely arrested. Yao Fuxin and Xiao Yunliang were arrested in Liaoyang, Liaoning province, in March 2002 on charges of illegal rallying. They had organised demonstrations by more than 10,000 workers to demand payment of wages, pensions and the punishment of corrupt officials.

In 2003 we decided to fund the Great Britain-China Centre (GB-CC) to run a three-year project that would help to resolve labour disputes in China by establishing a labour tribunal system, thus strengthening economic governance and encouraging legal reform. However, after four months' careful deliberation with the British and Chinese project teams, we concluded that it would be impractical at this stage to move straight to setting up a tribunal format and that British resources and expertise would be better directed towards establishing a labour arbitration court system. This quasi-court will be more independent than the current arbitration committee network, and more professional and faster, thus also improving efficiency and cutting costs.

We provide substantial financial support to the GB-CC and to its work in developing links between British and Chinese trade unionists. The GB-CC engages directly with Chinese trade unionists to pass on expertise in union best practice and the principles underpinning freedom of association. The FCO funded a visit by British trade unionists in August 2003 and GB-CC has arranged training programmes for Chinese trade unionists in the UK.

We are helping to improve the rights of women workers in China's Pearl River Delta by informing them of their legal rights and how to exercise them. We funded workshops for women's federation staff, training them to provide counselling for women workers in two pilot cities, Foshan and Huizhou. The project also disseminated information via phone-ins and chat shows on Radio Guangdong, a provincial radio station with a potential audience of over 85 million. We provided CDs for non-literate women.

We supported a fact-finding mission to **Iraq** in February 2004 led by the International Confederation of Free Trade Unions (ICFTU). The delegation, which included a TUC official and representation from the US trade unions, visited Baghdad, Basra and Irbil. The mission's aim was to prepare the ground for working with Iraq's fledgling trade unions and to assess the best forms of international support for these unions. Following this highly successful trip, the ICFTU is now developing project proposals which it will submit to the FCO and DFID. The TUC has discussed with FCO officials the use of Global Conflict Prevention Pool funds to support its projects and is also

meeting with DFID advisers to discuss further funding possibilities.

In **Colombia**, trade union activists are in more danger than anywhere else in the world. The Colombian government acknowledges publicly the extent of the problem and has taken steps to protect union leaders, including the provision of armoured cars and DAS (Department of Internal Security) bodyguards for people under threat. Others less at risk receive radios and local police are instructed to respond immediately to their calls. Obviously resources are limited, but President Uribe's government has increased the resources available to the ministry of the interior for this programme. As a result of this action, trade union statistics have confirmed that the number of trade unionists murdered fell from 184 in 2002 to 87 in 2003. The downward trend continued in 2004 with 17 murders in the first five months of the year. Although the situation appears to be improving, the numbers are still unacceptably high and trade union activists and members continue to live in fear. Threats and harassment are common, sometimes forcing trade unionists to seek exile outside Colombia.

The UK strongly supports the role of trade unions in Colombia. We have called for the Colombian government to make clear its support for trade unions and civil society. Through the EU statement at the Commission on Human Rights in Geneva, we have made clear that we expect the state to protect all vulnerable groups in Colombia, including trade unions. We stress our concerns about attacks on trade unionists and urge the government to take further steps to protect them. We have raised individual cases of threats and harassment with the Colombian authorities and facilitated visits by Colombian trade unionists to the UK where a wider audience can hear of their experiences. We welcomed the Colombian government's decision in March 2004 to free the leader of the oil workers union, Hernando Hernandez, because of the lack of evidence against him. We also welcome President Uribe's repeated public references to the need for all Colombian trade unionists to be able to work in safety.

In November 2003, the International Labour Organisation's (ILO) governing body appointed a Commission of Inquiry to consider the situation of persistent and serious violation of labour rights in **Belarus**. The allegations related specifically to government interference in trade union activities and elections, and the detention, dismissal and further blacklisting for employment of union leaders. The ILO's Commission of Inquiry is due to report back in November 2004. Serious and systematic violations of the principles referred to in the 1998 ILO Declaration on Fundamental Principles and Rights at Work, including freedom of association, can result in the temporary withdrawal of trade preferences under the EU's Generalised

## Migrant workers in the Gulf states

We are concerned about some aspects of the treatment of foreign workers in the Gulf states. In **Bahrain**, we are pressing the government to improve the situation of domestic staff. The migrant workers' committee (MWC), which is part of the independent Bahrain centre for human rights licensed by the government, has highlighted the abuse of domestic workers and intends to set up refuges for abused workers. The MWC has raised funds and applied for a licence and land to build a refuge, and now awaits government approval.

**Qatar** attracts many foreign workers, but there are reports of companies running out of cash, resulting in unpaid salaries and workers stranded in Qatar. Many of these cases are eventually settled by agreement, though the workers often accept a small percentage of what they are owed. In May 2004 the Amir introduced a new labour law, which provides a comprehensive legal framework for the protection of the rights of all workers with special emphasis on their terms of employment, working conditions, and health and safety. It also includes provision to penalise employers who breach the law. The law provides for the formation of labour associations. We have yet to see how far the new law will improve matters.

**Kuwait** employs nearly one million foreign workers, mainly from south-east Asia and the Indian subcontinent. They make up the majority of Kuwait's private sector workforce. These workers are routinely paid less than Kuwaiti citizens and are often unaware of their legal rights and suffer exploitation. There have been reports of physical

and sexual abuse of domestic workers by employers but, because domestic workers are not included in the 1964 law on work in the private sector, many cases are not prosecuted. These reports have helped to trigger public debate about the issue. The ministry of social affairs is discussing new labour legislation to improve conditions for domestic workers and bring Kuwait into greater compliance with ILO standards. The national assembly human rights committee has some responsibility for dealing with labour grievances.

In **Oman**, foreign workers make up at least 50 per cent of the workforce and as much as 80 per cent of the private sector workforce. There have been reports of physical and sexual abuse by employers against foreign female domestic servants and nurses. Some foreign domestic servants and garment workers have claimed that their employers have withheld salaries and that government officials have not responded to their grievances.

Over two-thirds of the **UAE's** working population are expatriate workers. The UAE's labour law is loosely based on the ILO's model and foreign workers are generally well treated. The ministry of labour is responsible for adjudicating labour disputes and will often rule in favour of the employee. But the UAE forbids trade unions, strikes and lockouts and there are widespread reports of non-payment of wages and abuse of workers. Many expatriates, especially domestic and construction workers, are afraid to seek redress through the ministry, fearing loss of employment and deportation.

System of Preferences (GSP) scheme. The European Commission is currently investigating trade union rights in Belarus and may recommend withdrawal of preferences.

### Contemporary forms of slavery

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

**Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.**

Slavery is one of the worst examples of man's inhumanity to man. The UN General Assembly declared 2004 the 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.

A definition of slavery first appeared in an international agreement in the League of Nations Slavery Convention, 25 September 1926. It 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". A slave is forced to work; owned or controlled by an 'employer'; treated as a commodity or bought and sold as 'property'; and physically constrained, or has his or her movements restricted. In addition to traditional slavery and the slave trade, such practices include

forced and bonded labour, the sale of children, child prostitution, child pornography, child labour, the use of children in armed conflicts, and human trafficking. In many cases there are no clear distinctions between different forms of slavery. Extreme poverty often forms the backdrop to slavery and the same groups of people are often the victims of several kinds of slave trade.

The UK is committed to eradicating slavery by working in partnership with the ILO, UN, NGOs and governments and we have ratified the key international legal instruments that outlaw slavery: the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the UN Slavery Convention and ILO Conventions 29 and 105 on Forced Labour, and 182 on the Worst Forms of Child Labour. We have also signed the UN Convention Against Transnational Organised Crime (UNTOC) and its protocols against the facilitation of illegal immigration by land, sea and air; and for the prevention of trafficking in human beings, especially women and children. The Nationality, Immigration and Asylum (NIA) Act 2002 introduced a new offence in February 2003 of "trafficking a person for the purpose of controlling him or her in prostitution". This measure ensures that those who engage in such trafficking face punishment of up to 14 years' imprisonment. We will follow this up by introducing domestic

legislation for new offences covering human trafficking for labour exploitation. We shall then be in a position to ratify UNTOC. We urge all states to ratify and implement these legal instruments.

We have continued to work with the Committee for the Eradication of Abduction of Women and Children (CEAWC) in **Sudan**. The CEAWC works closely with UNICEF and Save the Children UK (SCUK) to identify, retrieve and resettle abducted women and children. In 2003–2004 the UK contributed £500,000 to SCUK's activities and we contributed directly to the CEAWC through the EU.

We are tackling traditional forms of slavery in **Niger** with Anti-Slavery International (ASI) and its local partner Timidria. In August 2002, ASI launched a project funded by the UK's Comic Relief to expose the realities of slavery in Niger. Working with Timidria, ASI interviewed more than 11,000 people in six of the country's eight regions: Agadez, Dosso, Maradi, Tahoua, Tillabery and Zinder. Most of these people were slaves, many from birth. They worked without pay as herders, domestic servants and agricultural labourers. Many said they were tortured, humiliated and generally ill-treated including with physical harm. ASI and Timidria released their report at the first national meeting on slavery held in the capital Niamey in May 2003. Over 100 government representatives, representatives from Timidria's national offices, NGOs, academics, journalists and ex-slaves attended the conference.

The project had an immediate impact. The government introduced a new law on slavery with sentences of 30 years in prison for offenders. Within days of the announcement, Timidria had received four newly freed slaves. The government has written to all its regional representatives, drawing attention to the new law and to the problems of slavery in their regions. The success in Niger is setting an important precedent for fighting slavery throughout the region.

The UK co-funded a slavery advocacy workshop in Niamey with Timidria and ASI in September 2003. The workshop promoted co-ordinated action by NGOs and others to advocate for implementation of the new legislation on slavery. Forty participants attended, including representatives of Timidria and Niger's national human rights commission, judges, academics and NGOs. On the last day, participants agreed a joint action plan for local government and authorities, religious leaders and traditional chiefs to implement and enforce Niger's new law banning slavery.

At the UN Commission on Human Rights in 2003 the EU again made a joint statement condemning the continuing existence of contemporary forms of slavery and encouraging governments to take action to tackle issues such as bonded labour, forced labour and trafficking.

### Slavery and forced labour

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 trafficking women and children for sexual exploitation and labour. Forced labour exists in many countries in Latin America, parts of the Caribbean, Asia and India. In Europe, trafficking increased dramatically after the break-up of the former Soviet Union. Today, the main perpetrators of forced labour are individuals, organisations and enterprises, feudal landlords and criminals, acting outside the law. Their governments have a clear responsibility to eliminate forced labour and punish those responsible.

Forced labour in **Burma** is a serious problem. In 2000 this led the ILO for the first time in its history to implement measures against one of its members. However the ILO suspended its joint plan of action on forced labour, designed to help Burma address the problem, as a result of the May 2003 Depayin incident and concern that contact with the ILO had contributed to the case against nine Burmese sentenced to death in November 2003. In March 2004 an ILO mission went to



Beninese child labourers are handed over to the Beninese authorities in Krake, at the Nigerian border, October 2003. Seventy-four child labourers, some as young as four, were rescued from traffickers who had sold them into heavy labour in Nigeria.

Burma to assess whether conditions were now in place to implement the action plan. But in the same month, the EU issued a statement to the ILO's governing body, expressing concern that contact with the ILO contributed to the case against the nine Burmese sentenced to death in November 2003 and that now was not the time to implement the plan of action. At the International Labour Conference (ILC) on 5 June, the ILC decided that given the continued lack of clarity over contacts with ILO officials, the plan of action could still not be implemented credibly and serious doubts remained over the regime's willingness to eliminate forced labour.

### Bonded labour

The UN working group on Contemporary Forms of Slavery estimated in 1999 that some 20 million people are held in bonded labour around the world. There are bonded labourers working in the carpet factories of Pakistan and Nepal; whole families are forced to work to repay loans on agricultural estates across India; women from across the world are forced to serve as bonded labour in the sex and domestic service industries in western Europe.

Bonded labour, or debt bondage, has existed for hundreds of years. Today, it is one of the most widely-used methods of enslaving people. A person becomes a bonded labourer when his or her labour is demanded to repay a loan. That person is then trapped into working for little or no pay until the debt is repaid. Sometimes whole families are bonded. Children may be bonded in return for loans to their parents. Bonded labourers are regularly threatened with, and subjected to, physical and sexual violence. They are kept under surveillance, which may include armed guards.

We continue to see some progress in tackling bonded labour in **Nepal**. According to the NGO Backward Society Education (BASE) and government figures, there were 18,291 freed bonded families in Nepal at the end of 2003. The government has distributed around 1,500 hectares of land to 14,000 of these ex-bonded labourers. However there are still over 4,000 ex-bonded labourers who have not received the land they were promised and others who have no legal paperwork to prove that they were given land. Furthermore, the government has failed to deliver on its promise in 2002 to provide 75 cubic feet of timber to each family to help them build houses. According to BASE, 12-15 per cent of the freed labourers have returned to their former 'owners' as they were unable to earn a living from the land they received. Land provided by the government is often not fertile and in isolated areas, far from marketplaces and alternative employment. A further 18,000 families claim to be bonded labourers. BASE and the Nepalese government are conducting separate surveys to establish the extent of the problem.

Our Embassy in Kathmandu continued working with BASE on developing Khyala Radio, a programme run by ex-bonded labourers. The programme broadcast in the local language Tharu, focusing on the issues that ex-bonded labourers experience. The aim was to make people aware of their rights and privileges and how to obtain them. The 15-minute programmes ran three times a day, covering five main districts in the western region. The programmes also addressed rehabilitation activities, employment, income-generating activities and Tharu culture and traditions. Through DFID's small grants scheme, we supported this project from its inception in March 2001 through to March 2004. In the first two years we trained BASE staff in radio broadcasting and they can now produce radio programmes on their own.

This successful project had a wide impact, lobbying on relevant issues and helping people to become more organised. One woman said that she only claimed for her daily wages after hearing on the programme that it is her right to do so. In another instance, the land reform office in Bardia was delaying the registration of land for a school in the Tesanpur Kamaiya camp. When Khyala Radio broadcast this fact, the office was compelled to visit the camp and promised to register the land. Finally, the project has provided employment for least six ex-bonded labourers as programme researchers.

### People trafficking

**"Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."**

**The internationally agreed definition of people trafficking (UN Convention Against Transnational Organised Crime (UNTOC) Protocol on the Trafficking of Human Beings, Article 3 (a).**

Every year, 600,000–900,000 people are trafficked worldwide, earning the criminals who run the trade over \$10 billion a year. Up to a third of victims are children. In most cases, the victims are searching for a better life, motivated by reasons of war, social upheaval and poverty. Instead of finding the better life they are promised, they end up as slave labour in the vice trade or in industries such as farming and hospitality. The victims of trafficking come from several European countries, including Albania, Moldova and Romania as well as from countries



A Cambodian woman holds one of her two-month-old twins in Laing Kout village, Kampong Cham province, February 2004. Desperately poor, she had been asked if she wanted to sell her twins to a family overseas.

further afield such as China, India, Iraq, Pakistan, Turkey and Somalia.

The term 'organised immigration crime' encompasses all people trafficking and human smuggling. The UK deals with organised immigration crime through a multi-agency taskforce called Project Reflex. Reflex co-ordinates operations, develops the intelligence and strategic planning that underpin these operations, and targets the infrastructure which supports organised immigration crime. Reflex aims to disrupt criminal activity as far upstream as possible by helping foreign governments and law enforcement agencies to improve their ability to detect and prosecute human traffickers and facilitators. The FCO plays a key role in Reflex by providing diplomatic reports to analyse illegal immigration trends and by raising awareness among potential victims and local administrations of the dangers in trafficking. We also support and host British immigration liaison officers posted to central and southern European countries on the main smuggling routes. These officers exchange information between UK authorities and local law enforcement agencies in order to identify traffickers and their methods. Other EU countries are making similar deployments and the British officers co-ordinate with their EU counterparts and feed intelligence into Europol.

Reflex partners work directly with other countries on short-term projects, for example, by seconding officers to work with their overseas counterparts. We are part-funding a Reflex project in Bulgaria, a key transit country for people trafficking, particularly from Turkey. A British police officer is currently advising the Bulgarians on establishing a multi-agency intelligence unit that will specifically tackle organised immigration crime. This follows a similar, successful project in Romania. (See page 100 for more details.)

The FCO Drugs and Crime Fund also supports projects in this field. In March 2004 we funded a training course for the Turkish police to develop a cadre of middle-ranking officers with specialist expertise in human trafficking. The course included training on gathering intelligence and evidence, investigating organised crime groups, inter-agency co-operation, human rights and international law.

CHAPTER

07

# HUMAN RIGHTS and the rule of law

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HUMAN RIGHTS and the rule of law

The desire for justice has been constant throughout human history, in every people in every part of the globe. The oldest code of law in the world, the Babylonian Code of Hammourabi in 1780 BC, stated that Hammourabi came to “bring about the rule of righteousness in the land ... to stop the strong from doing harm to the weak”. The modern era’s codification of human rights norms sets out clear benchmarks for states’ behaviour against which their actions can be judged and redress can be sought.

This chapter examines five areas where the state has the key role in ensuring justice: the rule of law, penal reform, torture, the death penalty, and the police and security forces. All are areas where the weak suffer most from abuse.

The UK has serious concerns about these issues in many countries of the world. We have addressed them through bilateral and multilateral dialogue, as well as through direct action, by funding project activities via the Global Opportunities Fund (GOF), the Westminster Foundation for Democracy, and the Department for International Development’s (DFID) small grants scheme operated by High Commissions and Embassies.

Torture has been particularly prominent, especially given the shameful revelations of abuse of Iraqis by US personnel at the Abu Ghraib prison in Baghdad. On 10 December 2003 the UK was the first EU country to ratify the Optional Protocol to the UN Convention Against Torture, only the third country in the world to do so. This is the first global legal instrument which foresees both national and international monitoring bodies to prevent torture. We are lobbying vigorously to encourage more countries to ratify it. The UK has itself faced allegations that members of our armed forces abused detainees in Iraq. We launched investigations into these allegations as soon as they were brought to our attention. Four cases have been referred to the Army Prosecuting Authority. We have made 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.

In October 2003 the UK ratified Protocol 13 of the European Convention on Human Rights (ECHR), banning the use of the death penalty in all circumstances including war. The death penalty is a savage and irreversible punishment that demeans those who inflict it. Human life is sacrosanct and the state must lead by example in respecting it.

The chapter contains many examples of important FCO-funded work being done by our partners in promoting human rights: NGOs, academic institutions, and intergovernmental organisations. One particular success worth highlighting is the FCO handbook

*A Human Rights Approach to Prison Management*. It has now been translated into eight languages, and during the year the Brazilian government printed 40,000 copies in Portuguese and distributed them to every prison official in the country. The UK is making a real and enduring contribution to justice in the world by helping to forge the tools.

## 7.1 Rule of law

The rule of law embodies the principle that a government itself is bound by law and that the arbitrary exercise of power not based on law is without authority. It is the foundation of free democracies and the market economy. The protection afforded by human rights cannot be enjoyed without it, as many violent modern conflicts testify.

There are a number of essential and interlinked components of the rule of law including:

- > constitutionalism – the existence of basic rules and values that a 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 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.

UK initiatives promote a greater realisation of all these components. Through the FCO’s Human Rights Project Fund (HRPF) we have been working over the past five years to improve the rule of law around the world. The areas we have worked in include: reforming criminal and civil laws; reforming institutions through judicial reform, strengthening legislation, retraining 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.

To build on this work, the FCO identified four priorities in 2003:

- > the development and implementation of international human rights instruments and standards on law enforcement (encompassing judiciary, lawyers and enforcement agencies) and prison conditions;
- > the independence of judges and lawyers and support for their professional associations;
- > combating torture and ill-treatment by law enforcement agencies; and
- > access to justice for all.

We have incorporated these priorities into a programme of action on rule of law comprising three elements. These are to provide information about the rule of law, establish a consultative forum with other government departments involved in the rule of law, and manage a separate rule of law panel of British NGOs and academic experts. We have sent information on these priorities to our Embassies so they can drive and consolidate work in this area. The consultative forum has met twice in the past year. Other government departments, including the Prison Service, the Department for Constitutional Affairs (DCA), DFID and the Bramshill Police College, have strongly endorsed the consultative forum as it provides a unique venue for strategic co-ordination of UK rule of law issues.

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, which has met twice in the past year, 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. In 2004 the panel assisted the FCO in selecting rule of law projects to fund under the new GOF Human Rights Programme. We have now agreed projects for 2004. They include work with the Bar Council of England and Wales to develop a manual to assist foreign bar associations in establishing proper systems of regulation, and a scheme with the NGO Interights to prepare for the African Court on Human and Peoples' Rights by drawing up guidelines for judicial appointments and practice.

The FCO's Deputy High Commissioner in **Jamaica**, Phil Sinkinson, launched a GOF project in May 2004 to improve people's awareness of their legal rights. The local human rights advocacy group, Jamaicans for Justice, will run the two-year legal assistance project that aims to make Jamaica's justice system more transparent and accountable. The project will

address the general lack of awareness of human rights and the inadequate information on sources of 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.

Progress on improving human rights in **Morocco**, started by King Hassan II in the mid-1990s, has continued and intensified since the accession to the throne of King Mohammed VI in July 1999. In December 2001 the King announced the creation of the ombudsman, an arbiter between citizens and public administrations. The ombudsman submits an annual report to the King and presents its remarks, recommendations and periodical reports to the prime minister and to the human rights advisory council. In December 2002 changes in its composition and activities increased the influence of the human rights advisory council. For example, the council is mandated to produce an annual report on the human rights situation in the country and submit recommendations on these findings. The council submitted the 2003 annual report to King Mohammed on 6 May 2004. In January 2004 the King appointed a new justice and reconciliation commission to look into alleged disappearances and arbitrary detention cases between the 1960s and 1990s. The commission's report is due within the year.

On 7 January 2004 we welcomed the pardon of 25 political prisoners, some of whose cases we had raised with the Moroccan authorities. Those pardoned included human rights activists and Saharawi protestors. We also welcomed the release from prison of Ali Lamrabet, the editor of a satirical newspaper. We remain concerned about some prisoners still in detention, including Saharawi activists and Islamists.

We are supporting rule of law projects in Morocco and Egypt under the GOF Engagement with the Islamic World programme. In Morocco the ministry of justice believes that around 70 per cent of the three million cases brought to court annually should be dealt with outside the often corrupt court system. With the ministries of justice and human rights, we are co-funding a project that will support Moroccan reform programmes and ease public access to justice without recourse to costly and lengthy court action. The European Centre for Common Ground (ECCG) in Rabat is implementing the proposals which include strengthening the existing ombudsman and working with the ministry of justice on new alternative dispute resolution mechanisms (ADRs), such as ADR centres attached to the courts. We aim to have ADR centres up and running within two years. Project activities include bringing seven Moroccan judges and seven administrators from the ombudsman's office to the UK on study tours in co-ordination with the Law Society of

England and Wales and the British Ombudsman. In Morocco ECCC experts will hold workshops on ADR mechanisms and the British Ombudsman's Office will run workshops to look at feedback from the Moroccans' working visit to the UK and to examine capacity building in the country.

In **Egypt** we are helping to promote the rule of law and observance of international human rights standards by training lawyers across 12 governorates in human rights and defence of civil liberties. Over three years this project will equip 720 lawyers across Egypt with the knowledge to defend clients in human rights and civil liberties cases. They will be less prone to intimidation and better able to defend their own rights when facing authorities in the courts, the prosecutors and the police. The Arab Centre for the Independence of the Judiciary and the Legal Profession is running the scheme and will select both trainees and lecturers, the latter from prominent Egyptian lawyers and professors. The centre will deliver a three-day training session to 20 lawyers once a month, focusing on the use of international instruments and, in particular, the International Covenant on Civil and Political Rights and the Convention Against Torture.

The Attorney-General, Lord Goldsmith, visited **Yemen** in January 2004 and met his Yemeni counterpart and the minister for human rights. Lord Goldsmith stressed the need to ensure equality before the law and the independence of the judiciary. The FCO is funding a three-year project to provide training to increase the independence and transparency of the Yemeni judiciary.

Through the GOF Reuniting Europe programme we fund a wide range of programmes in countries across Europe that address the rule of law and support judicial and legal reform. In **Bosnia** we are co-funding the appointment of an international expert to the high judicial and prosecutorial council. Malcolm Simmons took up his post in August 2003 and will advise the council on appointing judges and prosecutors throughout the court system on the basis of free and fair competition. In **Bulgaria** we are helping the national prosecution office (NPO) to fight corruption through a project with Transparency International Bulgaria and the working expert group of the NPO. The project team is working with the NPO on adopting internationally recognised anti-corruption practices by developing a needs assessment, building alliances with international players as well as with local media, academia, practitioners and politicians, and providing training. In a second GOF project the British Embassy in Sofia, the Prince of Wales' International Business Leaders Forum, DFID, and the Bulgarian government are working together to support the prime minister's office. In this initiative we are funding a part-time

adviser who will assist the office in developing its strategic leadership on priority policy issues. These include economic reform, public administration, judicial reform and action against organised crime and corruption. A third project addresses Bulgaria's national probation service. We are funding the British Council, the UK National Probation Service and the Bulgarian ministry of justice to develop a probation service that meets EU standards. The project team is assisting the ministry in developing a strategic plan for the probation service by auditing an initial pilot, reviewing sentencing provisions, offering a model for service delivery and developing policy. The team will later support the ministry in rolling out the plan by helping with training, assessment and monitoring.

Tackling corruption is the theme of another wide-reaching project in the **Czech Republic**. We are funding Transparency International to make public administration and local and regional government more transparent through three strands of activity: promoting debate surrounding the new law on conflict of interests; constructing and publicising transparency indices for Prague's city government; and raising awareness among businesses of their role in tackling corruption. Transparency International has now published and distributed a leaflet on conflict of interest issues and held public discussion on the new law. The NGO has so far organised seminars on business principles in Prague and three regional capitals, with two more to come. Participants at the seminars included two ministers and a range of government and business representatives. We are involved in more anti-corruption work in **Latvia**, where we are funding British expert David Wallis to assist the Latvian government in establishing an anti-corruption agency.

In **Ukraine** we are helping to improve governance in the Ukrainian city of Lviv by transferring Polish experience of successful partnerships between local government and NGOs in delivering public services. The Krzyzowa Foundation for Mutual Understanding in Europe implemented this successful GOF programme which has now been completed. The project ran internships, study missions and workshops, all of which the Ukrainian participants considered highly useful in exposing them to Polish experience and suggesting new ways of working. We are now witnessing several instances of new collaboration between Polish and Ukrainian NGOs. The project also exposed some fundamental problems within the Ukrainian legal framework and a lack of trust of NGOs. Any follow-up work to this project will need to take these considerations into account.

In **Slovakia** we are enhancing the financial independence of the Slovak judiciary by preparing and submitting new legal regulations. The Association of Slovak Judges co-operated with the UK Court Service in running a seminar on the legislation

for 30 judges, representatives of the ministry of justice and the legislative council of the parliament. There will be two more seminars. Other activities include translating legal documents.

Legal reform in itself may not be enough to improve the rule of law and we need also to monitor the ways in which governments implement their reforms. In **Serbia and Montenegro** we are funding the think-tank Group for Changes to monitor and analyse the implementation of reforms by the Montenegrin government. An expert team is preparing monthly reports and will present recommendations for alternative solutions to government decision-makers.

In other UK programmes beyond Europe we are working with the international community to assist **Afghanistan** in developing mechanisms to tackle human rights violations and abuses, including those against women. Italy leads international assistance for judicial reform; the UK has contributed £1 million in addition to work on police training (see page 193). We are also encouraging Afghanistan to ensure that provisions for Islamic law in the constitution and implementation of the Sharia (Islamic law) in the new legal code will be consistent with Afghanistan's obligations under international human rights law.

There is very limited access to legal representation in **Sudan** and only a handful of legal aid lawyers across the entire country. We have been addressing the problem by continuing to fund Christian Aid's Mutawinat project to raise human rights and legal awareness throughout Sudan. Mutawinat makes the law accessible to women at the grassroots level and works predominantly with vulnerable groups including women and children in conflict situations, those in prisons, displaced people, refugees and women in low paid casual work. Mutawinat has its headquarters in Khartoum and has now established six focal points in towns outside Khartoum through which it organises local workshops and training sessions. Members of the local judiciary have attended these workshops, helping Mutawinat to develop good local contacts and improving the quality of judicial decisions. Those who attend the courses in turn help to disseminate what they have learned among their local communities.

In **Russia** the government's implementation of reform continues to be slow. The judiciary is seriously impaired by a shortage of resources and by corruption and pressure from local administrations. Many regional administrations still pay for judges' housing and 'bonuses'. The low level of judges' pay, and the consequent risk that they become dependent on the financial and material support of local authorities, is cited by NGOs as a major barrier to progress towards a more effective and impartial judicial system. At times government authorities

undermine the authority of the courts by refusing to implement court decisions. Application of international human rights norms in judgements remains virtually unheard of, although the constitution gives international law precedence over domestic law. To underline this point the supreme court drafted recommendations in 2003 to Russian courts to use the norms and principles of international law and international agreements.

There have been some signs of improvement. The judiciary is showing indications of greater independence and demanding a higher standard of work by prosecutors. In the case against the National Bolshevik Eduard Limonov the judge threw out all the terrorist charges against him and strongly criticised the Federal Security Service (FSB) investigators and prosecutors for producing inconsistent and fabricated evidence. There also appears to be more openness about disciplinary action and corruption. Supreme court Chair Vyacheslav Lebedev announced on 27 January 2004 that 68 judges had been dismissed and 220 disciplined in 2003. Chair of the judges' council, Yuri Sidorenko, announced in November 2003 that the council was drawing up a code of judicial ethics which would, for the first time, include guidelines on appropriate behaviour outside the courtroom, such as accepting hospitality.

One of the most important aspects of judicial reform in the past year was the increased use of jury trials. By the end of 2004, 88 regions are due to introduce juries for trials where the sentence may exceed 10 years. Chechnya will follow in 2007. There were 492 jury trials in Russia in 2003 (8.3 per cent of all criminal trials). The media increasingly reports jury trials and some high profile defendants chose to be tried by jury. Acquittal rates for jury trials were 15 per cent in 2003, on a par with the US and other western countries. This compares with 0.8 per cent acquittal rates under the system of a single judge. However nearly a quarter of acquittals by juries are overturned on appeal. With no double jeopardy provision this means that defendants can be tried for the same offence twice.

Through the GOF we are funding projects to improve the Russian criminal justice system, particularly on the approach of the police to ethnic minorities, improving conditions in prisons and pre-trial detention centres and on implementing new legislation on alternatives to imprisonment. We are also planning a workshop to disseminate a manual for judges and prosecutors on combating torture. The manual was funded by the FCO and produced by the University of Essex (see page 183 for more details).

## Russian judicial system: case studies

Some individual cases in **Russia** have highlighted on-going weaknesses of the Russian judicial system. Mikhail Trepashkin, a lawyer and former FSB (formerly the KGB) official, was arrested in October 2003 for allegedly having an illegal weapon a week before he was due to take part in a trial about the 1999 apartment bombings and a month after he published allegations of FSB involvement in these bombings. His closed trial lasted seven months. He was found guilty in May 2004 of divulging state secrets and illegal possession of ammunition, a verdict that human rights groups claim was retribution for his participation in the investigation of the FSB. Mr Trepashkin's lawyer is pursuing an appeal.

Igor Sutyagin, a researcher at the Institute of the USA and Canada, was found guilty of espionage in April 2004 following a jury trial behind closed doors. He was sentenced to 15 years in prison. Although Mr Sutyagin claims that his work involved only open-source information, prosecutors claim that he collected and analysed materials for a company which they allege was linked to US secret services. Mr Sutyagin spent four-and-a-half years in pre-trial detention, although the maximum time in detention is officially 18 months. Human rights groups say that his pre-trial detention violated Article 5(3) of the European Convention on Human Rights, which guarantees a defendant the right to a court investigation within a reasonable time

frame, or release on bail pending a court ruling. Mr Sutyagin's legal team is pursuing an appeal against the ruling.

Some cases of economic crime also made the headlines in 2003. Platon Lebedev, a major shareholder in Menatep, the holding company of Yukos, Russia's biggest oil company, was arrested in July 2003. Mikhail Khodorkovsky, chief executive officer of Yukos, was arrested in October 2003. Both remain in pre-trial detention charged with tax evasion and fraud. Their defence lawyers complain that there have been multiple abuses of due process including investigation of the defendants' lawyers themselves by the prosecutor general's office. Most commentators assume that the charges were brought in retaliation against Mr Khodorkovsky's political activities and it remains to be seen whether the procuracy succeeds in making a credible criminal case. Commentators also agree that such accusations could be levelled against most, if not all, of the other Russian oligarchs who made billions in the 1990s' scramble for state assets. Under Mr Khodorkovsky, Yukos was one of the few Russian companies which made an evident effort to clean up its act in recent years, striving for western standards of accountability and transparency and endowing a major new Russian charitable organisation, Open Russia. These issues have led NGOs to raise concerns about the selective application of Russian justice.

## 7.2 Penal reform

**"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."**

**International Covenant on Civil and Political Rights, Article 10**

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 can be no excuse for the deliberate mistreatment or neglect of prisoners.

In November 2002 the Foreign Secretary Jack Straw launched the International Centre for Prison Studies (ICPS) handbook for prison staff, *A Human Rights Approach to Prison Management*. Funded by the FCO the handbook has been a huge worldwide success. It is now recognised as the leading source material on prison management and is used as a basic training text for prison staff in several countries. It has been translated into eight languages: Arabic, Chinese, Korean, Russian, Turkish, Brazilian Portuguese, Japanese and Spanish. The FCO funded the Arabic, Russian, Turkish and Spanish translations, of which over 5,000 copies have been circulated. The Russian and Spanish translations were recently reprinted. The authorities have distributed 40,000 copies of the Brazilian Portuguese version to every prison official in Brazil. A further three translations are in preparation including Amharic by the



Inmates occupy the roof of Helio Gomes prison in Rio de Janeiro, Brazil, during a rebellion in July 2004. To help improve management of their prisons, the Brazilian authorities have translated and distributed copies of the FCO's prison management handbook.

International Committee of the Red Cross (ICRC) and Serbo-Croat by the Council of Europe. Under the GOF Human Rights Programme, follow-up work has been agreed for ICPS to organise workshops in Colombia and Japan and to start providing an electronic newsletter to all subscribers to refresh and update the material.

We welcome **Bahrain's** decision to allow the ICRC to monitor prison conditions and the government's declarations at the end of 2003 of its intention to fill the gaps in its penal code. The **Kuwaiti** constitution and penal code provide for freedom from arbitrary arrest and detention. Prison conditions generally meet international standards although the ICRC has criticised the central prison for its overcrowding and lack of hygiene. Some detainees have been held for up to six months or longer pending deportation. The authorities issue many deportation orders administratively without trial.

We are concerned about reported conditions in prisons across **Afghanistan** and are pushing for full implementation of international human rights standards, including humane treatment of prisoners. The FCO is funding a penal reform programme conducted by Penal Reform International (PRI) which has involved a well-attended seminar and workshop in Kabul on prison policy, the first event on prison questions to be held in Afghanistan. The two-day workshop was attended by members of the prison service, civil servants from the major ministries and members of the UN Assistance Mission in Afghanistan and the international community. The workshop was followed by a four-day seminar for 150 participants, including all regional directors of prisons. The recommendations emerging from the workshops and seminar were translated into Dari and Pashto and disseminated throughout the country.

We have a number of projects in **Russia**, where the Russian ministry of justice has demonstrated a clear commitment to improve prison conditions. Since the prison population peaked in May 2000 it has fallen by 240,000, or 25 per cent. At the end of December 2003 there were 847,000 prisoners in Russia including 150,000 in pre-trial detention centres. The number of prisoners is expected to drop by another 120,000 this year. Despite the reduction in numbers, conditions in many centres of detention remain extremely poor and three quarters of prisoners suffer from serious health problems.

The reductions are primarily the result of large-scale amnesties and the new criminal procedural code (CPC) which limits pre-trial detention to, in theory, six months. Since 2000 the pre-trial detention population has declined by over 45 per cent. In 2003 33 per cent of those convicted of criminal offences were sent to prison and the number should reduce further this year as the CPC also reduces sentences for minor crimes. President Vladimir

Putin signed off amendments to the CPC in December 2003 allowing those convicted of minor crimes to be sentenced to non-custodial sentences (community service). Through GOF the FCO is currently supporting work by PRI and the UK Prison Service to train probation officers in administering these new types of sentences.

With fewer inmates and increased resources, the physical conditions in prisons have improved. Policy and practice is changing too. A DFID project working on conditions in pre-trial detention centres in Moscow scored some notable successes in 2003, including the removal of shutters from prison cell windows aiding ventilation. A GOF project, in conjunction with the International Centre for Prison Studies at King's College London, is working with the Russian prison service to disseminate the results of this project to all seven federal districts in Russia. UK prison staff are involved in the visits made to Russian prisons and there are reciprocal visits to UK prisons for Russian prison staff. Supporting dialogue between professionals has so far been a successful way to encourage penal reform.

Conditions in some prisons and especially in pre-trial detention centres remain very poor, however, with over-crowding, poor diet and little exercise contributing to sanitation and health problems. Deputy Head of the Prison Service Alla Kuznetsova said in October 2003 that almost three-quarters of prisoners, 590,000 people suffered from serious health problems. One-third had mental problems, 26,000 had syphilis, 1,500 had hepatitis, and 74,000 had tuberculosis (TB). Public health measures reduced the incidence of TB by 27 per cent in 2003 but no measures have contained the spread of HIV. Around 37,000 prisoners are infected with HIV/AIDS, up from 5,000 in 2000. NGOs continue to report abuse of prisoners by other prisoners and by prison officials.

To improve standards the ministry of justice is developing a system of social control over places of detention along the lines of the UK Boards of Prison Visitors. In September 2003 the Russian parliament (Duma) passed the first reading of a draft law providing the legal basis for these independent inspections, establishing public monitoring commissions in every region. We are funding the development of a methodology for these inspections and the training of a core group of NGO representatives. Through GOF we are supporting NGOs' work with prison governors in key regions to implement systematised prison visiting.

In another positive step, in June 2003 the ministry of justice announced the creation of a citizen's council on human rights, involving NGO representatives, the academic community and justice ministry officials. This reports directly to the justice



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1. Home Office Minister Baroness Scotland and Dominican Prime Minister Roosevelt Skerrit at the launch of the prisoners' training programme at Stock Farm Prison in Dominica, May 2004.

2. Baroness Symons is Minister of State for the Middle East, International Security, Consular Issues and FCO Personnel.

minister. The well-known and respected human rights activist Valery Borshchev chairs the council and members report on different aspects of prison reform. The first six months appear to have been productive, with good access to and support from the minister.

Standards in prisons in **Mauritius** are inadequate. Rules are often arbitrary and the living conditions are substandard. There is severe overcrowding, widespread drug abuse, high incidences of HIV/AIDS and poor working conditions for staff. In order to help improve conditions we have funded a local NGO to run a training project that will prepare trainers to teach livelihood skills to prisoners, both Mauritian and foreign. The NGO has set up training programmes in art and craft design and production that will give prisoners skills they can use after their release. The project will also help foster a sense of purpose and self-worth in them, and help reduce the likelihood of re-offending.

The programme received a high-profile launch attended by Mauritian Prime Minister Paul Berenger. The considerable media interest helped to focus public and political attention on the issue of prison conditions, management and reform. Already the courses are increasing respect between prison staff and prisoners. Other results will only be seen once the prisoners are released.

Complementing this project, Sir David Ramsbotham, former Chief Inspector of Prisons in the UK, visited Mauritius in March 2004 at the invitation of the Mauritian government. Our High Commission helped to arrange and support Sir David's visit, during which he ran a seminar for senior prison staff on rehabilitation and reform. Sir David also produced a report for the prime minister, which will form the basis of reform to be led by the new prison commissioner. The visit subsequently led to the prime minister appointing Bill Duff, currently London Area Manager for HM Prison Service, to the post of commissioner of prisons in Mauritius for the next three years.

Stock Farm Prison in **Dominica** is severely overcrowded and the prisoners have little to do. Through DFID's small grants scheme, the FCO launched a training programme that will provide prisoners with skills such as bricklaying, carpentry and plumbing and enable them to compete for jobs once they have been released. We agreed the format for the training programme with FCO Prisons Adviser Nick Brooke and collaborate closely with Dominican ministries on certification for the courses. The training will match that available outside prison so that the prisoners can compete for jobs on an equal footing. Through this project the prison will also gain a new accommodation and medical block. Prisoners who sign up for training will also receive a small stipend, to go towards child maintenance payments or a fund for job opportunities for use on their release.

### 7.3 Torture

Torture is abhorrent and illegal and the UK is opposed to the use of torture under all circumstances. Torture and other cruel, inhuman or degrading treatment or punishment is prohibited, both under international humanitarian law and under international human rights law. The prohibition of torture in international law is widely considered, including in decisions of courts in the UK and US, to be a rule of *jus cogens*, that it is a rule which is binding on the international community of states as a whole, regardless of their consent, and from which no derogation is permissible.

On International Human Rights Day, 10 December 2003, the UK ratified the Optional Protocol to the UN Convention Against Torture. The Protocol aims to prevent torture and other forms of ill-treatment by establishing a system of regular visits by independent international and national agents to places of detention. The Protocol will come into force once 20 countries have ratified it. So far four countries have ratified the Protocol and 24 countries have signed it. The UK was the first country in the EU to ratify the Protocol and the third country in the



Human rights activists show portraits of missing loved ones in March 2004 outside the Navy School of Mechanics, Buenos Aires, Argentina, after it was announced that it would become a memorial to victims of the past dictatorship. The school was notorious as a torture centre during the military government from 1976-1983.

world. Speaking at the UK's ratification, Foreign Secretary Jack Straw said:

"Freedom from torture is a fundamental human right. I am pleased to announce that on International Human Rights Day, the UK will ratify the Optional Protocol to the United Nations Convention Against Torture. This makes the UK one of the first countries in the world to do so. I am proud of the UK's leading efforts in the campaign to prevent torture worldwide. Our ratification does not signal the end of our efforts. There are too many places in the world where torture remains an everyday threat."

On 26 June, the UN international day for victims of torture, the Foreign Secretary announced a set of new anti-torture projects worth £380,000. He reiterated the UK's opposition to torture saying: "We vehemently oppose torture as a matter of fundamental principle. Torture is absolutely prohibited in international law and is to be condemned".

A sub-committee of the UN Committee Against Torture will co-ordinate visits to people in detention. This committee will initially consist of 10 independent experts. Countries will also have to set up their national commissions to conduct regular visits to places of detention.

The UN General Assembly adopted the Optional Protocol on 18 December 2002. It is the first international human rights legal instrument that has a truly preventive character and will give people deprived of their liberty greater protection against torture. The UK has been an active supporter of the Optional Protocol since negotiations began 11 years ago and we undertook a sustained lobbying campaign, together with EU missions, around the world to secure this adoption. To mark the UN day for the victims of torture, the FCO launched a worldwide lobbying campaign to encourage further ratifications in order to bring the Optional Protocol into force as soon as possible (see box on page 184).

International action against torture is an FCO priority and we were involved in other important bilateral and multilateral projects in 2003. We continue our financial support to the UN Voluntary Fund for the victims of torture; we have provided £150,000 for 2004–2005. In last year's Annual Report we referred to the then recently published *Combating Torture*, a manual for judges and prosecutors. We have now translated the manual into Russian, Turkish, Spanish and Arabic. To mark the manual's launch we held a regional workshop in Almaty, in December 2003 for Central Asian countries. The International Bar Association organised the workshop, welcoming a wide audience of judges, prosecutors, defence lawyers and law students from Kazakhstan, Kyrgyzstan, Uzbekistan, Azerbaijan and Tajikistan. We are planning more workshops in Ankara, Mexico City and Moscow in collaboration with the International Bar Association.

As part of our work with judges and prosecutors in **Argentina**, the FCO is supporting the Association for the Prevention of Torture (APT) which is planning a public launch of the Spanish version of the manual in co-operation with the ministry of justice. Following the launch the APT is convening a training workshop on combating torture for Argentinians involved in the administration of justice, using this manual as teaching material. The FCO is supporting this workshop which will bring greater Argentinian awareness of international best practice in the prevention of torture and will facilitate the distribution and use of the new manual in Argentina.

The FCO expert panel on torture, established in 2003, advises the FCO on existing and future policy initiatives on combating torture. In 2004 the panel assisted the FCO in selecting anti-torture projects under the new GOF Human Rights Programme. We have agreed to support projects in 2004 which include continuing NGO support for the implementation of the Optional Protocol to the Convention Against Torture and two new manuals. One is for law enforcement officials dealing with ethical investigation and the second is for doctors about medical investigation and documentation of torture. Through

## Implementation of the Optional Protocol to the UN Convention Against Torture

The UK believes that the Optional Protocol to the UN Convention Against Torture (OPCAT) is the best means of strengthening international mechanisms to prevent torture. We were the first EU country to ratify OPCAT. We also supported the Association for the Prevention of Torture (APT), the leading NGO advocating adoption and ratification of the Protocol, to devise a strategy in 2003 to bring OPCAT into force as soon as possible. APT's activities fell into three main categories:

- > campaigning for support and ratification of OPCAT;
- > advising on the implications of OPCAT for regional and national bodies; and
- > commencing preparatory work prior to the establishment of the sub-committee.

With UK funding APT has focused on four main tasks over the year. It needed a range of documents for its campaign and our funds covered

the drafting, translation and publication of a booklet on national preventive mechanisms and a flyer on frequently-asked questions. It was important to build partnerships with international and domestic NGOs. APT has made it a priority to support the Coalition of International NGOs Against Torture as the coalition pushes for OPCAT ratification by providing expertise to instigate and support local initiatives. Finally APT travelled extensively to lobby certain states to sign and ratify OPCAT and to participate in national debates on implementation. APT visited Costa Rica, Mexico, Colombia, Argentina, South Africa, Botswana and Niger. So far three states have ratified and 24 states have signed OPCAT.

The UK continues to support APT to maintain the momentum. Our activities are preparing the ground for the UN sub-committee that will ultimately run OPCAT. APT is well placed to influence the Office of the High Commissioner for Human Rights in Geneva, as it is also based in Geneva and is widely recognised as the leading NGO lobbying for OPCAT's adoption and entry into force.

the manual for doctors we aim to make a long-term and effective contribution to combating torture. The manual will again be produced by the Human Rights Centre at the University of Essex which has already produced three manuals for the FCO. The centre will be working closely with the Medical Foundation for the Care of Victims of Torture on the publication of this handbook, which is for all doctors who work with torture victims. Many doctors have little or no experience in this field and the book contains guidelines for the medical investigation and documentation of torture. It also offers guidelines on the special physical and psychological examinations that torture victims require, the practical and ethical issues that are involved and the legal framework. Two researchers will carry out the research for the handbook over nine months. An editorial board will provide input on the book's content and, at a high-level conference at the FCO, participants will be able to comment on the final draft. The final output will be a comprehensive handbook on medico-legal issues for doctors and others working with survivors of torture, to be used as training material and a vital source of information around the world. Work on the manual aims to start in August 2004 with the publication date set for June 2005.

We also organised an exchange programme last year between the Medical Foundation for the Care of Victims of Torture and senior clinicians of torture rehabilitation organisations from countries where torture is widespread. Doctors from Sri Lanka, Egypt and Sudan spent a week with the Medical Foundation exchanging information on the care of victims of torture and the collection of forensic evidence. Medical Foundation plans to make return visits to these countries later this year.

In **Sudan** we continue to fund the Sudan Organisation Against Torture's (SOAT) work to challenge the current culture of impunity. SOAT provides legal aid to victims of torture, people facing the death penalty and displaced women. It also trains Sudanese lawyers, documents human rights abuses, disseminates human rights information and training, and monitors and campaigns on violations of freedom of expression and association. In December 2003 SOAT helped organise a four-day conference on human rights education in Khartoum. One hundred and twenty people attended including human rights activists, youth and women's representatives, political party activists, trade unionists, journalists, media experts, artists, musicians, academics and government officials. This was an important step in promoting a human rights culture in Sudan.

Police brutality and abuse is rife in **Nigeria**. This flagrant flouting of human rights is completely unacceptable under Nigerian laws and there is an urgent need to educate law officials on the rule of law and human rights. We are supporting a project that will report on police brutality and draw wider attention to the use of torture by security forces. The project will assist the authorities' adoption of more effective safeguards against torture. To address the issue as fully as possible, the project also seeks to make judges aware of all factors relevant to the cases that are brought before them. In particular this is to determine whether torture has been used and whether the security forces have heeded international conventions governing the treatment of detainees. The project has now started and is due to be completed in March 2006.

The African Commission on Human and Peoples' Rights adopted the Robben Island Guidelines (RIG) in 2002 to prevent torture and ill-treatment. The APT is now committed to supporting African countries in promoting and monitoring the national and regional implementation of these guidelines. This year we are funding activities that include: assisting the African Commission in distributing the booklet; supporting the African Commission in establishing a follow-up committee; promoting the recommendations of the 2003 experts' meeting on implementing the RIG; and organising a seminar that will offer a model in implementing the RIG.

Most people in the former rebel-controlled territories in eastern **Democratic Republic of Congo (DRC)** and Equateur province regard torture as a normal means of forcing detainees to confess to their offences. Under DFID's small grants scheme we have been funding a project to reduce people's indifference to torture through advertisement campaigns shown on television and by circulating posters in different languages. The project appears to have reduced the frequency of torture by stressing the penalties for those using torture and by encouraging people to defend their rights. More people are now reporting incidences of torture, rather than accepting them.

**UAE** and **Oman** have not yet signed or ratified the Convention Against Torture. In **Qatar**, UAE, Oman, **Kuwait** and **Bahrain**, primary legislation prohibits torture and there were no reports of any in 2003. In Bahrain the national action charter has now outlawed the use of torture. Decree 56 (2002) gave an amnesty to the security personnel who had overseen political prisoners, ending hopes of prosecuting officials accused of torture and human rights violations during the anti-government disturbances of the 1990s. In December 2003 the national committee for martyrs and victims of torture in Bahrain organised a protest march demanding the prosecution of those who had been involved in torture.

The Asian Human Rights Commission (AHRC) and Amnesty International have regularly reported cases of torture and killing in custody by the **Sri Lankan** Police Force. In June 2004, a delegation from missions of EU member states in Colombo met the Deputy Inspector General of Police and the Human Rights Commissioner to discuss these reports. Both agreed that torture in custody had become a serious issue for the police force. During the conflict, powers of law enforcement had been enhanced for security reasons, and the police force had operated as a paramilitary organisation for the past two decades. Beating had become standard practice in police interrogations.

In May 2004 the Sri Lankan Human Rights Commission created a torture investigation unit that is available on a 24-hour basis

and can investigate cases on the spot. There have been three convictions for police brutality, and it is hoped that the process will become faster with the HRC's unit. The UK has contributed funding for the HRC, through a UNDP trust fund, to support its current strategic plan, which includes developing a specific programme to combat torture in custody by improving monitoring and follow-up mechanisms.

To back its official policy advocating zero tolerance on torture, the government in **Turkey** has in the past year established prison monitoring boards and reduced the maximum detention period to four days. A new penal code, to be adopted later in 2004, will ensure that public employees found guilty of torture face a sentence of 12 years rather than five. Despite the improving trend, allegations of torture by the law enforcement agencies persist. The Turkish authorities are committed to implementing the recommendations of the Council of Europe Committee for the Prevention of Torture. According to NGO statistics torture figures for 2003 have increased compared to previous years, although this may indicate greater reporting of torture rather than more cases. New legislation to ensure people have access to lawyers appears to have been well implemented in most areas.

NGOs report, however, that cases of incommunicado detention continue particularly in rural areas. According to them the authorities also sometimes restrict prisoners' access to medical care. In December 2003 a doctor was prosecuted for excluding soldiers from the room while examining an injured prisoner. We welcome the announcement on 12 June 2004 by the head of the council of forensic medicine that law enforcement agencies would no longer be allowed to be present during medical examinations. Allegations of police maltreatment of children continue to cause concern. Three juveniles in Ankara were allegedly beaten by police on 12 May 2004 for throwing cigarette butts on the pavement. There are allegations of beatings on the way to police stations and of less visible methods of torture such as blindfolding, sleep, food and sensory deprivation, deafening music, stripping and exposure to cold. Failure to inform detainees of their rights remains a problem. NGOs report that a new security general directorate policy, that entered into force on 1 June 2004 making it compulsory for all prisoners to be read their rights on arrest, has not yet been fully implemented.

There are still problems with impunity and delays in bringing cases to trial particularly where members of the security forces are involved. Several police officers accused of torture have persistently evaded the courts despite a circular from the ministry of the interior in February 2004 to ensure that those accused appeared in court. In March 2004 four policemen were found guilty of killing Birtin Altinbas in custody in 1991. The

trial of two further policemen continues. In the second week of June a court in Adana began proceedings against three gendarmes accused of torturing Mehemt Can in custody in March. We continue to raise specific allegations of torture with the relevant Turkish authorities, both at ministerial level and via our bilateral human rights dialogue.

NGOs say that torture by law enforcement officials remains one of the most pressing human rights problems in **Russia** today. There continue to be frequent and credible reports of arbitrary arrests, detentions and use of ill-treatment to obtain confessions. Amnesty International cites a study by Krasnoyarsk University which suggests that 30 per cent of convicts were physically or psychologically tortured into giving a confession. Only on rare occasions have these claims of torture led to prosecutions. For example, in November 2003 two policemen were put on trial for 'exceeding their authority' in trying to beat a confession out of a suspect. Courts are reluctant to exclude evidence allegedly obtained through torture and, in the absence of effective forensic evidence, confessions are often the only or prime evidence presented to the court.

To address the situation the Russian government introduced the new criminal procedural code (CPC) in July 2002, which contained significant measures to tackle the problems of arbitrary arrest, detention and torture. Provisions include: limiting the time the police can detain people without charge; making illegally-obtained evidence inadmissible in court; suspending trials while claims of torture or ill-treatment are investigated; and making the prosecution responsible for demonstrating that a confession was not obtained through torture. In July 2003 the Russian supreme court and ministry of justice said that the number of people held in investigative detention had fallen by a third since the CPC's introduction. In the first year of the new code 68 people renounced testimony in court which they had given before the trial. One important area of police activity remains largely beyond the scrutiny of the courts: the so-called operational-investigative activity when the police identify and collect evidence before initiating criminal proceedings. It is possible for suspects to be coerced into giving testimony which is then repeated, as the CPC requires, in front of a lawyer.

Russia has now partially complied with two demands made by NGO and the international community. Since ratifying the European Convention for the Prevention of Torture in 1998, Russia has been the only country to refuse to publish the confidential reports made by the European Committee for the Prevention of Torture (CPT). In June 2003 the government agreed to the partial publication of the CPT's 2001 report on Russia, together with its commentary. Ten previous CPT reports remain unpublished. In May 2003 the CPT visited the republic

of Chechnya and issued a strongly-worded public statement about this visit in July 2003, about the use of torture and detention conditions. This was only the fourth in its history and Russia has not published the report which provoked this statement.

In December 2003 President Vladimir Putin signed off amendments which introduced the definition of torture to the Russian criminal code. The previous criminal code only allowed prosecutions of officials under the articles 'abuse of authority' or 'coercion to give evidence'. NGOs have pointed out that the amendment is not in line with the UN Convention Against Torture and other international documents since it does not specifically mention that the involvement of a state official is crucial to the proper definition of torture, in contrast to other types of physical abuse. Nevertheless, the amendment represents a step forward in acknowledging torture as an offence.

NGOs say that complaints by prisoners or detainees are rarely effective. Prosecutors' offices are responsible both for investigating complaints and for prosecuting those complaining. They are therefore unwilling to undermine their own prosecution case. In addition those arrested are allegedly often denied access to lawyers or doctors who could substantiate their allegations. The FCO is funding the Nizhny Novgorod Committee Against Torture to collect evidence from torture victims and put pressure on the procuracy to investigate and pursue victims' claims. In an extension to the original project first funded in 2002, the committee is now training NGOs in other regions in the legal expertise they need to pursue such claims.

Combating torture is still a major challenge for **Egypt**. The Egyptian Organisation for Human Rights (EOHR) monitored 42 torture cases from April 2003 to April 2004. These included 16 deaths in custody which EOHR strongly suspects resulted from torture or mistreatment. In 2003–2004 HRPF supported an anti-torture campaign by EOHR, and a campaign for the lifting of the state of emergency and the abolition of emergency laws run by the Arab Program for Human Rights Activists. Both campaigns have been successful in raising local awareness of the issues. However, the state of emergency remains in place, as do most of the emergency laws. A limited number of special military decrees has been cancelled, however, as have the emergency state security courts. On the positive side the number of cases has increased of police or prison officers being prosecuted for torturing detainees and of compensation being awarded for torture victims. For example, in May 2004 the courts awarded 12,000 Egyptian pounds (just over £1,000) compensation to a man who sued the ministry of interior for

torturing him while he was detained between July 1997 and July 1999.

In the **Philippines** the government's commitment to combating torture is clear. In the past year we have been following up the successful national workshops on recognising, documenting and reporting torture which we supported in 2002–2003. Our next project involves five four-day workshops which will enhance the knowledge and skills of medical officers and human rights investigators in public and NGOs in recognising, documenting and reporting torture. The project also strengthens agreements and co-ordinates efforts between national government agencies and human rights organisations to document and combat torture.

There is a long tradition in **China** of using torture to obtain confessions. We are funding a project which began in April 2004 to investigate the causes of obtaining confessions through torture in China and to study preventative measures. Project workshops and seminars involving government departments and academics will develop a proposal for a system that can prevent torture. The project taskforce will submit this proposal to legislators and government departments and encourage reports in the media that will help to influence public and professional opinion. The intention is to promote better human rights protection for suspects and, in the long term, promote justice and improve the human rights situation in China as a whole.

## 7.4 Death penalty

The UK Government is opposed to the death penalty in all circumstances. We promote the universal abolition of the death penalty as a key element of our human rights policy. We believe that the world is indeed moving, albeit slowly, towards the goal of total abolition. Since 1998 we have worked to enshrine total and permanent abolition in UK law, culminating in October 2003 when we ratified Protocol 13 of the European Convention on Human Rights which bans the use of the death penalty under all circumstances including times of war.

The Foreign Secretary's death penalty panel, established in 1998, is made up of academic, legal, medical and NGO experts who advise the UK Government on death penalty issues. The panel met twice in the first half of 2004 to discuss the practical projects the FCO would fund to promote our objective of worldwide abolition under the new Global Opportunities Fund (GOF). The panel will meet again in autumn 2004 to discuss the issues surrounding the death penalty in the Middle East and the application of the death penalty for those convicted of terrorist offences.

The FCO funds projects to tackle the death penalty around the world. The projects are not all 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. Other projects 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.

**China** is believed to carry out more executions per year than all other countries put together. Indeed China alone may be responsible for over 90 per cent of all executions worldwide. Although the numbers remain an official secret, a senior Chinese legislator said in March 2004 that China sentences to death "some 10,000" people each year, excluding suspended death sentences. The legislator subsequently withdrew his remarks saying the figure was an estimate. China applies the death penalty to around 70 crimes, executing people for non-violent crimes such as tax fraud and pimping as well as for violent crimes and drug offences. We are funding a project to reduce significantly the number of offences that carry the death penalty by encouraging amendment of the 1997 criminal law to narrow its application to the 'most serious crimes' category. Through a series of seminars for key legislators, judges and researchers, we will promote debate about the abolition of the death penalty for different categories of crime.

The government in **Botswana** remains in favour of the death penalty. We are supporting Ditshwanelo, the Botswana Centre for Human Rights, to run a project that should ultimately make the government more accountable for its decisions. The initiative involves increasing people's awareness of the rights to which prisoners on death row are entitled and disseminating information on, and improving understanding of, the clemency process.

In the **Philippines** President Gloria Macapagal-Arroyo announced in December 2003 a lifting of the executive moratorium on the death penalty for kidnappers and drug lords. EU representatives in Manila, including the British Ambassador, expressed their concern at the lifting of the moratorium to the Foreign Minister Delia Domingo Albert in February 2004. A number of Bills to abolish the death penalty have been filed in congress. Progress, however, may be slow. As part of our work to increase the rigour of the legal process in death penalty cases, we are supporting the Philippines legal profession to evaluate the merits of DNA evidence. This project builds on previous training, part-funded by the European Commission and British Embassy, which focused on the science

of DNA testing. The training covers collection procedures and admissibility of evidence.

There has been a sharp increase in reported executions in **Vietnam** over the past year. Amnesty International monitored Vietnamese media sources and counted over 100 death sentences handed down in 2003 and over 60 executions – an increase of at least 100 per cent on 2002. The true figure may be higher. This trend appears to have continued into 2004.

## The Caribbean

Twelve Commonwealth countries in the Caribbean retain the death penalty: Antigua and Barbuda, Bahamas, Barbados, Belize, the Commonwealth of Dominica, Grenada, Guyana, Jamaica, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, and Trinidad and Tobago. Over the past year, the question of the death penalty has been widely debated in the Caribbean. At present the Judicial Committee of the Privy Council (JCPC) remains the final court of appeal in Caribbean death penalty cases. Where the JCPC makes judgements in death penalty cases it does so in accordance with the domestic law of the country concerned and not English law. In November 2003 the JCPC ruled in the case of *Balkissoon Roodal* that the death sentence was the maximum and not the mandatory sentence for murder under Trinidad and Tobago's constitution. In March 2004 the law lords at the privy council heard three similar cases from Barbados, Jamaica and Trinidad. In July 2004, they reversed the earlier judgement and ruled that a mandatory death sentence for murder in Trinidad and Barbados was constitutional. However, they ruled that in Jamaica the mandatory death sentence was unconstitutional.

The Caribbean region is in the process of setting up a Caribbean

Court of Justice to take over from the JCPC and agreed a treaty for the court in 2002. Since then, four countries (St Lucia, Guyana, Barbados and Jamaica) have ratified this treaty. The court now exists in principle and there is increasing momentum for it to start functioning late in 2004.

In the Caribbean as elsewhere we cannot address the issue of the death penalty in isolation from the overall state of the criminal justice system. The UK fully appreciates concerns about rising levels of crime in the Caribbean. But we do not believe that the death penalty is the answer. The FCO is supporting projects with Caribbean governments to reduce crime and improve police training and the administration of justice including prison conditions. When Caribbean ministers met British ministers at the Caribbean Forum in London in May 2004, crime and security was at the top of the agenda. The FCO is also helping to fund a centre in the Caribbean to address common human rights concerns and promote an internal debate about capital punishment, the needs and rights of victims, and alternatives to the death sentence. The centre will run related projects such as public reassurance campaigns to inform the public about the death penalty and address the concerns of the families of murder victims.

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 January 2004 Vietnamese Prime Minister Phan Van Khai signed a decision classifying reports and statistics on the death penalty a state secret.

There have, however, been some encouraging developments. In March 2004 Vietnamese Foreign Minister Nguyen Dy Nien told Foreign Office Minister Mike O'Brien that Vietnam was slowly moving towards abolition. At the last EU-Vietnam Human Rights Dialogue meeting in November 2003, the Vietnamese government proposed an EU-Vietnam seminar on the death penalty. The UK is now taking the lead within the EU on preparations for the seminar, funded by the UK and other EU partners, which should take place in November 2004.

## Death penalty around the world

According to the UN Secretary General's report on the death penalty to the 2004 session of the Commission on Human Rights, 77 countries have completely abolished the death penalty. Fifteen have abolished it for ordinary offences, retaining it for crimes such as those committed in wartime. The report considers 37 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 66 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 reported that, as of July 2004, 80 countries had abolished the death penalty for all crimes and 15 for ordinary ones. Twenty-three countries were *de facto* abolitionist and 78 countries retained the death penalty.

The global trend is clearly towards abolition. There has also been a significant increase in the number of countries that have ratified international instruments providing for abolition of the death penalty. However countries have also reversed decisions on moratoria. This is a particularly disturbing development and one we work hard to prevent. This year we have raised concerns at a high level over moves in **Papua New Guinea** to re-instate the death penalty, the resumption of the death penalty in **Afghanistan** and the lifting of the moratoria in the **Philippines** and **Chad** after four and 10 years respectively.

### Recent developments

President Nazarbaev of **Kazakhstan** signed a moratorium on the death penalty in December 2003. This is without a time limit and will be valid until full abolition of the death penalty.

The **Samoa** parliament adopted a bill in January 2004 abolishing the death penalty.

In **Bhutan** the government issued a royal decree abolishing capital punishment in March 2004.

**Russia** maintains its moratorium although there has been no progress towards ratifying Protocol 6 to the European Convention on Human Rights.

In **Senegal** the Council of Ministers decided to abolish the death penalty in July 2004

**Tajikistan** introduced a moratorium on the death penalty in June 2004. We believe President Rahmonov has the long-term goal of moving to abolition of the death penalty.

In **Zambia** President Mwanawasa is regularly commuting death sentences and has described the death penalty as an "inhuman" punishment that should not be maintained in the country's laws. He has said he will not sign any death warrant as long as he remains in power.

We welcome these positive developments towards abolition of the death penalty. However we are extremely concerned about some negative trends in other countries.

In **Bangladesh** in July 2003, more than two years since the last death sentence was carried out, the media reported the execution of two of the hundreds of prisoners on death row, for a murder committed in 1990. A further two people were executed in March and May 2004. The recent introduction of a new faster trial court has led to a rapid increase in the numbers on death row. There are currently around 510 people on death row as opposed to approximately 375 in June 2003.

The EU lobbied strongly against the execution of Dhanomjoy Chaterjee on 14 August, which ended the long-standing moratorium on the death penalty in **India**.

The EU has expressed its deep concern at the highest level about the resumption of the death penalty in **Afghanistan** with the execution of Abdullah Shah.

We also regret that on 8 August the **Iraqi** interim government (IIG) announced that it would be re-introducing the death penalty. Earlier the UK had been instrumental in persuading the Iraqi governing council to agree to the Coalition Provisional Authority decision to suspend the death penalty in Iraq. The EU made strong representations to the IIG not to lift the suspension. We continue to lobby regularly at the highest level for the death penalty to be applied as narrowly as possible, and for the Iraqi government to work towards eventual abolition.

The authorities in **Iran** claim that moratoria on stoning and amputations remain in place. However, we believe at least 100 executions and 50 public hangings took place in 2003.

We regret the ending of the *de facto* moratorium in **Indonesia** in place since May 2001. A man found guilty on drugs charges was executed on 4 August.

We welcome the declining numbers of executions carried out in **Pakistan** in recent years but we remain deeply concerned by those executions that have been implemented. In 2003 there were 18 executions among them the hanging of an 80 year-old man in December 2003. There has been an alarming and rapid increase in the number of condemned prisoners throughout the country. We have received reports of at least 6,593 condemned prisoners in Pakistani jails at the end of 2003, compared to 5,758 in September 2002.

In **Lebanon** the authorities carried out three executions on 17 January 2004, the first since 1998. The EU and individual member states, including the UK, robustly lobbied the Lebanese authorities both before and after the executions, condemning



Bulgarian health workers sit in a metal cage in a court-room in Benghazi, Libya. The workers have been convicted of deliberately infecting children with the HIV virus and sentenced to death.

the implementation of the death penalty and urging a retention of the moratorium. After the executions Prime Minister Tony Blair wrote to President Lahoud expressing his dismay. We are deeply worried about the nine death sentences passed in **Burma** by the military regime in November 2003 for alleged high treason (for more details see page 48).

We are concerned at the death sentences handed down in **Libya** to five Bulgarian health workers and a Palestinian doctor for allegedly infecting around 400 children with HIV by injecting them with tainted blood products. Forty-three of the children have since died. We are particularly concerned that the death penalty was imposed given the repeated concerns about the conduct of the investigations, the treatment of the defendants and the lack of compelling evidence of the guilt of the defendants. The President of the European Commission, Romano Prodi, made a statement of concern on 6 May 2004.

**Kuwait** retains the death penalty for murder, rape and drug-related offences. We were concerned that in January and May 2004 the authorities carried out executions and then publicly displayed the hanging bodies. Our Ambassador raised the issue of the death penalty with the Kuwaiti foreign minister before the executions of May 2004. The EU has also made representations on the death penalty.

### The EU and the death penalty

The EU drew up guidelines on its death penalty policy in 1998 while under the UK Presidency. These included setting out the

circumstances under which the EU would take collective action with countries that retain the death penalty. Under these guidelines, the EU makes representations:

- > in individual cases where the use of the death penalty falls below UN minimum standards, such as executing pregnant women, mentally retarded people 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 Afghanistan, the Philippines, Iran, India, Lebanon, the US, Pakistan, Uzbekistan, Indonesia, Kuwait, Senegal, China, Japan, the Palestinian Authority, Cuba, Belarus, Libya, Sudan, Jordan, Nigeria, Burma, Chad, Morocco and Yemen. The EU also raised the issue in its human rights dialogues and troika meetings with countries such as the US, China and Japan.

### Action on the death penalty in the US

The UK and the US share many of the same goals for human rights and democracy around the world. But it is well known that we fundamentally disagree over the use of the death penalty. The UK and EU make regular representations to the US on cases where we consider the use of the death penalty to be in contravention of UN minimum standards, as well as on

## Common myths about the death penalty

“The death penalty is a deterrent”

This is not proven. Numerous studies have failed to establish that execution deters more effectively than a long prison sentence. For example, the US has the highest murder rate in the industrialised world and murder rates are highest in southern states where most executions occur.

“If you murder someone you forfeit your human rights”

All people are entitled to full protection before the law and full observance of their human rights. The international community has agreed that even the worst offenders at the Rwandan and Yugoslav war crimes tribunals cannot face the death penalty.

“Most countries have the death penalty”

Not true. A majority of countries have ended capital punishment in law or in practice, and many more have moratoria on its use. The international consensus is moving towards abolition.

“The death penalty saves the state having to pay for murderers to live a life of luxury”

Miscarriages of justice are irreversible with the death penalty. As the UK found with the death penalty 50 years ago, one can end up not only convicting the wrong person but executing the wrong person. Governments must bring criminals to justice, but there are other means of doing this.

“Most people want the death penalty”

Poll after poll shows that the more people know about the death penalty — and possible alternatives to execution — so their support for the death penalty falls away. That is why the UK encourages more debate about the death penalty in countries which retain it. It is also the case that death penalty has rarely, if ever, been abolished as the result of overwhelming public pressure. It is an issue on which governments must lead.

## Sharia penal code in Nigeria

We welcomed the release of Amina Lawal in **Nigeria** in September 2003. The Funtua lower Sharia court, Katsina State, convicted Mrs Lawal in March 2002 of adultery and sentenced her to be stoned to death. On 25 September 2003 the Katsina State Sharia court of appeal upheld her appeal on grounds including that she was not given ample opportunity to defend herself during her initial trial. Mrs Lawal has now gone back to her village to resume her life.

The Sharia penal code, which has been adopted by 12 northern Nigerian states, still causes considerable concern. There are other individuals with stoning sentences hanging over them such as Ahmadu Ibrahim and Fatima Usman, commonly referred to as the Nigerian Romeo and Juliet.

The federal government has publicly spoken out against harsh sentences contained in the code. In April 2002 the then attorney-general described it as unconstitutional because Muslims, who are bound by the code, receive harsher legal remedies than Christians who are not, for the same act. In the case of adultery a Muslim could be stoned to death while a Christian neighbour would not be charged. Such inequality in the judicial system runs contrary to the provisions of the federal constitution. We intend to raise the remaining cases at the second UK-Nigeria bilateral dialogue on human rights later this year.

behalf of British nationals on death row or those facing a possible death sentence.

On 26 August 2003 in the case of *Simmons v. Roper*, the Missouri Supreme Court held that the execution of juvenile offenders in the state of Missouri violates evolving standards of decency and is prohibited by the US Constitution in the Eighth Amendment ban on "cruel and unusual punishment". The state appealed to the US supreme court. On 26 January 2004 the supreme court agreed to consider the constitutionality of the death penalty as applied to juvenile offenders. The EU filed an *amicus* brief on the juvenile death penalty on 19 July.

On 3 March 2004 the Governor of Wyoming, Dave Freudenthal and the Governor of South Dakota, Michael Rounds, signed bills abolishing the death penalty for juveniles.

On 31 March 2004 the International Court of Justice passed its judgement in the case of 51 Mexican nationals who were on death row. The court found that the US had violated its international obligations under the Vienna Convention on Consular Relations (VCCR) and that it must provide effective judicial review and reconsideration of the impact of the violations on the cases of the foreign nationals involved. The court noted with "great concern" that an execution date had been set for Osvaldo Torres whose appeals in the domestic courts had been exhausted. Mr Torres's sentence was subsequently commuted to life without parole.

On 18 May 2004 Texas executed Kelsey Patterson after Governor Rick Perry denied a rare clemency recommendation on grounds of Mr Patterson's mental health. Mr Patterson, a paranoid schizophrenic, was condemned for the double murder in 1992 of a Texan businessman and his secretary. The Texas Board of Pardons and Paroles on 17 May recommended in a 5-1 vote that Patterson's sentence be delayed or commuted to life

in prison because of his mental illness. However, Governor Perry denied the recommendation, saying that state and federal courts had reviewed the case at least 10 times and none had found a legal reason to stop his execution. The US supreme court has banned execution of the mentally retarded but has no such ban for the mentally ill.

As part of UK action taken on behalf of British nationals on death row, in May 2004 the Consul General in Chicago raised our interest in, and concern about, the case of Kenny Richey with the Governor of Ohio, Bob Taft. As reported in last year's Annual Report, Mr Richey is currently awaiting the decision of his appeal for a retrial. As of July 2004 this was still the case. In July 2004 the UK agreed, in principle, to submit an *amicus* brief to the court considering Mr Richey's appeal. At the time this Annual Report went to print we were in the process of formulating legal arguments in consultation with the US lawyer acting on our behalf. We shall continue to lobby the relevant US authorities as and when appropriate.

In a backwards step on 24 June, the US supreme court said its 2002 ruling that juries and not judges must impose a death sentence applies only to future cases and not retroactively. Effectively this means that prisoners can be executed depending simply on the date they filed their appeal. The high court's decision could affect at least 86 Arizona death row inmates and about 25 others in Idaho, Montana and Nebraska.

### EU action

With our EU partners we make regular representations to raise cases of prisoners in the US facing the death penalty; For example:

On 30 October 2003 the EU sent a letter to the governor of Georgia in the case of James Brown, who had a long history of severe mental illness;

We are unable to publish this photograph online due to a re-licence restriction.

On 4 December 2003 the EU sent a letter to the governor of Oklahoma in the case of Hung Thanh Le, a Vietnamese citizen, whose rights under the Vienna Convention on Consular Relations had been overlooked;

On 10 December 2003 the EU sent a letter to the governor of Arkansas in the case of Charles Singleton, who was suffering from severe mental illness; and

On 15 January 2004 EU sent a letter to the governor of Texas in the case of Scott Panetti, who has been diagnosed with paranoid schizophrenia.

In May 2004 the EU was preparing a letter to be sent to the governor of Oklahoma to plead for clemency in the case of a Mexican national, Osvaldo Torres, when news came through that his death sentence had been reduced to life without parole.

## 7.5 Security forces and the police

Police and security forces are charged with maintaining law and order. The police protect and defend citizens within their communities and they must be accountable first to citizens. Many new democracies begin with police forces that were previously under military control or one-party authority. In such situations it is a priority to separate the police from the military and ensure their training is very different to that of the military.

When a new democracy emerges from an authoritarian past, the government needs to create new, comprehensive and transparent frameworks for their police and security forces. By involving civil society when constructing these guidelines and in building safe communities, we can help people recognise their rights and understand that the law and its sanctions apply equally to everyone. There are many mechanisms for governments to employ when reforming police and security forces. Education and training effectively raise awareness about human rights. Laws on the use of firearms and

clear rules of engagement will reduce the numbers of people who are killed by the police, often indiscriminately; and a more democratic and inclusive police force will increase people's confidence. For example, women may find it easier to report crimes such as domestic violence to female police officers. Private security forces need strict regulations. Finally, an independent judiciary and an active civil society will increase the accountability of the security forces.

We are producing a manual with serving and retired UK police officers for police officers around the world. The manual will be used in training and consultancy exercises to reduce instances of human rights abuses, particularly torture and illegal detention. The manual will support national guidelines and procedures in individual countries by identifying practical ways of applying human rights principles to standard police investigative procedures. The book will outline and explain techniques and basic skills that may offer alternatives to less humane or unethical practices. The manual will be published in January 2005. We will then identify target countries for a follow-up training programme. The manual is likely to be translated into Russian, Arabic and Spanish.

This year we are funding three projects under the GOF Reuniting Europe Programme to improve standards of policing. Gwent Police has been working in **Bulgaria** on two projects. Gwent Police Training Centre is developing a strategy for implementing professional, ethical and corporate standards within Bulgaria's national police management and practitioner training. The centre will identify 15 options for change in an initial review and then monitor and evaluate progress in implementing these changes. In the second project Gwent Police is assessing the needs of the anticipated 2,000 new criminal investigators at the ministry of interior. Project activities include establishing with the Bulgarians the role of the investigators, what training is need and whether the Bulgarians can provide such training.

The first two phases of a police training project in **Romania** have been completed. The Metropolitan Police is sharing experience on policing a capital city by running a training project in Bucharest and the UK. In July 2003 British police officers ran a one-week training course in Romania and the Romanian police visited the UK on a study tour the following November. According to the UK police, the Romanians are reluctant to face up to central problems such as corruption. Aspects of the training covered intelligence-led policing, building community confidence, working with a police authority and other agencies, command and control, and co-operation with the UK on organised crime. Phase 3 of the project was in June 2004 when the Romanians presented a report to the Metropolitan Police on how they will put into practice the lessons they have learned during the course.

We are also working with security forces elsewhere in the world. In **Swaziland** we are promoting greater respect for human rights in the Swazi police force while upholding safety and security. Funded by the Public Diplomacy Challenge Fund, an expert from Bramshill Police Force Training College conducted a two-week workshop for police on human rights issues.

Police brutality and extrajudicial killings are serious problems in **Nigeria** where the human rights record of security forces remains poor. We are funding a number of projects to address these issues. The DFID-funded Access to Justice programme is working with the Nigerian police and judiciary to improve their working practices and human rights record. We have funded a computer network and capacity building for the Centre for Law Enforcement Education Nigeria (CLEEN), the leading NGO in Nigeria dealing with police issues. The network will allow CLEEN to increase its efficiency and make its outreach much greater through the use of email and possibly with its own website. We have supported a project with the Civil Liberties Organisation to combat extrajudicial killings by using an example of an alleged police murder in Nssuka, Enugu State, to highlight the nature of such acts and the apparent impunity enjoyed by the police. The project objective is to raise public awareness of the problem through a media campaign and demonstrations in support of the family of the two young men who were killed.

Alongside the terrorist violence committed by the Islamic armed groups in **Algeria** are numerous documented allegations of human rights abuses by the security forces and state-armed militias. The Algerian security forces have a legitimate need to combat armed Islamic insurgent groups who have been responsible for most of the 100,000 civilian deaths in the last decade. However counter-insurgency operations by the Algerian security forces have been known to be indiscriminate, sometimes leading to loss of civilian life. According to figures

released by the Algerian authorities, a total of 930 people including 539 that they classify as terrorists were killed in 2003. In the first four months of 2004, 155 people, including 84 that they classify as terrorists, were killed in such incidents.

In **Afghanistan** some 4,000 police officers have undergone training at Kabul Police Academy. The International Police Training Mission has provided retraining and development of a further 3,500 officers. Afghan President Hamid Karzai honoured the team, including two UK trainers, in December 2003 in recognition of its work. The UK is also running a three-year £6.7 million programme to establish crime scene investigation units for the Afghan police.

In **Iraq** human rights training for the Iraqi Police Service (IPS) is interwoven throughout both the eight-week basic course for new recruits and the three-week transition integration programme (TIP course). Through the TIP course for serving police and the basic course for new recruits, it is intended that all police in Iraq will be trained in human rights and democratic policing principles. Both courses include at least 30 hours of topics related to human rights, covering the principles of human rights and dealing with them in a practical way. The syllabus for the TIP course includes democratic policing principles, human rights, international law basics, community policing, police ethics and code of conduct, and police use of force standards.

To reinforce the message that the IPS is a civilian police service for and answerable to the people, all Iraqi police must sign a new code of conduct. This sets out basic standards of behaviour, breach of which may lead to disciplinary action. There will be a public signing ceremony involving senior Iraqi police to inform the public of the new standards. The authorities are now drafting a new code of discipline specifying punishable breaches.

The minister of the interior has sent a letter to all Iraqi police that specifically addresses the issue of torture by police. The letter makes clear that any Iraqi police officer found to be engaged in any torture or abuse of prisoners will be dismissed and will face criminal charges.

There were serious concerns in **Thailand** over extrajudicial killings and human rights violations during the 2003 campaign against drugs. Official figures listed over 2,600 deaths from 1 February–4 December, the majority within the first two months of the campaign. According to official estimates police killed between 74 and 129 people during the campaign. We have continued to raise our concerns about the lack of transparency of investigations into the deaths and we press the Thai authorities to comply with human rights standards.

There has been an upsurge of violence in 2004 in the south of Thailand where Muslims make up the majority of the population. Between 4 January and 31 July around 300 members of the security forces and civilians were killed in the far south of Thailand. Martial law remains in force in the three provinces of Pattani, Yala and Narathiwat, where there have been allegations of abductions and extrajudicial killings by Thai security forces. On 28 April co-ordinated attacks on security forces in 10 locations in the far south resulted in 111 deaths, including those of five members of the security forces. Thirty-two of those involved in the attacks were killed in the Kru-Ze mosque in Pattani. An independent fact finding commission, appointed by the Thai government, concluded that the security forces used disproportionate force when storming the mosque, while recognising that there were mitigating circumstances. The commission concluded that the siege of the mosque could and should have been resolved using peaceful means.

The government has acknowledged the legitimacy of some concerns over human rights violations by security forces in the south and has transferred and replaced senior officials, including ministers and the national police chief. We have expressed our concern to Thai ministers over the disappearance in March 2004 of Somchai Neelapaijit, Chairman of the Muslim Lawyers' Association. The ministry of justice has set up three committees to investigate Mr Somchai's disappearance.

We have supported the NGO Forum-Asia's work with the Royal Thai Police since 2002 through the Command Programme Budget and the Global Conflict Prevention Pool. Forum-Asia has developed professional police training modules to integrate into all police cadet training. These include community policing, use of force and firearms, and conflict intervention. In 2004–2005 we will support the extension of training for officers serving in the south to help the Royal Thai Police improve governance and rule of law.

Our High Commission in **Jamaica** is supporting a series of workshops hosted by the inner-city development committee of the Jamaican chamber of commerce to promote the code of conduct for police-citizen relations. The workshops are taking place at high schools and inform students about the importance of the law and what their rights are when dealing with the police. So far 50,000 copies of the code have been printed; the aim is to produce one million in the next few years. The code has already had a positive impact and now forms part of the training syllabus for new entrants to the Jamaican constabulary force.

## 7.6 Human rights defenders

**"Increasingly human rights defenders, individually and in groups, play a central role in the struggle to increase respect for human rights around the world ... The UK is committed to the defence of human rights defenders and believes it is vital that they are able to carry out their work without fear of reprisal and that any crimes against them are fully investigated."**

**Jon Benjamin, Head of Human Rights Policy Department in a speech to the Second Dublin Platform for Human Rights Defenders, 11 September 2003**

As more and more people around the world become aware of their human rights so they demand that their governments protect these rights. Human rights defenders are individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms.

An active, critical civil society is one of the key components of a democratic, open society. Thanks to advances in technology and the Internet, we now know more about the work of human rights defenders. This means there is greater scope for raising awareness of human rights abuses, conducting global campaigns and asking for help. Unfortunately this growing recognition and the higher profile of human rights defenders means that in many situations they are increasingly coming under threat and attack. In many cases, which are highlighted throughout this report, defenders have been killed because of their work.

It is vital that we protect the world's defenders of human rights. The UK lobbies vigorously on their behalf. In Pakistan and Sudan we have lobbied governments to protect individuals. We engage in more general and frequent lobbying on respect for all human rights defenders in Burma, Cuba and Belarus. We also raise specific cases in our bilateral human rights dialogues with China, Russia, Turkey and Nigeria. FCO staff meet human rights defenders regularly overseas to discuss their work and the situations they face. Where appropriate we observe the trials of human rights defenders in an attempt to ensure a fair hearing, for example in the trial of the chairman of the Human Rights Society in the Zarbdor district of Uzbekistan, Muhiddin Kurbanov (see page 40 for more details).

We work with European partners to take as much action as possible to protect human rights defenders through the EU, the OSCE and the Council of Europe. The EU can carry more weight in lobbying governments for the protection and release of defenders held arbitrarily in jail than one country acting alone. Recently the EU has been lobbying Cuba extensively over the appalling clampdown on human rights defenders (see page 71

for more details). The EU's dialogues with China and Iran include handing over lists of imprisoned or endangered individuals.

The EU adopted *Guidelines on Human Rights Defenders* in June 2004 with practical suggestions for enhancing EU action in protecting human rights defenders. The guidelines provide for interventions by the EU on behalf of human rights defenders at risk and suggest practical ways of supporting and assisting defenders. The guidelines will assist EU missions in their general approach to human rights defenders.

The UK further protects human rights defenders by playing a leading role within the UN. With EU partners we were a driving force in making the cause of human rights defenders a main theme of the 50th anniversary celebrations of the Universal Declaration of Human Rights in 1998. This led to the adoption of the UN Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms. Importantly, that Declaration reaffirmed the right of everyone to enjoy and defend their, and others', human rights both individually and in association with others, for example through NGOs. We continue to call on states to build on the commitment given in the Declaration and to co-operate fully with Ms Hina Jilani, the Special Representative of the Secretary-General, on the situation of human rights defenders.

## 7.7 Enforced disappearances

Enforced disappearances are historically associated with military regimes in Latin America in the 1970s and early 1980s. The most well-known enforced disappearances were those in Chile under the Pinochet regime and in **Argentina** under the military junta. Some estimates put the number of people who disappeared between 1976–1983 in Argentina as high as 30,000. Enforced disappearances continue in many countries. The primary targets are those people attempting to exercise or protect their human rights. Governments, police and military forces use enforced disappearances to silence those who would

speak against them, who are trying to expose serious violations of human rights or who seek justice for human rights abuses. The victims are often members of opposition political movements, trade unionists fighting for employment rights or members of indigenous communities.

Disappearances usually involve kidnapping or seizing people, holding them against their will and denying them the protection of the law. Victims are often tortured and held in captivity for a prolonged period of time without their family being informed of what has happened. In many cases families presume they are dead, but their real fate is rarely discovered or revealed.

To combat this violation of human rights the UN is in the process of negotiating a new international human rights instrument on enforced disappearances. The UN has mandated a working group of the Commission on Human Rights (CHR) to draft the instrument and the group has met twice, most recently in January 2004. The UK has been fully engaged in the process. We are playing an active role through our mission in Geneva in supporting the creation of an effective international human rights instrument on enforced disappearances that will have a positive impact on the protection of human rights worldwide.

## 7.8 Protecting British nationals overseas

### British nationals in prison overseas

By the end of March 2004 we were aware of 2,522 British prisoners detained overseas. All British nationals detained overseas are entitled to FCO consular assistance regardless of the nature of their offence. The FCO makes no judgements about prisoners' guilt or innocence.

The FCO has a dedicated Prisoners Unit with responsibility for policy and welfare issues that affect British nationals detained overseas. The unit works with consular officials in London and with posts overseas to help make sure that prisoners' welfare



The women's group 'Mothers of Candelaria' protest over the disappearances of their sons and daughters in downtown Medellín, Colombia, March 2004.

## Prisoner Transfer Agreement with Sri Lanka

The UK became the first country to conclude a bilateral agreement with Sri Lanka on the transfer of prisoners. On 6 February 2003 Mike O'Brien, Foreign Office Minister in charge of Sri Lankan affairs, and Tyronne Fernando, the then Sri Lankan Foreign Minister, signed the Prisoner Transfer Agreement (PTA). The agreement was ratified on 24 March 2004 and is now fully in force.

The PTA between Sri Lanka and the UK is welcome as it will allow prisoners to serve their sentence in their own country and improve their chances for rehabilitation and re-integration into society. It is a major step in enhancing our bilateral relationship with Sri Lanka and improving co-operation on criminal justice issues.

concerns are met. The unit advises on whether or not 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.

The unit considers whether the UK Government can support clemency pleas on behalf of British nationals. The criteria for supporting clemency pleas were established in May 2001 and are based on compassionate or medical reasons, where the prisoner is a minor or where there is *prima facie* evidence of a miscarriage of justice.

The unit also deals with longer-term issues that relate to British nationals detained overseas in the form of Prisoner Transfer Agreements (PTAs). PTAs allow prisoners to apply for a transfer that will allow them to serve the remainder of their sentence in their home country. The FCO considers PTAs a positive policy. Transfers improve prisoners' prospects for rehabilitation and re-integration into society and allow family and friends to visit the prisoners.

The unit encourages as many countries as possible to accede to the multilateral prisoner transfer agreement, the Council of Europe Convention on the Transfer of Sentenced Persons (CECTSP). The CECTSP is the largest international transfer Convention and is open to all countries. So far 55 countries have signed up to CECTSP.

Some countries are reluctant to accede to the CECTSP. In such cases we consider pursuing bilateral PTAs that work along the same lines as the CECTSP, the difference being that the agreement is only with the UK. In the period covered by this Annual Report, we signed bilateral transfer agreements with Antigua/Barbuda, Argentina, Mexico and India. We are currently negotiating PTAs with 29 other countries.

Prisoners Unit also works closely with the NGO Prisoners Abroad. Prisoners Abroad aims to improve the quality of the lives of prisoners overseas, supports prisoners' families in the UK and helps with resettlement issues when a prisoner returns to the UK. One example of our partnership is a joint project to provide detainees held in harsh and climatically demanding conditions with an essential health-care and sanitation kit. Another project helps prisoners to get materials that will help them learn the local language.

### Fair trials and the death penalty

Prisoners Unit manages the FCO *Pro Bono* lawyers panel which was established in 2001 to help promote and protect the human rights of British nationals detained overseas. The panel consists of around 60 lawyers with criminal and international human rights law expertise. It functions by providing legal expertise and advice to British nationals facing legal proceedings overseas when there are concerns about human rights violations.

We refer cases by putting the British national and his or her local lawyer in contact with a panel lawyer who has agreed to provide free legal advice and assistance. 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. Panel members are currently assisting in cases in Morocco, Thailand, the Philippines, Poland, Nigeria and Japan.

Panel members can also help to support a prisoner's plea for clemency. If a panel lawyer believes that a British national has not received a fair trial overseas then he can present this opinion to Prisoners Unit with a recommendation that the UK Government supports a clemency plea. Ministers will then consider this recommendation, together with the opinions of FCO legal advisers and Consular Directorate, before deciding whether to support a case.

In March 2004 the FCO extended the scope of the *Pro Bono* lawyers panel to allow for consideration of all cases where British nationals are victims of human rights violations overseas. Since this extension panel lawyers have assisted in cases of international child abduction.

The FCO opposes the use of the death penalty in all circumstances. It will make representations on behalf of all British nationals facing the death penalty at whatever stage and level is judged appropriate from the moment the death sentence becomes a possibility. In July 2004 there were 11 British nationals on death row overseas and a further eight facing charges that could attract the death penalty.

## Chu Tak Fai

Chu Tak Fai is a British National (overseas) on death row in Malaysia for drug offences. The UK has repeatedly raised his case at high levels as documented in the Annual Report on Human Rights 2002 (page 62). The High Commissioner, Bruce Cleghorn, has continued to lobby the Malaysian government and has raised Mr Chu's case with the attorney-general, the chief justice and the Sultan of Kedah. In June 2003 we were informed that Mr Chu's case would shortly come before the pardons board for a final decision on whether to commute the death sentence to a term of imprisonment. In July 2003 Foreign Secretary Jack Straw wrote to Malaysian Foreign Minister, Syed Hamid, requesting him to recommend to the Sultan of Kedah that he commute the death sentence. In March 2004 Mr Straw wrote directly to the Sultan of Kedah requesting a commutation of the sentence. In July 2004 Mr Chu was still waiting for his case to come before the pardons board.

In January 2004 a British national was sentenced to a term of imprisonment for murder in **Vietnam**. The death penalty had been a possible sentence however, a number of considerations led to a custodial sentence. In detailing these considerations the court referred to the British Ambassador's representations against the death penalty.

### Forced marriage

**"Forced marriage is a form of domestic violence and an abuse of human rights. The British Government will deal with it as such."**

**Foreign Office Minister Baroness Symons speaking in March 2004 at the launch of guidelines for social workers dealing with cases of forced marriage**

The term 'forced marriage' applies to a situation in which people are coerced into a marriage against their will and under duress. Duress includes both physical and emotional pressure. Forced marriage is an abuse of human rights and cannot be justified on any religious or cultural basis. Forced marriage is,

## Linda Carty

Linda Carty was sentenced to death in February 2002 in Houston, Texas, after being convicted of murder in the course of kidnapping.

Ms Carty is currently at the beginning of the appeals process. We are in consultation with her legal team in the US and the UK on what steps to take on her behalf and we will make representations at the appropriate time. Our assistance to date has included supporting a request by her legal team for additional time to prepare her appeals case, and identifying a forensic psychologist willing to work pro bono on her case.

of course, very different to arranged marriage, where the consent of both parties is present. The tradition of arranged marriages has operated successfully within many communities and cultures for a very long time.

The FCO is at the forefront of UK efforts to stamp out forced marriage. In London our Community Liaison Unit (CLU) provides free and confidential advice on the potential dangers of being forced into marriage overseas and what precautions people can take to help avoid this happening. If we learn that a British national abroad is being forced into marriage, or has already been forced into marriage, we can provide consular assistance ranging from action through the courts to rescue missions. Our High Commissions and Embassies play an integral part in this, working intensively with police and judiciary overseas.

We dealt with over 250 cases of forced marriage over the past year. Fifty of these involved emergency rescues and repatriations. Our cases come from all around the world, including South Asia, East Asia, the Middle East, Europe and Africa. Operating under intense pressure our consular staff have freed victims from situations of extreme emotional and physical trauma. They have rescued victims who have been held captive, raped or forced into having an abortion.

We continue to look at ways of improving our assistance. In London we have expanded the CLU to include three full-time caseworkers with counselling and community work skills. Overseas we are developing our contacts with local NGOs and refuges in Pakistan, Bangladesh and India. These organisations have expert knowledge of the issues involved in forced marriages and can prove crucial in resolving difficult cases on the ground. We have set aside £50,000 for this work in 2004–2005.

Clearly the FCO cannot tackle this type of abuse alone and we draw on a wide range of expertise. The organisations and individuals we work with include refuge workers, police officers, teachers, social workers, NGOs and the media. Over the last year we have improved our links with these groups through a variety of initiatives.

In March 2004 Baroness Symons launched guidelines for social workers who encounter cases of forced marriage. The launch was the culmination of a two-year cross-governmental project and the guidelines were endorsed by the FCO, the Home Office, the Department for Education and Skills (DfES), the Department of Health and the Association of Directors of Social Services.

Social services are ideally placed to identify early signs of potential forced marriage and to take action to prevent the abuse occurring. Often social workers are the only people from the statutory sector that potential victims of forced marriage will see. Thus their initial response plays an important role in



A poster from the recent campaign by the British High Commission in Islamabad to raise awareness of forced marriage. All the posters for the campaign were designed by young Pakistani art students.

determining the final outcome of the case. The new guidelines will help social workers to make the right decisions.

With the DfES we are developing an information pack for education professionals confronted by cases of forced marriage. We aim to launch the pack before the end of 2004, together with posters and leaflets outlining the help we can offer to worried students.

Talking to communities and activists dealing with the abuse is an essential part of the CLU's work. We are keen to develop positive partnerships and spread word at the grass roots about the help we can provide. Over the year members of the unit have spoken at over 30 events, including those organised by the Council of British Pakistanis, the Bradford Youth Parliament and the Newham Asian Women's Project. In addition we organised an event with over 20 children's charities to discuss how to deal with the increasing number of minors, those under the age of 18, being taken overseas for forced marriage.

We recognise the need for extensive media and publicity work if we are to reach potential victims before it is too late. Over the year we have had our work featured in more than 50 newspaper articles, television features and radio stories. These included programmes and features with BBC1's *Real Story*, *The Times*, *The Daily Mirror*, *Eastern Eye*, Qanoon TV and BBC Asia. Our High Commission in Pakistan has carried out similar efforts raising awareness of forced marriage through a high-profile exhibition and public diplomacy campaign.

We consult other countries to develop best practice in dealing with forced marriages. In June 2003 we organised a seminar attended by delegates from 11 EU countries as well as Canada, the US and Turkey. The seminar examined ways of combating the abuse and established a network for sharing best practice in the future. In the same month Narina Anwar, who works closely with the CLU and who herself escaped a forced marriage, spoke to the UN Working Group on Contemporary Forms of Slavery. She outlined her experience of forced

marriage and highlighted the work the UK generally, and the FCO more specifically, is doing to eradicate the practice.

### Child abduction

Every year hundreds of parents suffer the terrible loss of having their children abducted by a spouse or partner. As well as being extremely distressing both for the children and the parent left behind, abductions breach human rights, including the right to family life and the child's right to maintain contact with both parents. Consular Directorate's Child Abduction Unit is currently dealing with around 200 cases of international parental child abduction. The unit has expanded significantly to meet the increasing number of cases and to improve the help and advice it offers to parents.

The Hague Convention on the Civil Aspects of Child Abduction 1980 (the Hague Convention) aims to return children to their country of habitual residence for custody decisions to be made there. The UK is party to this international Convention and we recommend that, where possible, parents use this Convention in child abduction cases. The Department of Constitutional Affairs (DCA) leads on all cases that fall under the Hague Convention. In September 2003 the UK ratified the Hague Convention with seven new countries. We are continuing to work towards ratification with some other countries which have recently acceded to the Convention.

The FCO works closely with the Family Law Division of the High Court of England and Wales to engage with other states on the problem of international child abduction. In January 2003 the UK and Pakistan judiciary agreed a Judicial Protocol on Child Abduction. This landmark agreement requires judges to return abducted children to their country of habitual residence in all cases where there is an existing custody order in place there. Dame Elizabeth Butler-Sloss, the President of the Family Law Division of the High Court, other senior judiciary from the UK and FCO officials travelled to Pakistan for a follow-up conference and to publicise the Protocol in September 2003.

This visit helped to spread awareness of the Protocol and resulted in a set of guidelines to improve the way it functions.

We are still in the process of assessing the impact and success of the Protocol. We have had a number of children returned under the Protocol, including a case in which the Protocol was cited even where there was no existing court order in the UK. In this case the two children were abducted by their father to live with their grandparents. They were returned to the UK after the British High Commission and mother's lawyers made the Pakistani authorities aware of the Protocol. The Protocol is also cited in cases in which parents apply to the court for permission to take their children on holiday to Pakistan. It is used as one of a number of tools to put pressure on parents to bring children back to the UK at the end of their visit.

In another initiative to work with other states on child abduction, the FCO organised and funded an Anglo-Egyptian Child Abduction Conference in January 2003. Senior members of the UK judiciary, including Dame Elizabeth Butler-Sloss, spent two days discussing international child abduction with the Egyptian chief justice and his deputy. Officials from the FCO and DCA were also present as were a number of experienced lawyers and academics. Delegates agreed a set of broad principles which are non-binding, but which will provide a useful basis on which to work with Egypt and other Muslim countries.

The Anglo-Egyptian Conference also provided a useful lead into a multilateral conference in March 2004 organised by the Hague Conference on Private International Law. A mix of Islamic states and European states attended this conference in Malta. Delegates discussed how to help resolve problems posed by international abductions and how best to approach abduction cases between Europe and countries of the Islamic world. The conference drew up a multilateral declaration as a basis for further co-operation.

Through conferences of this sort we aim to try to engage more closely with Islamic states on child abduction issues. Improved judicial and intergovernmental understanding is crucial to our ability to help British parents whose children have been abducted to Islamic countries which have not signed up to the Hague Convention.

The FCO works with NGOs and helps to fund NGO projects which will be particularly beneficial to British nationals whose children have been abducted overseas. In August 2003 International Social Services organised a visit to Libya for parents 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. It is therefore difficult for us to help British parents in this situation. In view of this we

## Child abduction case: Pakistan

The Child Abduction Unit (CAU) in the FCO received a call from a mother whose two children were missing. She was separated from her husband and the children were living with her. During a celebratory holiday the two children, aged six and nine, were taken to visit their father for a couple of hours. When they did not return at the end of the afternoon the worried mother contacted the police and a lawyer. She later found out that the children had been taken out of the country.

For nearly a month the location of the children was unknown. It was initially believed that they had been taken to the Middle East, but eventually it was confirmed that they had travelled to Pakistan. As soon as she realised that they were missing the mother obtained court orders instructing that the children be returned to her. Unfortunately the children had already left the country, but the circumstances allowed a UK judge to rule that the case was eligible to be raised under the UK-Pakistan judicial protocol.

While details of the UK court orders were passed to the liaison judge in the UK, who in turn passed them over to the judge in Pakistan, the children's paternal grandfather travelled out to Pakistan. A case was brought in Pakistani courts for the return of the children and under the terms of the protocol an order was quickly made. The grandfather got in touch with consular staff at the British High Commission and asked for assistance in working with the local Pakistan police to enforce the court order. Our consular staff have good contacts with the local police and set up a meeting between the police and the grandfather to press police for action.

Back in the UK, the CAU liaised with Interpol and the UK police to organise an international search warrant. They remained in touch with the mother and passed any news back to her from the British High Commission in Islamabad.

The intense pressure from both Pakistani and the UK authorities resulted in the children being returned to the UK where UK police met them. After seven months, to the mother's immense happiness, she was reunited with her children and they have been restored to her care.

helped to fund the 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. We are helping to fund a similar visit in 2004.

We continue to work closely with Reunite, an NGO that specialises in helping and advising people affected by child abduction. We provide annual core funding for Reunite which runs an advice line and has organised conferences and research projects on child abduction. These initiatives provide valuable help to British nationals affected by child abduction as well as information for the FCO on how better to tailor our services to the needs of British parents and children.



A villager holds up his identity card after casting his vote at Chetanu village on the outskirts of Jaipur, India, 5 May 2004.

## HUMAN RIGHTS

## Democracy, equality and freedom

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, with a majority of the world's countries and people now enjoying democratic governance. Between 1975 and 2004, the number of democracies increased from 40 to over 120 (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.

For democracy to be meaningful and durable, it requires many things. Democracy requires free and fair elections; it needs institutions and structures to ensure equity, participation and accountability. It needs democratic mindsets and cultures, which take time to evolve – these cannot be imposed on a country and do not develop overnight. Democracy also needs respect for other human rights to provide the conditions for democracy to become embedded, and to withstand the inevitable strains of its development.

This chapter looks at what the UK has done in the past year to promote democracy and those human rights essential for genuine democracy. First, we consider our support for establishing democratic procedures for free and fair elections, including full and equal participation, the roles and responsibilities of politicians, as well as the nuts and bolts of the election process.

Next, we look at the support for equality and non-discrimination. Democracy has to be inclusive, and has to ensure respect for the human rights of all citizens. Genuine

democracy can never mean the tyranny of the majority, and every society contains minorities that are vulnerable to discrimination.

Lastly we deal with those freedoms, especially of expression and information, which are the oxygen of democracy. No genuine democracy can survive long without them.

As a mature democracy, the UK is well placed to help others to overcome the difficulties and to avoid the pitfalls in the evolution of genuine democracy. This remains an essential aspect of our aim to promote peace and prosperity in the world.

### 8.1 Democracy

There is no single, ideal model of democracy, and the international human rights treaties do not define the concept. It can take many different forms, depending on local culture, society and history. However, genuine democracies have common features, and the characteristics listed below are generally considered to be essential before democracy can be said to be genuine:

- > control over government decisions about policy 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;



A local man votes in Indonesia's first direct presidential election in the village of Aikima, in the town of Wamena, in Papua, Indonesia, July 2005.

- > 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 work to assist governments in developing formal political institutions, electoral processes, parliaments, civil society, media and political parties on a non-partisan basis. 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). (See page 82 for details about the WFD's structure.)

In **Belarus** we have been funding a programme with the European Institute for Democracy that promotes democratic opposition politics by training local councillors and parliamentary candidates from opposition parties and helping them to plan effective electoral campaigns. The programme addresses topics such as working with officials, NGOs and youth groups; fundraising; party promotion; campaigning; and candidate selection. We have received positive feedback on the rounds of training that have now completed.

**Yemen** is making strides towards full parliamentary democracy and has direct presidential and local council elections. In May

2004 parliament threatened to pass a vote of no-confidence in the government of Yemen following unanswered questions about an alleged corruption scandal. This is the first time that parliament, which is dominated by the ruling party, has exercised much political muscle. We will continue to encourage parliament to play a full role in ensuring the accountability of the executive. The EU helped sponsor a regional conference on human rights, democracy and the role of the international criminal court in January 2004. The conference produced the Sana'a declaration which sets out some clear objectives for human rights, including women's empowerment and freedom of the press (the full text is available at [www.iccnw.org](http://www.iccnw.org)). The FCO is funding a project to promote respect for human rights in Yemen more generally, including support to the ministry of human rights in monitoring and reporting under Yemen's treaty obligations.

**Serbia and Montenegro** ratified the European Convention on Human Rights (ECHR) in December 2003. The WFD has continued to fund the AIRE Centre (Advice on Individual Rights in Europe) to train local judges and lawyers on the ECHR. The centre's bulletin summarises and analyses the ECHR's decisions, further embedding European standards into the practice of law. The WFD is also supporting the Helsinki Committee for Human Rights (HCHR) in work to increase young people's awareness of basic human rights including the dangers of ultra-nationalism to democracy and European integration.

In **Bosnia and Herzegovina** the WFD is helping the NGO Global Rights to increase co-operation between NGOs and parliamentary committees. The project involves holding model public hearings with the aim of influencing legislation and opening up the process of law-making to public scrutiny.

The NGO United Women is conducting public advocacy workshops for women MPs and NGO activists in Republika Srpska. The training focuses on the implementation of Bosnia's gender equality law and on women's participation in public life. With WFD support, United Women will research the current

levels of women's representation in political parties and use the results to develop a strategy to persuade political parties and other decision-making institutions to address gender imbalances.

In Nagorny Karabakh, as in many of the former conflict zones of the Caucasus, there is no local legislation to protect the human rights of internally displaced people. The WFD is funding the Nagorny Karabakh Committee of Helsinki Initiative-92 to run workshops in six main towns that will train displaced people and refugees living in Karabakh on their legal rights so that they can take on a greater role in developing civil society.

The WFD continues to assist women in **Ghana** and is this year supporting the women's movement as part of Africa's initiative to foster greater gender sensitivity and women's participation in the New Partnership for Africa's Development (NePAD). WFD workshops in the Moyamba District of **Sierra Leone** for women and grass-roots communities helped to develop democratic rights, freedom of expression and association. The aim is to get people involved in local decision-making processes. This is also the goal of a WFD project in **Nigeria** with the human support services in Lagos State. The project is teaching advocacy and lobbying skills to marginalised communities, particularly women and young people.

In **Kenya** the WFD is funding work by the Kenyan section of the International Commission of Jurists (ICJ). The ICJ will establish a parliamentary human rights caucus and run training sessions and quarterly meetings to develop a human rights strategy. The strategy will include a human rights handbook, quarterly briefings on human rights and a parliamentary human rights audit for members of parliament. With the **Sudan** Self-Help Group, a member of the UN peace-building network, the WFD is funding a project aimed at stimulating trust and coexistence in the Upper Nile and eastern Equatorial regions. To strengthen multi-party democracy in **Malawi**, the WFD funded a project to increase people's awareness of their rights as voters in advance of the elections in May.

Through a WFD project in **Palestine**, women are learning about their rights and how to participate in the political and legislative process. The project also supports women's candidature for the forthcoming elections. The WFD is funding the Centre for the Study of Global Governance to help develop civil society in **Iraq**. The project's aim is to assist Iraqis in shaping their own future by encouraging discussions on issues such as protecting social rights, self-government and the engagement of local and national authorities.

### Elections

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. In the period of this Annual Report there have been more than 70 elections around the world. Some, such as those held in Georgia in January 2004, represented a major step forward for democracy. Others, such as those held in North Korea in August 2003, were largely meaningless. In the section below we look in detail at a few of these elections, and in particular those in emerging democracies.

**Rwanda's** presidential election on 25 August 2003 and the subsequent legislative elections were the first multi-party elections since the 1994 genocide, and were significant steps in the country's democratic development. Rwandans voted by secret ballot and the voting was well-organised, peaceful and orderly. However, international election observers criticised the degree of government control over the election process, citing the heavy presence of the Rwandan Patriotic Front at polling stations, the partisan stance of the national electoral commission and biased reporting by the state-owned media. Despite their reservations, the observers stopped short of questioning the validity of the electoral process or the result.

We have urged the Rwandan government to investigate all reports of irregularities and to publish its findings. We will continue to work with the government to open political space and develop freedom of expression and association. Foreign



A policeman runs towards a bomb blast site in Karachi, Pakistan. Assailants threw a homemade bomb at a group of policemen guarding the office of a Christian bible society.

Secretary Jack Straw raised the issues of political liberalisation and freedom of speech when he met President Kagame in January 2004 in London. We have continued to fund two on-going projects in related fields under the Human Rights Project Fund (HRPF). A local and highly-respected human rights NGO called LIPRODHOR ran one project until September 2003, training 350 of its provincial representatives on how to support grassroots human rights associations, including identifying and resolving potential problems. The second project, due to finish in September 2004, taught Rwandan staff at the national human rights commission about vulnerable groups, how to produce training guides, and case management. Commission staff are now representing people's rights more effectively and in the future they will be able to run their own training programmes.

The presidential elections in **Azerbaijan** on 15 October 2003 failed to meet international standards, despite the government's adoption of the new unified election code in May designed to meet those standards. The code included additional safeguards against fraud and was an improvement on the previous legal framework.

We supported several projects to help the Azerbaijan government prepare for the elections. We funded a scheme with the International Foundation for Electoral Systems (IFES) to train election officials; published an IFES guide to help observers monitor the elections; co-funded an OSCE long-term observer to monitor the implementation of the unified election code; and, with the Dutch government, we provided transparent mobile ballot boxes.

A large OSCE/ODIHR mission observed the election, concluding that although the electoral process was better than in previous elections, it still fell short of international standards in certain areas. The authorities had generally managed technical preparations for the elections well; however, they

failed to implement many aspects of the law in a fair, impartial or adequate manner. While voters had a genuine choice, with eight candidates registered by election day, there was widespread intimidation in the pre-election period against the opposition and journalists. The amount of coverage in the state and 'independent' media was strongly in favour of the ruling party's candidate. The counting and tabulation of the election results was seriously flawed. The mission's final report made 26 recommendations covering the legal framework, the election administration and the media.

There were violent demonstrations in central Baku immediately after the elections, in which one protester died. Following the demonstrations the police launched a crackdown on opposition activists and journalists, accusing them of inciting the violence and making widespread arrests.

The government's lack of political will was the main reason the election failed to meet international standards. The municipal elections in December 2004 are an opportunity for the government to address the shortcomings highlighted in the OSCE report and to demonstrate its commitment to democracy.

**Swaziland** held parliamentary elections on 18 October 2003 to elect 55 of the 65 members to the house of assembly. King Mswati III, Africa's last absolute monarch, appointed the remaining 10 members. The opening of parliament was delayed twice because King Mswati did not accept Marwick Khumalo, elected by his fellow parliamentarians, as speaker of the house of assembly. On 11 March 2004 Mr Khumalo stood down. The formal opening of parliament took place on 17 March. Our High Commissioner in Mbabane subsequently raised the importance of an independent legislature during a meeting with the King. Parliament elected a new speaker, Charles S'gayoyo Magongo, on 11 May. Through our High Commission we organised a seminar and workshop to encourage women to

1. Voters wait in line in the rain at the Ntfontjeng polling station in Swaziland, October 2003.



1.

2. Supporters of President Bouteflika, pictured in the poster, protest after an electoral meeting held by presidential candidate Ali Benflis, in Tissemsilt, Algeria, April 2004.



2.



An opposition protester clashes with police during riots in Baku, 16 October 2003, after Ilham Aliev was declared the winner in the presidential election.

take a more active part in the electoral process and to improve female representation in parliament. The project was a success and five of the attendees were subsequently elected to the house of assembly. Since last year Swaziland has ratified four further UN human rights conventions and has now ratified all the major UN human rights treaties. The government must now incorporate the conventions into current domestic legislation.

In the **Algerian** presidential election on 8 April 2004 President Bouteflika received 85 per cent of the vote and was re-elected for a second five-year term. He has set out his agenda, which will focus again on security and national reconciliation and tackle domestic, social and economic problems.

Over 100 international observers monitored the elections. They included observers from the African Union, the European Parliament and the OSCE. Neither the UK, nor the EU, sent monitors. OSCE co-ordinator Bruce George MP said the OSCE's small monitoring team observed no obvious fraud, and that the election, while not perfect, was excellent by regional standards and that it is "pretty clear" the results reflected the views of the Algerian people. The opposition, however, claimed that there had been "massive fraud" in the elections.

In April and May 2004, **India** voted on four main polling days in the largest democratic elections in history. The polling was entirely by electronic voting, itself a technical and logistical triumph. The elections were demonstrably free and fair. By Indian standards the turnout was average (between 57-58 per cent of an electorate of nearly 670 million). Polling violence was low and communal tensions were not a significant feature. In a surprise to almost all commentators, the alliance led by the Congress party defeated the ruling BJP-led coalition government. The transfer of power was smooth and peaceful.

**Equatorial Guinea** is nominally a multi-party democracy with a very poor history of respect for human rights. But twelve of the 13 registered opposition parties are members of the ruling coalition, which means that there is almost no effective political

opposition. Power is almost entirely concentrated in the hands of President Obiang and the judiciary and legislature are subject to presidential control.

Equatorial Guinea held municipal and legislative elections on 25 April 2004. The ruling party, Partido Democratico de Guinea Ecuatorial, secured 98 out of the 100 seats in parliament and 237 out of 244 councillor positions. We recognise some limited steps towards a transition to democracy. But the opposition were not adequately represented and the elections failed to produce a parliament reflecting Equatorial Guinea's political diversity.

The UK sent an observer to Bioko Island. Most of the polling stations our observer visited had posted voter and candidate registers, voting was done in secret and voters were fingerprinted with indelible ink once they had voted. The government had provided polling station officials with a comprehensive guide to the voting and counting process. Equatorial Guinea operates a first-past-the-post system. Our observer witnessed no pressure on voters from ruling party officials or security personnel. The UK provided 2,500 transparent ballot boxes with security tags to prevent people from stuffing ballot boxes and to make vote casting more transparent.

National and international observers (including opposition representatives) generally considered these elections an improvement on previous elections. But there were still many irregularities. There were more votes than registered voters. Observers noted more electoral irregularities on the mainland than on Bioko Island.

### **Election monitoring**

Election monitoring plays a major role in developing democracy as it verifies that governments are meeting basic conditions for free and fair elections. Election monitoring is carried out before, during and after an election. The aim of the election observation mission is to discourage fraud and voter intimidation, and to increase the confidence of the electorate.



Prime Minister Tony Blair shows Mikhail Saakashvili, the President of Georgia, into his London residence at 10 Downing Street for a meeting on 13 July 2004.

To achieve this, the mission needs 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 vote counting processes. The election observers will only decide whether an election is free and fair once they have assessed the whole period.

The UK participates in international observation efforts organised by the EU, the OSCE, the UN, the Commonwealth and other groups. We frequently lend technical and administrative expertise to the organisers of these observation missions, as well as sending UK observers.

The EU or the OSCE send observation missions to a country when invited to do so. We aim to provide 10 per cent of all staff members of election observation missions organised by the Office for Democratic Institutions and Human Rights (ODIHR) in the OSCE region.

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. The jointly-produced FCO and DFID guide for observers *Elections and the Electoral Process: a Guide to Assistance* helps Embassies and election monitoring teams decide whether to offer assistance to a government running an election and what type of mission to offer. We are updating the guide but a version is available from the publications section of the DFID website at: [www.dfid.gov.uk](http://www.dfid.gov.uk)

In addition to international monitoring missions, or sometimes in place of them, our staff at Embassies and High Commissions may carry out their own election observations in the absence of an official EU or OSCE presence. Between July 2003 and July 2004 the UK supported election observation in 19 different countries by providing international observers, as set out in the table (see next page).

The UK has contributed to several ODIHR election projects this year aimed at improving governance and the democratic process in the OSCE area. These vary from looking specifically at electoral legislation in the region to large-scale training of election officials in Georgia.

The UK also provided significant funds for observers from Central and Eastern Europe and former Soviet Union countries to attend ODIHR election observation missions. This makes sure that election observers come from a variety of backgrounds and gives them a unique learning experience to take back to their own countries.

The seriously flawed parliamentary elections in **Georgia** on 2 November 2003 provided the catalyst for significant change. The OSCE observer mission, led by Bruce George MP, was highly critical of both the electoral process and the results that the Georgian authorities declared. Following massive, peaceful street demonstrations the former president Eduard Shevardnadze resigned on 23 November and fresh presidential and parliamentary elections took place in January and March 2004 respectively. The opposition leader Mikhail Saakashvili was elected President of Georgia and his National Movement Party gained control of parliament, giving him a strong mandate to bring about reform.

The UK committed £500,000 to the electoral process in Georgia. This funded UK election experts and observers for the OSCE/ODIHR election observation missions and also helped finance the Georgia election assistance programme to computerise the voter register, train election officials and update election guidelines. (See page 111 for details of UK secondments to the OSCE in Georgia.)

The effect of the OSCE and donor states' contributions is clear in the OSCE's statement after the March parliamentary elections: "The Georgian authorities have seized the opportunity, since the 4 January presidential elections, to further bring Georgia's election process in closer alignment with

Date	Country	Election	UK Observers	Mission
July 2003	Cambodia	Parliament	1 HOM 2 LTOs 8 STOs	EU
August 2003	Rwanda	Presidential/Parliament	-	EU
September 2003	Guatemala	General	-	EU
October 2003	Azerbaijan	Presidential	1 Core 2 LTOs 50 STOs	ODIHR
October 2003	Albania	Local	1 Core 1 LTO 25 STOs	ODIHR
November 2003	Croatia	Parliament	1 LTO	ODIHR
November 2003	Serbia	Presidential	1 LTO 15 STOs	ODIHR
November 2003	Mozambique	Municipal	2 LTOs	EU
November 2003	Georgia	Parliament	2 Core 2 LTOs 40 STOs	ODIHR
December 2003	Serbia	Parliament	1 LTO 20 STOs	ODIHR
December 2003	Russia	Parliament	1 Core 3 LTOs 40 STOs	ODIHR
January 2004	Georgia	Presidential	4 LTOs 45 STOs	ODIHR
March 2004	Georgia	Parliament 2nd Round	4 LTOs 45 STOs	ODIHR
March 2004	Russia	Presidential	2 Core 3 LTOs 40 STOs	ODIHR
April 2004	Macedonia	Presidential (2 rounds)	2 Core 2 LTOs 25 STOs	ODIHR
April 2004	Sri Lanka	Presidential/Parliament	2 LTOs 4 STOs	EU
April and July 2004	Indonesia	Presidential/Parliament	1 HOM 2 Core 6 LTOs 11 STOs	EU
May 2004	Malawi	Presidential/ Parliament/Local	1 LTO 3 STOs	EU
June 2004	Serbia	Presidential	1 LTO	ODIHR
<b>Key:</b> <b>HOM – Head of Mission</b> <b>Core</b> – core team members are experts seconded by the ODIHR who stay in country for 8-10 weeks surrounding the election looking at aspects such as the legislation and media. <b>LTOs</b> – long-term observers form the basis of organising the election monitoring. LTOs stay in country up to four weeks before the election. <b>STOs</b> – short-term observers form the bulk of the observation mission and are seconded to the country for a week surrounding the election.				

European standards for democratic elections, including OSCE commitments and Council of Europe standards.”

A new Duma was chosen on 7 December 2003 in **Russia**, in an election which the OSCE described as technically well-managed but marred by numerous deficiencies. The OSCE election observation mission noted in its report that: “the main

countrywide state broadcasters displayed favouritism towards United Russia (the main pro-Putin Party) and, in doing so, failed to meet their legal obligation to provide equal treatment to electoral participants". They also highlighted the widespread misuse of administrative resources by pro-government parties and candidates. In addition, the OSCE reported that 14 per cent of polling stations observed failed to provide certified copies of the results to observers. This lack of transparency removed an important check on the accuracy of the election results. Claims by the communist party that the final result was distorted were not investigated. Regional elections in 2003 were also marked by a perceptible increase in Kremlin involvement, with non-Kremlin backed candidates winning on rare occasions. Some regional elections raised strong suspicions of fraud.

There were also concerns following the presidential elections in March 2004. The preliminary report of the OSCE election observation mission, issued on 15 March, was again critical.

### Parliamentary elections in Sri Lanka

President Kumaratunga of **Sri Lanka** dissolved parliament and on 7 February called snap elections for 2 April 2004. The Election Commissioner invited the EU on 9 February to observe the elections.

In presenting the EU Election Observation Mission preliminary report on the 2004 general elections in Sri Lanka, EU Chief Observer John Cushnahan noted that the level of violence was considerably lower than during the two previous elections. However, there were five election-related murders and 15 attempted murders during the campaign. Violence has no place in elections in a democratic country. The 70 EU election observers concluded that:

- > the level of violence, although reduced, was unacceptably high;
- > the election administration acted professionally and impartially;
- > not all political parties were able to campaign freely in all parts of the country;
- > abuse of state resources was less than during previous elections;
- > there was unequal access to the media;
- > problems arose from shortcomings in the voter registration process;
- > policing was more impartial than in previous elections; and
- > polling day and the count were concluded satisfactorily except for problems in Kurunegala, Digamadulla, and certain cluster polling stations.

It said that the presidential elections, *inter alia*, "lacked elements of a genuine democratic contest and failed to meet an important commitment concerning treatment by the state-controlled media on a non-discriminatory basis". It recorded problems at a quarter of the election counts it observed as well as "misuse of official position and even cases of intimidation" as the authorities sought to ensure a high turnout.

Following the third set of failed **Serbian** presidential elections in December 2003 due to insufficient turnout, the ODIHR worked with the Serbian authorities to amend their electoral legislation. This removed the 50 per cent minimum turnout requirement and enabled more citizens to vote (including those abroad), through mobile balloting. These positive changes should avoid repeat elections and increase public confidence in electoral processes. At the fourth attempt, a new Serbian president was successfully elected in June 2004. The elections were "conducted essentially in line with OSCE commitments and Council of Europe standards for democratic elections".

The presidential elections in **Macedonia** were called at short notice on 14 and 28 April after President Boris Trajkovski died in an air accident. The deployment of two strong missions – one for each round – showed that the ODIHR can respond effectively at short notice. The elections largely passed peacefully and reflected the improved political and security situation in Macedonia.

The parliamentary election in **Indonesia** on 5 April 2004 was one of the biggest and most complex electoral events ever organised in one day. The EU observation mission gave a positive assessment, saying that it was peaceful and democratic, although observation was restricted in some provinces still under martial law. International observers judged the first round of the presidential elections, on 5 July, to have been well run. The second and final round for the presidency will be held on the 21 September, and is almost certain to be between current incumbent President Megawati and her former minister, Yudhoyono.

In **Sri Lanka** the parliamentary elections on 3 April 2004 were less violent than the previous elections in 2002, although the EU mission judged the levels of violence to be unacceptable in a democratic election. While the polling day was peaceful, there were several serious incidents in the run-up to the day and an uprising within the Tamil Tigers which caused conflict in the weeks after the election (see separate box for more details).

The presidential and parliamentary elections in **Malawi** on 18 May were generally free, transparent and peaceful, although EU and Commonwealth observers were critical of government abuse of the media and state resources during the campaign

## Preparing for the presidential elections in Ukraine

Presidential elections in Ukraine are scheduled for 31 October 2004.

The right to vote and to be elected is a basic human right and a free and fair Ukrainian presidential election is a priority for the FCO. The OSCE's assessment of the conduct of the campaign and elections will be a measure of Ukraine's progress towards European democratic standards since independence in 1991. It will also test the country's readiness for closer relationships with the EU and NATO.

We are concerned about the likely levels of state interference in the conduct of the elections. In addition, the Ukrainian people generally have a low level of political awareness and participation in political events. We have been funding a range of projects over the past 18 months to improve people's awareness of the elections and help Ukraine prepare for the elections.

The lack of investigative journalism was considered a severe shortcoming in the 2002 parliamentary elections in Ukraine.

The 2004 elections will again challenge regional journalists in objectivity and impartiality as they report on the elections and expose violations and fraud. It is critical to provide training in investigative methods to regional journalists as the election campaign progresses. Working with Ukraine—Internews in 2003, we funded a project in four regions that trained a generation of journalists in covering elections. The five-day programmes ran in Ternopil, Luhansk, Odessa and Dnipropetrovsk. The training covered investigative methods, personal safety, legal information and research and interview techniques. On the final day there were round-table discussions with local officials, NGOs and other media representatives on the benefits of independent media to the cities' economic growth and prosperity.

We have been strengthening the quality of opposition election campaigns through a project run in partnership with the European Institute for Democracy (EID). The EID was founded in 1997 to promote democracy in Poland as well as in other post-communist countries. The EID is strictly non-partisan and works with all political parties and NGOs. In summer 2003 we arranged for 16 key

Ukrainian election workers to travel to Poland to attend training sessions on campaign organisation, communications, media and publicity. The EID organised the programme, which included meeting Polish presidential candidates' campaign teams and visits to parties' headquarters. We are funding the EID to implement another project to train 200 election team members over one year. The sessions stress the necessity of fair and democratic as well as ways of countering non-democratic campaign issues that may arise. The Ukrainian team members learned about a wide range of campaign techniques; project activities included observing European Parliament elections and developing working relationships with Polish election experts. We have further supported Ukrainian election campaign teams by funding EID training on ballot rigging. In a six-day training course in January 2004, opposition activists learned to identify and counteract ballot rigging and electoral fraud. In the concluding session, participants drew up action plans for disseminating their training to 150,000 party workers nationwide.

Independent public election monitoring is essential for verifying whether elections are fair and held in accordance with international standards. The Committee of Voters of Ukraine (CVU) is an NGO with branches in Kiev, in all 25 oblasts and in 170 regional towns. The CVU's tasks are to assist in developing democratic civil society in Ukraine, to protect voters' rights and to ensure free and fair elections. Since 1994, the CVU has organised public observation of all Ukraine's local and national elections. For the presidential elections in October, the CVU has a significant number of new volunteers who urgently need to acquire the relevant knowledge and skills in order to become effective independent observers. We are therefore funding the CVU to conduct 200 training programmes for volunteers, a course for trainers, a final conference and at least 28 press conferences. Through this work, the CVU will inform 10,000 volunteer-observers about ways of preventing election violations and how to protect electoral rights of voters. This project complements the work of international observers and the OSCE and will have a longer-term impact on the electoral process and developments of democracy and civil society in Ukraine.

period, and of the thoroughness of the voter registration process in advance of the election.

Information about becoming an election observer is available at the OSCE section of the FCO website: [www.fco.gov.uk](http://www.fco.gov.uk) or the Europa website: [www.europa.eu.int](http://www.europa.eu.int) (EU election assistance and observation). Please note that 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.

## 8.2 Equality and discrimination

Equality and non-discrimination are essential to the full enjoyment of human rights. Vulnerable, marginal, disadvantaged and socially excluded individuals and groups often suffer disproportionately from human rights violations.

This can take many forms, ranging 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.

In Chapter 9 we look at some of the forms of discrimination practised against women around the world. In this section we begin by looking at racial discrimination and focus on the situation in Russia, before examining anti-Semitism within the OSCE and our on-going work on Holocaust education, remembrance and research. We then go on to look at minority rights, and in particular we highlight the on-going difficulties faced by the Roma community in the EU. Finally, we look at the action we are taking in UN human rights fora on sexual orientation and disability rights.

## Democracy and governance in the Gulf states

We support the reform programme initiated by the King of **Bahrain**, addressing many of the issues previously marring Bahrain's human rights record. In 2001 a referendum gave overwhelming support for the King's national action charter, which transformed Bahrain into a constitutional monarchy. In early 2004 the elected chamber of deputies demonstrated genuine political freedom when it challenged the finance minister over alleged malpractice in the administration of pensions. Women are allowed to vote and stand for election, although none was elected to the chamber of deputies at the general election in 2002. We continue to co-operate closely with Bahraini parliamentarians. In July 2003 the FCO funded a visit to the UK by the Bahraini speaker and in March 2004 we funded an exploratory mission to Bahrain by the WFD, including two British MPs. We also support the Bahrain youth parliament and arranged a workshop in Bahrain chaired by a visiting delegation from the British youth parliament.

In **Qatar** the government has expressed its commitment to developing democracy, and urged reform on colleagues in the Gulf Co-operation Council and Arab League. The Qatari constitution, which paves the way for elections to a 45-member legislative council, was introduced in 2003 and approved by over 96 per cent in a referendum. The

constitution received Amiri approval in June 2004 and is to be published in the official gazette in June 2005. During the intervening 12-month period, the government will prepare the legal environment for the enactment of the constitution. Elections will not take place until this process has been completed. Two-thirds of the council will be elected and Qataris of both sexes, over the age of 18, will be able to vote and stand as candidates. There are currently no political parties in Qatar. The government has indicated that it expects candidates for the parliament to be based on family and tribal affiliations, at least in the early stages.

**Kuwait's** national assembly is a 50-member legislative with powers to question ministers and initiate, amend or reject legislation. National elections are held every four years, but only Kuwaiti men over the age of 21 with long-established residency links are allowed to vote. We have continued to lobby in favour of an extension of the franchise to women and were pleased that in early 2004 the government reintroduced proposals to grant women the rights to vote and stand in elections. We hope to see early progress on these issues. A delegation of MPs from the House of Commons UK-Kuwait Friendship Committee visited Kuwait in May 2004.

### 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. States parties to this convention 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.

The UK was examined on its 16th and 17th reports to the Committee on the Elimination of Racial Discrimination in August 2003. The committee welcomed the Race Relations Act (Amendment) Regulations of 2003 which widened the definition of indirect discrimination and shifted the burden of proof from the victim to the alleged offender. The committee also praised the UK's establishment of a community cohesion unit within the Home Office and the National Asylum Support Service, as well as efforts to improve the police complaints systems and to tackle racial hatred through the justice system. The UK is now reviewing policy in those areas where the committee had some concerns.

We are continuing our work on the follow-up to the 2001 UN World Conference Against Racism (WCAR). The UK has reviewed its policy and is now participating fully in the Inter-Governmental Working Group which is examining complementary standards and the mandates of other follow-up activities. Progress remains slow largely because some delegations try to focus exclusively on racism in the west.

We believe that racism is a problem in many countries around the world and that national and regional action is essential to tackle contemporary racism and promote fair and inclusive societies. We will continue to promote existing international standards, such as CERD, as important elements of this action.

We work with the Council of Europe and the EU to support the European Commission Against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EUMC). We also participate in anti-racism initiatives organised by the OSCE. Over the past 12 months, British experts attended two OSCE conferences on anti-Semitism and on racism, xenophobia and intolerance in order to share best practice and to promote the UK's view that one of the best ways to counter anti-Semitism is by encouraging dialogue between different racial and religious communities.

We are concerned at the increasing reports by NGOs and in the media of prejudice and violence in **Russia** against people of African and Asian origin and people from the Caucasus. There are reports of attacks on students and foreign residents, with Asian and African students particularly at risk. Police harassment is reportedly widespread, through document checks, arbitrary arrests and beatings. Prosecutors and the police are often reluctant to accept that attacks are racially motivated and qualify them as hooliganism. In November 2003 a group of 30 people attacked students from the Peoples' Friendship University in Moscow, badly injuring several from Jamaica and Colombia. The police arrested nine young men, but only charged two – with hooliganism.



US Secretary of State Colin Powell, left, and German Foreign Minister Joschka Fischer, at the OSCE's Conference on Anti-Semitism, in Berlin, 28 April 2004.

The growth of extremist neo-Nazi or 'skinhead' organisations is another worrying development. A report by the Moscow bureau for human rights at the end of 2003 estimated that there were 50,000 skinheads across Russia, concentrated in larger cities such as Moscow, St Petersburg and Yekaterinburg. In September 2003 a group of skinheads in St Petersburg killed a five-year-old Tajik gypsy girl by beating her to death. This was only one of at least nine similar incidents in the city in 2003.

A law on extremism came into force in July 2002 banning extremist groups and literature as well as Nazi and similar symbols. However, the law is vaguely drafted and Pavel Krashenninikov, chair of the Duma committee on legislation, admitted that there had only been a few criminal cases dealing with extremist associations and that further amendments to the law might be necessary. The main anti-organised crime directorate noted in January 2004 that the police had registered 150 extremism-related crimes in 2003, of which 113 had been solved. The Russian press ministry said it had issued warnings to at least 50 media outlets in 2003 for publishing material offensive to ethnic minorities.

To tackle some of the issues around discrimination in Russia, we assisted regional NGOs in representing ethnic minorities in the regions in a one-year project. We are co-funding another ambitious project to bring ethnic minority NGOs and the

police together to develop strategies for tackling racism and discrimination. We brought police and ethnic minority representatives to the UK to demonstrate best UK practice in community policing. As a result of this project we are witnessing encouraging signs of dialogue between law enforcement officers and ethnic minority communities. A further project, started in 2003, will provide legal support and take on strategic litigation to protect the rights of the Roma community.

The second OSCE conference on anti-Semitism took place on 28-29 April 2004 in Berlin (the first conference was held in Vienna in June 2003). The delegates included representatives of all 55 OSCE states, NGOs and leading figures from the Jewish community. German President Rau opened the event; US Secretary of State Colin Powell and foreign ministers from Spain, Germany and Ireland gave speeches. Foreign Office Minister Bill Rammell led the UK delegation, which included officials from the FCO, the Home Office and Lord Greville Janner, the Vice-President of the World Jewish Congress. The FCO supported the attendance of Dr Richard Stone from the Runnymede Trust and the Jewish Council for Racial Equality. During the two-day conference, delegates debated anti-Semitism in the OSCE region and beyond examining how legislative and institutional mechanisms, civil society, education and the media can help to combat it. The conference ended



Members of a Dalit family walk in their village Jankinagar in Uttar Pradesh state, India, in April 2004. Groups campaigning for dalits and other lower castes supported the 12-party alliance that won the election.

with a declaration on anti-Semitism in which countries made commitments to do more to combat anti-Semitism through law enforcement and education. In his speech, Mr Rammell particularly condemned hate propaganda, neo-Nazi websites in the US, the circulation of anti-Semitic printed material in Russia and broadcasts from, and educational material in, some Middle

### Indigenous people

The UK believes that all indigenous people are entitled to full respect of their individual human rights and we support efforts to protect and promote these rights around the world.

We do not think that granting new collective rights to indigenous people is the best way to protect and promote their rights as individuals.

With the exception of the right to self-determination (which forms article one of the two international covenants on human rights), we do not accept the concept of collective rights. Human rights obligations negotiated and developed over the last half century require states to treat individuals, rather than groups of people, in accordance with international standards. We believe that if states with indigenous communities ratify and implement the six most important UN human rights treaties, they can do more to improve the human rights of indigenous people than by creating new collective rights. Of course certain rights belonging to individuals can often be exercised collectively through, for example, freedom of association, freedom of religion or through a collective title to property.

The UK participates in discussions on indigenous people within the UN, including the open-ended intersessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous

people. We participated in the second session of the forum which held sessions on indigenous children and youth, the environment, economic and social development, health, human rights, culture and education. We support the current Economic and Social Council (ECOSOC) review of UN mechanisms dealing with indigenous issues.

The key is that indigenous people should be able to realise their individual rights and participate effectively in decision-making processes, particularly on issues concerning land and resources. The FCO has funded projects to support and promote the rights of indigenous people. This has included financing the NGO Minority Rights Group to help minority and indigenous groups participate effectively at the UN. DFID is committed to working in support of indigenous people. In particular, it provides support to the Inter-American Development Bank's Indigenous Strategy and Funds programmes in Latin America that target indigenous groups. The UK is also a major contributor to the European Initiative for Democracy and Human Rights (EIDHR – see page 97 for more details), which has provided extensive funding for project work with indigenous communities that promotes their views and voices, helps information exchange and improves communication.

East countries. He emphasised that: "All governments have a duty to combat these phenomena. We all have a responsibility to tackle these incidents together, within communities and with other states. It is important that anti-Semitism is not only fought by Jews just as for example Islamophobia is not only fought by Muslims. Inter-community dialogue is an important element in tackling anti-Semitism and condemning violence and terrorism".

The UK has continued to work within the Task Force for International Co-operation on Holocaust Education, Remembrance and Research. The UK's three-year liaison relationship with Lithuania ended in 2003 following a series of successful educational, research and remembrance projects funded by Task Force resources. Lithuania will continue to receive Task Force funding for new projects and the UK partnership will be implemented on an informal basis to continue building on the significant progress Lithuania has made during the past three years.

Since October 2003, the UK has also co-chaired with Austria a new liaison relationship with the Ukraine. There has already been some engagement at NGO level. The London Jewish Cultural Centre and the All-Ukrainian Research and Educational Centre for Jewish History and Culture have delivered teacher training seminars on Holocaust education. Our priority for 2004 is to engage the Ukrainian government on policy around the Holocaust.

### Minority rights

Protecting people belonging to minorities is an important part of UK human rights policy. 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.

We work closely with the leading NGO Minority Rights Group on practical projects to promote and protect minority rights. In 2004 we are funding two important projects: one to raise awareness and mainstream minority rights in UN human rights treaty bodies, and the second to support partners in bringing precedent-setting legal cases to international courts and quasi-judicial bodies, challenging instances of minority rights abuses and establishing positive precedents.

We also continue to work with the OSCE's High Commissioner for National Minorities, Rolf Ekeus. In 2003 we supported a project researching inter-ethnic relations in Samtskhe-Javakheti in Georgia in order to provide early warning of potential

conflict. The project team monitored media reports and trained local press and television journalists on reporting in a balanced and non-partisan way. This year we are funding similar activities in south **Kyrgyzstan** and **Kazakhstan**.

Discrimination based on caste remains a problem in many parts of **India** despite being outlawed under the Indian constitution. Dalits – formerly 'untouchables' but now known as 'scheduled castes' – make up 16 per cent of India's population. The Indian constitution reserves a proportional number of seats in both union and state assemblies for scheduled castes. However, Dalits remain among the most disadvantaged and vulnerable of Indians. They have little access to public services including education, health and legal protection, and are often relegated to separate villages, temples, and low-paying and hazardous jobs.

We welcome the work of many international Dalits' rights organisations to end caste discrimination. Foreign Office Minister Mike O'Brien raised Dalits' welfare in his meeting in New Delhi with the then deputy prime minister L K Advani on 6 January 2004.

We have long been alarmed about the continuing allegations of human rights abuses against minority communities in **Bangladesh**. On 26 August 2003, in Mahalchari (Chittagong Hill Tracts), mobs attacked nine tribal villages over a seven-hour period, looting and setting fire to properties, destroying crops, stealing farm animals and attacking and injuring the villagers. One adult and a child were killed and the mobs destroyed the homes of over 300 indigenous families. The UK provided funding to UNDP which led the rehabilitation effort and at the UK's suggestion the EU heads of mission made a high-profile visit to the area in March 2004. The delegation highlighted international concerns about the issue and we urge the Bangladesh government to investigate all human rights abuses and bring those responsible to justice.

Nearly two-thirds of the world's 12 million Roma now live in the EU, following the accession of 10 countries to the EU on 1 May 2004. The largest populations live in the Czech Republic, Hungary, Poland and Slovakia (see page 99 for details of Roma rights in Romania and Bulgaria). The Copenhagen European Council agreed the protection of minority rights as one of the EU accession criteria. The EU, OSCE and Council of Europe are all actively involved in Roma issues.

The UK, alongside the EC, has closely monitored progress on Roma issues in recent years. We have found no evidence of systematic or officially sanctioned discrimination against Roma; however, individual Roma may experience prejudice and discrimination in their daily lives. The EC Monitoring Report on preparations for EU membership, published in November 2003,

suggested further measures to address discrimination against Roma in education, housing and employment. It is essential that the governments of the new member states continue to implement the EU's anti-discrimination directives effectively. Our Embassies are working closely with governments and NGOs across the region to support this process.

Segregation reinforces the exclusion and deprivation of Roma. We have tackled segregated education in **Hungary** by supporting a project by the Budapest-based European Roma Rights Centre (ERRC) that brought together national and local authorities, NGO groups, educational experts, parents and teachers. They looked at how to integrate Roma schoolchildren into mainstream education and break the cycle of segregation. We worked with the ERRC on developing a training handbook on human rights for Roma activists to use in community-based education. Also this year, with the minorities' broadcasting section of the state television MTV, we reviewed the portrayal of Roma in Hungary's media, and the role of minority broadcasting. This review is part of a national campaign to counter the negative prejudices that most people have towards the Roma by showing positive images of Roma achievements and by encouraging talented Roma programmers. Finally, our Embassy has been helping to improve relations between the police and Roma. We funded two Hungarian police officers to attend a course in the UK on policing ethnic minorities. The UK trainers paid a return visit to Hungary, helping to set up a Roma police officers' association. A member of the newly-formed association attended a UK conference on relations between police and gypsies and travellers, with a view to building a pan-European network of best practice.

We encouraged the authorities in the **Czech Republic** to tackle discrimination by funding a project to improve relations between the police and Roma. This has had a positive effect: the authorities are now introducing courses on minority issues into core police training and there are now eight qualified trainers. We also arranged a high-level study visit to the UK by Czechs to look at policing in a minority community. This led to a seminar in the senate and to the government establishing a national strategy on policing minorities.

In **Slovakia**, we are challenging the abuse of Roma housing rights by working with Roma activists and communities on a programme of research, litigation of key cases, advocacy and training. The project comes under the umbrella of a larger regional project – Anti-Discrimination Legislation: training and advocacy in Central and Eastern Europe. This provides training on anti-discrimination instruments for policy-makers, lawyers, judges and human rights NGOs. The project team also assisted with the implementation of the new legislation. Under the UK-Slovak Action Plan we have co-funded a project with the

Slovak ministry of health to train Roma women to work as paediatricians' assistants. This will improve access to health care for Roma communities in the Banska Bystrica region. Through the Global Conflict Prevention Pool we funded two other projects to break down barriers in communication between Slovak police and Roma, and promote cultural diversity through education.

The UK has established a task force within **Poland's** interior ministry to advise on Roma issues. The task force combines Polish and British expertise and will work on implementing Poland's national plan for Roma. Unfortunately, the Polish government has cut funding for the plan by 50 per cent this year but the project will continue. The task force will help Poland apply for EU funding for work with Roma, share expertise in minority rights issues, and provide training for Roma communities. We are also supporting the Young Roma Business Academy, where Roma can gain skills that will help them find jobs. A successful project on youth mentoring has encouraged more integration between Poles and Roma and increased the numbers of young Roma going into further education. It is important to encourage Roma to vote and participate in elections and to this end we are funding a project in five areas in Poland. In the Nowy Sacz region, we saw Roma participation increase by 30 per cent and an unprecedented number of Roma leaders also ran for election, although none was successful. We have also been working to improve standards of housing for Roma. We funded training for 40 local government officers in dealing with Roma issues and implementing a Roma housing programme. This scheme brought a substantial increase in funding for housing from central government.

### Sexual orientation

International human rights law prohibits discrimination against people on the grounds of sexual orientation. 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, his home and correspondence. On 26 June 2003 the US supreme court in the case of *Lawrence v Texas* reversed its previous position and declared that the due process clause in the constitution prevented states from making private sexual conduct between homosexuals a crime. In doing so, it expressly followed the jurisprudence of the European Court of Human

Rights – the first time it has ever done so. The judgement had the effect of making such laws unconstitutional in 13 US states.

In December 2003 the UK 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. This implements the 2000 European Directive outlawing discrimination in employment and vocational training. The draft EU Constitution, agreed by member states in June 2004, will also prohibit discrimination based on sexual orientation, if the treaty is ratified in the next two years.

This year the **Brazilian** government again tabled a resolution on non-discrimination on the grounds of sexual orientation at the Commission on Human Rights (CHR). The resolution 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. But, disappointingly, the Brazilians suspended consideration of the resolution before it could be debated. They said that although they remained fully committed to the initiative and attached great importance to its objectives, they had not achieved enough support to ensure its integrity. They hope to table the resolution again in 2005. On behalf of all current EU member states, except Italy and some accession countries, we made a statement affirming the UK's support for the principles contained in the resolution and underlining our belief that consideration by CHR of non-discrimination on the grounds of sexual orientation was a step towards recognising that people's enjoyment of human rights and fundamental freedoms should not be hindered in any way on the grounds of sexual orientation. The statement also acknowledged the role of civil society in raising the profile of this issue.

Before the CHR meeting in April, we held meetings in London and Geneva with NGOs to discuss the resolution on sexual orientation. NGOs represented included Human Rights Watch, Amnesty International, Stonewall, the International Lesbian and Gay Association and the International Research Centre on Social Minorities (IRCSM). We also funded a panel at CHR on the persecution of sexual minorities, organised by the IRCSM. This was the first such panel and brought together the UN Special Rapporteurs on Violence Against Women and on Extrajudicial, Summary and Arbitrary Executions with victims to debate the issue and to discuss human rights protection for sexual minorities. In addition to our work at CHR, we funded IRCSM to run another project investigating violations of the rights of sexual minorities in Uzbekistan and preparing briefings for the UN treaty monitoring bodies which are considering country reports by the Uzbekistan government in

2004. The rights of sexual minorities in Uzbekistan have been particularly prominent following the recent case of Ruslan Sharipov, an independent journalist jailed for sexual offences (see page 39 for more details). In his February 2003 report to the CHR, the UN Special Rapporteur on Torture, Theo Van Boven, highlighted allegations that the Uzbek government had tortured and abused members of sexual minorities.

We recognise that many governments do not share our views on this issue, but we will continue to advocate for this minority.

### Disability rights

In last year's Annual Report we highlighted the agreement at the UN to draft a new UN Convention to protect the human rights of people with disabilities. In June 2003 the UN established a working group to prepare a draft text for member states and observers to negotiate in 2004.

The working group met at the UN in New York from 5-16 January 2004. It comprised representatives from governments, NGOs and national human rights organisations. The group held 20 formal meetings and many informal consultations. The UK welcomes the draft text and we played a positive role in this year's two sessions of the *ad hoc* committee in May-June and August-September. We hope a new convention will influence international opinion on the rights of disabled people over coming years.

We support the involvement of NGOs in the convention process. The UK Department for Work and Pensions (DWP) has contributed approximately £30,000 to the UN Voluntary Fund which will enable NGOs from developing countries to participate at future *ad hoc* committees on the Disability Convention. The UK's delegation to the two *ad hoc* committees during 2004 again included Richard Light. Mr Light is director of the disability NGO DAART and helped to prepare the UK's position on the convention. The DWP continues to meet with other UK NGOs and the FCO to exchange ideas on the future convention.

The UK supports work to empower disabled people. The media is an important partner in addressing discrimination, prejudice and ignorance, and in ending stereotypical portrayals of people with disabilities. NGOs also play a vital role in developing society's understanding of issues that are as diverse as the impact of landmines, the importance of educating disabled children, and the need for information and communications technologies to empower disabled people.

We can support disabled people by helping them to influence public policy. In **Bosnia**, the WFD is funding the Forum for Democratic Alternatives to train a network of 18 citizens'

associations representing socially marginalised people with disabilities. Through this training, people are learning how to get hold of information on government disability policy, how to monitor and influence policy, and how to improve public awareness of citizens' associations.

Discrimination against people with disabilities in **Romania** is widespread and the public perception of disabled people remains negative. Although Romania's constitution gives equal opportunities to people with disabilities, the reality is that their rights are severely restricted because of their lack of access to public places, education and employment. Some legislation exists to prevent discrimination in the workplace and some firms are now attempting to hire people with disabilities. We are trying to improve the situation. DFID is funding the national organisation of disabled people in Romania to establish a network of lobbyists on the specific needs of youth and women with disabilities. The Lamont centre in Cluj and the British Council are organising a conference on disability: Think Globally, Act Locally: working with the disabled community towards a more inclusive society. The conference's aim is to increase awareness of human rights and opportunities for people with disabilities and create a network of disability organisations in Central and Eastern European countries.

We are also concerned about **Bulgaria's** disabled children and adults. The ministry of social policy has passed an equal opportunities package for people with disabilities. This includes the law on integration of disabled people that awaits a second reading in parliament; the strategy and the action plan for equal opportunities of the disabled for 2003-2005; and the action plan for employment of disabled people. Yet disabled people's access to public services, social life and employment remains virtually non-existent, even in larger towns.

We are helping to integrate disabled and Roma children into mainstream education and reduce negative stereotyping against marginalised groups in a three-year project that began in 2004. We are working with the UK-based NGO Save the Children UK to make sure the project fits into the framework of the government's de-institutionalisation plan that was passed in 2003. The British Council is also working in Bulgaria on designing a structure for young disabled people that will enable them to develop and deliver their own projects and help their integration into the communities in which they live. The British Council is working on this project with the Centre for Independent Life Bulgaria, the International Disability Equality Agency UK and UNDP Chitalishta (culture and community centres).

In **Lithuania**, the British Council sponsored the conference Changing Attitudes: stigma and social inclusion which was devoted to the European Year of Disabled People (see box).

## European Year of Disabled People 2003

In the UK we celebrated the European Year of Disabled People (EYDP) by financing 170 innovative projects under the banner ‘Promote Rights and Participation’. The Government provided £1.8 million to which the European Commission added £550,000, and we selected projects from a bidding exercise that attracted nearly 1,200 applications from the arts, sport, leisure, employment, housing and all impairment groups. An essential condition for selection was that disabled people play a major role in the management and delivery of the projects.

The year was officially launched at special events in England, Scotland, Wales and Northern Ireland. At the English launch, Andrew Smith MP, Secretary of State for Work and Pensions, announced that the Government would publish a draft Disability Bill later in the year. This Bill has reinforced the Government’s commitment to making significant and sustainable advancements in extending the civil rights of disabled people.

The European Commission provided a campaign bus with the theme ‘Get on Board’ which toured all the EU member states during the year. The bus began its journey in Athens after the European launch in January 2003 and finished in Rome in December to mark the closing celebration. It arrived in the UK in June and visited England, Scotland, Ireland and Wales, before departing at the beginning of July.

The DWP is now conducting a formal evaluation of the Year to examine the effectiveness of the UK steering groups, the grant funding process, the outcomes of the approved projects, the impact of the campaign bus and whether we achieved our objectives. The data will go into our final report to the European Commission. Our early findings are extremely positive, as expressed by Agnes Fletcher from the Disability Rights Commission:

The 60 participants represented NGOs, media, policy makers and educators. They exchanged their experiences and information on issues related to stigmatisation in the media, the workplace and education.

We are improving people’s attitudes towards disability in a project in **India’s** slum settlements in West Delhi with the NGO Deepalaya. The project receives funds from the small grants scheme and caters to the specific needs of disabled children by setting up well-equipped therapy centres with trained therapists. The aim is to integrate these children into the mainstream education system as well as help them in the therapy centres.

### 8.3 Freedom of religion and conscience

Article 18 of the Universal Declaration of Human Rights (UDHR) makes clear that everyone has the right to freedom of thought, conscience and religion. At this year’s UN Commission on Human Rights in Geneva, members adopted the EU-tabled resolution on the Elimination of all Forms of Religious

“The Disability Rights Commission ... believes that the approach to the Year taken by the Department has been particularly successful in directing significant levels of funding to grassroots organisations involving disabled people. In addition the Year has helped to raise the profile of disability equality in the UK.”

The Government is keen to maintain the momentum of the Year and will continue to work towards ending discrimination against disabled people in all areas of life and promoting their full inclusion in society.

In December 2003 the European Commission published Equal Opportunities for Disabled People – A European Action Plan. The UK supports the action plan which promotes equal opportunities for disabled people within an enlarged Europe. The plan will run from 2004–2010 and aims to mainstream disability issues into relevant community policies and develop actions to improve the economic and social integration of disabled people. The first phase of this plan concentrates on creating the right conditions for disabled people to access the mainstream labour market.



Prime Minister Tony Blair meets guests at the closing reception of the UK EU Year of Disabled People, December 2003.

Intolerance by consensus, sending a message to the world that the values in the UDHR, and enshrined in the International Covenant on Civil and Political Rights, hold true today. Sadly, this sentiment is not echoed on the ground; many states continue to deny their citizens the right to freedom of conscience, religion or belief, including the right to observe, practice and change religion or belief. There is inter-religious violence in many parts of the world.

Religious intolerance takes many forms. In some instances, states impose discriminatory legislation that affects the practice and observance of religion and people’s ability to change religion. Official or unofficial media broadcasts instigate and propagate intolerant attitudes. We witness further intolerance of practitioners and believers through their intimidation, arrest, torture and execution. The UN Special Rapporteur on Freedom of Religion or Belief, Abdulfattah Amor, recognised all these forms of intolerance in his January 2004 report to the UN Commission on Human Rights. Mr Amor’s report served as a round-up of his 11 years as special rapporteur. In particular, he noted the decline in “anti-religious policies or policies for the

total control of religious matters by states"; that women continue to be "the main victims of violations of the right to freedom of religion or belief"; and that extremism, which is not unique to any one religion, is increasing.

Mr Amor reported that in many cases states have not met their human rights obligations as regards freedom of religion. These obligations are not limited to refraining from violating the right to freedom of religion or belief; they include the positive obligation to protect people under their jurisdiction from violations of their rights, including those committed by non-state actors or entities. States should prosecute the perpetrators of such acts and provide compensation to the victims. They should also take specific preventative action to reduce such acts in future.

The UK encourages inter-faith dialogue both at home and abroad. We believe that dialogue, in conjunction with education and awareness-raising activities, offers the key to tackling intolerance. To facilitate dialogue, we held the first multi-faith week in the FCO on 7-11 October 2003. The week included a faith music evening, an open day and a seminar on faith and foreign policy, addressed by the Foreign Secretary and attended by over 150 representatives of all the main faith groups in the UK. The aim of the week was to improve our relations with faith communities through a new policy dialogue and to give people a better understanding of what the FCO is and what we can do.

In **Pakistan**, discriminatory legislation including the Hudud Ordinances and the blasphemy and anti-Ahmadi laws 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 a non-Muslim minority under section 298C of the Pakistan penal code. Certain groups are increasingly using the blasphemy laws to target 'deviant' Muslims and the government has not made any serious attempt to reform or repeal these laws. Indeed, legislation has been enacted in North-West Frontier Province (NWFP) providing for religious police and enforcement mechanisms. Police protection is ineffective and the perpetrators of attacks on minorities are rarely brought to justice. There is also continuing sectarian violence in Pakistan including the high profile attacks during the Ashura festival in Quetta on 2 March 2004 and the bombing of a Shia mosque in Karachi in May 2004.

We take cases of religious persecution in Pakistan seriously and we regularly make known our concerns about the treatment of religious minorities to the government. We believe that collective action through the EU is most effective and we know that the Pakistani authorities are sensitive to any EU démarche made on human rights. On 31 May 2004, the local Dutch-EU presidency presented a démarche to the government of

Pakistan, on behalf of all EU members. Similar EU representations were made in April 2004.

In these démarches, the EU highlighted the plight of religious minorities, notably individuals from the Christian and Ahmadi communities, many of whom appear to have been victimised simply for their association with these communities. The EU called upon the Pakistani authorities to take all possible measures to reform the blasphemy laws (often used as a pretext for targeting minorities); to strengthen institutional and legal safeguards while these laws remain in force; and to make the abuse of these laws an offence. The EU urged the government to bring the perpetrators of crimes against religious minorities to justice and to investigate every reported crime promptly and fully.

There has been an increase in attacks on and intimidation of religious minorities in **Bangladesh** over the last year. In November 2003, 11 members of a Hindu family were burnt alive. There has also been a concerted campaign against the Ahmadiyya community (in one case fatal), including attacks on mosques. In January 2004 the Bangladeshi government banned Ahmadiyya publications. This ban is being challenged in the courts – the Bangladesh constitution enshrines freedom of religion and speech and freedom of the press. Foreign Office Minister Mike O'Brien met representatives of the Ahmadiyya community in the UK in January 2004 to hear their concerns. Bilaterally and with our EU partners, we have regularly been urging the Bangladeshi authorities to ensure the perpetrators of attacks are brought to justice and that they uphold and safeguard the freedoms set out in the Bangladeshi constitution and in international human rights instruments. We remain concerned about pressure on the government from some groups in Bangladesh to introduce blasphemy laws which could lead to discrimination against minorities.

At a federal level, the ministry of justice in **Russia** takes a largely benign stance towards religious freedom. Although some politicians have attempted to establish a legal 'traditional religion' status for the Orthodox Church, they have made little progress. President Vladimir Putin regularly calls for and praises inter-ethnic and inter-faith dialogue and tolerance. He made a noticeable effort in 2003 to woo the wider Muslim world by, for example, attending the Organisation of the Islamic Conference in Malaysia in October.

But problems for some faiths persist locally and harassment of non-traditional faiths is increasing. According to Forum 18, local political agendas and the personal loyalties of individual politicians are the main forces behind violations of religious freedom. The religious belief itself seems to play little role and groups are more likely to be targeted if they are dynamic, visible and actively proselytising. The Moscow authorities are

one of the most antagonistic to non-traditional faiths. The most notorious case in Moscow is that of the Jehovah's Witnesses.

In February 2001 the Jehovah's Witnesses won their case against abolition as a local organisation in Moscow. The higher Moscow city court then quashed the verdict and sent it back for retrial, despite the fact that the Witnesses had successfully re-registered at the federal level. The latest trial commissioning further expert opinions on Jehovah's Witness literature and hearings started in February 2004. It ended on 16 June when the Moscow city (appeal) court ruled to uphold the lower court's decision to ban the activity of Jehovah's Witnesses in Moscow and to abolish their legal entity. The ban and abolition take effect immediately, rendering some 11,000 people part of an illegal organisation in the capital. The administrative centre of Jehovah's Witnesses remains registered at federal level with the ministry of justice, however. Nonetheless, the Witnesses had already encountered difficulties in leasing rooms and organising events while the trial was on-going. Shortly after the Moscow decision, there were reports from several cities of rental contracts being cancelled. Three Witnesses on the island of Sakhalin were reportedly sacked on the grounds that they belonged to a banned organisation. Additionally, although they have successfully registered around 400 communities in many regions of Russia, local authorities and the police continue to harass them elsewhere. The police cancelled large meetings in Pyatigorsk and Nizhny Novgorod in summer 2003 at the last minute, claiming bomb hoaxes and fire hazards. In autumn 2003 the governor of Stavropol region likened Jehovah's Witnesses to Wahhabites, referring to those missionaries who propagate the austere Saudi Wahhabi Islamic credo. The Moscow decision could also lead to other minority religious groups being targeted for official abolition.

In October 2003 Protestant representatives said that discrimination and intolerance of their religion was increasing, citing 10 arson attacks on church property in the past two years. Other incidents include the ruling by a Kazan district court in December 2003 upholding a decision denying Baptist Takhir Talipov a further residency permit. The court accepted an assessment by the local FSB (formerly KGB) that Mr Talipov's missionary work was extremist and liable to threaten stability in the Muslim republic.

The Russian Orthodox Church's relations with the Catholic Church remain poor. The patriarch continues to block a papal visit to Russia despite President Putin's support for the visit. Metropolitan Kirill, head of the patriarch's department for foreign relations, said that missionary activities by the Catholic Church were unacceptable, as was the formation of dioceses and metropolitan sees on the territory of the Orthodox Church, without consultation.

In September 2003 the Russian authorities denied a visa to the Dalai Lama to visit Kalmykia, a predominantly Buddhist republic in southern Russia. The ministry for foreign affairs said the reasons for this decision included not wanting "a visit by the Dalai Lama to Kalmykia at the invitation of the top official in that part of Russia to have an adverse impact" on the "delicate" talks between Beijing and representatives of the Dalai Lama.

Since the mid-1990s there have been over 30 reported cases of foreign religious workers being barred from Russia. This policy of denying visas may have its origins in President Putin's national security concept of January 2000, which warned of the negative impact of foreign missionary activity.

In previous Annual Reports we registered our concerns in **Georgia** about the activities of defrocked priest, Basil Mkalavishvili, who advocates and practises violence against religious groups such as the Jehovah's Witnesses. On 12 March 2004 the Georgian authorities finally moved to arrest Mkalavishvili, following a press conference by the renegade priest in which he criticised the president and the administration, and urged voters not to follow proper voting procedures in the elections. The arrest, on charges of "damaging property and staging riots", was preceded by a siege in the Gladani church near Tbilisi and violent confrontations between his supporters and police. His trial has yet to take place. The Council of Europe has noted an improvement in freedom of religion in Georgia over the last months. By bringing Mkalavishvili to trial, the Georgian authorities would send a clear signal that they were adhering to the rule of law in Georgia.

We remain concerned at the continuing degradation in **Turkmenistan** of the education system, growing constraints on freedom of religion and increased evidence of state-sponsored ethnic discrimination. In November 2003, the authorities introduced new legislation which criminalised non-registered religious minority activities. Non-registered religious groups are harassed and in December 2003 the authorities temporarily detained the Baptist minister Geldy Khudaikuliev. There is also evidence of tighter state control on Sunni Islam and the Russian Orthodox Church, the two registered religions. There were reports in November 2003 that three imams were dismissed for refusing to permit the display of President Niyazov's book Ruhnama alongside the Koran in their mosques. In March 2004 the Turkmen authorities reportedly sentenced the former Mufti of Turkmenistan, Ibn Ibadullah, to 22 years in prison but they have not made the details of the case public. One positive development was a decree on religious freedom signed on 11 March 2004 by President Niyazov, abolishing the need for a minimum of 500 signatures in order for religious minorities to secure registration. Four religious minorities have now secured

## Russia: conscientious objection/ alternative service

The 1993 **Russian** constitution guarantees a right to perform a civilian alternative to military service (Article 59). The state parliament only passed this right into law in June 2002 with implementation deferred until January 2004. NGOs have criticised the final version of the law as discriminatory and punitive. The law envisages a longer period of civilian service in the world – three-and-a-half years compared with two years as an army conscript. Those with higher education will serve 21 months. The law does not guarantee that alternative civilian service will be in a genuinely civilian organisation. Moreover, the authorities could require them to perform the service away from their own

region, although a later amendment allows the possibility of service in the home region. NGOs have expressed concern about the ways in which applicants for alternative service will have to prove their convictions. During the spring draft of conscripts in 2004, only a few hundred applied for alternative service. Media polls suggested that many conscripts, and even conscription officers, were not aware of the new law. We are funding a project to support a coalition of NGOs to liberalise the law; to work with the ministry of labour on developing humane norms and regulations for the law's application; and to provide legal assistance to applicants.

registration: Seventh Day Adventists, Baha'is, Baptists and Hare Krishnas.

In Chapter 1 we highlighted the crackdown against the non-recognised Unified Buddhist Church of **Vietnam** (UBCV) in the autumn of 2003, including the house arrest of UBCV leader Patriarch Thich Huyen Quang, and his deputy Thich Quang Do. UBCV monk Thich Tri Luc was sentenced in March 2004 to 20 months in jail on charges of "fleeing abroad in order to oppose the Vietnamese government". Luc fled to Cambodia in 2002, claiming religious persecution, where the UNHCR gave him refugee status. He reappeared in July 2003 in prison in Ho Chi Minh City where he had apparently been held secretly for 12 months. He has since been freed, having already served

most of his sentence awaiting trial, and has since been resettled in Sweden.

As well as clashes involving ethnic minority Protestants in the Central Highlands over easter 2004 (see Chapter 1 for more details), there were other reports of harassment of non-recognised Protestant groups throughout Vietnam. Reverend Nguyen Hong Quang, Vice-President and General Secretary of the Mennonite Church in Vietnam, was arrested on 8 June 2004 on the outskirts of Ho Chi Minh City. Police informed his colleagues that they were charging him with inciting others to oppose an officer carrying out his official duty. Ms Le Thi Hong Lien, a co-worker of Pastor Quang, was arrested on 3 July in Binh Khanh Ward, Ho Chi Minh City. Other Mennonite practitioners arrested in March are still being held without charge.

While the officially recognised Protestant and Catholic churches face some restrictions, for example on training and ordaining clergy and moving clergy between parishes, there have been some positive developments. In December 2003 a new government decree was passed with provisions allowing the Southern Protestant Church to recognise new congregations in the Central Highlands and to send clergy on bible courses. There are also reports that the authorities are engaged in discussions with the Northern Church about its first general assembly since 1988.

Small numbers of ethnic minority Protestants from the Central Highlands continue to cross the border into Cambodia, alleging religious persecution. UNHCR has so far been denied access to the Central Highlands and permission to establish a monitoring presence there.

Although Lao officials are more willing to engage with us on issues related to religion, improvements in the situation of Christians in **Laos** are taking time to work their way through, particularly in more remote villages. The UK has limited contact with the Laos government. In January, the Deputy Head of Mission at our Embassy in Bangkok raised human rights and



Demonstrators in Paris protest against a bill banning Muslim head scarves from state schools, February 2004.

the treatment of Christians with Khempheng Pholsena, the then Vice-Minister of Foreign Affairs, in Vientiane. On 18 June, our Ambassador raised the persecution of Christians with Deputy Foreign Minister Phongsavath Boupha. We hope that opening an EU Mission in Vientiane in October 2004 will help to highlight to the Lao government the importance of human rights issues and encourage it to implement recent reforms on religious freedom.

Freedom of religion is enshrined in **Sri Lanka's** constitution which states that every person is entitled to the freedom to have or to adopt a religion or belief of his or her choice. Sri Lanka has also signed and ratified the International Covenant on Civil and Political Rights which provides for the right to freedom of religion. Our High Commission in Colombo is in regular contact with Christian leaders in Sri Lanka, who advise that physical and verbal attacks on Christians have been increasing over the past year. We are monitoring the situation closely, and have urged the Sri Lankan authorities to ensure that the rights of all religious minorities in Sri Lanka are respected. Christian activists also have concerns over the government's intention (announced

on 18 June 2004) to table legislation prohibiting so-called "unethical conversions". In a meeting with the Sri Lankan foreign minister on 15 July 2004, the Foreign Secretary discussed the draft anti-conversion bill, and said that he did not believe legislation on this issue was ever the right way to address such problems and that cases of genuinely forced conversion could be dealt with by criminal law.

In **Saudi Arabia**, the public profession of any religion other than Islam is strictly forbidden. Apostasy from Islam carries the death penalty (see Chapter 1 for more details on Saudi Arabia).

There is a general climate of intolerance towards religious minorities in **Iran**. We have raised our concerns about the continued discrimination against Baha'is with the Iranian authorities (see Chapter 1 for more details).

### France: religious symbols

In April 2003 the French Interior Minister, Nicolas Sarkozy, told 150,000 delegates at a Muslim conference that Muslim girls should not wear headscarves when their identity photos are taken. This reignited the debate on whether France needs a law to prevent Muslim girls from wearing headscarves in schools. Until now head teachers have made their own interpretations of a 1989 ruling that wearing ostentatious signs of belief is contrary to secular principles.

In response to the interior minister's speech, President Chirac established a commission to re-examine secularism, headed by Parliamentary Ombudsman Bernard Stasi. The commission published its findings on 11 December 2003. It recommended introducing a law to ban all 'conspicuous' clothing and signs in state schools denoting affiliation to religious or political groups. The commission also recommended introducing a code of practice to govern dress and the display of religious signs at higher education establishments and the workplace, and establishing two new public religious holidays (Yom Kippur and Aid-El Kebir) in state schools.

President Chirac endorsed most of the commission's proposals on 17 December, including a law banning conspicuous religious symbols in schools. The banned symbols include the hijab, kippa and large crucifix. Small symbols such as a small cross, a star of David or the hand of Fatima are allowed. The French parliament passed this law by a large margin on 10 February 2004, the senate passed the law on 3 March, and it will take effect at the start of the school year in September 2004. The government will re-evaluate the law in 2005. French Prime Minister Jean-Pierre Raffarin addressing the senate before the final vote on the law, said: "Our vision of secularism is not against religions. Every person is entitled to express their faith, on condition that they respect the laws of the republic within the walls of its schools".

Luc Ferry, Minister for Youth, Education and Research, prepared guidelines on the application of the new secularism law and on 17 May 2004 the Conseil Supérieur de l'Éducation (Higher Council for Education) voted on these guidelines. The minister for education or his representative chairs the Conseil Supérieur de l'Éducation, which is consulted on all questions of national interest concerning teaching or education. It comprises 95 members representing teachers in state and private schools, parents, pupils and family associations, and the territorial authorities and cultural, educational and social associations.

The guidelines list three examples of religious symbols banned under the law – the hijab, the kippa and large crosses – but notes the law applies to all religions. Schools must decide for themselves which other religious symbols they should ban. (French schools already have the right to decide their own clothing guidelines.) It remains to be seen how widely schools will follow the law and how the French authorities will deal with schools that do not observe the ban. However, we note that the French law provoked widespread concern among NGOs and religious groups, who argue that it was in contravention of the European Convention on Human Rights and other international human rights covenants. UK officials in London and ministers met with religious groups throughout the year to discuss their concerns about the implication of the law. The UK does not share France's views on secularisation or religious symbols: we don't believe that integration has to mean assimilation.

In June 2004 the European Court of Human Rights in Strasbourg rejected an appeal by a Turkish student that a similar Turkish ban on religious symbols, which led to her exclusion from her university class, violated her right to freedom of religion.

## 8.4 Freedom of expression

Freedom of expression is a broad concept. The International Covenant on Civil and Political Rights makes clear that 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”. Freedom of the press is a very important part of this. But freedom of expression is not confined to journalists and media professionals. It relates to all of us including Internet users, writers, academics and artists, as well as to those simply expressing an opinion by talking to friends or writing a letter.

There are many ways in which states clamp down on freedom of expression. Reporters Without Borders gives details of around 135 journalists who are in prison around the world for their work (see below for details of the FCO’s list of 10 imprisoned journalists). Many have been in prison for years. In 2003, at least 43 journalists were killed as a result of their work, many of them by their government or by groups connected to the government. Around the world, there are governments who are investing huge amounts of time and energy in monitoring and censoring use of the Internet. In China NGOs estimate that the authorities employ 30,000 technicians to track which websites people are visiting and to block off any new routes they find around the national firewall. In other countries, governments put economic pressure on the media through control of ownership or withholding of advertising or production materials, and legal pressure through broad defamation laws to protect the government from criticism, strict licensing laws, and through fines or expensive legal actions.

In this section we look at the work that the UK is doing with the Freedom of Expression Panel and its constituent working groups. We then look at other action and project work the FCO has undertaken on free expression in countries around the world. This section also gives details of the work of the BBC World Service and BBC World Service Trust.

### Freedom of expression panel

In Chapter 2 we describe the structure of the freedom of expression panel (see page 79) and how it has evolved from a six-monthly meeting into a structure of more tightly focused working groups. These working groups, and the panel itself, have helped the FCO to focus its support under the Global Opportunities Fund (GOF) human rights, good governance and democracy programme in five priority thematic and geographical areas. The five priority themes are: imprisoned journalists; journalist safety in conflict zones; hate speech; media legislation; and public service broadcasting. The five priority countries include Colombia, Cuba and Belarus. We give

details of our work in Colombia and Belarus in the section below on freedom of expression around the world. We are supporting projects in the three other countries but publicity for this work is likely to be counter-productive. The projects in these three countries are all helping to develop independent media and to train local journalists.

One of the areas in which we have been most active over the past year has been hate speech. BBC Monitoring, which tracks over 6,000 separate media sources, has been working with members of the hate speech working group since 2002 on the monitoring of hate speech around the world. The project currently focuses on media in the Balkans, West Africa, the Middle East, the Great Lakes and the former Soviet Union, and looks for content which could inflame tension, across a spectrum ranging from prejudice to direct incitement. The product of this monitoring is distributed in the form of monthly bulletins to the regional specialists within the FCO as well as to the NGO members of the working group. The product serves two purposes. It helps the FCO and NGOs to better understand the media environment in a country and to spot increasingly inflammatory language which might indicate a rise in tensions. It also generates ideas for specific action, including raising the need for balanced reporting with the relevant governments and training journalists on media impartiality.

The FCO funded the Programme for Comparative Media Law and Policy (PCMLP) at the University of Oxford, which is one of the leading centres for the study of hate speech, to come up with a set of recommendations for improving both the content and the use of the hate speech monitoring bulletins. The PCMLP’s final report was published in July 2004 and included guidelines to help those monitoring the media identify and classify hate speech as well as a compilation of existing international law and legal precedent in this area. We are also funding the free expression NGO, Index on Censorship, to conduct an exploratory study for a three-year multi-regional project which will use the monitoring material as a basis for training local journalists in impartial reporting. The study has helped Index on Censorship produce a much more in-depth proposal for the main project which in turn has led to interest from a number of international donors.

The freedom of expression panel set up a working group on reforming the UK’s own defunct criminal libel laws two years ago. The working group was chaired by the Department for Constitutional Affairs, but other legislative reforms and pressure on parliamentary time has meant that the working group has not met for over a year. However, we have not stopped working on this important issue or on legal reform more generally. We are supporting the office of the Special Representative on the Freedom of the Media at the OSCE in producing a matrix of criminal libel laws in OSCE member states (see page 109 for

more details). We have also funded the Commonwealth Press Union's (CPU) work in Pakistan to educate and advise the local press on local and international laws relevant to their work. Members of the CPU's *pro bono* legal panel will travel to Pakistan to work with journalists and editors on how they can best obtain relevant case law; how they can work with international organisations such as the International Bar Association; and how they can use international laws and guidelines protecting freedom of expression. The project involves a week-long course, during which the UK lawyers will also provide free advice on any immediate legal problems faced by local media organisations. The CPU will also put all the training material onto a CD-ROM that can be copied and distributed more widely within the country.

The FCO has continued over the past year to publish its list of 10 imprisoned journalists who are of particular concern. The current list highlights not only the case of the individual but also gives very brief details of the general environment with regard to freedom of expression in the country where they are in prison. The FCO raises the cases of all the journalists on the list with the relevant governments and reports back to each meeting of the full Freedom of Expression Panel on the action taken since the previous meeting. The current list of 10, as well as a brief update on previous lists, can be found on the human rights section of the FCO website: [www.fco.gov.uk/humanrights](http://www.fco.gov.uk/humanrights). We have continued to fund the NGO English PEN's programme of prison visits which we highlighted in last year's Annual Report. This year English PEN has visited imprisoned writers in Uzbekistan and also met with a Syrian dissident writer exiled in Paris.

At the July 2003 panel meeting, members decided to set up a new working group on journalist safety in zones of conflict. This was largely in response to the high number of journalists who had been killed in the recent conflicts in Afghanistan and Iraq. The working group met for the first time in November and discussed practical ways in which better co-ordination between the military and media organisations could lead to fewer casualties. It also raised the particular allegations that US soldiers had mistreated local Iraqi staff from the UK news agency, Reuters. The head of the FCO's Human Rights Policy Department, Jon Benjamin, raised this with senior officials at the State Department during his visit to Washington in January 2004. We received the response that the allegations had been investigated and it was decided that no action was necessary. The allegations made by the Reuters journalists appear to be similar to some of the cases of abuse that took place in Abu Ghraib.

This year the FCO funded the translation of criteria, application forms and other key information produced by the Rory Peck

Trust into Spanish, Arabic and Russian. The aim of the project is to increase the number of foreign media professionals who are able to apply successfully for the bursaries that the Trust offers to journalists working in hostile environments. We have also continued to support the Institute of War and Peace Reporting (IWPR) emergency fund for journalists in danger and, at the time this Annual Report went to press, we were in discussion with the International News Safety Institute on how we might be able to support its work on safety training for journalists.

There is significant demand for a model public service broadcasting (PSB) law around the world. State or government broadcasters are being transformed into public broadcasters in many countries and, in many more countries, there are campaigns to promote such transformation. We are providing funding for the freedom of expression NGO Article 19 to produce a model PSB law as part of its International Standards Series. This series has proved enormously popular and influential. For example, the authorities in Bosnia and Herzegovina relied heavily on the volume on Defining Defamation when drafting a regulation on defamation for that country. The model PSB law will be translated and published in four key international languages – Arabic, Spanish, French and Russian – as well as being available in English.

### Freedom of expression around the world

In Chapter 1 we gave details of restrictions on freedom of expression in some of the countries in which they are most serious, including **Iran, Turkmenistan, Uzbekistan, China, and Burma**.

We have been concerned at how media freedom in **Russia** has deteriorated in the last year. For the first time Freedom House rated Russia's media as 'not free' in its 2003 annual review. TVS, the last independent, national television station, was closed down by the press ministry in June 2003. Current affairs coverage on the remaining channels, particularly Channel One and Rossiya, which are directly controlled by the state, has begun to resemble Soviet-era models. The Kremlin will signal informally the acceptable boundaries to media comment and media organisations will then practise self-censorship. The OSCE criticised the role of state media in the Duma elections in December 2003 and the presidential elections in March 2004 (see page 207 for more details).

Journalists continue to be beaten, killed or intimidated with regularity. According to the Glasnost Defence Foundation, 10 journalists were killed during 2003, and 96 attacked. Victims included Alexei Sidorov, chief editor of *Tolyatinskoye Obozreniye*, stabbed to death in Togliatti in October 2003; his predecessor, Valery Ivanov, was shot and killed the previous year. In July 2004, Paul Klebnikov, the editor of the Russian



Members of the Dhaka Union of Journalists shout protest slogans against the killing of journalist Minik Saha, in Dhaka, Bangladesh, 15 January 2004.

edition of *Forbes* magazine, was shot and killed as he left his office. Mr Klebnikov had built up a reputation for investigating corruption. Since 2000, fifteen journalists have been murdered; not one person has been convicted of any of these crimes. According to the OSCE representative on freedom of the media, Russia is second only to Colombia in numbers of journalists killed. Nearly 300 lawsuits were brought against journalists or media organisations during the year, mostly in response to unfavourable coverage of government policies. Journalists' access to Chechnya has been severely limited since the start of the second war in October 1999. Foreign journalists are restricted to organised tours, and very few Russian journalists visit the region independently.

Journalists at the regional level are subject to a range of pressures. The limited size of the advertising market in most regions means many local media depend on support from local authorities. At all levels, uncooperative journalists or media can be subject to political pressure or paralegal action, such as tax police raids. For example, in October 2003 the city authorities in Severouralsk in the Urals cancelled the operating licence of a local TV station after the station's reports on a local miners' strike were shown on federal channels. In Bashkortostan, the Russian Union of Journalists found that between May and July 2003, 17 national newspapers had been subjected to direct censorship, with articles either cut from newspapers or replaced

with local reports. Through FCO funding, we are financing two projects aimed at supporting the development of an independent media in the regions. One project involves working with regional administrations to develop their transparency to the local press and mechanisms for public consultation. The other project provides training on business planning and journalistic content to independent media companies in small markets, helping these companies to develop viable businesses.

In **Tunisia** the authorities tightly control written and broadcast media, monitor Internet access, intercept email and block websites. Activist lawyers and journalists who speak out against the authorities are subject to harassment and intimidation including physical assault. Access to the Internet in schools and for private use is a priority for the Tunisian government. However, access to certain sites is prohibited. In November 2003, in a case which highlights the strict controls on freedom of expression and access to information in Tunisia, Zouhair Yayhaoui was released after spending over a year in prison having been found guilty on two charges arising from the publication of an on-line dissident journal. The Tunisian authorities are obstructive towards EU efforts to pursue the political reform agenda provided for under Article 2 of the EU-Tunisia Association Agreement. A programme designed to promote freedom of expression was blocked for many months before a compromise allowed the programme to go ahead.



Friends and colleagues of the murdered US editor of *Forbes* magazine's Russian edition, Paul Klebnikov, attend a private funeral service at St Yekaterina's Church, Moscow, on 11 July 2004. Mr Klebnikov was gunned down outside the magazine's Moscow offices.

The UK regularly makes our concerns on human rights in Tunisia known to the Tunisian authorities, both bilaterally and together with our EU partners. Minister of State Baroness Symons raised these concerns during her visit to Tunisia in September 2003 and met with representatives of civil society and human rights groups, including the Ligue pour la Defense des Droits de l'Homme (LTDH).

Tunisia will host the World Summit on the Information Society (WSIS) in 2005. Freedom of expression – including unrestricted Internet access – is central to the WSIS process. NGOs including Reporters Without Borders are protesting against the choice of Tunisia as a venue given its record on freedom of expression in general and the restrictions it places on the Internet in particular. The UK along with EU partners has formally made clear, including to the Tunisian government, that it expects all states and institutions taking part in the WSIS 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. The UK and EU partners also look forward to full participation of civil society and the media in the WSIS process.

Freedom of expression in **Ukraine** continues to be of concern to the UK, and to the EU. In October 2003 the EU issued a statement protesting action by the authorities in Ukraine in forcing the cancellation of an opposition rally. A further EU statement in March 2004 expressed concern at the authorities' actions in closing media outlets with only just over six months to go before the presidential elections in October 2004.

The case of Georgiy Gongadze, the journalist who was murdered in 2000 and whose case we have highlighted in successive Annual Reports, still remains unresolved. Foreign Office Minister Denis MacShane visited Kiev in September 2003 and raised both the Gongadze case and media freedom more generally in a speech delivered at a DFID-funded media training institute in Kiev. The Foreign Secretary Jack Straw raised the case again when the Ukrainian foreign minister visited London in January 2004.

The Government will work towards ensuring that the presidential elections in October are free and fair. We have allocated some £3 million to programmes aimed at improving the democratic climate for elections in Ukraine. These include projects which provide support for independent media and for access by all candidates to the media (see page 209 for more details). The Ukrainian government regularly notes its desire for Ukraine to integrate with the EU and NATO. In response the EU, in partnership with Ukraine, is currently developing an EU-Ukraine action plan, while NATO and Ukraine agreed a NATO-Ukraine action plan in 2002.

Both action plans take account of democratic developments in Ukraine, including freedom of expression.

Media freedom in **Nepal** has developed considerably in recent years. Freedom of opinion, freedom of expression, freedom of information and freedom of press are all guaranteed in the constitution and by the broadcasting and press and publication acts. There is now a wide range of privately and publicly-owned broadcast and print media in the country. However, since the breakdown of the ceasefire between the government and the Maoists on 27 August 2003, the number of journalists believed to have been arbitrarily detained and interrogated by the security forces has increased. The Maoist rebels have also continued to abduct, torture and even murder journalists. The Federation of Nepalese Journalists has complained that the government is misusing the Terrorist and Detention Act, which was introduced in response to the Maoist conflict and which gives the security forces authority to arrest and detain people for up to 90 days. It says that often journalists are denied legal representation and nobody is informed of their detention.

In May 2004 the Centre for Human Rights and Democratic Studies (CEHURDES), a Nepalese NGO involved in monitoring the media, published the results of a survey it carried out on press freedom in Nepal from April 2003 to April 2004. In that period, it says three journalists were killed by security forces and another three by the Maoist rebels. Nobody has been brought to justice for their murders. Seven journalists are reported missing, five of whom are reportedly detained by government forces. Because of this increased violence and intimidation, there are indications that the media, particularly those involved in running editorial and opinion features, are more inclined to self-censorship than previously.

The FCO supports the National Human Rights Commission which has been active in monitoring and promoting press freedom in Nepal. Through public statements and press conferences, Sir Jeffrey James, the UK Special Representative to Nepal, and the Ambassador have repeatedly called for both the security forces and the Maoists to uphold the rule of law so that political parties, the media and civil society can continue to enjoy democratic freedoms.

Freedom of expression has improved in **Angola** since the country moved from being a single party state a decade ago. There is less censorship of the press and radio continues to be an important source of information for Angolans, many of whom have no access to TV or written media. However, the largest media outlets are still government-owned and carry very little news or information that is critical of government. Among the independent media, Radio Ecclesia, a Catholic church-owned station, has developed a reputation for independence.

The station has a track record of promoting peace and national reconciliation. The UK has supported the radio station's expansion into a nation-wide broadcaster on FM.

The project has now been underway for two years but has faced problems with getting final agreement to broadcast. Our Embassy co-ordinated a lobbying campaign of senior Angolan ministers and other officials within the Movimento Popular da Libertacao de Angola (MPLA), the ruling party. These efforts, alongside those by other donors and the church itself, led to agreement that Radio Ecclesia was legally entitled to broadcast, however the Angolan government has not yet allocated specific frequencies to the station. We continue to lobby the authorities to do so.

**Colombia's** constitution guarantees the right of every Colombian to freedom of expression and association. The reality of the country's armed conflict means that these freedoms are severely restricted. Colombia is the most dangerous country in the world in which to be a journalist. Five journalists were killed in 2003, four because of articles they had written and the fifth when he refused to stop at an illegal road-block when covering a story. Two more journalists have been murdered so far this year. All the illegal armed groups, including corrupt and criminal organisations, use threats, intimidation and physical attacks to stop journalists pursuing certain angles of investigation or denouncing abuses.

The Colombian government makes efforts to protect those at greatest risk, providing armoured cars and bodyguards for journalists under threat. Those less at risk receive radios, and the local police are instructed to respond immediately to their calls. We also welcomed the sentencing of Carlos Castano to 38 years in prison in March 2004 for the murder of humorist Jaime Garzon. However, many other high-profile cases remain unresolved. The FCO is funding the UK National Union of Journalists to run a series of 12 regional workshops focusing on safety and self-protection of journalists; the right to freedom of expression and information; and professional solidarity amongst journalists. The project will also produce printed information and material for the Internet.

Amnesty International has reported the trials of at least 10 people since 2001 on Internet-related charges in **Vietnam**. Recent trials include those of 'cyber-dissidents' Pham Hong Son in June 2003 and Nguyen Vu Binh in December 2003. Son was charged with espionage for having circulated an article on democracy from the US State Department website. Following a half-day trial, he was jailed for 13 years (reduced to five years on appeal) plus three years 'surveillance'. Binh was charged with espionage after posting an article on the Internet critical of Vietnam's recent border agreement with China. He was

jailed, also following a half-day trial, for seven years plus three years 'surveillance'. EU diplomats tried unsuccessfully to attend the trials of both Son and Binh.

Freedom of expression in **Belarus** remains severely restricted. In Chapter 1 we highlighted the new draft media law which will grant the authorities greater powers of control over the media, complicate media registration procedures, and make it easier for them to shut down media outlets. We are hoping to fund a project based outside of Belarus, possibly in the neighbouring Baltic states, that will create an Internet news site to provide independent and impartial reporting of both domestic Belarusian and international events. A potential partner for the project has been identified but we are waiting to confirm final terms of reference and co-funding arrangements.

In last year's Annual Report we highlighted the case of Sergei Duvanov, one of the government's most outspoken critics in **Kazakhstan**, who was sentenced to three-and-a-half years in prison in March 2003 for the alleged rape of a minor. He was arrested the day before he was due to fly to the US to present a report on democracy and human rights in Kazakhstan. There were serious procedural violations during his original trial. Since the publication of last year's Annual Report, the EU and OSCE have continued to lobby the Kazakh government to carry out a free and fair trial. In accordance with Kazakhstan's criminal legislation, Mr Duvanov was released on parole in January 2004 and has taken up his old job with the Bureau for Human Rights and Rule of Law. However, the government has imposed restrictions on his activities including a requirement to report to the authorities on a regular basis and a ban on attending public events. He is trying to clear his name through the regional courts and his parole next comes up for review in August. The EU and OSCE will continue to follow his case closely.

**Cuba** has been described by Reporters Without Borders as "the world's biggest prison for journalists". There are no legal independent newspapers and those who seek to provide alternative information are heavily punished. A new crackdown on Internet access looks to restrict access to independent news sources further. A third of those arrested in the March 2003 crackdown in Cuba were independent journalists. They were sentenced under Law 88 which specifically prohibits the passing of information to foreign media outlets. Law 88 is in itself a breach of Article 19 of the Universal Declaration of Human Rights which includes the right "to seek, receive and impart information and ideas through any media and regardless of frontiers". The government has made it clear that it is prepared to use this law again in the future to crackdown on the independent press.

Although the constitutions of **Bahrain, Oman, Qatar, Kuwait** and **UAE** provide for freedom of speech and of the press, these rights remain restricted in practice. Demonstrations are permitted, and take place, in Bahrain and Kuwait with prior permission. In all there are varying forms of censorship of the media, under law or in practice. There is limited local independent media. Kuwait has a number of independently-owned newspapers which regularly tackle controversial issues and criticise government. But they exercise a degree of self-censorship, and do not criticise the Amir. The local media in Qatar similarly practises self-censorship. By contrast, the satellite news channel Al Jazeera, based in Qatar, enjoys editorial independence which has led to tension with some of Qatar's neighbours.

**Yemen** compares relatively well to other countries in the region on freedom of speech and freedom of the press. But since the beginning of 2004 there have been a series of incidents involving courts closing down newspapers and imposing fines on journalists for criticising key government and authority figures. Yemeni journalists are also concerned about aspects of proposed new laws governing their syndicate, and members of the political opposition have pressed for improved rights to demonstrate. In April 2004 our Ambassador in Sana'a raised with the minister for human rights our concerns about recent apparent limitations to press freedom. The president committed himself to ensuring press freedom in a major speech in June 2004.

**Bangladesh** is, after Colombia, regarded as the second most dangerous country in the world to be a journalist. In 2003 Reporters Without Borders recorded at least 210 journalists who were assaulted or received death threats. Fifteen journalists were arrested by the authorities. Collusion between local politicians and organised crime has created a culture of fear that prevents the open reporting of key subjects, including corruption and human rights abuses.

Since 2002, through the small grants scheme, the FCO has been working with Democracy Watch to provide training for journalists on key national and international human rights legislation. Subsequent monitoring of the media has provided evidence that, following the project, reporting on human rights issues has increased and now covers a broader range of themes. In 2004 the project will focus on women journalists. Poor opportunities, working hours, personal security and gender discrimination have made careers in journalism very difficult for women. We will provide training to the women journalists as well as hosting discussion groups with editors and proprietors.

Freedom of information is an important concept linked to freedom of expression. The ability to access information either about ourselves or about decisions which affect us is crucial to a

functioning democracy. In southern Africa, the FCO has funded a concerted NGO strategy on the right to information ('Right to Know'). Within Africa, only South Africa as yet has access to information laws which can be used by civil society to hold governments to account, combat corruption and realise a range of social and economic rights related to basic service provision. Project activities included a strategy meeting bringing together national, regional and international NGOs with a range of donors and the development of a CD-ROM training module.

### BBC World Service

The BBC World Service continues to be a leading source of accurate, unbiased, impartial and trusted information for audiences throughout the world. Each week over 150 million people listen to its programmes, which are broadcast in 43 languages. Many of these people live in countries or regions in crisis through conflict, political oppression or poverty, where often the only alternative sources of information are state-controlled media. The FCO funds the BBC World Service through a grant-in-aid: in 2003–2004 this amounted to £220 million. The BBC World Service has complete editorial independence from Government, which is vital to maintaining its reputation and impact.

The BBC World Service's programmes make a major contribution to freedom of information. The BBC has a strong tradition of broadcasting on human rights issues and of promoting discussion and debate through interactive programmes such as *Talking Point*, which invites contributions from listeners and on-line users around the world.

The BBC World Service covered some important human rights issues during the past year. The Persian service produced a series on violence against Afghan women with an interactive on-line/radio programme linked to the Amnesty International campaign on the same subject. The programme broadcast users' comments and questions and received positive feedback from Iranian MPs, journalists and listeners.

The BBC World Service produced key reports on the human rights crisis in Aceh in Indonesia, caused by Aceh's long-running separatist dispute with the Indonesian government. These had considerable impact and were highly praised by the NGO Human Rights Watch, which said that one particular report had saved lives as it had been able to gain access to refugees by using an on-air admission by the Indonesian ambassador to the UK that Indonesian troops had committed war crimes. In the Ukraine, the BBC Ukrainian service produced a special project dealing with poverty in Ukraine and the UK. The main themes were child poverty, social exclusion, homelessness, poverty and old age. Contributors included sociologists, social workers, charity representatives and journalists. Programmes on

HIV/AIDS were broadcast in all languages on radio and on-line, leading up to World Aids Day on 1 December 2003.

### BBC World Service Trust

The BBC World Service Trust is an independent charity which aims to reduce poverty in developing countries through the innovative use of media. The Trust works in partnership with the UK and overseas governments, international organisations, local NGOs and broadcasters. Its projects cover health, education, good governance and journalism training both by developing local capacity and by using the programme formats of radio and TV to deliver educational messages to mass audiences and provide a focus for human rights reporting.

The Trust completed two media assessment missions to **Iraq** in mid-2003 to assess technical infrastructure and the levels of technical and editorial skill among Iraqi journalists. As a result, it will soon embark on a two-year project to help re-establish Iraqi-run broadcasting on radio and TV in Basra and the south. This involves rebuilding a regional TV and radio network to serve the local communities in the southern provinces.

The Trust also continued to produce humanitarian programmes on the BBC's Arabic Service, agreeing an extension to the programmes until March 2004. The Baghdad-based editor recruited six Iraqi journalists who produced programmes on topics such as sanitation, children returning to schools and mine awareness.

Through GOF, the FCO is funding the Trust to run a series of programmes in Arabic entitled *My Life*, investigating the challenges that girls in the Arab world face in gaining access to education. The programmes will feature debates involving younger people. They will be broadcast on the BBC and on participating local stations in **Egypt, Syria, Yemen and Saudi Arabia**.

The *Voices* radio project is an extensive national public education project in **Nigeria**. It was showcased during the Queen's state visit to Nigeria in early December 2003, which coincided with the Commonwealth Heads of Government meeting in Abuja. With the FCO and DFID, the Trust organised an event in Karu, near Abuja, which enabled the Queen and Foreign Secretary Jack Straw to visit a Nigerian market – the setting for the *Voices* drama.

Following a feasibility study funded by the FCO's Human Rights Policy Department in 2002, the Trust agreed a one-year pilot project with DFID to broadcast a radio soap opera twice a week on the BBC's **Burmese** service. Broadcasting began in November 2003. The Trust developed the programmes using Burmese actors, writers, directors and technicians from Burmese

refugee groups, with support from BBC staff. Through drama, the soap opera informs audiences about democracy and good governance while also providing information on health and basic life skills. The Trust collates and edits the programmes in Thailand to avoid censorship by the Burmese authorities. The soap opera has been so successful that in January 2004 the Trust and DFID agreed to extend the project for another year.

In **Afghanistan**, BBC strategic advisers worked throughout 2003 to help the Afghan ministry of information and culture to develop a set of overall policies. This included government commitments to change Radio-Television Afghanistan into a public service broadcaster and to make the Bakhtar news agency independent of government before the planned national elections later in 2004.

Rights At Work is a joint project between the Trust and the International Labour Organisation (ILO). Its overall objective is to raise awareness and increase public understanding of the Declaration on Fundamental Principles and Rights at Work. The project has involved radio programmes, websites and in-country events across three BBC language services: Indonesian, Bengali and Brazilian Portuguese. The **Indonesian** programmes were broadcast from May–July 2003. The Trust worked with partner radio stations to mount panel discussions in the Indonesian cities Jakarta, Makassar and Jayapura. The stations have since produced phone-ins and discussion programmes about the issues. A website on child labour accompanied the **Brazilian** series and was selected as a finalist for UNICEF's Ibero-American Communication Award. In conjunction with the Brazilian broadcaster Rede Globo, a discussion on child labour took place in November 2003 in a favela community in Rio de Janeiro. The Bengali programmes ended with a major drama and debate recorded in Dhaka in December 2003 before an audience of 500 people. All the newspapers in **Bangladesh** covered the event and debated the issues. The Trust and the ILO are extending the project to other areas and language services during 2004.



Women hold a rally to condemn an honour killing in Multan, Pakistan, 29 November 2003.

## HUMAN RIGHTS

**Women's rights and child rights**

Human rights are universal. They apply equally to all people – men, women and children. But political, legal, cultural and religious practices in many countries discriminate against women. At home, within their communities, at peace and at war, women are raped, beaten, mutilated for the sake of 'tradition' or honour and killed with impunity. Millions of women have no control over their bodies. They are forced to marry men they do not want. Sexual assault increases their risk of HIV/AIDS infection. They are punished for having sex outside marriage. Female feticide and infanticide destroy women's lives before they have barely begun.

Many children fare no better. Everywhere they suffer appalling abuses. Children as young as four are used as camel jockeys. Six-year-olds are forced into bonded labour, seven and eight-year-olds are recruited as soldiers, young girls are forced to work as prostitutes for sex tourists and as domestic servants. The systems that should protect them too often turn against them. Child offenders are imprisoned in inhumane conditions, sometimes in cells with adults who abuse them. Children forced to live on the streets face daily dangers including torture and murder by the police. Refugee children who have lost their homes and families are especially vulnerable to exploitation and abuse.

Despite facing such human rights abuses, women are playing increasingly important and assertive roles, for example in conflict prevention, conflict resolution and peace-keeping programmes. Women's grass-roots groups are essential to community-based education, health care and peace-building initiatives. Educating girls empowers them to participate more widely in communities and politics. By so doing women

gradually increase their ability to get involved in, and influence, the decision-making processes that rule their lives.

The UK is committed to protecting women and children and promoting their human rights wherever we can do so. This chapter examines our work with, and on behalf of, women and children overseas to support them in areas of conflict, politics and law. We explain the UK's work at EU and international levels. We describe our projects to increase women's knowledge of their political and legal systems, to support women and children in conflict situations, and to combat violence and abuse. We examine the plight of children preyed on by paedophiles and outline the expertise we offer countries to curtail the activities of these criminals. Finally, we look at some of the work we are doing in support of education programmes as a means of giving children more control over their futures.

**9.1 Women's rights**

The UK promotes human rights for women by negotiating on resolutions and other measures in international fora. The Ministers for Women, supported by the Women and Equality Unit (WEU), focus on mainstreaming gender equality throughout Government policy. The WEU, situated in the Department for Trade and Industry, also helps to co-ordinate the UK's international position on women's issues.

**Promoting women's rights in Europe**

The Beijing Platform for Action (1995) is a vital tool in the promotion of women's rights. The WEU assists in the EU's annual reviews of the platform, assessing progress of member states in implementing the commitments they made at Beijing and developing indicators to monitor and evaluate this progress. The 2003 EU review examined the role of women in



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economic decision-making. The Greek Presidency, January–June 2003, conducted a survey on women in economic decision-making, identifying progress made across EU member states. The Italian Presidency, from July–December 2003, followed up this work by developing indicators for a variety of national and European decision-making bodies. An analysis of the proportion of women in national parliaments revealed that only Norway and Sweden have over 40 per cent. A further nine countries, and the European Parliament, have over 30 per cent. Four countries have over 20 per cent, and 12 countries including the UK, currently with 18 per cent, have over 10 per cent. Further results from this evaluation are available at: [www.europa.eu.int](http://www.europa.eu.int)

The Irish Presidency, January–June 2004, conducted a questionnaire on sexual harassment in the workplace and produced a report outlining the findings. The Dutch Presidency, from July–December 2004, will use this report to develop indicators to measure and assess sexual harassment in the workplace across the EU. The UK is participating in this review.

Through the Council of Ministers' working groups, all EU member states are involved in negotiations on the proposal for a council directive for equal treatment between men and women in the access to and supply of goods and services (Article 13). The European Commission published in April 2004 a draft directive to improve community law in this area by amalgamating and amending four other directives concerned with equal opportunities and equal treatment of men and women in employment and education, into a new single directive. This recast directive will also incorporate appropriate European Court of Justice case law, which has clarified and further developed the concept of equality. Negotiations on this proposal began in June 2004 under the Irish Presidency and are continuing under the Dutch. The WEU has been working across Government to ensure that these final directives meet UK objectives and that we can welcome them as important pieces of legislation that will advance gender equality in the EU.

WEU is a member of the Council of Europe's Steering Committee for Equality between Women and Men (CDEG), an intergovernmental body promoting gender equality. The UK has participated in the debates and negotiations of recommendations on violence against women, balanced participation in decision-making, on-going discussions on gender budgeting, as well as the draft European Convention on trafficking in human beings for the purpose of sexual exploitation.

### Promoting women's rights at international level

The UK negotiates resolutions and other documents promoting women's rights in the UN Commission on the Status of Women (CSW), the UN Economic and Social Council (ECOSOC) and the Commission on Human Rights (CHR). The UK was re-elected to CSW in May 2004 for a further term of four years. As an elected member of CSW the UK attends annual meetings in New York. CSW is a functional commission of ECOSOC, preparing reports and recommendations on promoting women's rights and providing an important mechanism in mainstreaming a gender perspective in UN programmes and policies.

The WEU led the UK delegation at the CSW's 48th session, in March 2004, with FCO officials and representatives of the Women's National Commission. The themes this year were women's equal participation in conflict prevention, conflict management, and conflict resolution; and the role of men and boys in achieving gender equality. Negotiations on both areas were successful and consensus was reached on both conclusions. The agreed conclusions on women's equal participation in conflict prevention, management and conflict resolution made specific references to UN SCR1325, human rights, violence against women, trafficking of women and children, demobilisation, disarmament, re-integration and rehabilitation and provisions on women, and post-conflict elections. The discussions on the role of men and boys in achieving gender equality opened up important new areas for further work on men's attitudes to gender equality and to their own roles. The agreed conclusions recognised the contribution



3.

1. Romanian Roma women attend writing classes in a school in Tigu Bujor, Romania, January 2004.

2. Afghan girls study in a classroom in Kabul, July 2004. Teachers prepare girls between nine and 16, to return to regular classes after having little or no formal education during the five years of Taliban rule.

3. A Tamil woman holds her polling card as she stands in line to cast her vote at a polling station in the district of Batticaloa, in eastern Sri Lanka, 2 April 2004.

men and boys can make to gender equality in changing attitudes, relationships and access to resources and decision-making, as well as eliminating gender stereotyping.

The UK has run a gender mainstreaming resolution in the past. This year Bangladesh co-partnered the resolution, highlighting the fact that gender mainstreaming is a concern for both developing and developed countries. The text attracted a record 85 co-sponsors. The resolution invites all UN bodies to accelerate the process of gender mainstreaming by exchanging experience and best practice, integrating gender perspectives more fully into organisational action plans and training and increasing the involvement of men in promoting gender mainstreaming. The CSW passed the resolution by consensus without a vote. It also passed resolutions on Afghanistan, Palestine, hostage-taking, HIV/AIDS, and the UN Research Institute on Gender (INSTRAW).

ECOSOC's annual substantive session in July 2004 reviewed the implementation of the 1997 agreed conclusions on gender mainstreaming across the UN system. The outcome of the two-day review was that the agreed conclusions provide a valid framework for further action and that we need better monitoring mechanisms and more pressure from member states to ensure further progress. ECOSOC subsequently adopted a resolution requesting all UN entities to produce an action plan on implementing the agreed conclusions. We hope that these will provide a set of indicators against which we can hold the UN to account.

At the 58th session of the UN General Assembly in September–December 2003, the Netherlands tabled an ambitious resolution looking in detail at all forms of violence against women. Unfortunately there was not enough support for this initiative and, despite the UK's positive backing and assistance with negotiating, no agreement was reached. The Dutch withdrew this omnibus resolution and tabled two shorter resolutions instead. These were a useful first-time text on domestic violence and a resolution calling for an in-depth study

on violence against women. The US tabled another new resolution co-sponsored by the UK, looking at women in political participation. The General Assembly passed traditional resolutions on the girl child and women in the UN system. The latter will be a biennial resolution from now on.

### Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)

The UK signed the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1981 and ratified it in April 1986. The UK undertakes to submit reports to the CEDAW Committee every four years, in accordance with Article 18 of the Convention. In July 2003 the UK submitted its fifth periodic report to the committee, outlining the legislative, judicial and administrative measures that the UK Government adopted from 1999–2003 to give effect to the Convention. The report also addresses the concluding comments of the committee following consideration of the UK's third and fourth

### UK accepts the CEDAW optional protocol

On 22 July 2004, the UK's commitment to human rights received a further boost when Lord Falconer announced that, for the first time, the UK will accept an individual petition mechanism under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Accepting the CEDAW Optional Protocol, which confers this right of individual petition, means that people in the UK will be able to take complaints about discrimination against women directly to the UN body that monitors the treaty. Individuals must have exhausted all domestic remedies before making a complaint to the CEDAW committee. Minister for Women, Patricia Hewitt, welcomed the decision, saying: "Accepting the CEDAW Optional Protocol will enhance the UK's international reputation as a champion of women's rights." The decision, which has been widely welcomed by women's NGOs, was one of a series of outcomes of a major Government review of human rights treaties.

We hope to deposit our instrument of accession to the OP with the UN Secretary General on 10 December 2004, Human Rights Day.

periodic reports. WEU oversaw the compilation of the report, with inputs from other government departments, devolved administrations and women's NGOs. The CEDAW Committee will now review the UK's report. The report is available at: [www.womenandequalityunit.gov.uk](http://www.womenandequalityunit.gov.uk)

### Women's participation in politics and law

The FCO works in many countries to promote women's rights, to raise women's awareness of their rights and to encourage governments to observe these rights. Women's political participation is a key aspect of our work. By focusing on women's rights and participation in political and legal arenas, we can help women to understand the processes that rule their lives and become more involved in the decisions that are so often taken on their behalf. Before the Commonwealth Heads of Government Meeting (CHOGM) in Nigeria, the British Council ran a joint workshop in December 2003 with Commonwealth partners on the theme of engendering democracy. Working with new parliamentarians we looked at how to influence policy and legislation in order to make it more inclusive. Participants produced a communiqué to send to the main CHOGM as an agenda for action.

There has been some real progress in women's rights in **Egypt**. Notable highlights in the last two years include giving women the right to instigate divorce proceedings and granting nationality to children born to an Egyptian mother and foreign father, whereas previously nationality could only be inherited through the father. Several women have been appointed to senior posts. They include the first female judge in the supreme constitutional court, the first woman dean of a faculty of medicine, a minister of state for foreign affairs and the new head of the Egyptian Museum. However there is still some way to go, especially for women from lower income groups.

We are supporting two on-going projects for women funded under the Human Rights Project Fund. One project, run by the Association for the Development and Enhancement of Women (ADEW), is helping women in low-income areas claim their basic legal rights by focusing on status issues such as divorce, alimony and child custody. ADEW provides free legal advice to women seeking divorce or alimony payments and assists them in getting the necessary documents, including identity cards and birth, marriage, death and divorce certificates. Without identity cards, women cannot use Egypt's basic education and health care services. The Egyptian Centre for Women's Rights (ECWR) is running the second project which again addresses women's legal status. By working with NGOs in low-income areas, ECWR is encouraging women to register and obtain these identity cards that are so vital for their daily lives.

We are supporting the National Council for Women's ombudsman office in Egypt, which researches and handles women's complaints. Through a two-year Global Opportunities Fund (GOF) project, which began in January 2004, we will assist the ombudsman's activities for working women. The office is establishing equal opportunities units in government ministries, offering legal advice and following up individual complaints, researching problems that working women face, and lobbying for legislative change where appropriate. In May 2004 we sponsored the director and deputy director of the office and the head of the citizens' complaints committee at the newly established national council for human rights to attend a course in the UK. Entitled When Citizens Complain, the course was run by Public Administration International (PAI) and designed for fledgling ombudsmen.

In October 2003 King Mohammed VI of **Morocco** announced proposed reforms to the personal civil status law aimed at improving women's rights. The reforms include raising the legal age for women to marry from 15 to 18; allowing adult women the right to self-guardianship, which previously would have fallen to a male family member; giving husband and wife equal and joint responsibility over the family; and imposing severe restrictions on polygamy. The Moroccan government adopted the new family law on 25 January 2004 and is putting in place a programme to implement the law. We are working with the Moroccan authorities to ensure that poor and rural women are fully aware of their rights under this reform (see page 177 for more details).

Ashaiman is a settlement in the Greater Accra region in **Ghana** that suffers from widespread poverty, and there are many children roaming the streets who have been abandoned by their families. Family disputes are common, particularly in relation to inheritance and property rights. Through our Embassy's small grants scheme, we are funding a project to train a team of 25 women to provide counselling services and leadership within the Ashaiman community. The women are learning about conventional, traditional and Islamic laws relating to child upbringing and support, inheritance and succession, and marriage and divorce. They can then inform other women about their rights as well as provide a community counselling service.

Women have many legal rights in **Yemen**, but the conservative nature of society makes it difficult for them to achieve full realisation of these rights. The Yemeni government has yet to fulfil the tasks that the CEDAW Committee set following its latest country report. The government has, however, agreed a gender policy and an action plan although it has not accepted the proposals of the women's national committee for bringing the penal and civil codes into line with Yemen's international obligations. We will continue to urge the Yemeni government to

abide by its obligations under CEDAW. We are funding two projects: one that will enhance women's professional skills and increase their access to senior decision-making positions; and a second to improve the ability of women leaders to influence key decisions and mainstream gender into district council activities.

We are helping to create a network of women's NGOs in **Turkey** that will enhance communications and collaborative work between organisations. In 2003 we funded the Turkish NGO Flying Broom to develop a database of 300 national women's organisations. The database holds detailed information on the NGOs and reflects the strength of the women's movement in Turkey. In another project in Turkey last year, we supported an extensive training programme in Ankara and 11 provinces in Anatolia to spread awareness on EU issues. With our partners ARI Movement and KADER (Women's Association), we worked with women's NGOs and women in political parties to enhance their knowledge of the EU.

Society is generally male-dominated in **Romania** although there are a few women in senior positions. The government adopted a law in May 2003 to address this issue, but has yet to implement the legislation. The British Council continues a project to strengthen the role of women in politics. The project team is working with a core group of 25 women who represent the major parties. These women then train 400 other women in their party in political skills. When British MPs visited Romania in March 2004 they called on the equal opportunities commission in parliament to discuss gender issues, particularly female representation in high-level positions. Domestic violence is another serious problem. Through the small grants scheme, we funded the NGO ACTIV in Botosani to help women with temporary housing, counselling and re-integration into the labour market. DFID is also funding HIRO, an NGO in Oradea, to alleviate poverty in rural areas and help women at risk.

Under the Taliban, it was impossible for women in **Afghanistan** to work and move about freely. Today, life has improved, at least for women living in Kabul. Women are represented in the

ministries of the Afghan transitional administration (ATA), on the judicial commission and the Afghan independent human rights commission (AIHRC). Women in the regions, however, still face many restrictions. Education and justice for women is often poor and their access to health care is severely limited. The maternal mortality rates are among the highest in the world. There is no effective legal system and tribal law prevails in many parts of the country. There are women in prison for committing so-called crimes such as being raped or being left by their husbands for other women. In Afghanistan we are working to encourage women to play their rightful role in the forthcoming elections. This includes ensuring that men and women are included in voter registration programmes, that they develop the capacities to participate as campaigners and officials, and that women are empowered to take advantage of their quotas for representation in parliament. We have supported the NGO Womankind in several projects addressing women's participation in civil and political structures and the Afghan judicial commission. This works to improve access to justice for all Afghan communities, taking into account the special needs of women.

The Afghan government publicly demonstrated its intention to ensure full and equal rights for women by ratifying CEDAW on 5 March 2003. We have offered to assist the government in implementing CEDAW. The new Afghan constitution includes an explicit statement on the equality of men and women and guarantees women's representation in the legislative assembly. The next step is to implement these provisions in legislation, and the AIHRC and the judicial commission will play an important part in making sure that future legislation incorporates women's rights. The UK was closely involved in the EU-sponsored resolution on Afghanistan at the Commission on the Status of Women in March 2004, welcoming the progress that Afghanistan has made to improve the situation for women and urging the ATA to put in place a legal framework protecting women's rights.



Sakina, right, and her sister Shahina, left, both victims of an acid attack, give a news conference in Islamabad, Pakistan.

## Women in the Gulf states

**Bahrain** acceded to CEDAW in June 2002 but with broad reservations. The constitution guarantees equality for women, subject to Sharia law. Women in Bahrain are seeking protection and equality in divorce cases, custody of children, and a personal status law. Religious leaders in Bahrain oppose this. Women have the right to vote and can stand for election. Although there are no women in the elected lower chamber, there are six women on the appointed Shura council, including a Christian. There are some women in high-ranking jobs and organisations promoting economic and social rights for women. King Hamad's wife, Shaikha Sabika, heads the supreme council for women. The council proposes public policy to the government on issues relevant to women and recommends amendments to existing legislation. It plays an important role in encouraging women's participation in public life and making them aware of their rights. In April 2004 the King appointed Bahrain's first female cabinet minister, for health. In May and June 2004 the FCO funded workshops on leadership skills for women, from which we have received positive feedback. Our Embassy in Bahrain, in conjunction with the supreme council for women, plans a series of workshops to help empower women and change attitudes towards women voting in, and standing for, election in the next general election scheduled for October 2006.

Despite **Kuwait's** accession to CEDAW the government maintains broad reservations on the Convention. Women do not have the right to vote or stand as candidates in national assembly elections. In May 2004 the government announced its intention to allow women to exercise these rights. We welcome this, but the legislation has yet to go before the elected national assembly, which narrowly defeated an Amiri decree allowing women to exercise their political rights in 1999. There is an active campaign for women's political rights. Our Embassy regularly lobbies in favour of extending the rights to vote and stand in national assembly elections. In February and March 2004 with the British Council, we organised two workshops for Kuwaiti women across the political spectrum to teach them lobbying and presentational skills. Kuwaiti women have access to education at all levels and are well represented in the workplace. Kuwait's delegation to the 2004 Women in Business in the Arab World Conference in London was one of the largest.

We are concerned about the unequal position of women in **Oman** where the government has not signed or ratified CEDAW. The

consultative council elections in October 2003 were the first with universal suffrage, but only two women were elected and the turnout was low. Five women have been appointed to the state council, Oman's upper chamber, and in March 2004 the government appointed its first female cabinet minister. Women own property, but there are reports of officials discriminating against women seeking land grants or housing loans. Women require permission from a male relative if they wish to leave the country.

In a statement on 3 March 2004 at the 48th Session of the Commission on the Status of Women, the **UAE's** permanent representative to the UN stated that the UAE government had enacted legislation to promote and ensure gender equality, including equal opportunities for education and work. He said the UAE was committed to implementing all the recommendations and outcomes of the Beijing Platform for Action. It had established six national bodies for the advancement of women, in particular the general women's union, and Shaikah Fatimah, the president's wife, had inaugurated the new national strategy for the advancement of women in the UAE in 2003. He also announced that the UAE cabinet had proposed that the UAE become party to CEDAW. This now rests with the office of the president for a final decision. We have urged the UAE to ratify the Convention without any reservations.

Despite these advances we remain concerned about restrictions on women's rights and freedoms in the UAE. We receive reports of human trafficking of women from countries of the former Soviet Union to Dubai to work as prostitutes. The authorities are making some efforts to tackle the problem and have closed some notorious bars, massage parlours and travel agencies in the Northern Emirates that facilitated trafficking by arranging false visas.

The Amir of **Qatar** is promoting respect for women's rights and pursuing a programme of democratisation that involves the full participation of women. There are two women ministers and others hold senior non-government posts such as the presidency of the university of Qatar. In January 2004 Qatar's supreme council for family affairs issued a report drawing attention to the poor representation of women in the highest positions. It also noted, however, that an increasing number of women were beginning to take up senior posts.

### Women in conflict

Women and children are disproportionately targeted in armed conflicts and constitute the majority of all victims. Most of the world's refugees and internally-displaced people are also women and children. Where cultures of violence and discrimination against women and girls exist prior to conflict, they will be exacerbated during it. During conflict women and children are vulnerable to all forms of violence, in particular sexual violence and exploitation. With the loss of men and boys from households and communities because of their participation in armed forces, detention or enforced disappearances, women and girls must take more responsibility

for family security and well-being, often without the necessary resources or social support.

At the same time there have been many positive examples of women making a critical difference in promoting peace, particularly in preserving social order and educating for peace. Women's grass-roots organisations have set up groups across party and ethnic lines, advocating for peace, and have been active in reconciliation efforts, often with the support of regional and international networks. Examples include the Sudanese Women's Association in Nairobi (SWAN) and the Caucasus Women's League operating in Georgia and Abkhazia.

There are many regional women's peace networks, particularly in Africa. These include the Federation of African Women's Peace Networks and the African Women's Committee for Peace and Development, as well as women's rights organisations that have incorporated strong peace components into their programmes, such as Femmes Africa Solidarité.

In recent years there has been a growing recognition that the international community should do more to support women in conflict situations. The UK was a driving force behind the adoption, in October 2000, of the landmark UN Security Council Resolution (SCR) 1325, on women, peace and security. For the first time the international community broadened its gaze from the traditional political and military aspects of peace and security and turned its attention to the rights of those most widely and frequently affected by conflict. In doing so the international community recognised that women are not just disproportionately affected by conflict, but also in many ways hold the keys to peace.

SCR 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 re-integration, the different needs of male and female ex-combatants.

As a member of the Security Council, the UK continues to push for the full implementation of SCR 1325 in all Security Council work. We look for opportunities to ensure that resolutions, mission mandates and progress reports properly address gender concerns. We have provided US\$150,000 to the UN's Department of Peacekeeping Operations (DPKO) to develop a training manual on dealing with allegations of sexual exploitation and abuse, and to integrate its use into DPKO's Best Practices Unit.

The UK has helped the UN Development Fund for Women (UNIFEM) to put together a programme of work on women, peace-building and gender justice, pledging £3 million towards this work. This ambitious programme aims to strengthen women's contribution at all levels in prevention, resolution and peace-building; increase information about women, war and peace-building; strengthen protection and assistance to women

affected by conflict; strengthen the focus on gender justice in conflict-affected areas; and strengthen UNIFEM's capacity to deliver peace and security programming. With UK support, UNIFEM has published an independent assessment of how women are affected by armed conflict and their role in peace-building.

We have been supporting activities related to SCR 1325. We provided £500,000 to support UNIFEM's strategy for empowering women in **Iraq**, which is strengthening women's groups at governorate level and encouraging the government to take proper account of women's needs. We are also organising training seminars and workshops to involve Iraqi women in the political process and to teach them about democracy and democratic values.

In the on-going peace and transition process in the **Democratic Republic of Congo** (DRC), we are working closely with international and local women's organisations to get women's voices heard at key strategic fora such as the Great Lakes Regional Conference. We are also financing programmes that support victims of rape and sexual violence in the DRC. In **Guinea** our Embassy supports the Mano River Union Women's Peace Network (MARWOPNET) which is helping to build peace in the region. Gender issues are central to the NGO's approach to conflict prevention. We financed an English translation of its *Guide to Preventing Conflicts* for use in Liberia and Sierra Leone. This advises women in local communities on how to mediate in disputes and find non-violent resolutions. MARWOPNET is also setting up offices along Guinea's borders to prevent conflicts between refugees and local communities and to monitor cross-border flows of weapons. With the British Council in the **Philippines**, we have funded workshops on the role of women in conflict. The sessions are for Muslim Filipino women living in conflict areas, encouraging them to participate in conflict resolution and to contribute to peace processes.

The UK provides compulsory training on gender, child protection and human rights issues to all UK military and police officers embarking on peacekeeping or similar overseas missions. We have also been deploying female British officers to missions and other conflict prevention and resolution operations. They include two female police officers deployed to Sierra Leone and two senior gender experts to Iraq to work with the Coalition Provisional Authority (CPA).

### Violence against women

Violence against women exists in every society. Every day millions of women around the world experience indiscriminate violence. It cuts across social groups, disregarding race and culture. Within the family, violence against women and girls includes beatings, sexual abuse and rape, female genital

mutilation and other harmful traditional practices. The problem is compounded by the fact that many countries have no legal definition of domestic violence. Within the community, it covers rape and sexual abuse, harassment, trafficking, forced labour and slavery. State violence against women includes violence condoned by the police, prison guards and armed forces. In armed conflicts, violence is regularly used against women as a deliberate weapon of war, both because they are women and because of the community they represent. All violence against women is a violation of their human rights and an insurmountable obstacle to equality between men and women.

The UK condemns violence against women and we support work to promote women's rights and to protect women from violence. In **Turkey** we are working with the Aegean Women's Support Foundation to teach valuable communication skills to volunteers who deal with women subject to violence. Lawyers and psychologists will also be on hand, providing information on what constitutes violence, how women can protect themselves and what their legal rights are.

Violence against women in **Russia** is a major problem. According to the Russian official report to CEDAW, 14,000 women are killed every year by their husbands or relatives (a 1997 statistic). In January 2002 CEDAW expressed concern

that Russia had failed to implement the provisions of the Convention. There has been no progress on draft legislation to address the issue and Russian law still lacks a legal definition of domestic violence. The principal problem lies in the failure of law enforcement agencies to treat the problem seriously. In the minority of cases when women go to the police, the official response is frequently dismissive and hostile. There has been some progress in establishing crisis centres, including with UK assistance. The FCO helped to fund the Moscow Helsinki Group in conducting a regional monitoring project on violations of women's rights in 2002–2003.

Traditional **Iraqi** culture often masks abuses of women, mainly domestic violence. Reliable statistics are still not available, but according to reports by Iraqi women, domestic violence, kidnapping and rape are huge areas of concern. Article 12 of the transitional administrative law is clear that discrimination against an Iraqi citizen on the basis of gender is prohibited. But culturally the issue is not publicly discussed. However, women's groups that have emerged in the post-conflict period are beginning to address the problem by seeking ways to establish safe houses, or transitional protection services where women can receive medical attention and counselling. The coalition provisional authority, Iraqis and NGOs have worked together to establish a protective service for women who have been

## Female feticide in India

Female feticide is an extreme manifestation of violence against women in which female foetuses are selectively aborted after prenatal sex determination.

Female infanticide has existed in **India** for centuries. Today the incidence of female feticide is increasing with the proliferation of prenatal diagnostic equipment and clinics. The bias against girls is rooted in a complex set of religious, economic, social and cultural factors. Girls are considered a burden in the marriage market thanks to the reinvented tradition of dowry. Female feticide is not only linked to poverty and prejudice in poorer, rural societies; there are also declining sex ratios in highly developed districts and states. Maharashtra, Himachal Pradesh and Haryana have recorded a more than 50 point decline in the child sex ratio over the past 10 years. In Punjab, where the first private ultrasound clinic opened in 1979, the sex ratio has dropped from 924 females per 1,000 males in 1981 to 793 in 2001.

The 2001 India-wide census highlights this frightening trend. The countrywide child sex ratio of children aged 0–6 years was 945 females per 1,000 males in 1991, and 927 in 2001. In urban Delhi the ratio dropped from 917 in 1991 to 866 in 2001. The contribution of deliberate neglect and female infanticide leading to female death after birth is small in metropolitan Delhi so these figures are a good reflection of sex ratio at birth.

India has the strongest legislation against prenatal sex selection in the Commonwealth. The Prenatal Diagnostic Techniques Act prohibits the use of ultrasound for the determination and disclosure of the sex of a foetus. It also prohibits any advertisements offering prenatal determination of sex. Despite the enactment of the legislation and a subsequent supreme court ruling upholding the constitutionality of the legislation, female foetuses continue to be selectively aborted after prenatal sex determination by ultrasound technology.

To help combat this extreme form of violence, we are supporting a three-year project (2002–2005) with the Centre for Women's Development Studies (CWDS) to create and strengthen campaigns against feticide in the states of Tamil Nadu, Karnataka and Andhra Pradesh. CWDS has been involved with one of the most comprehensive interventions against sex selection in the country. Through the project CWDS and its partners have worked with medical professionals to promote ethical practice and, where necessary, to blow the whistle on medical practitioners who disregard the provisions of the Act. CWDS has also worked with government officials at state level to encourage them to enforce the legislation and run workshops for print and television journalists at national and state levels. These drew media attention to the practice of prenatal sex selection and encouraged journalists to shine a spotlight on unscrupulous medical practitioners. Some reporters carried out sting investigations posing as customers to expose unethical ultrasound centres.

## Female Genital Mutilation Act

The Female Genital Mutilation (FGM) Act 2003 came into force on 3 March 2004. The Act repeals and re-enacts the Prohibition of Female Circumcision Act 1985 and closes a loophole by making it an offence for the first time for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal. To reflect the serious harm that FGM causes, the Act increases the maximum penalty for both performing and procuring FGM from five to 14 years' imprisonment. The Act is the result of a Private Member's Bill introduced by Ann Clwyd MP.

To inform professionals in the UK about the new Act, the Home Office has issued a circular to police forces and others in the criminal justice system. The Department of Health has placed articles about the Act in medical publications which will reach doctors and midwives throughout the country. The Department for Education and Skills has issued guidance to social services. In addition to the funding already given to voluntary organisations to take forward national strategies to combat FGM, the Government has provided £30,000 to finance an information campaign of seminars, workshops and leaflets to target those communities that practise FGM.

kidnapped, raped or abused 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 currently administers shelters for women and their children. We hope that in the future NGOs will take on this responsibility.

Our Embassy in Phnom Penh, **Cambodia**, is addressing negative attitudes towards women by promoting women's rights and reducing abuses and domestic violence against women and children from the Islamic (Cham) community. Under the small grants scheme we are funding a 12-month project to run advocate training on human rights abuse, domestic violence and gender equality for Cham women and children in 24 villages in Kompong Chhnang province. The Cham Khmer Islam Human Rights and Development Association will assist victims in filing complaints and in accessing justice through the Cambodian defence project and the department of women's and veteran's affairs. We are expecting 600 participants on the project: 80 per cent Cham women and children and 20 per cent from non-Cham communities. The sessions will stress gender equality and the role and responsibility of women in society as well as the attitudes of the wider community towards women.

### Honour crimes

Honour crimes are premeditated attacks on women by family members as punishment for actions that they believe have

dishonoured the family. The women may be beaten, stoned, mutilated, have acid thrown at them or killed. Their actions may have included engaging in sexual activity, being suspected of doing so, refusing an arranged marriage, or leaving an abusive husband. In some cases families will kill women who were the unwilling victims of rape.

Honour crimes occur in many parts of the world. It is difficult to obtain accurate data on the numbers of victims. Estimates from the Pakistan human rights commission suggest that in 2003 there were several hundred in Pakistan's Sindh and Punjab provinces alone.

The perpetrators of honour crimes invoke custom, tradition or religion to justify the punishment and to prevent the authorities from bringing them to justice. Although domestic legislation may in principle protect women accused of so-called dishonourable actions, the broader social and cultural prejudices against women mean that in practice they have no opportunity to defend themselves against the allegations. Indeed, any attempt to challenge their accusers is often met with further violence and intimidation. The UK prosecutes honour crimes under criminal law.

The UN General Assembly focused attention on honour crimes by adopting a resolution in both 2000 and 2002. The resolution emphasises a state's responsibility to act to prevent violence against women whether in public or private life. Failure to do so constitutes a violation of the rights of women as set out in core UN human rights instruments. Greater public pressure and increased political will have brought more support for this resolution among UN member states. At the 59th session of the General Assembly in November 2004, the UK will sponsor the resolution on honour crimes. Turkey, a country working hard to improve its record in this area, will run it jointly with us.

Women's rights are a major problem in **Turkey**. There are high rates of domestic violence and female illiteracy and little female representation in local and national politics. However, local government research shows that government campaigns and a new regulation, making it a penal offence not to send girls to school, are beginning to have an effect. The government has made some high-profile condemnations of honour killings and in 2004 judges handed down record sentences for this crime. The authorities have drafted some changes to the penal code to remove reductions in sentences for honour killings and broaden the definition of rape but they have not yet been approved. The changes are expected to be passed by the end of September. The Turkish authorities consulted Council of Europe legal experts on the proposed changes to the penal code.

We have been working with NGOs in Turkey on a project which uses the media to mobilise public intolerance towards honour crimes. We are funding the production of printed materials, television programmes and spot films which target the women most vulnerable to these crimes. The aim is to convince these women, and those in positions of influence, that family honour can never justify assault and murder. Our Embassy is funding the British Council and Turkish NGO KAMER over the next year to bring together around 20 agencies in a concerted effort to develop strategies for effective campaigning and lobbying against honour crimes.

There is a growing public rejection of honour killings in **Pakistan's** educated urban areas. We are funding a British Council project, endorsed by senior public figures, to encourage a similar change of attitudes in Sindh and Punjab. The communities in which honour crimes are prevalent are close-knit and it is only by encouraging debate at community level that we can combat people's acceptance of these crimes. Through this project we aim to reach 100,000 people over two years through street theatre, video plays and meetings that stimulate debate about honour crimes.

### Trafficking

Trafficking of women and young girls is a highly profitable trade for organised crime syndicates. Rough estimates suggest that between 700,000 and two million women and girls have become victims to date (see page 173 for more details on human trafficking). In **Russia**, Chair of the Presidential Commission on Human Rights Ella Pamfilova said in January 2004 that up to 50,000 women had been trafficked to the West from former Soviet countries in recent years. Trafficking of women and forced prostitution have risen up Russia's political agenda. In June 2002 the US put Russia on a blacklist of countries facing the loss of US non-humanitarian aid for not doing enough to crack down on trafficking. The UK has lobbied on the issue at official level. President Vladimir Putin signed off amendments to the criminal code in December 2003, establishing trafficking as a crime and making provision for severe prison sentences for trafficking offences. The state Duma is currently considering further draft legislation on the status of trafficking victims which contains provisions in three main areas: educating the public about human trafficking and slavery; obliging the government to protect and rehabilitate victims; and giving law enforcers a legal basis to fight trafficking and slavery. The law on ratification of the UN Protocol on Prevention and Suppression of Trafficking in Persons was submitted to the Duma in December 2003 and ratified. It is now in force. Ratification of the protocol was essential for combating human trafficking and for assisting victims.

The British Council tackles trafficking by working with both perpetrators and victims. In **Turkey** and **Ukraine** the British Council ran training programmes last year with border guards and the police to enable them to identify traffickers and collect the necessary evidence for prosecution. The British Council has also worked on behalf of victims through help lines and NGOs that provide support and safe accommodation. With a local theatre group the British Council developed interactive performances with young people in **Bulgaria** to inform vulnerable groups about trafficking. The performances have been developed into an educational film for distribution to schools and youth groups in supply countries.

## 9.2 Child rights

In this section we look at some of the important work that the UK is doing to help promote child rights abroad. We begin with the Convention on the Rights of the Child which sets out the fundamental rights all children are entitled to. We look at some important developments to promote these rights, concentrating on the new EU guidelines to help children caught up in conflict. Conflicts have a terrible impact on the lives of children, and we draw attention to some of our work to help ease their situation. We then look at the serious and growing problem of sex tourism and the projects that we are sponsoring to curtail this odious practice. In the final section, we examine the issue of child education as a crucial means of promoting child rights.

### Child rights panel

The child rights panel is the FCO's new thematic panel, set up to examine policy issues such as child labour, children in armed conflict and trafficking. Panel members comprise representatives from NGOs, the FCO and other government departments. The panel provides a forum for exchanging ideas and expertise and identifying opportunities for working together. The panel's work informs the FCO's approach to child rights issues and feeds into our policy-making process.

At the panel's first meeting in December 2003, we identified the terms of reference for our future work. We selected six thematic issues: children in armed conflict, child labour, child trafficking, harmful traditional practices (such as FGM and forced marriage), street children and juvenile justice. We highlighted the UN Convention on the Rights of the Child (CRC), and ILO Convention 182 on the elimination of the worst forms of child labour as providing a framework for the panel's work. The UN study on violence against children is also an overarching issue.

The panel evaluates and selects child rights projects for funding under the Global Opportunities Fund Human Rights, Democracy and Good Governance Programme. These projects

## Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC), adopted in 1989 by the United Nations General Assembly, sets out the fundamental rights and freedoms of all people under the age of 18. The CRC does not give enforceable rights directly to individual children, but imposes obligations on states to bring their rights into national law. In the past 15 years the CRC has become the most widely adopted human rights instrument in history with 192 states parties. The UK ratified it in December 1991. The CRC builds on the Universal Declaration of Human Rights. This 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. It identifies their needs, confirming the rights to primary and secondary education, adequate health care and social security, among others. When a state ratifies the Convention, it commits itself to a programme of monitoring. Two years after ratification, and every five years after that, governments must submit a report to the Committee on the Rights of the Child, one of the UN's treaty monitoring bodies. The committee's 18 independent experts examine evidence from NGOs, UN agencies, academic institutions and the press. The committee publishes its concerns and recommendations for the country in question as concluding observations.

will complement the panel's work on policy issues. At the first meeting panel members agreed four priority themes for project funding for the financial year 2004–2005: making children and adults aware of the CRC; police training programmes; community-based programmes for street children; and human rights issues relating specifically to girls, such as FGM and early and forced marriage.

At the panel's second meeting, we evaluated project bids from panel members and our posts overseas, putting forward five projects for approval by the programme committee. All five projects secured funding:

- > **Turkmenistan:** the Children's Legal Centre will provide training programmes on child protection issues and crisis intervention services for professionals working with children in youth centres and relevant government departments.
- > **Ethiopia, Indonesia and Bangladesh:** the Consortium for Street Children will evaluate police training with an emphasis on the treatment of street children. This will result in a practical toolkit containing examples of good practice for police, governments and NGOs – not only in the region but worldwide.
- > **Venezuela:** CECODAP, a Venezuelan child rights NGO, will strengthen children's rights by setting up mechanisms to improve children's and adolescents' access to justice. The NGO will 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 will also be a public campaign on implementation of those rights and the need to prosecute violations.
- > **Central Asia:** the Children's Legal Centre will develop and deliver training programmes for police in Turkmenistan, Tajikistan and Kyrgyzstan. These programmes will focus on juvenile justice and child rights' standards and improve working practices. In the longer term the project seeks to reduce the number of children entering the formal criminal justice system.
- > **Central America:** Save the Children UK (SCUK) will further its thematic programme on juvenile justice and gangs in Central America. SCUK will develop police training programmes in Honduras and then share the findings with organisations in El Salvador, Guatemala, Nicaragua and Costa Rica.

The programme committee has also approved four additional child rights projects recommended by our posts overseas:



Refugee, Catherine Sawadogo, aged seven, carries a bucket of water in the Nicla I refugee camp in Guiglo in western Côte d'Ivoire.

- > **Cambodia:** Tearfund and Resource Development International will use karaoke as a means of communicating with children about how to protect themselves from sexual, physical and mental abuse. The project team will produce 2,000 audio-visual packs – aimed at three separate age groups – for use by NGOs, schools and other community groups, and train 550 teachers in using them effectively. Weekly television broadcasts will focus adults' minds on their responsibilities to protect children and how they can play a part in combating abuse.
- > **Cambodia:** in a second Cambodian project, the NGO Protection of Juvenile Justice will help child victims of rape and trafficking to pursue their cases through the courts. The project will deliver workshops for law enforcers and carers and produce legal training materials on commercial sexual exploitation.
- > **Philippines:** there are over 60,000 sexually exploited children in the Philippines, most of whom are girls. GOF money will enable the NGO Childhope to train 240 adult and parent leaders and 240 youth advocates on the CRC and protective behaviour against sexual abuse. The project will fund counselling, rescue and education for high-risk and trafficked children and those in prostitution.
- > **The United Nations:** coalitions of NGOs prepare alternative reports to coincide with those submitted by states parties to the CRC every five years. These form the basis of the committee's recommendations to states parties on improving child rights in that country. The project will run workshops in Geneva for NGOs based in countries whose reports are due on how best to work with the committee to ensure that its recommendations effectively address the situation on the ground. The countries involved are: **Albania, Belize, Bolivia, China, Costa Rica, Ecuador, Nepal, Philippines, Nicaragua, Nigeria, Mongolia, Yemen, Trinidad and Tobago and Togo.**

### Children and conflict

**"Children continue to be the main victims of conflicts. Their suffering takes many forms. Children are killed, made orphans, maimed, abducted, deprived of education and health care, and left with deep emotional scars and trauma. Forced to flee from their homes, refugees and internally displaced children are especially vulnerable to violence, recruitment, sexual exploitation, disease, malnutrition and death. Children are being recruited and used as child soldiers on a massive scale. Girls face additional risks, particularly sexual violence. These egregious violations of children's rights take place in a pervasive climate of impunity"**

**Children and armed conflict, Report of the UN Secretary-General, Kofi Annan, 10 November 2003**

### EU guidelines

Two million children have been killed in conflict situations over the past 10 years. Large numbers of children have been affected by trauma, serious injury, displacement and have been orphaned. At any one time it is estimated that there are over 300,000 children fighting in armed conflicts around the world. But this is not the whole story. The involvement of children in armed conflict extends beyond recruitment into armed forces, armed gangs and paramilitary groups. Children are brought into support roles such as cooks and porters, as well as sex slaves to those involved in the fighting. There are many thousands of children displaced by wars who then seek refuge away from the conflict zones. Trafficking and sexual violence thrive in conflict zones. Systems of birth registration and juvenile justice break down.

With this in mind, the Italian government made the elaboration of a set of EU guidelines on children and armed conflict a key priority of its EU Presidency in the second half of 2003. The guidelines provide a formal framework for EU action, both internally and in its dealings with those countries where children are involved in armed conflict. These activities cover the short, medium and long term. The guidelines encourage respect for, and promotion of, human rights standards and set out steps to protect children from the effects of armed conflict, whether they are involved directly or indirectly.

EU activity falls into three categories – monitoring and reporting, making assessments and recommendations, and taking action with third countries. The EU, through its human rights working group COHOM, considers children's involvement in armed conflict through its regular reports, from heads of missions and other representatives such as military commanders and special representatives. COHOM then recommends appropriate action to EU bodies such as the political and security committee. Options open to the EU include raising the issue in political dialogue with third countries, presenting démarches and ensuring a specific focus on the issue in crisis management operations.

The EU also works with the Office of the UN Secretary-General's Special Representative on Children and Armed Conflict and other UN agencies, such as UNICEF, to share information and ensure complementary approach to their work. There will be opportunities for co-operation and collaboration with NGOs.

For the first two years of the guidelines, responsibility for implementation will lie with the Council Secretariat, COHOM and the Presidency. COHOM will then review the guidelines. The UK is committed to the guidelines and hopes that they



A 13-year old Karen soldier guards his jungle camp of Mi Aye Bo in Burma's Karen state near the Thai border. Burma is one of the world's largest recruiters of child soldiers.

provide a strong operational tool for strengthening the EU's work in this area.

The UK is also working through the UN on behalf of children by supporting resolutions on children and armed conflict, advocacy, and capacity-building. Most recently we were involved in drawing up resolution 1539 which was adopted on 22 April 2004. This resolution sets monitoring and reporting mechanisms to ensure compliance with international law relating to the rights and protection of children. These mechanisms should help stop the recruitment and use of child soldiers, prevent violations against children affected by armed conflict, and enable humanitarian access to children.

There have been some positive developments in **Burundi** and the **DRC** in the past year (for more details on the conflict in DRC see page 36; for Burundi see page 146). The long-running war in the DRC came to a formal end in July 2003, and the Burundi government has signed ceasefire agreements with all but one rebel group. However the political transition in both countries remains fragile. Humanitarian needs are acute, human rights abuses widespread and low-level conflict continues to threaten the civilian population, particularly children. There are tens of thousands of ex-combatants still to be disarmed and re-integrated into their communities. In both Burundi and the DRC many of these ex-combatants are children. The UN Secretary-General reported in February 2003 that up to 35 per cent of some armed groups in the DRC were made up of children. In Burundi, Human Rights Watch estimated in January 2004 that 14,000 children were serving or had carried arms in either the national armed forces or armed opposition groups over the course of the previous year.

The situation has improved slightly in the DRC. The UN Secretary-General's report of March 2004 stated that at least 650 children left armed groups and entered demobilisation programmes. There was a sharp drop in the number of reports of the recruitment of children. However the government has not put in place a national plan for disarmament, demobilisation

and re-integration (DDR) and thousands of children remain at risk. Nor has there been any progress on DDR in Burundi where the problem of child soldiers remains acute.

The World Bank runs the Multi-Country Demobilisation and Re-integration Programme (MDRP) which is the main international body co-ordinating work on DDR across the Great Lakes region. The UK has committed US\$25 million to this programme over five years. We fully supported the establishment of a UN Peacekeeping Mission to Burundi, assisting the Burundian government with DDR, particularly of women and children, and protecting human rights. UK aid to the DRC has recently increased to some £34 million this year, making the UK the largest bilateral donor. We also contributed an estimated £70 million through the EU, UN and other multilateral agencies. In DRC, the UK has also provided £750,000 to UNICEF to establish child protection networks in each of the country's provinces.

In **Uganda** the Lord's Resistance Army (LRA) has been using child soldiers in its operations in the north of the country for 15 years. Since 1988 the LRA has abducted 20,000 children and a further 6,000 are unaccounted for. Children across northern Uganda remain at risk for as long as the LRA's activities continue. Though military action by the Ugandan government is unavoidable, it is unlikely to resolve the conflict and will only perpetuate the cycle of violence against children. We have urged the Ugandan government to look at all methods of ending the conflict. The UK supports Ugandan groups working for peace, including religious and traditional leaders in the north. We also support agencies working to rehabilitate former child abductees and their communities (see page 123 for more details on Uganda, the LRA and the International Criminal Court).

The Ugandan government also faces accusations that its official armed forces are recruiting children. The country ratified the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict on 6 May 2002. The government has tightened

recruitment procedures in an attempt to screen out under-age recruits. However, there are still problems in the auxiliary forces, particularly in the local defence units in northern Uganda. A further worrying development has been government support for the recruitment of ethnic militia in parts of the north, which increases the risk of under-age recruits. Uganda's human rights commission and UNICEF have identified specific examples of under-age recruitment. Our High Commission and DFID Uganda are working with UNICEF to find and demobilise any child recruits. UNICEF reports that the army has co-operated on specific cases. We continue to monitor the situation.

There is no evidence that the regular security forces in the **Côte d'Ivoire** recruit child soldiers. But there are reports from international NGOs that, following the armed uprising in September 2002, government forces unofficially employed Liberians from refugee and transit camps mainly in the west, including an unknown number of child soldiers (for more details on the conflict in Côte d'Ivoire see Chapter 5 page 143). These groups have now largely been dispersed. Rebel forces who control the northern half of the country also recruit and arm children as young as 15. The mandate of the UN Operation in Côte d'Ivoire (UNOCI) includes assisting the government with its programme of disarmament, demobilisation and re-integration, with special emphasis on children.

The government in **Sudan** signed the Optional Protocol on the involvement of children in armed conflict in 2002 and both the government and the Sudan People's Liberation Militia (SPLM) have been demobilising and repatriating child soldiers (for more details on the conflict in Sudan see Chapter 1 and Chapter 5). We hope to see further progress once the Sudanese government and the SPLM have signed a peace agreement. During the period covered by this report, DFID contributed over £500,000 to support UNICEF's work to reunify and reintegrate 4,000 child soldiers and a further 10,000 other vulnerable children with their families and communities.

Child soldiers were used by all three factions during the civil war in **Liberia**. They were used for fighting, as cooks, as camp labourers and sex slaves (for more details see Chapter 5 page 142). There are 8,000–16,000 child ex-combatants in Liberia who will undergo the DDR process, under the supervision of UNICEF. They all need special care and counselling. Once disarmed the children will move to interim care centres, where they will be kept separate from adult fighters while receiving specialised care. They will later be reunited with their families.

In **Sri Lanka** we have expressed our grave concerns to the Liberation Tigers of Tamil Eelam (LTTE) about reports of child recruitment in the north and east of the country. The attempted split of the LTTE's eastern military commander, Karuna, and the

resulting political violence in the East, has seen the largest ever release of under-age soldiers, the majority from Karuna's troops. Some 300 were officially released and over 1,600 returned home. However, the latter lack formal release letters from the LTTE and remain vulnerable to re-recruitment. The LTTE has made repeated commitments to the Sri Lankan government and the international community to end child recruitment. Since the ceasefire it has formally released over 1,000 children, to their families or to transit centres jointly run by UNICEF and the Tamil Rehabilitation Organisation. However child recruitment has not stopped, and UNICEF has said that continuing recruitment by the LTTE "completely undermines" the earlier releases. UNICEF has called on the LTTE to take specific steps to demonstrate its commitment, including ensuring that recruitment notices state clearly that no one under the age of 18 will be accepted and that proof of age will be required from all prospective recruits. The LTTE has not taken these steps.

The effect of conflict on the children of **Afghanistan** has been far-reaching. We are funding the UN Assistance Mission to Afghanistan (UNAMA) DDR process, in which UNICEF is responsible for working on specific child soldier issues. UNICEF is attempting to extract child soldiers from the various forces, and is also regenerating the education system and counselling children affected by war.

**Burma** is one of the world's largest users of child soldiers. The army forcibly recruits many children. Armed groups fighting against the military regime also use child soldiers. A small number of children, whose cases were brought to the attention of the regime by international organisations, has recently been discharged. However the regime has yet to tackle the wider problem, including taking action against those involved in recruitment of children. The EU has included the issue in successive human rights resolutions at the UN General Assembly and UN Human Rights Commission. In April 2004 the UN Security Council passed a resolution on children affected by armed conflict. The UK highlighted its concerns about child soldiers in Burma.

There have been numerous reports that the Maoists in **Nepal** have abducted groups of students aged 12–16 and given them ideological and military training. Most students are released after a few days. A local NGO, Child Workers in Nepal, reports that from January–May this year, the Maoists abducted 3,801 children. Human rights activists and journalists claim that the Maoists have used child soldiers in combat and as human shields, but we have no independent reports to verify this. At this year's UN CHR, the chairman's statement condemned the Maoists for their increased use of children. Sir Jeffrey James, Special Representative to Nepal, on his visit to the country in March 2004 said: "The Maoists' abuse of schools,

indoctrination and abduction of young people, and their induction into military forces, are particularly abhorrent.”

DFID continues its Global Conflict Prevention Pool programme in Nepal focusing on women and child service centres, juvenile detention centres and the rehabilitation of child soldiers.

A report published by Human Rights Watch in September 2003 estimated that there are more than 11,000 children fighting in illegal armed groups in **Colombia**. Most of them joined at 14 years or younger. Some of these minors were coerced into joining up, but others volunteered, mainly because they come from poor or violent families and have little in the way of future prospects.

### Abuse, exploitation and neglect

The abuse of children takes many forms and occurs all around the world. It is both systematic, as in organised crime that uses children as labourers or sex workers, and unsystematic, as in domestic violence or sexual abuse by family members or carers. In this Annual Report we look at some of the work that we are doing to curtail this most abhorrent of crimes. This includes providing expert assistance in the detection and prevention of paedophiles operating abroad; improving the means of prosecuting those involved in the illegal activity; and helping the victims to recover.

Cheap global travel and the growth of the Internet pose an increasing worldwide threat to vulnerable children. As laws in the UK and many other countries tighten, so European and US paedophiles target children abroad through sex tourism and the Internet. Predatory paedophiles operate mainly in the less developed countries. South-eastern Europe and the Baltic states are also popular. The Internet has become the favoured medium for distributing hardcore images of child pornography. The commercially available encryption packages allow paedophiles to protect transmission and storage of illegal material.

Paedophiles log into chat-rooms popular with children where they groom potential victims through on-line relationships.

The FCO supports efforts to prevent the abuse of children by British paedophiles overseas and to detect and apprehend offenders. We assist other countries in developing their own capability to tackle this crime. We also work with governments, regional authorities and law enforcement agencies to tackle paedophilia wherever it occurs.

In **Guatemala**, the Human Rights Ombudsman, Dr Sergio Morales, is concerned for the plight of child victims of violence and abuse. They urgently need a temporary safe haven, but the state has provided no resources. Our Embassy works closely with Dr Morales and, through the small grants scheme, has provided the funds to set up a refuge where abused children can begin their recuperation. Our funds have started up programmes for the children's physical and psychological recovery, and provided information on and recourse to legal aid. The building phase was completed within months. In October 2003 our Deputy Head of Mission Kevin Garvey attended the centre's opening ceremony to inaugurate this new initiative. The refuge, originally conceived as a safe haven for children, is overwhelmed by desperate demand and is now open to abused women and crime witnesses as well.

Child abuse is a significant problem in **Chile** and is made worse by the lack of a national child protection network. It can take up to four weeks before the authorities take protective action and up to a year before a child receives any therapeutic treatment. Over the last two years our Embassy has supported British projects to address these problems. In 2003, with the aid of former Chief Constable of Gloucestershire Dr Tony Butler, the Embassy helped develop a state-of-the-art video suite for recording interviews with child victims. We also trained Carabineros officers in the latest interviewing techniques. Also in 2003 we developed Chile's first practical guide on clinical assistance for sexually abused children. These developments are already helping to improve children's protection and access to justice.

We continue to work with the local police and other agencies involved in child protection. In June 2004 we funded Chile's first



Fourteen-year-old Moses Watson recounts his experiences of being a child soldier in the Liberian government forces, at a youth rehabilitation centre in Monrovia. Thousands of child soldiers whose youth has been marred by war are now having to accustom themselves to civilian life.

inter-agency seminar bringing together government and NGOs working in this area. As a result the government is planning to develop a strategy to co-ordinate child protection services. The aim is to create a British-based model which places children at the centre of a co-ordinated network of services that can deliver effective assistance to them.

Child sex abuse and paedophilia are major problems in **South East Asia**. We are increasing our co-operation with local law enforcement agencies to try to stop British paedophiles operating in the region. In **Thailand** we have supported the NGO ECPAT's work to combat child sex tourism in the north of the country. We are organising a two-week workshop in Bangkok due to be held later this year for regional law enforcement officers, led by the National Criminal Intelligence Service's (NCIS) Serious Sex Offenders Unit.

A significant proportion of the child sex images on the Internet emanate from **Cambodia**. With UNICEF we are training lawyers, judges and prosecutors on child rights with a focus on sexual offences committed against children. We are also working with the juvenile protection department of the Cambodian national police (CNP) to train them in the use of information technology and software to prevent people using the Internet to disseminate images of child sex abuse, and to detect child sex abusers in on-line chat rooms. In April 2004 officers from the Serious Sexual Offences Unit provided training to CNP and Gendarmerie officers to enhance their capacity to combat this problem. In the legal sphere, we are working with the NGO AFESIP in drafting new legislation on juvenile pornography and related issues of child exploitation where existing Cambodian legislation is inadequate.

Our Embassy in Phnom Penh is funding the refurbishment of a police interview room in Kandal province near the city. With the NGO Friends, we hope to transform a drab, institutional public office into a child-friendly location where victims of sexual and physical abuse will feel able to tell their stories in the hope of securing convictions. The room will have soft seating areas, colourful walls and toys and figures for acting out scenes. With the local authorities we are now looking for suitable premises.

The rapid growth of foreign tourists visiting **Cuba** in recent years, coupled with the Cuban authorities' relative inexperience in tackling child abuse, has substantially increased the vulnerability of Cuban children to sexual exploitation. The Cuban government is fully committed to eradicating the threat posed by sex tourism. Our Embassy in Havana is co-operating closely with the government on a multi-agency system to protect children. Former Chief Constable Dr Tony Butler is running a three-year project to provide a video evidence suite where child victims can give evidence in a secure environment

to trained professionals without the trauma of testifying in court. British police officers are training Cuban officers in child interview techniques and establishing a task-force to co-ordinate action across the agencies. Our project is helping Cuba meet the international standard under the CRC (Article 8), which urges protection for children testifying against someone accused of using or supplying child prostitutes.

The Internet has dramatically increased the opportunities for paedophiles to contact young children. We need sophisticated software and methods of detection to combat this modern threat. In the past year we have funded the installation of software to detect paedophiles on-line in chat rooms in 14 countries and trained law enforcement agencies in its use. This project has assisted the authorities in **Albania, Cambodia, Turkey, the Philippines, Bulgaria, Latvia, Poland, Romania, Russia, Thailand, Hungary, Czech Republic, Croatia and Sri Lanka**. Our Embassy in Poland funded a campaign in 2004 highlighting the issue and we also supported the translation of UK legislation on sex offences into Polish.

An international conference at Wilton Park in March 2004 addressed on-line child abuse and was attended by 31 countries from Asia, the EU, Eastern Europe and the Americas. We co-funded this valuable conference which has resulted in better co-operation between police forces in different countries. Some countries have since introduced new legislation. Other ideas emerging from the conference are the need to target information campaigns more accurately and train prosecutors as well as law enforcement officers.

### Street children and justice

Thousands of children around the world are forced to live on the streets. Living on the margins of society and in conditions of overwhelming poverty, they are exposed to violence and exploitation. The need to survive often leads these children into a life of crime. They miss out on childhood and schooling. Many turn to gangs for a sense of community and personal protection. The UK is committed to helping children who find themselves in this situation. In this Annual Report we look in depth at the plight of children in Honduras and Guatemala, where the problem is acute.

The governments of **Honduras** and **Guatemala** have acknowledged publicly that they have serious problems with street children. There are no official statistics, but leading human rights organisation Casa Alianza estimates some 20,000 street children live in Honduras's urban centres. Between January 1998 and June 2004 it estimates that 2,300 children and young people under 23 years old were murdered. We monitor the progress by the Honduran authorities on this issue and, in particular, on bringing those responsible for the murders of street

children to justice. The UK Government has received large numbers of public and parliamentary correspondence on this issue. Foreign Office Minister Bill Rammell and FCO officials have had regular discussions with Casa Alianza. Mr Rammell raised the plight of street children during his discussion with Oscar Alvarez, Honduran Minister of Security, when he visited the UK in March 2004.

Our Embassy in Honduras, which closed in December 2003, and our Embassy in Guatemala, now accredited additionally to Honduras, have worked closely with the police and NGOs. We provided computers, printers, radios and cameras to the Honduran special unit, responsible for investigating the murders of street children. We brought Mr Alvarez to the UK to give him an overview of police training, including scientific investigations of crime scenes and community policing. We will build on this later this year by providing training for 75 officers that emphasises protection for children in conflict with the law.

Through the small grants scheme, we are also supporting the Children's Legal Centre at Essex University to undertake a comprehensive analysis of the juvenile justice system in Honduras. The study is evaluating law, policy and practice in light of international and regional juvenile justice standards and norms. The final report will make recommendations to the government of Honduras on ways to reform juvenile justice. The report will also offer a guide to donors and NGOs in targeting funding and formulating project proposals.

There are an estimated 6,500 street children in Guatemala, 4,000 of whom are in Guatemala City. Abject poverty and

domestic violence impel frightened children to take refuge among peer groups on the street. Many street children leave home in order to try their luck in the US. Casa Alianza cites 100,000 Latin American minors travelling to the US overland. Ninety-five per cent are sent back. They return with experiences of gang culture and violence and usually no home to go to.

Mr Rammell met groups of street children during his visit to Guatemala in January 2004. He also met representatives from two NGOs, Fundación Castillo and Casa Alianza, which provide hostels where children can find shelter and help with rehabilitation. Our Embassy has supported rehabilitation projects. We will press the new Guatemalan government, which took office in January 2004, to honour its commitment to improve human rights. In July 2003 the previous government passed a minors' protection law but congress did not set a date to bring it into effect. The law ensures the basic needs of food, health, education, recreation and a name, and protects children from maltreatment and abuse, sexual exploitation and people trafficking. The law contains explicit mention of the need to protect street children. President Berger included implementation of this law in his plan for his first 100 days in office. President Berger made a public commitment to pushing through implementation of this law when he first took office in early 2004. Since then, there has been a genuine effort to encourage intersectoral dialogue on these complicated issues, chaired by first lady Wendy de Berger, including a review of the penal code in relation to child protection.

We seek regular updates on the law from the government and NGOs, lobbying for progress where appropriate. We encourage

### Disadvantaged children in Russia

There may be up to one million homeless and neglected children in Russia, despite official estimates that the numbers fell last year to less than 100,000. The authorities' attempts to deal with these children seem to be led by bureaucratic and law enforcement measures rather than a co-ordinated social policy response. The number of registered orphans has also increased exponentially in recent years, from 50,000 in 1991 to 700,000 in 2002, while the number of children's homes has doubled. The homes are inadequate: according to figures from the general procuracy, a third of those leaving children's homes end up in court on criminal charges and 10 per cent commit suicide. There is no proper system for fostering or adopting children in Russia. The system of state 'care' needs wholesale reform, particularly for disabled children. The NGO Children's Rights believes that Russia has not met any of the recommendations of the UN Committee on the Rights of the Child made nine years ago.

NGOs are attempting to change public perceptions and practice concerning disabled children. We have funded a project training young

disabled people as advocates and defenders of their rights, looking in particular at education. In response to an appeal by Ella Pamfilova, Chair of the presidential commission on human rights and Sergei Koloskov, president of the Down's Syndrome Association, in 2003 the ministry of education recognised the need for enforcement regulations protecting the right of disabled children to education. The ministry made a recommendation to regional boards of education that the homes for children with learning disabilities should be given the status of special or remedial educational institutions, with teachers receiving appropriate retraining. There is some evidence that attitudes are slowly beginning to change, and the numbers of disabled children attending ordinary state institutions are very gradually increasing. However there is still no appropriate mechanism to prepare or fund rehabilitation programmes for disabled children, despite the theoretical provision of such programmes in law. State benefits for families with disabled children are extremely low.

Congress to strengthen legislation in line with the *National Action Plan to Help Children and Youth on the Streets*, a policy of the presidential secretariat for social well-being. We will also continue to give support to the human rights ombudsman and NGOs working to protect and rehabilitate vulnerable young people in Guatemala.

The problem of street children is significant in **Nigeria**, where we have funded two UK-based NGOs to examine the plight of street children in the cities. The Consortium for Street Children carried out a project to raise awareness of street children's rights with law enforcement agencies in Lagos. Street Child Africa visited Nigeria to identify local partners to set up programmes to assist street children in Lagos, Abuja, Port Harcourt and Warri.

There are some 37,000 minors living on the streets of **Colombia's** seven main cities, most of them escaping from domestic violence. On 12 December 2003 the Colombian government announced an US\$8.6 million investment programme aimed at assisting 5,600 children, including 300 minors who have left the illegal armed groups, and 1,700 families. The EU will provide US\$7.2 million of the total budget and Colombia's institute for family welfare will provide the rest.

It is important that children receive appropriate treatment when they find themselves in trouble with the law. In addition to the child justice projects outlined at the beginning of this section, in **Laos** we continue to finance a project to introduce a nationwide system of juvenile justice by 2006. With Save the Children and the Lao ministry of justice, we are training judges, prosecutors, police officers and local officials on children's rights and juvenile justice. This will lead to reforms which will divert children from the formal justice system, promote non-custodial sentencing, establish specialist youth courts, and resolve cases through village mediation using principles of restorative justice. So far the project has reached 13 of the 18 provinces in the country.

Prison conditions in **Cameroon** are dire and we are particularly concerned about the conditions for young people. Through DFID's small grants scheme, our High Commission in Cameroon is channelling funds into three projects to make conditions more humane. In one of these initiatives we are working with the NGO Help Out, to repair basic building infrastructure and sanitation in Buea and Kumba principal prisons. A second, ongoing project piloted by Prison Fellowship International will provide facilities at the Mamfe principal prison in the south-west province through the construction of two major cells, one for minor offenders and one for women. The new section of the prison will have water and electricity, toilet facilities and washrooms. This will help keep children away from the more hardened adult criminals as well as reduce promiscuity between

male and female inmates. A third project, completed in September 2003, converted a 10-room building previously used as an asylum centre into a young offenders section comprising a ward equipped with beds, a kitchen and toilet facilities in Kumba principal prison. This improved the detention conditions for the young offenders and relieved pressure on the old wards.

### Child labour

The International Labour Organisation (ILO) estimates that 120 million children under the age of 15 are in full-time work around the world. A further 130 million work part-time.

The UK strongly supports the ILO's work to fight child labour. Our urgent priority is to end the most harmful forms of child labour. In Geneva in March 2000, the UK ratified ILO Convention 182 on the elimination of the worst forms of child labour. The Convention targets all forms of slavery, the use of children in armed conflict, illegal activities such as drug trafficking, and work likely to damage the health, safety and morals of children. There has been exceptionally good progress on ratification of Convention 182 which was adopted by the ILO's 1999 annual conference. One hundred and fifty countries have now ratified it.

In June 2000, the UK also ratified ILO Convention 138 on the minimum age for entry into employment. We support the ILO's programme for worldwide ratification and implementation of Conventions 182 and 138. We have also ratified all of the ILO core Conventions.

We have provided substantial funding to the ILO's International Programme for the Elimination of Child Labour (IPEC). This is part of our commitment to achieving the UN Millennium Development Goals (MDGs), particularly in relation to the eradication of extreme poverty and hunger, and universal access to primary education (for more details on the ILO see page 119).

**Iraq's** revised labour code, in accordance with ILO Conventions, forbids any forced labour and establishes 15 as the minimum working age. Despite this, child labour remains prevalent in

### Cross-amputation in Sudan

We are concerned about the application of justice for young people in **Sudan**. On 14 October 2003, 16-year-old Mohamed Hassan Hamdan was charged with armed robbery and sentenced to cross amputation (amputation of the right hand and left leg) in Nyala, southern Darfur. The Secretary of State for International Development, Hilary Benn, and the Foreign Office Minister for Africa, Chris Mullin, lobbied hard on this case. The minister of justice subsequently told our Ambassador in Khartoum that an appeal against the sentence had been successful.

## Camel jockeys

Organised traffickers recruit young boys in South Asia to work as camel jockeys. Many of them are recruited against their will.

There are child camel jockeys in **Qatar**. The national committee for human rights has submitted recommendations to the council of ministers that legislation should prohibit the employment of jockeys under the age of 18 and that the weight of a jockey should be no less than about 50 kilos. There are reports of boys as young as five being trafficked into **Kuwait** to be used as camel jockeys. Kuwait issued a new regulation in September 2003 prohibiting the use of children under 18 years as camel jockeys and requiring regular inspections of camel racing clubs. However there were reported weight limits of 25 to 45 kilos for camel jockeys, which contradicts the minimum age requirement.

We welcomed the announcement by Sheikh Hamdan bin Zayed (**UAE** Deputy Prime Minister, Minister of State for Foreign Affairs and

Chairman of the Camel Racing Federation) in July 2002 of a ban on the use of camel jockeys under the age of 15 and 45 kilos. We will continue to press the UAE authorities to implement the ban. New draft federal legislation that will support the ban is currently under consideration. However some human rights groups have continued to criticise the UAE for failing to implement the ban, claiming that boys as young as four years old are still used as camel jockeys. The International Labour Organisation (ILO) has asked the UAE government for its comments on points of concern to be given to the ILO's Conference Committee.

To combat the trafficking of children to the Gulf States for use as camel jockeys, we continue to support Anti-Slavery International's efforts to exert pressure in those countries where camel racing takes place. We also help NGOs in the countries these children come from to co-ordinate their lobbying against the practice.

Iraq. An estimated two million school-age children have dropped out of school over the past few years to help provide for the family, often working as street vendors and beggars. Many fall into hazardous occupations in the hidden labour market, making them vulnerable to physical abuse, sexual exploitation and recruitment by resistance and terrorist forces.

To tackle child labour, the authorities set up a child labour unit in January 2004. The unit will co-ordinate efforts of NGOs, government and international agencies to eliminate the worst forms of child labour; oversee child labour inspectors across the country; and increase awareness and advocacy to eliminate the worst forms of child labour and abuse.

### Education

The right to education is enshrined in Article 28 of the CRC. Realising this basic right is the surest way of providing a brighter future for children around the world. The international community, through the MDGs, is committed to providing universal primary education for all children.

Our Embassy in **Guatemala** is also using small grants scheme funds for a project to build classrooms in the remote area of Rabinal. The classrooms are part of a project headed by Jesus Tecu, Reebok human rights' prizewinner and survivor of one of Guatemala's bloodiest massacres during the long civil war. The New Hope project offers scholarships for local children to study for three years – the only formal education they are likely to receive. The classes are bilingual, in Spanish and the local dialect Achí, with a focus on human rights and the history and culture of the Maya Achi people, which is in danger of dying out. Without such initiatives there is little hope for the new generation of Achi people to break the cycle of poverty.

An education programme in **Estonia** is reducing tensions between the Russian speaking population and Estonians. Through the Global Opportunities Fund (GOF), we are funding a programme in nine kindergartens and language camps to help the Russian speakers learn Estonian. The scheme incorporates training of teacher trainers, family exchanges, curriculum development between Estonian and Russian medium schools, training for youth leaders, and producing radio programmes in minority languages. So far 1,517 children have learned Estonian through homestays and language camps.

Human rights are the theme of another education programme in **Uganda**. We are funding the British Council to work with 12 secondary schools in partnership with the Ugandan ministry of education and sports, the national curriculum development centre and NGOs. The pilot project aims to incorporate human rights and citizenship education into other secondary school subjects. If successful, the ministry may consider adopting it for use in the national curriculum. So far, 22 teachers have received training as part of the project. We are funding another project in **Lithuania** which focuses on the education of children of migrant workers. The initiative resulted in the publication of a textbook on the Lithuanian socio-cultural environment. This publication will help migrant workers to integrate into Lithuanian schools by providing their children with training opportunities equal to those given to Lithuanian pupils.

In **Afghanistan** more children, and in particular girls, are beginning formal education. UNICEF expected 5.5 million children to return to school in March 2004. Last year, of the 4.2 million children who returned to school, 37 per cent were girls and 33 per cent of the teachers were women. UNICEF will focus on girls' education in rural areas where it is currently

non-existent. Afghanistan's new constitution includes an article committing the state to promote education for women. We continue to receive reports of attacks on girls' schools and attempts, notably by the governor of Herat, Ismael Khan, to uphold strict gender segregation in schools. There is already a shortage of teachers and these restrictions will severely limit the ability of women and girls to receive proper education.

We have been promoting human rights education in the **Philippines**. Working with the commission for human rights, we funded the facilitator's manual on human rights education and human rights teaching guides in March 2004. The manual advises teachers on human rights education in elementary and secondary schools and how to use the teaching guides. In October 2003 we supported Amnesty International's Fifth

Youth Summit on Human Rights: Young People Transcending Borders for a Human Rights Future. This gave young Filipinos a forum to discuss and agree actions to address human rights issues that directly affect them. We sponsored a visit to the UK in October 2003 by the leading child rights lawyer, Katrina Legarda, and Dr Bernadette Madrid, a paediatrician, who are helping to develop training models on investigating child abuse cases for the Philippines' national police. The models cover domestic violence, forensic investigation and paedophilia. They are now used in police training and in training for prosecutors from the department of justice, the police medical-legal team, and for some local elected officials and communities. The UK visit also resulted in connecting the National Criminal Intelligence Service (NCIS) directly with the Philippines' department of justice special committee for the protection of children.

### Child rights in the Gulf states

All Gulf states have ratified the CRC, but Kuwait, Oman, Qatar and, to a lesser extent, UAE have entered sweeping and unclear reservations on their application, based on their interpretation of Islamic law.

In **Bahrain** the rights of children are protected under the constitution. Article 5 stipulates that children are afforded the full protection of the law from exploitation, and that the state is responsible for their moral, physical and intellectual development.

The **Qatar** government is committed to protecting children's rights, and there is a well-funded, free public education system from elementary level through to the university. There is also a complete medical protection programme. Education is compulsory for both sexes up to the age of 18. Education through primary school is compulsory and free for all non-citizen resident children.

**Kuwait's** constitution provides for the protection of the young from moral, physical or spiritual neglect. Kuwaiti children are entitled to free health care and education through to university level. Primary education is universal and compulsory. But non-Kuwaiti nationals are not entitled to free public education and health care. The government established an educational charity fund during 2003 for families with children of primary school age who cannot afford school fees.

**Oman** has formed a national committee on the rights of the child to monitor the country's compliance with CRC, to which it acceded in 2002. It has a good record on providing for the education, health and general welfare of children.

## Key articles and speeches

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**1. Article on 'A rule-based international order', by Jack Straw and Laila Freivalds** published in *The International Herald Tribune*, 23/06/04

There can be no peace without justice, no freedom without human rights and no sustainable development without the rule of law.

If we could ever afford to turn a blind eye to the chronic neglect of international law in far-away countries, we certainly cannot today. The genocide in Rwanda 10 years ago brought appalling human suffering, and the death of 800,000 people; and it spread economic and social devastation and conflict more widely in the Great Lakes region, with knock-on effects for us all. The terrorist attacks of 11 September 2001 had their seeds in the violence and repression of the Taliban's

Afghanistan. Events such as these, in today's interdependent world, call for a strengthening of international law, and a greater willingness to implement it effectively.

UN Secretary General Kofi Annan challenged us all in the General Assembly last autumn when he spoke of a fork in the road. Shall we maintain the old order, or are radical reforms needed? How do we build a stronger international order?

International law is the basis for international politics. The post-war multilateral system, centred around the United Nations, has helped to prevent major world conflict for sixty years. The foundation of that system is the maintenance of peace and security. But international law is also a framework for constructive, collective action. In many cases, building a stronger international order is not so much a question of

writing new rules as of implementing our existing ones more effectively.

Humanitarian law and human rights have evolved since the days when what states did to their citizens was entirely their own concern. Today, we recognise that sovereignty also implies a responsibility of states towards their populations, and towards each other. When states manifestly fail to meet that responsibility, as in the Balkans in the 1990s, the international community may have to act. According to the International Crisis Group, the EU's Operation Artemis in the Democratic Republic of Congo last year prevented genocide. Our two countries remain actively engaged in efforts to sustain the fragile peace process.

Military intervention of that kind may be necessary as a last resort, but conflict prevention is always preferable – at once more humane and less costly. That is what the EU is now doing in Macedonia and Bosnia, where its military and now police missions have been building stability and the rule of law. And it is encouraging that at the Stockholm International Forum on the Prevention of Genocide last January, and in the United Nations, we have committed ourselves to prevent the recurrence of genocide, mass murder, ethnic cleansing and armed conflict. Amongst other things, that requires better and more timely information to prevent atrocities, and the will to act on that information appropriately. Kofi Annan's decision to appoint a special advisor on the prevention of genocide is most welcome, demonstrating the link between violations of human rights and threats to international peace and security.

Human rights lie at the heart of the EU's external relationships. We have strong human rights dialogues with many third countries, and effective EU sanctions in extreme cases such as Zimbabwe. The European Security Strategy commits us to developing a stronger international society and well-functioning international institutions.

Both on humanitarian law, and on the linked question of threats to our security and that of the international community, there are many challenges for the future if we are to build the stronger international system which we want. We need first to build a common understanding of the tools which we can use to prevent abuses and to stop threats emerging, including on the legitimacy of military operations as a last resort. That will not be easy. Our two countries disagreed on the question of military intervention against Iraq. But today we share a commitment to building a free and prosperous country for the benefit of all Iraqis.

Global threats such as terrorism pose new challenges for international law. The universal adherence to and implementation of the twelve UN Conventions against terrorism is a priority. The UN Security Council recognised after 11 September 2001 that terrorist attacks may in some cases give rise to the right of self defence under the UN Charter, and that was the basis of the action taken by the international coalition in Afghanistan. It is also imperative, for political, legal and moral reasons, that human rights and international humanitarian law are respected in the fight against terrorism. Nothing justifies terrorism; but far too many people live in the conditions where it can breed, where grinding poverty, tyranny and the widespread neglect of human rights deny people the hope of a better future. Our governments are committed to helping to end such misery, through debt relief, fair trade, helping sustainable development, tackling environmental degradation, and promoting good governance.

International justice only means anything when it can be effectively applied. So we welcome the fact that the EU has an ambitious common position and plan of action for the International Criminal Court. We believe that the EU could further encourage and assist other countries in the effective prosecution of those accused of perpetrating atrocities.

We will press for the ratification of the additional protocol to the Convention Against Torture, which will allow regular visits to prisons and places of detention and ensure that torture is never practised, whatever the purpose. We must strengthen our efforts to ensure respect for international humanitarian law, and we will support countries in their efforts to apply it, for example through training of armed forces and by encouraging them to take full account of human rights in their rules of engagement.

International law is a common baseline for all international relations, and central to our efforts to build peace, freedom, security and development. We both put justice at the heart of our foreign policy, because justice is the essential foundation for sustainable security, prosperity and development.

## 2. 'A new era for foreign policy'

**EVENT:** Royal Institute of International Affairs  
**LOCATION:** Chatham House, London  
**SPEECH DATE:** 12/02/04  
**SPEAKER:** Jack Straw

When I was Home Secretary from 1997-2001, my job – as defined by the mission statement of the Home Office – was

'to build a safe, just and tolerant society'. As Foreign Secretary, it is 'to work for UK interests in a safe, just and prosperous world.'

That similarity is no accident. Much of what we want to achieve in Britain is dependent, to at least some extent, on being active abroad. If we want to keep drugs off British streets, we must tackle poppy cultivation in Afghanistan; we must fund judicial reform projects in South America and the Balkans so that drug barons cannot escape the courts; and we must get European Union police forces to work more closely together against drug gangs. In the face of terrorist or criminal networks who operate globally, as we saw so tragically at Morecambe Bay last Friday, we must maintain a foreign policy which is closely integrated with our domestic agenda.

More widely, a multicultural country such as Britain is by definition somewhere where foreign policy matters at home. The relationship between India and Pakistan is of special interest for the many hundreds of thousands of British people with family links to South Asia – and those people, as I noted last week when I visited India, form a vital bridge between our countries. Likewise, our relationship with the Islamic world is inseparable from our own society – it is just as much about how I interact with my 25,000 Muslim constituents in Blackburn as it is about Europe's or America's relationship with the Middle East.

As the world becomes more interdependent, the boundary between 'foreign' and 'domestic' policy is increasingly blurred. Foreign affairs are no longer very foreign. And that means that they matter more, perhaps, than ever before.

The end of the Cold War brought liberty and democracy to millions, and lifted the threat of global nuclear confrontation. But as the superpower stand-off came to an end, the world also became more complex, and new threats to our security emerged. Conflicts in the dissolving Yugoslav federation brought instability to the borders of the EU, along with the related influx of refugees and the spread of organised crime. In Africa, the collapse of state authority in former superpower clients allowed chaos and conflict to spread far beyond its original borders.

We began to realise then that far away had a direct impact on our own security. The attacks of 11 September 2001 brought this new reality into even sharper focus, as the violence and repression of the Taliban tragically struck New York, Washington and Pennsylvania. It was clear that there was no such thing any more – if indeed there ever was – as a far-away country of

which we knew nothing and to which we could afford to be indifferent.

### **New era in foreign policy**

We understood then that we had entered a new era in foreign policy. We needed better to understand the new threats we face today, which are as likely to come from non-state groups such as terrorists and international criminals as they are from other states. We needed to work out how best to tackle them, and address the conditions in which they could thrive, as well as looking ahead strategically at the context in which threats and opportunities for the UK were likely to evolve.

It was also clear that we could not hope to act on every issue: we would need to prioritise those which were most important, or where the UK could make a difference. And because of the close link between foreign and domestic policy, we would need to agree international priorities not just for the Foreign Office, but for the whole of government. In the Foreign Office, we would need to look hard at how best to organise ourselves to pursue our goals.

Those were the challenges to which the Strategy which I published in December last year aims to give at least some initial answers.

The Strategy identifies eight international priorities for the UK, based on an analysis of the threats and opportunities we face and of how we expect the world to develop over the next 10 years. They are set out in full in the highlights of the Strategy which you have on your chairs today.

Our conclusion in the Strategy is that Britain's safety and prosperity depend more than ever on working for a safe, just and prosperous world. To protect the UK from threats such as terrorism, the proliferation of weapons of mass destruction, and international crime, and to promote our economic interests, we must be active and engaged in the world. Our aim must be to build lasting safety and prosperity underpinned by justice – by sustainable development especially for the poorest and most vulnerable, and by democracy, good governance and human rights.

This is an integrated agenda, with justice as its pivot. There is no longer, if there ever was, a distinction between 'hard' and 'soft' foreign policy, between pursuing your interests on the one hand and pursuing your convictions on the other. We cannot pursue lasting safety and prosperity if we do not also promote justice.

And to act on this integrated agenda we need to use the tools at our disposal in a joined-up way. So this Government's record levels of development aid help lift people out of poverty and disease, and tackle environmental degradation. Our diplomacy helps prevent and resolve conflicts, and build trust and peace. We work with countries around the world to reinforce good governance, human rights and the rule of law.

### **Integrated agenda**

We do so not just because it is right, but because it is firmly in Britain's interest. By working on this integrated agenda we are tackling the conditions where frustrated hopes and crippling injustice can allow terrorism and extremism to prosper. And we are helping build states which are reliable partners for the UK, and stable and prosperous places for Britons to do business with or to visit.

Having set out what we need to do, across government, the Strategy also sets out our initial thoughts on how the Foreign Office can best play our role in implementing this agenda. Its over-riding conclusion is that our global network of 223 posts in over 150 countries around the world is our vital asset. Not everything they do can or should hit the headlines. But the contribution British diplomacy makes to building peace, promoting reform and good governance, defusing tensions and tackling threats to our own security and prosperity is very real. And that diplomacy pays. Sorting out Bosnia, where conflict had been allowed to spread, cost the British taxpayer £1.5 billion. Kosovo, where we took military action to avert humanitarian disaster, cost £200 million. Macedonia, where we have been able to prevent conflict through early common action, cost us just £14 million.

Our posts also provide high-quality public services around the world. Fifty per cent of all our staff work in service delivery. Our consular staff provide assistance and advice to 1,000 British travellers each week. The Travel Advice on the FCO website gets 700,000 hits every month. UKVisas handles some two million visa applications every year. Last year UK Trade and Investment helped bring on nearly 1,800 new exporters, helped nearly 4,400 companies break into new markets and recorded over 700 decisions by foreign-owned companies to locate in the UK creating 34,000 new jobs.

We do all this with an operational budget of £950 million per year – about a quarter of one per cent of government expenditure. So the Foreign Office's global network delivers real value and results which matter to people's lives. Now, the Strategy gives us a framework for getting better value still, by focusing our resources on the Government's strategic priorities.

We are now looking at how best we can adapt our organisation to do this. It is already clear that we will need to maintain an effective network with global reach in order to achieve our priorities and to deliver high-quality services to the public. We will also need to build in more flexibility to respond quickly to crises and to new opportunities. We are getting better at this: at one point last year five per cent of all our staff in London were redeployed to working on Iraq.

But we must also recruit and retain a more diverse workforce, against the backdrop of the threat to our staff from terrorism and from difficult conditions, and the challenges of global mobility. We still have a long way to go in achieving levels of diversity which truly reflect the diversity of the UK which we represent.

And lastly, we will need to work more closely across Government and with outside players such as Parliament, NGOs, Trades Unions or business. All these actors have a growing role in international affairs, and a shared stake in developing British foreign policy.

### **The challenges we face are global**

But whatever efforts we make in the Foreign Office and across the Government, Britain can achieve none of our priorities on our own. The challenges we face are global, and they require a global response. That means our uniquely strong network of alliances and cooperation around the world, combined with the global connections which our history and language provide, are more important today than ever.

Our membership of the European Union and our relationship with the United States are central to almost everything we do internationally. It is also of paramount importance to our future prosperity and security that the relationship between Europe and the US continues to be strong. That transatlantic partnership is deeply rooted in shared values, economic interdependence and common interests, and is essential to pursuing progressive change and global order. But we will need to keep working in order to maintain its strength. That will mean building a shared agenda, with Europe more effectively pursuing our shared security interests, and the US working with Europe and others on the wider economic development and environmental priorities that are so closely linked to our security.

The Strategy also highlights the historic opportunity we have to develop strategic relationships with emerging powers such as China and India as they play a greater and changing role in the international system. Russia and Japan will also continue to be key global powers and central to achieving our international priorities.

The backbone of all our relationships internationally is the multilateral system, with the United Nations at its heart. As permanent members of the UN Security Council, we have a fundamental interest in keeping that multilateral system strong and effective.

But the challenge for us now is to help strengthen the international system so that it is fully adapted to today's international challenges. International rules, embodied in the UN Charter, have provided the framework for world order since the end of the second world war. But the world today is very different from that of 1945 when the UN Charter was signed. We need today to be able to act together, through the United Nations, to prevent the breakdown of order in states around the world, because it directly affects our own security. Decisions by states which fifty years ago would have been considered a matter of domestic policy – for example on developing certain kinds of weapons – are today of urgent interest for the whole world.

We manage our interdependence through common rules; but to be truly effective we also need to be prepared to enforce them with all the tools at our disposal, including military force as a last resort.

### **A safe, just and prosperous world**

I began by noting the similarity between my two most recent jobs, between a safe, just and tolerant society and a safe, just and prosperous world.

Everyone in society has a stake in its safety, justice and tolerance. States such as the UK have centuries-old traditions of the rule of law with which people identify and which form the bedrock of all civilised life. The challenge for international diplomacy in the 21st century will be to build an international order in which states and people feel something of the same stake in working for a safe, just and prosperous world as they do in their own societies.

Safety, justice and prosperity are inextricably linked to each other; and achieving our goals means working on all three in an active and engaged way. How the UK uses our global network of relationships and influence to meet that challenge is the central theme of the FCO Strategy.

I want the Strategy to be the beginning of a process of debate, not the end. The post-Cold War world is complex and uncertain and presents new risks and opportunities. We have not yet reached a global understanding on what those risks and opportunities are, or how we should deal with them. But we are at a pivotal time for international policy. The European Security Strategy, or the formation of a High-Level Panel by the UN

Secretary General, are examples of increasing efforts to develop an effective common response to today's complex challenges. I hope that the FCO Strategy can start to frame Britain's contribution to that global debate.

## **3. Partnerships for reform in the Arab world**

**EVENT:** Civility Programme on Middle East Reform  
**LOCATION:** The Foreign Policy Centre, Dartmouth House, London  
**SPEECH DATE:** 01/03/04  
**SPEAKER:** Jack Straw

It's a great honour for me to open this first conference of the Civility Programme. I want to talk today about why modernisation and reform in the Arab world matter to Britain and to the whole international community. I do so with some humility. It is not for me or for any Foreign Minister from outside the region to lay down prescriptions. That would neither be right, nor productive, nor would it show respect. I am therefore fully conscious of the sensitivities of this issue. But we are bound to take an interest in the matter, given that Europe and the Arab world are neighbours, and our interests in many areas, such as our economies and our security, are international and inter-dependent.

So I want today to try to correct some of the misperceptions that surround this complex subject; and to stress the importance of our relations with the Arab World, and of the need to build a partnership to address this shared agenda, working with the processes of change already underway. By partnership I mean one across government, among the international community, and, most important of all, partnership with Arab governments and peoples themselves.

The world is changing more quickly than at any time in its history. As Arab leaders themselves have recognised, the challenge, in the Arab world as elsewhere, is to manage change in a way which preserves the best in society, gives ordinary people ever-greater freedom and choice while protecting them from violence and injustice.

It is the people of the Arab world who are best placed to understand the challenges they face, and to decide how best to deal with them. The ideas must come from our Arab friends. We in Europe or the West cannot and must not dictate to them; but we can, and will, work with them to support and nurture reform.

## The Arab world now matters more than ever

So we in Britain, and in Europe, want the Arab world to be stable and prosperous. As many in the region recognise, if it falls behind the global trend towards greater freedoms and development its stability and prosperity will be under threat. The challenges differ from country to country across the region – but there are worrying common threads. Regional economic growth is failing to keep pace with a growing population. In some countries, 60 per cent of the population is under 18 years of age. Youth unemployment averages over 50 per cent: according to the World Bank, the region needs to create 100 million jobs over the next 20 years to provide for this burgeoning workforce.

The last decades have seen the spread of representative and accountable government in many parts of the world, but less so in the Middle East. In some Arab countries, women are prevented from realising their potential in society – which means that fully half of the population is unable to play its part in economic growth and social development. Despite impressive gains over the last decades, literacy rates in some countries are now falling, and fast-growing populations are straining public services. Many in the region realise the extent of these challenges and are working for reform so that they can be addressed more effectively. Many governments have already taken important steps on economic, social and political reform, and others are following. And as we heard in the introduction, it was Arab intellectuals who set out the challenges facing the region in the Arab Human Development Report of 2002, and the follow-up report published last year. The Declaration issued by the Sana'a Conference on 12 January was a further important contribution to the debate, calling among other things for greater empowerment for women, a strengthening of democracy and pluralism, the effective application of the rule of law and greater efforts to improve education.

### Representative government

I welcome all of that. But as many in the region recognise, much more needs to be done – and with a sense of urgency. Governments and peoples are talking about the need for more open, participative and representative government supported by a stronger civil society; for action to make the rule of law effective and transparent; for greater respect for human rights; for economic reform to create jobs and stimulate growth; for improved standards of education, in order to prepare young people for life and work in the twenty-first century; and for imaginative changes to enable women really to fulfil their potential in society.

No-one imagines this will be either quick or simple. As I said at the outset of this speech, we in Europe should always show some humility about the pace of change; after all,

representative government is a very recent phenomenon in 11 of the 25 EU states, and the whole of our continent suffered the twin traumas of fascism and communism in the last century. It is not for us to preach.

It is for the Arab world itself to decide how best it can pursue a process of reform, development and modernisation. There is no template which fits each of the different countries in the region. The task for us in Britain and in the international community is to help to support it, drawing on our own experience of change – because we too have a vital interest in its success.

We need to recognise that this is a complex and sensitive subject. The pace of change is going to vary between different countries and regions, as it has in the EU. Change may be necessary, but it is never easy, and it can be seen as a threat to deeply-held beliefs and traditions. Moreover, history has left some in the Arab world with a perhaps understandable distrust of Western motives.

All that means that we must start by correcting some of the misperceptions and myths which have arisen, both in the Arab world and elsewhere, around this subject. Of course these misperceptions are by no means universal – but they do need correcting, so as not to become obstacles on the path to reform.

### Change is possible

The first myth is that Islam is in its very nature incompatible with change. I reject that notion entirely. It seems to me that resistance to change comes not from Islam itself, but from those who claim religious justification for clinging to outmoded traditions. Christian societies in the West had to evolve in order to meet the challenges and problems that arose in a changing world. The moderate Islamic community has shown the same capacity to let society evolve. By contrast, extremism in any religion is not only a block on necessary change; it also feeds off those who are marginalised in society, to breed intolerance and resentment which in its turn can fuel violence. Egypt, Syria, Saudi Arabia, Algeria and Morocco have suffered, at least as much as some European countries, at the hands of terrorists who pervert a peaceful religion to spread destruction and hate.

We all have a shared interest in defeating these extremists; which means we also have a shared interest in building the kind of pluralist, stable and tolerant societies which are the best bulwarks against extremism and violence. There are deeply-rooted traditions of consultation and consensus within Islam that make it far from incompatible with progressive change towards more open and participative government.

If I can be allowed one historical suggestion, the concept of Shura – or consultation – was established far earlier than in the Christian world.

Indeed there is nothing in Arab culture which makes change impossible – the region has in some senses changed beyond recognition over the last decades. Only 907 boys attended school in Oman in 1970; today about 600,000 boys and girls do so. Dubai had little or no modern infrastructure before the 1970s; today it is a thriving, ultra-modern transport and trade hub. Egypt has transformed itself from a state-controlled to a largely free-enterprise economy. And free speech and a free media have operated for many years in parts of the Arab world. (One of the great things that has happened in Iraq is that instead of state-controlled media there is now a burgeoning independent press which is contributing to change and political debate.)

Arab societies have adjusted to change, and will continue to do so.

### **Promoting values within traditional cultures**

But even those who accept that change is right and inevitable sometimes argue that it can come only at the expense of religious and traditional values – that reform will necessarily breed individualism and the degradation of a traditional and devout way of life.

Again, the evidence shows this to be another misperception. Countries all around the world have managed to evolve towards pluralist and representative government without rejecting religion. Let me come back to the example of Europe. There is hardly a country in Europe without a Christian Democratic Party. A number of European countries accord a formal status within their constitutional arrangements to the church – as is the case within the UK for the Church of England and the Church of Scotland.

In the United States, where separation of church and state is a constitutional principle, large percentages of the population attend church regularly and cite religion as a central part of their daily lives. Pluralism and tolerance allow religion to flourish, as they have done for the over two million Muslims who practise their religion in Britain today. My own constituency has 25 mosques in it and I live opposite a madrasah. Indeed I am particularly proud of the fact that the Foreign Office every year sends a delegation to the Holy Places to offer support, consular help and medical treatment to the over 20,000 British Muslims performing Hajj. It is one example of the close partnership we have with British Muslim communities.

Promoting the values we believe in – good governance, human rights, tolerance and the rule of law – is not an attempt to impose ‘Western’ or ‘Christian’ values on Arab countries at the expense of their traditional culture. The values set out in the Universal Declaration of Human Rights are just that – universal, and drawn from the traditions and values of countries around the world. They are values for which people around the world strive; and which are compatible with every single faith in the world. We want to see them fully realised everywhere.

Change does not have to come at the expense of the unique traditional culture which those in the region prize. Japan is no less Japanese today for having embraced democracy after the second world war. Indeed adapting to a changing world environment is the best route to ensuring that the Arab world’s unique culture and identity can continue to prosper, and exert a greater influence for the good on us in the West. Without change, the build-up of political disillusion and economic stagnation can only threaten what Arabs hold so dear.

In recent years several Arab countries have struggled successfully with challenges to their immediate stability. I suggest that the new challenge is that of longer-term change. Change is in any case inevitable and therefore the choice is one between managed and unmanaged change.

There are risks involved in any reform. But the risks of doing nothing are far greater. Reform will not come overnight – it will take place over the period of a generation, and it must proceed at a pace which societies can bear. Like all change, it will not be easy. We in the West need to support our Arab friends in every way we can as they lead the process of change in their countries.

We need to work in partnership to address this shared agenda. Indeed that is for me the key to this whole issue: partnerships across government and within the international community; and, most important, partnerships with Arab governments and institutions themselves.

### **A role for Britain and the international community**

Britain can play an important role. Our imperial past has left some understandable sensitivities in parts of the Arab world. But our history has also given us a network of friendships across North Africa and the Middle East, and an understanding of the region. We can offer our expertise in adapting to a changing world, for example on educational standards, legal reform, the participation of women, market regulation or youth policy.

But whatever we do in Britain, we need international partnerships to achieve our aims.

For Britain, working through the EU will be crucial. The European Security Strategy endorsed last December makes the Middle East a priority – and rightly so. The EU is already strongly engaged. The so-called MEDA programme of aid totals around €700 million per year; the Barcelona Process and our partnership with the GCC give us frameworks for closer partnership; and bilateral Association Agreements link us even more closely to individual countries in the region. We now need to use these instruments more coherently and effectively to promote our shared goals – for example by focusing MEDA funds on our strategic objectives, and deepening the relationship with the Gulf states through the EU-GCC dialogue. The new European Neighbourhood Policy should also give us new opportunities to build partnerships for reform in the region. We need to work first of all with those countries which have shown a clear wish to reform; and we need to make sure the partnerships include conditions by which both sides are prepared to abide.

The United States will also have a crucial role. We in Europe should make clear that we share America's recognition of the need for reform, but that we need to work closely together and with the Arab world to ensure we get our approach right. The G8 can also play an important part. For example we have put forward a suggestion for the G8 to work with business and with Arab governments to identify and reduce barriers to trade and investment, and to deepen local financial markets. The UN too has much to offer, and UN bodies have the expertise, resources and legitimacy which are necessary for success. NATO should also be able to offer help in some areas, for example closer cooperation in the fight against terrorism, proliferation and smuggling. So the international community has the will and the ability to help those in the region to manage a process of change. But we must match our common engagement in support of reform with renewed international efforts to make progress in resolving the Israeli-Palestinian conflict. Both sides have suffered far too much, and the Palestinians are still without the state which is their right. We continue to urge both sides to uphold international law and human rights. Despite the difficulties of the situation, and the mistrust and hatred which it can breed on both sides, I also want to encourage greater understanding and mutual respect between Islam and Judaism. One of the fascinating things for me as a Christian, brought up with the Old and New Testaments, is when I attend Islamic ceremonies and listen to the recitation of the Koran. I am struck not by the differences in the messages of our respective holy prophets but by the similarities.

We cannot let the violence in Israel and Palestine be a block on the process of change which the region needs. But equally, we have to recognise, quite aside from its terrible human cost, that the continuing conflict makes change only more difficult than it already is, and clouds the whole relationship between the Islamic world and the West.

As long as the current stalemate continues, the situation in Palestine will be cited by many to argue that a region still in conflict needs stability, not reform. Getting Israelis and Palestinians to re-engage on the Road Map is vital, not just for their own sake, but for the process of change in the whole region. A new Palestinian state could be a leading example of reform in the Arab world. Even under uniquely difficult circumstances, Palestinians have shown in the past a genuine thirst for free institutions and education.

Both on the Israeli-Palestinian conflict and on reform in the region, our international partnerships will play an important role. But I want to emphasise again that our most important partnerships for reform must be with Arab peoples and governments themselves.

To take the example of the Foreign Office's own programme for engaging with the Islamic World, we have sought to make central in the development of our Global Opportunities Fund, the principle of partnerships with Arab societies and institutions. So for example we are working with Saudi chambers of commerce to organise seminars on accession to the World Trade Organisation. In Egypt we are backing a programme for legal training in human rights and civil liberties cases: this is particularly timely as Egypt has just established its own high-level human rights council. In Yemen, we are funding a management and leadership training course for businesswomen.

These are just a very few examples of projects we are supporting – but they demonstrate how we are working in partnership with local organisations, responding to the demands of local people.

### **Conclusion**

As many of these projects show, there is now a recognition across the region, and around the world, of the need for reform in the Arab world to meet the daunting challenges it faces. Arab governments now have a great opportunity to take the lead by setting out a vision for long-term change, and mobilising their people behind it.

It is not for me, or anyone in the West to tell the Arab world exactly how that vision should look. But the international

community can do a great deal to support Arabs in the necessary process of change. We need now to strengthen our shared commitment to partnerships for reform with the Arab world, based on strong foundations of friendship, understanding and mutual interest. Reform will be difficult; and it will take time. So we must not only engage now: we must also, over the coming years, stand by that commitment and further strengthen our shared engagement.

#### 4. 'We are determined to succeed'

**EVENT:** UN Commission on Human Rights

**LOCATION:** Geneva

**SPEECH DATE:** 18/03/04

**SPEAKER:** Bill Rammell

##### Universal human rights

Mr Chairman, I would like to recall, if I may, the opening words of the Universal Declaration on Human Rights which state that 'recognition of the inherent integrity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace'.

In other words, without the observance of human rights by all states, freedom, justice and peace are fundamentally threatened. It is for this reason I believe that we are all here, in order to maintain those rights, and work to remove that threat.

And this is not only a threat to those values within states, but one which extends far beyond. It is no secret that dispossession, disenfranchisement and persecution that comes with it create breeding grounds for extremism, crime and terrorism and I believe we must work together to tackle these issues.

In an international system where states are sovereign equals, we rely on each other as states to comply with the rule of law, including of international law. Without adherence to these structures, we as states would be as directionless as a community of individuals with no rules. And we certainly rely on each other as states for mutual support, assistance and cooperation in our efforts to meet our obligations.

Mr Chairman, this Commission is the main tool at our disposal in the international community for the world wide protection of human rights. The United Kingdom firmly believes that it should be a forum for cooperation, both in promoting and developing human rights standards, but also in providing mutual assistance in implementing those standards. The UK stands ready to do this and has repeatedly shown its willingness to do so – for example we are consistently among

the top three contributors to the Office of the High Commissioner, and aim to remain so – not just to achieve our own aims, but to help others as well.

##### Critical engagement

In the case of some countries where we have serious concerns, we have developed relations with the governments concerned that allow us to aim for a policy of critical engagement. For example, we continue to have serious concerns about a wide range of human rights issues in China, including the use of the death penalty, the treatment of dissidents, freedom of religion, the use of arbitrary detention and torture, freedom of expression, and the situation in Tibet and Xinjiang. But we believe that critical engagement, including working in partnership with the Chinese to promote better human rights, is a productive way to tackle these issues.

But, there are times when the level of violations is so high, when the consequences for the victims, the region and the world are so great, and when the political will to tackle the problems, alone or in cooperation, is so manifestly absent, that we have to take more immediate action. In those circumstances and in these situations, we must sometimes rely on peer pressure as the only means left by which to promote and protect those human rights which underpin the freedom, justice and peace to which we all rightly aspire.

It is not only right that the Commission should be in a place to draw attention to those states that massively and systematically violate human rights, deny the need for improvement, and reject international assistance, but it would make a nonsense of this Commission if we did not do so. We cannot promote cooperation among the majority of us who are trying, to the best of our abilities, to implement human rights, if we then put our heads in the sand when the very worst transgressors show no desire whatsoever to advance. Let me quote some examples.

Take North Korea, where all individual freedoms are suppressed. There is no freedom of expression, of religion or of movement: no freedom of association, of the media or of information. Credible reports continue to emerge of thousands of political prisoners detained without trial and subjected to the most appalling human rights violations. Most recently, reports have also begun to emerge about the testing of chemicals on political prisoners, including – appallingly – children. The DPRK authorities simply deny all these allegations, yet they consistently refuse to engage in dialogue, or to open up the country for inspection by international independent monitors. Safeguarding the human rights of ordinary North Korean citizens must, without doubt, be one of the biggest challenges that is genuinely facing this Commission.

Or take for example Zimbabwe, a member of this Commission, but where the ruling party continues to use violence and intimidation against civil society, the opposition and the trade union movement. Bluntly, its very own people. There have been numerous cases of killings, assault and torture in a climate of impunity, and the government has repeatedly used draconian legislation to silence the independent press and to undermine the independence of the judiciary. The Government has even deprived some of its own people of their right to food in the pursuit of its own political objectives.

The UK and EU would prefer the route of dialogue and cooperation. But where, as in these cases, there is a complete lack of cooperation with the international community, the EU has no option but to draw attention to the situation with the aim of applying international pressure for positive change through a resolution in this forum. If we do not do that, then I bluntly do not see in some circumstances the justification for this forum. And where even that pressure effects no change, we then have to ensure we do not shy away from even tougher questions. What happens when a state systematically abuses human rights, is called to account here, and yet takes no action to improve the lot of its people? At what point do we decide that the situation is grave enough that the international community should take firmer action? In cases of overwhelming humanitarian need, for example in Rwanda in the early 1990s, I would argue that we can, we should and must intervene. As my Prime Minister Tony Blair has said, we believe this question is one which we have a duty to address in the context of the reform of the UN.

Make no mistake – the UK does not pretend its own record is perfect. We are delighted to have been re-elected on to CHR; but this does not make us in any sense complacent. We are constantly working to improve, including learning from others, and admitting and correcting mistakes where we make them. In this context, we gladly open ourselves up to legitimate international scrutiny of our record. We will always agree to any request by any of the UN special procedures that ask to visit the UK, and co-operate fully with them. And in the same way we call on all countries represented here today to do the same.

We strongly believe that responsibilities come with membership of the Commission on Human Rights. Above all, we believe that each member has a duty to enhance domestic and international protection of human rights. We believe appropriate human rights behaviour by members states is key to the credibility of CHR.

### **Progress in the UK**

We must all strive to make progress. I am therefore pleased to announce a number of steps the UK has recently taken since

the last Commission to improve its national protection of human rights.

We have ratified the Optional Protocol to the Convention Against Torture, which means we will accept monitoring visits to places of detention in the UK. We believe this Protocol is a crucial tool in preventing torture at the national and international levels. Torture and inhuman treatment can never be justified under any circumstances. Practical experience has shown that visits to places of detention are one of the most effective means to prevent torture and to improve conditions of detention. The UK therefore encourages other countries quickly to ratify the Optional Protocol so that it can enter into force as soon as possible.

And we have also ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict – something that I think is a very desirable step forward.

The UK has also decided to set up a single national human rights institution – the Commission for Equality and Human Rights – to promote equal opportunities for all and a culture of respect for human rights. It will play a key role in ensuring that shared values of respect, fair treatment and equal dignity are recognised as underpinning a cohesive, prosperous society.

As well as domestic action, we also have a responsibility to promote international effectiveness in the human rights field. For example, the UK has committed, and will continue to commit during 2004, significant funds to OHCHR field offices in a number of areas including Sudan, Mexico and Colombia, where the UK fully supports President Uribe in his efforts to tackle the severe problems Colombia faces, and his efforts towards a negotiated settlement, but places the highest importance on this progress being achieved in the context of protecting human and civil rights, and maintaining a democratic system.

We also believe that states have a duty to ensure that high quality and independent experts are identified for the various mandates and committees. Quality must mean that they are recognised experts in the relevant field. And independence must surely mean that they are neither members of, nor paid to represent, any particular government. There is a clear conflict of interest where someone responsible for scrutinising government is themselves connected to a government.

Mr Chairman, human rights are not, of course, a discrete or isolated set of issues. They are bound up with many other areas of national and international policy. So we also need to look

beyond the UN's human rights structures and to enhance the broader environment without which human rights cannot flourish.

### Justice and the rule of law post-conflict

I started by quoting the opening line of the Universal Declaration of Human Rights, which speaks of freedom, justice and peace in the world. These are goals to which all peoples aspire. The link between them should be self-evident. Yet they are some of the hardest, as well as being some of the most important, goals to achieve in a society emerging from conflict.

It was with that very issue in mind that the UK launched an initiative in the Security Council last September to examine how the UN and its Member States could work together to improve their efforts to establish justice and the rule of law in the aftermath of conflict. This is one of the most serious challenges that we face currently.

We do not underestimate the challenge. Justice and the rule of law encompass a broad range of issues and institutions:

- > An effective police force, which can provide security while persuading a shell-shocked and cynical population that the police are there to protect, not to abuse them.
- > Prisons that meet minimum standards, staffed by officers who act within the law and prevent abuses such as torture.
- > A functioning judicial system that is independent of government, applies the law fairly to all, and is free of corruption so it can genuinely tackle impunity and sow the seeds for reconciliation.

Justice and the rule of law will not take hold in societies emerging from conflict if we view these tasks and institutions in isolation. They must be addressed as part of a whole. And human rights must be an integral part of the process. As the Universal Declaration states, the recognition of human rights is the very foundation of freedom, justice and peace in the world.

The Security Council last September asked the Secretary-General to provide a report which could guide and inform further deliberations on these important issues. And it invited all Members of the United Nations to contribute.

That report will issue this spring. But it will not be the end of a process. Rather, it must be the start of a new effort by the international community to address, systematically, the challenge of embedding justice and the rule of law in post-conflict situations where the UN is engaged.

We cannot continue to return to the drawing board with every new situation that arises. Although it is certainly the case that no two situations are alike, lessons can and must be learned. Best practices can and should be identified. Experience within and outside the UN system must be captured and retained. The UK is certainly committed to working with the UN and its Member States to ensure we make progress in this crucial area.

The establishment of the International Criminal Court has been one crucial development, which we expect to make a major contribution to the achievement of justice in post conflict situations, and the combating of impunity for the worst crimes. It is the responsibility of all states parties to ensure the court's potential is realised.

### Concluding remarks

Mr Chairman, these ideas are not part of a historical belief or a regional tradition as is sometimes argued. They reflect simple common sense based on universal values. The UN human rights system gives us all a framework to promote the necessary foundation for freedom, justice and peace, by promoting respect for all human rights. I believe firmly that that must be our task at this Commission and we are determined to succeed.

## 5. Genocide prevention is the ultimate test of the international community's response to humanitarian crises

**EVENT:** Genocide Prevention Conference  
**LOCATION:** Stockholm  
**SPEECH DATE:** 26/01/04  
**SPEAKER:** Bill Rammell

As far back as 1999, Prime Minister Tony Blair noted that "the most pressing problem we face is to identify the circumstances in which we should get actively involved in other people's conflicts". Genocide prevention is the ultimate test of how well the international community is able to respond to humanitarian crises. The UK fully supports this Forum's Declaration, and shares Prime Minister Persson's commitment to improve that response.

Tomorrow, Holocaust Memorial Day events will take place across the UK. In recognition that 2004 marks the 10th anniversary of the genocide in Rwanda, the theme for the day is 'From the Holocaust to Rwanda; lessons learned, lessons still to learn.' The students and communities involved in the events have every right to ask what happened to the assurance 'never again'. Sadly, the only answer we can give is that the tragic consequences of failing to heed the warnings of genocide

continue to leave a scar on the world's conscience. Neither the UK nor the international community can look with pride on our role in Rwanda in 1994. There can be no stronger rationale for commitments espoused by this Forum.

We are here to ensure that early warning of genocidal acts is not ignored. A robust civil society and independent media are a strong deterrent to genocidal regimes, and they represent a vital information resource for governments and multilateral agencies. The UK Delegation to this Forum includes representatives of International Alert and the Forum for Early Warning and Early Response. They remind me that governments tend to be better at collecting information about the threats to other governments rather than to minority groups. There is some evidence that we are learning lessons about how and when to respond to early warning signs. The prompt military intervention of the international community in support of the political settlement in Macedonia in 2001, for instance, showed what can be done to prevent further loss of life and deploy scarce resources effectively.

We are here to encourage states to fulfil their responsibility to protect their citizens. State sovereignty is an international norm. But there are occasions when states fail their people. I believe that intervention, including the use of force as a last resort, can be justifiable and legal under specific circumstances to avert an immediate and overwhelming humanitarian catastrophe. I encourage other delegations to look closely at the report of the International Commission on Intervention and State Sovereignty, which has provided a valuable contribution to this on-going debate. It offers a possible set of criteria for intervention in humanitarian crises in accordance with the UN Charter. By signing up to the Declaration we are committing ourselves to seriously discuss these criteria in the UN General Assembly and other arenas.

We are here to ensure that perpetrators of genocide are brought to justice. The trial of Slobodan Milosevic is the first time that a former head of state has been tried for genocide, while Jean Kambanda's conviction by the Rwandan Tribunal in 1998 was the first time a former head of government was convicted for genocide. The 1948 UN Convention on the Prevention and Punishment of Genocide has finally acquired some teeth. A solid legal and political commitment to deal with those who are found guilty of genocide can act as a strong deterrent. Equally importantly, the mechanisms of international justice can play an important part in restoring stability and rebuilding the justice sector in post-conflict states, as we are seeing in Sierra Leone. The Special Court is carrying out an important task in punishing perpetrators of crimes

against humanity, but is also building wider capacity in the justice system.

It is our long-term aim that the need for *ad hoc* tribunals will disappear now that the International Criminal Court (ICC) has come into being. As one of its strongest supporters, we see the ICC as the most important development in international justice and a vital tool for conflict prevention, deterrence of genocide and other international crimes. Our objective is to work for global ratification of the ICC statute so that the court may enjoy the widest possible remit in its fight against impunity for the most serious crimes.

We are here to ensure that genocidal ideologies are not given chance to take root again. Breaking cycles of hatred in any community requires acknowledging the past and developing educational programmes which provide a tangible alternative. It is a process which takes generations, but it is an important part of prevention, and worth investing in. A previous Stockholm Forum in 2000 made an important contribution to this process, based on the lessons of the Holocaust. We must encourage this approach to be adopted in tolerance education more widely.

I commend this Forum's Declaration as an agenda for effective multilateral co-operation to prevent genocide. But there is much more to do, and we must all work to demonstrate that the political will exists to meet the challenge.

## 6. Speech by Jon Benjamin, Head Human Rights Policy Department, Foreign & Commonwealth Office

**EVENT:** 5th Assembly of Belarusian Pro-Democratic NGOs

**LOCATION:** Minsk

**SPEECH DATE:** 01/05/04

I am delighted to attend the fifth Congress of the Assembly of Belarusian Pro-Democratic NGOs. I salute your work, your resilience and your defence of principle in such difficult circumstances. And we know that those circumstances are getting worse.

Let me describe a country which might sound familiar to you. A country where an authoritarian regime, profoundly opposed to the ending of its own one-party, perhaps one-man, rule and profoundly opposed to the establishment of real democracy, tries to concentrate all power in its own hands; to stifle debate, including by suppressing a free media and controlling TV and

radio outlets; to limit the room for manoeuvre of NGOs, including by tightening registration requirements and singling out individuals through trumped-up charges; to prevent free trade unions taking root; to keep a tight watch on the activities of organised religions and much more. Which country am I talking about? Well, perhaps I have just described Poland – in 1984. Poland, your neighbour, formerly an authoritarian dictatorship, which today, along with two other of your neighbours – Latvia and Lithuania – joins the EU. This is a day we could never have predicted. Today is a huge symbol of the major political development in our continent in our lifetime – a Europe, united, whole and free.

Well, almost free. You are extending me the honour of speaking to you today in the capital of a country whose public image in my country, and throughout the EU, is firmly and sadly established as the “last dictatorship in Europe”. The idea of Europe is all about tolerance, open societies, diversity, human rights and the rule of law. The modern nation of Europe condemns utterly the arbitrary rule of individual leaders who never allow real elections to test out their real popularity; it condemns the prosecution and persecution of those who express their views and opposition peacefully either individually or with like-minded colleagues; it condemns intrusive security agencies which act with impunity above the law; it condemns heavy state regulation of religion, civil society and the media.

What do we in the UK and in the wider EU want for Belarus? Nothing more or less than what the people of Belarus want for themselves; that Belarus joins the European family of nations; that the people of Belarus should enjoy those basic rights and liberties, which are not dictated by us, but set down in Belarus’ own constitution and in the international treaties to which Belarus has signed up; that the people of Belarus be able to voice their opinions without fear of reprisal or of sanction and to flourish under the rule of law which is best guaranteed by an independent judiciary.

Only last week, by a clear majority, the UN’s prime body for the consideration of rights and liberties – the Commission on Human Rights – passed a resolution on Belarus for the second year running. That resolution expresses our deep concern about developments here and makes clear what the EU, and the wider international community, is asking the government of Belarus to do.

Firstly, the government should allow a full, impartial and credible investigation into the cases of the disappearances of Yury Zakharenko, Viktor Gonchar and Anatoly Krasovsky in 1999; and of Dmitry Zavadsky in 2000. The UK supports fully the suggestion by the Council of Europe parliamentary

assembly that while such an investigation is going on Prosecutor-General Viktor Sheyman, the Minister of Sports Sivakov and citizen Pavlichenko should either resign or be dismissed, or at least, suspended from duty. If an impartial investigation finds evidence against anyone, those people should then be charged.

Secondly, the government of Belarus must bring its electoral process into line with OSCE norms. Why, almost uniquely in Europe, should the people of Belarus alone not enjoy the competitive and free elections that are the accepted norm throughout our continent?

Thirdly, the government of Belarus should make its security and police services accountable, it should guarantee the independence of the judiciary and stop harassing courageous activists like you.

The same UN resolution has now appointed a new UN Special Representative for Belarus. We expect the government of Belarus to co-operate with the holder of this important mandate.

May I end by saluting you. As Amnesty International reported a few weeks ago: human rights advocates here are subject to a deliberate pattern of obstruction and intimidation by the Belarusian authorities whose aim ultimately is to silence them.

Please know that we are only too aware of the situation here, of the obstacles you face and the hardships you suffer. But please keep your eyes fixed on that image of a Europe whole and free. Look at your western neighbours. The path they have travelled is one Belarus can and will travel too.

## FCO funding for human rights, good governance and democracy

This annex describes the principal budgets that the FCO has used during the past financial year to promote human rights worldwide.

### The Global Opportunities Fund (GOF)

The GOF is the FCO's newest programme budget. The purpose of GOF is to promote action on global issues in areas of strategic importance to the UK. GOF has been created to fund projects around the world relating to the FCO's eight strategic international policy priorities. These projects will be co-ordinated through six thematic programmes:

- > Engaging with the Islamic World
- > Re-uniting Europe Programme
- > Strengthening Relations with Emerging Markets
- > Human Rights, Democracy and Good Governance Programme
- > Counter-Terrorism
- > Climate Change and Energy

From the beginning of financial year 2004-2005 the Human Rights Project Fund (HRPF) was folded into the GOF. Human rights, good governance and democracy projects will now be funded through the thematic GOF programmes. The creation of GOF will mean that the FCO spends more money on human rights, good governance and democracy projects. In financial year 2002-2003, total HRPF spending was £7.4 million. In financial year 2003-2004 when HRPF and GOF operated in

parallel, the total spending on human rights, good governance and democracy projects reached £12.1 million. Projected spend for financial year 2004-2005 is £11 million rising to over £14.5 million in financial year 2005-2006.

### GOF infrastructure

Each of the programmes has a programme team run by a programme manager. These teams assess, monitor and evaluate projects. Funding decisions are taken at special boards chaired by the programme team manager throughout the year, attended by FCO Departments, DFID, British Council and, where appropriate, non-governmental organisations (NGOs). The Central Management Unit (CMU) of GOF co-ordinates training, communication, staffing and the general administration of all GOF Programmes to ensure consistency, clarity and coherence.

### GOF funding

The GOF budget is £79.1 million for the following financial years (FY):

- > **FY 2003/04 – £09.5m**
- > **FY 2004/05 – £25.8m**
- > **FY 2005/06 – £43.8m**

### Other funds/pools/budgets

The GOF is a significant source of funding for delivery of the FCO's strategic international policy priorities, but it is not the only source. A number of other budgets continue to run along existing lines, notably the Global Conflict Prevention Pool

(GCP); Public Diplomacy Challenge Fund (PDCF); and other Foreign Office Directorate Programme Budgets (DPBs). The Central Management Unit (CMU) of GOF chairs an inter-fund working group with the GCP, the Drugs and Crime Fund (DCF), and the PDCF to ensure FCO Programme budgets work together on key issues like focus strategies, training and the project bidding form.

## Directorate Programme Budgets

The FCO allocated funds to Directorate Programme Budgets (DPBs), administered by geographical directorates and used to fund a wide range of activities, often human rights related, via the FCO's missions overseas.

## The Conflict Prevention Pools

Two new sources of funding for preventing conflict were set up in April 2001, combining the resources of the FCO, DFID and the MOD with the Treasury providing additional money. They are the Global and the African Conflict Prevention Pools. The FCO runs the Global Pool, with a budget of £74 million in 2003-2004. The budget for Africa, run by DFID, is £50 million per year. These budgets cover programme costs, as well as financing peacekeeping and other operations.

The Global Pool now has 16 strategies, 13 of which cover conflicts or potential conflicts in Afghanistan, the Balkans, Belize/Guatemala, the Caribbean, Central and Eastern Europe, the former Soviet Union, India and Pakistan, Indonesia/East Timor, Iraq, Latin America, the Middle East and North Africa, Nepal and Sri Lanka. In addition there are thematic strategies dealing with security sector reform; small arms and light weapons; and the UN's capacity to manage conflict and its peacekeeping operations (for more details see chapter five).

The Global Conflict Prevention Pool published a booklet in August 2003, describing the pool's strategies and the activities they fund. *The Global Conflict Prevention Pool: a joint UK Government approach to reducing conflict* is available at [www.fco.gov.uk](http://www.fco.gov.uk) and on the DFID and MOD websites ([www.dfid.gov.uk](http://www.dfid.gov.uk) and [www.mod.uk](http://www.mod.uk)) or by e-mailing [Global.Pool.enquiries@fco.gov.uk](mailto:Global.Pool.enquiries@fco.gov.uk)

## Funding in the Overseas Territories

In 2001 the FCO and DFID jointly commissioned a 'Realisation of Human Rights' project (worth £173,642) to identify the human rights issues of concern to people in the Overseas Territories (OTs). The project ran in Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Falkland Islands, St Helena and Turks and Caicos Islands. The project consultants help open meetings and workshops in each OT and produced

reports on their visits, raising awareness of human rights and promoting public debate.

The project has revealed some encouraging developments, such as the establishment of community action groups, NGOs and human rights committees. We are consulting territory governments on how to address the human rights issues that the research highlighted.

The FCO spent a total of £114,587 on human rights-related activities in the OTs in the financial year 2003-2004.

## Other funding

The FCO funds scholarships for overseas students to carry out post-graduate education in the UK. In the financial year 2003-2004 scholarships were awarded to the value of £32 million. Additionally, we provide Grant-in-aid of £201 million for broadcasting by the BBC World Service, £14 million to the British Council for human rights projects and £4.1 million for the Westminster Foundation for Democracy.

## Projects funded by the FCO's Global Opportunities Fund

In this year's report, we include descriptions of the GOF projects, on-going and forthcoming, approved for 2003-2004 and 2004-2005:

### Human Rights Democracy and Good Governance Programme

The Human Rights, Democracy and Good Governance Programme (HRDGGP) began in April 2004. It is one of the six programmes that make up the Global Opportunities Fund. Human rights, democracy and good governance issues are mainstreamed throughout the other GOF programmes, but the HRDGG programme is the only one which focuses solely on achieving the FCO's strategic policy priority six, 'sustainable development, underpinned by democracy, good governance and human rights'.

#### Programme structure and funding

£2.5 million in funding has been allocated to the programme for financial year 2004-2005. This is set to increase significantly for 2005-2006 and beyond.

The programme consists of three parts:

1. Production of the FCO's Annual Report on Human Rights and other public diplomacy activities.

2. Voluntary contributions to the project work of international and regional bodies, particularly the UN Office of the High Commissioner for Human Rights and the Organisation for Security and Co-operation in Europe (OSCE). This maintains the UK's profile and influence as one of the leading international donors.
3. Project work on six key thematic priorities agreed by ministers. Our funding will focus on regions or countries where the human rights violations are most severe within that theme and where the UK can have a positive impact. These themes are child rights; abolition of the death penalty; rule of law; anti-torture; freedom of expression; and anti-discrimination.

## Child rights

### Turkmenistan

**Child Protection Training Workshops** – The Children's Legal Centre will provide training programmes on child protection issues and crisis intervention services for professionals working with children in youth centres and relevant government departments.

Expenditure this financial year: £6,000

### Ethiopia and Bangladesh

**Training for Police in Dealing with Children in Difficult Circumstances** – The Consortium for Street Children will evaluate police training with an emphasis on the treatment of street children. This will result in a practical toolkit containing world-wide examples of good practice for police, governments and NGOs.

Expenditure this financial year: £20,000

### Venezuela

**Access to Justice and Implementation of Human Rights for Children and Adolescents** – CECODAP, a Venezuelan child rights NGO, will strengthen children's rights by setting up mechanisms to improve children's and adolescents' access to justice. The NGO will 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 will also be a public campaign for implementation of those rights and the need to prosecute violations.

Expenditure this financial year: £20,000

### Central Asia

**Training for Police in Dealing with Children in Difficult Circumstances** – The Children's Legal Centre will develop and deliver training programmes for police in Turkmenistan, Tajikistan and Kyrgyzstan. These programmes will focus on juvenile justice and child rights' standards and improve working

practices. In the longer term, the project seeks to reduce the number of children entering the formal criminal justice system. Expenditure this financial year: £20,000

### Central America

**Capacity Building for Members of the Police in San Pedro Sula** – Save the Children UK (SCUK) will further its thematic programme on juvenile justice and gangs in Central America. SCUK will develop police training programmes in Honduras and then share the findings with organisations in El Salvador, Guatemala, Nicaragua and Costa Rica.

Expenditure this financial year: £10,800

### Cambodia

**Safe Children** – Tearfund and Resource Development International will use karaoke as a means of communicating with children about how to protect themselves from sexual, physical and mental abuse. The project team will produce 2,000 audio-visual packs – aimed at three separate age groups – for use by NGOs, schools and other community groups, and train 550 teachers in using them effectively. Weekly television broadcasts will focus adults' minds on their responsibilities to protect children and how they can play a part in combating abuse.

Expenditure this financial year: £84,650

**Legal Assistance for Child Victims of Rape and Trafficking** – NGO Protection of Juvenile Justice will help child victims of rape and trafficking to pursue their cases through the courts. The project will deliver workshops for law enforcers and carers and produce legal training materials on commercial sexual exploitation.

Expenditure this financial year: £14,600

### Philippines

**Community Mobilisation for the Prevention, Protection and Recovery of Children in Prostitution** – There are over 60,000 sexually exploited children in the Philippines, most of whom are girls. GOF money will enable the NGO Childhope to train 240 adult and parent leaders and 240 youth advocates on the CRC and protective behaviour against sexual abuse. The project will fund counselling, rescue and education for high-risk and trafficked children and those in prostitution.

Expenditure this financial year: £14,772

### The United Nations

**NGO Participation in the Reporting Process of the Committee on the Rights of the Child** – Coalitions of NGOs prepare alternative reports to coincide with those submitted by states parties to the CRC every five years. These form the basis of the committee's recommendations to states parties on improving child rights in that country. This project will run

workshops in Geneva for NGOs based in countries whose reports are due on how best to work with the Committee to ensure that its recommendations effectively address the situation on the ground. The countries involved are: Albania, Belize, Bolivia, China, Costa Rica, Ecuador, Nepal, Philippines, Nicaragua, Nigeria, Mongolia, Yemen, Trinidad and Tobago and Togo.

Expenditure this financial year: £22,000

## Death penalty

### Kazakhstan

**Death Penalty: Lobbying for Legislative Change** – This project aims to contribute to criminal reform in Kazakhstan. The Kazakhstan International Bureau on Human Rights and Rule of Law will focus on the abolition of the death penalty. Particular attention will be paid to the status of people sentenced to death but covered by the moratorium.

Expenditure this financial year: £9,200

### Botswana

**Death Penalty Project** – This project aims to improve transparency in the death penalty process and improve access to legal representation for those on death row. The project will also support on-going civil society efforts to improve access to justice and heighten awareness of flaws in death penalty procedures.

Expenditure this financial year: £20,500

### Vietnam

**EU-Vietnam Seminar on the Death Penalty** – This project aims to stimulate further debate within the Vietnamese government regarding the death penalty and encourage moves towards abolition.

Expenditure this financial year: £15,000

### China

**Narrowing the Scope of Death Penalty Application** – This project aims to encourage amendment of the 1997 Criminal Law, narrowing the “most serious crimes” category and thus narrowing the scope of the death penalty by reducing the number of non-violent capital crimes. Activities include a series of forums promoting discussion of arguments for the abolition of different categories of non-violent crimes and a high profile seminar on the general provision of China’s Criminal Law.

Expenditure this financial year: £25,000

### Philippines

**Continuing Education for the Judiciary and Legal Professional in the Forensic Applications of DNA Analysis** – This project aims to increase the ability of the Philippines’ legal profession to evaluate the merits of DNA evidence and legal

testimony. Activities include training workshops, case analysis to demonstrate the practical aspects of using DNA evidence, and meeting with legislators and the committee on justice, the committee on science and the committee on health of the senate and the house of representatives to discuss how to legislate on DNA evidence.

Expenditure this financial year: £15,000

### Caribbean

**Caribbean-Wide Human Rights Project** – This two-year project, co-funded with the European Commission, will aid the implementation of a human rights infrastructure and the growth of civil society in Trinidad and Tobago and the Caribbean, with the eventual aim of working towards 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 for information for inclusion in public awareness and education materials; and provision of a mechanism to oversee the activities of local, regional and some UK interns on the criminal justice system and death penalty.

Expenditure this financial year: £32,483

## Rule of law

### Jamaica

**Legal Assistance Project** – This project aims to improve people’s awareness of their legal rights. The local human rights advocacy group, Jamaicans for Justice, will run the two-year legal assistance project that aims to make Jamaica’s justice system more transparent and accountable. The project will address the general lack of awareness of human rights and the inadequate information on sources of 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 this financial year: £19,800

### Africa

**Preparation for the Establishment of the African Court on Human and Peoples’ Rights** – This project aims to enhance the capacity of the African Commission on Human and Peoples’ Rights to fulfil its mandate to protect and promote human rights in Africa through the operation of the African Court of Human Rights.

Expenditure this financial year: £61,500

### China

**Reform of Re-education through Labour** – This two-year project aims to engage with the legislative agenda of the National People’s Congress in reform of re-education through labour, by the incorporation of international human rights

standards and practices into China's domestic laws. Activities include the establishment of a project team and logical framework, empirical research into China, and a seminar on alternative measures to deal with minor criminal offences. Expenditure this financial year: £25,000

### 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 this financial year: £10,453

### Global

**Human Rights and Prison Management** – This project aims to demonstrate to governments that a proper observance of human rights is an effective method of achieving good prison management and that this need not be resource intensive. Expenditure this financial year: £64,350

### South Africa

**Development of Training Programme for Magistrates on International Human Rights Principles and Standards** – This project, run by Justice College, aims to develop a training programme for magistrates on international human rights principles and standards. Expenditure this financial year: £35,917

## Anti-torture

### Global

**Guidelines for the Medical Investigation and Documentation of Torture** – In this two-year project, the University of Essex will concentrate 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 this financial year: £42,457

**Manual of Ethical Investigation and Rules for Police** – In this project Lancashire Police will improve the recognition and implementation of human rights principles by police officers investigating crime. Activities include the preparation of a manual on Police Training. Expenditure this financial year: £20,000

### China

**Prevention of Obtaining Confession through Torture** – This project will promote the establishment of a system to prevent obtaining confession through torture, so as to protect the personal rights of suspects and improve the human rights situation in China. Expenditure this financial year: £27,000

### Philippines

**Regional Workshops on Recognition, Documentation and Reporting Cases of Torture** – Medical Action Group will improve the ability of medical offices and human rights investigators in public and non-governmental agencies in recognising, documenting and reporting cases of torture. Expenditure this financial year: £27,000

### 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, will ensure the effective implementation of the Robben Island guidelines at national level within the African region in order to prevent torture and ill-treatment. Expenditure this year: £28,407

### Global

**Implementation of the Optional Protocol to the UN Convention against Torture.** The project will push for the entry into force of the Optional Protocol to the UN Convention against Torture (OPCAT) as soon as possible and in a manner that will maximise its positive impact upon the prevention of torture. Expenditure this financial year: £40,851

### Argentina

**Tools for judges and prosecutors to prevent torture and combat impunity in Argentina** – This project will strengthen the capacities of the Argentinian judiciary to prevent and effectively investigate acts of torture. Expenditure this financial year: £12,650

### 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 this financial year: £38,000

### 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. Expenditure this financial year: £28,077

## Freedom of expression

### Global

#### Support and Resources for Freelance Media: Language

**Access** – This project aims to give freelance media workers 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 this financial year: £10,000

#### University of Oxford Hate Speech Monitoring Project –

Under this two-year project we funded the Programme for Comparative Media Law and Policy at the University of Oxford to suggest how the FCO and BBC Monitoring could improve 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 03/04: £13,000;

04/05: £27,065

#### Hate Speech: Tackling Prejudice without Censorship –

We are funding the NGO Index on Censorship to do an exploratory study for a three-year multi-regional project which will use the monitoring material as a basis for training local journalists in impartial reporting. The study will act as seed money to attract large-scale funding from international donors.

Expenditure for this financial year: £24,000

#### Model Public Service Broadcasting (PSB) Law –

We are funding the freedom of expression NGO Article 19 to produce a model PSB law as part of its international standards series. This enormously popular and influential series has been frequently used as a key reference by governments around the world. We are funding the model law to be translated and published into four languages and for it to be launched at a seminar in early 2005.

Expenditure for this financial year: £34,700

### Pakistan

**Careful Coverage-Media Law Seminar** – This project, run by the Commonwealth Press Union, aims to improve the understanding of media law in order to decrease the numbers of journalists charged and imprisoned in Pakistan. It is hoped the project will promote responsible, careful journalism, and help balance journalists' personal safety with the public's right to know.

Expenditure this financial year: £12,588

### Colombia

#### Safety and Self-protection of Journalists through

**Professional Solidarity** – We are funding the UK National Union of Journalists to run a series of 12 regional workshops focusing on safety and self-protection of journalists; the right to freedom of expression and information; and professional solidarity through journalists. The project will also produce printed information and material for the internet.

Expenditure for financial year 04/05: £6,920; 05/06: £4,300

## Re-uniting Europe

The objective of the Re-uniting Europe programme is to invest in and support those countries on the path to EU membership while they are most open to change, in order to further the UK's overall EU policy objectives.

### Albania

**The EU and SAA: Accountable Democracy** – This project aims to promote public understanding and support for an effective Europeanisation process. Activities will include: appointment of a part-time adviser to the parliamentary integration committee; production of a TV film on the challenges of Europeanisation; publication of a periodical on European integration; and a poster, leaflet and booklet campaign.

Expenditure for financial year 03/04: £28,935;

04/05 £27,065

### Belarus

#### European Youth Parliament: Democracy and the Younger

**Generation** – This project aims to enhance the potential for democratisation and improve respect for human rights in Belarus by encouraging Belarusian youth to practise participatory debate on issues of current concern and to promote this activity more widely in Belarus. To this end, activities will include teambuilding events, networking and debates between Belarusian young people and counterparts from Poland, Ukraine, Lithuania, Estonia and Latvia.

Expenditure this financial year: £15,000

#### Training and Support for Opposition Candidates and

**Councillors** – This project, run by the European Institute for Democracy, aims to promote democratic opposition politics in Belarus through training local councillors and parliamentary candidates from democratic opposition parties, and assisting in planning effective electoral campaigns.

Expenditure for financial year 03/04: £124,900;

04/05, £65,100

### **Bosnia and Herzegovina**

**Establishment of War Crimes Tribunal** – Funds will facilitate the localisation of the Hague War Crimes Tribunal to Bosnia, establishing a war crimes chamber in the BiH state court, a war crimes department in the state prosecutor’s office, a state level detention facility, witness protection and close protection teams. Expenditure for financial year 03/04: £225,000

**Citizen Participation and Outreach Initiative** – This project will strengthen democratic governance through institutionalisation of regular and more frequent communication between government and citizens, particularly in local government. This will be achieved through training workshops and outreach activities in 30 municipalities nationwide, covering issues such as consultation mechanisms, marketing and access to information. Expenditure for financial year 03/04: £23,750

**High Judicial and Prosecutorial Council (HJPC)** – This project aims to support the process of judicial and legal reform by funding an international expert to the HJPC. The Council’s role is to reappoint judges and prosecutors throughout the court system on the basis of free and fair competition. Expenditure for financial year 03/04: £58,475

### **Bulgaria**

**Improving Human Rights in Bulgarian Prisons** – This project aims to contribute to penal reform in Bulgaria by assisting with the preparation for release and social reintegration of detainees. Activities include establishment of a national working group of key decision makers to guide and support the development of special programmes, and lobbying for the adoption of a legal framework that promotes the social reintegration of prisoners. Expenditure this financial year: £80,100

**A Socially Inclusive Europe** – This project, run by Save the Children, aims to support the government’s efforts to introduce a more inclusive education system for disabled and ethnic minority children. Working through a joint NGO/government/donor steering group, the project will extend participation, produce and distribute guidance manuals for schools, help with the adaptation of school facilities, set up children’s clubs, and hold training workshops, experience-sharing workshops, exchange visits and conferences. Expenditure this financial year: £30,000

**Building Capacity in the National Prosecution Office in the Context of Fighting Corruption** – This project aims to assist the national prosecution office in adopting internationally recognised anti-corruption practices.

Expenditure for financial year: 03/04 £13,225; 04/05 £28,240

**Police Investigation Service** – This project, run by Gwent Police Training Centre, will enable assessment of the needs of the anticipated 2,000 new criminal investigators at the ministry of interior. The aims include assessment of role and training needs of investigators and of the capacity of Bulgarians to provide training. Expenditure this financial year: £15,000

### **Croatia**

**Legal Assistance and Human Rights Promotion** – This project aims to support sustainable refugee return, community reconciliation and re-integration while promoting and protecting human rights, by providing free access to justice for refugees, displaced persons and returnees from Slovenia across the Croatia/Bosnia border. Expenditure this financial year: £15,000

### **Legal Assistance and Community Reinforcement in Dalmatia**

– This project aims to support sustainable refugee return across the Croatia-SaM-Bosnia borders and promote minority rights by providing legal assistance, cross-border information, ‘go and see’ visits and practical support with documentation, education, accommodation and access to justice. Expenditure for financial year 03/04: £4,964

### **Alternative Dispute Resolution in Croatia and Macedonia**

– This project will tackle court delays by sharing expertise in alternative dispute resolution. Some of the main activities will include seminars for ministry officials, judges and lawyers. Expenditure this financial year: £20,000

### **Cyprus**

**Shutting Europe’s Back Door on Organised Crime – helping North Cyprus Fight Money Laundering and Improve Banking Sector Regulation** – This project aims to help North Cyprus to meet the *acquis* on financial regulation, rule of law and effective judiciary and encourage bilateral co-operation on countering money-laundering and cross-border crime through a series of seminars run by the HM Customs and Excise expert based at the British Embassy in Ankara. Expenditure for financial year 03/04: £24,500

### **Czech Republic**

**Strengthening Immigration and Asylum Procedures** – This project aims to bring asylum procedures in line with EU norms and strengthen controls on the Czech/Slovak border through the provision of sources of 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.  
Expenditure for financial year 03/04: £21,580; 04/05 £5,020

### Estonia

**Integrating Estonia** – This project aims to integrate the Russian-speaking population of Estonia into general society, in order to strengthen civil society and reduce ethnic tensions. Activities will include: the training of teacher trainers; family exchange and language camps; support for vocational exchange and education activities; and the production of radio programmes in minority languages.  
Expenditure for financial year 03/04: £35,000;  
04/05 £30,000

### Hungary

**Development of Roma Rights Training Handbook** – This project, run by the European Roma Rights Centre, aims to produce and distribute a Roma Rights Training handbook for use primarily by Romani human rights activists and trainers. The handbook will be published in six languages.  
Expenditure for financial year 03/04: £25,816;  
04/05 £46,290

### Macedonia

**Inter-Parliamentary Lobby Group of Rights of Disabled** – This project aims to support and facilitate the work of the inter-party parliamentary lobby group in introducing a systemic law and disability rights commission. The project involves on-going education, lobbying, drafting and passing of legal instruments, and research and awareness-raising.  
Expenditure this financial year: £35,926

### Malta

**Support for Malta's Judicial System: Adapting to Change** – This project aims to strengthen the capacity of the judiciary and Attorney General's Office to meet the requirements of the EU *acquis*. The project will allow for the development of an action plan for the creation of a judicial studies committee, preparations for a coherent 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.  
Expenditure this financial year: £17,720

### Moldova

**Training of Human Rights Trainers** – This project aims to improve human rights in Moldova through education for different groups in society. This will be achieved by training sixteen NGO activists in human rights education, followed by

a period of observed training practice and development of strategic plans for further activity.  
Expenditure for financial year 03/04: £2,818

**Technical Assistance on Roma Issues** – This project aims to provide the Polish department of national minorities, local governments and NGOs with technical assistance on Roma minority issues, encouraging best practice for improving institutional capacity, and leveraging EU funding.  
Expenditure for financial year 03/04: £54,200; 04/05 £1,800

### Romania

**Human Rights Training in Romanian Prisons** – This project aims to contribute to penal reform in Romania by improving prison management in order to create a prison environment that protects human rights, and contributes meaningfully to the preparation for release and social reintegration of prisoners. The main activities are a needs assessment, preparation and delivery of training for 50 trainers, and production of a training manual.  
Expenditure this financial year: £91,200

**Bucharest Capital City Policing** – This project aims to improve the governance of policing in Bucharest through a programme of training, which will include: intelligence-led policing; building community confidence; working with a police authority; and providing UK co-operation and expertise on organised crime.  
Expenditure for financial year 03/04: £34,025;  
04/05 £15,975

### Serbia and Montenegro

**Rule of Law Training Programme on European Convention on Human Rights (ECHR)** – This project aims to bring SaM law and practice into line with the ECHR, following ratification in December 2003, and help consolidate the establishment of a strong and effective independent judiciary. Main activities will be training for members of the SaM judiciary and distribution of a monthly bulletin in Serbian summarising the key judgements of the Strasbourg Court.  
Expenditure this financial year: £48,000

**Trade Unions Assessment** – This project aims to assess the needs and infrastructure of trade unions in SaM in order to engage with the economic, social and political advances in society.  
Expenditure for financial year 03/04: £3,600

### Slovakia

**Standing Adviser on the Development of Mediation within the Slovak Legal System** – This project aims to provide ongoing advice to the ministry of justice on the development and

implementation of mediation within the Slovak legal system. Aims of the project include establishment and evaluation of pilot schemes, promotional activities to encourage take-up, and elaboration of training and ethical standards. Expenditure this financial year: £27,114

**Defending Roma Housing Rights** – This project aims to challenge the abuse of Roma housing rights through a programme of research, litigation, advocacy and training. Implementation is largely through local NGOs, employing local unemployed Roma workers. Expenditure for financial year 03/04: £45,147

**Training Sessions for Roma Paralegals** – This project aims to help combat racial discrimination through training for 20 paralegals working in Roma communities in eastern Slovakia. Police officers will also be involved in the training. On-going support will be provided for participants to work on landmark cases. Expenditure for financial year 03/04: £4,779; 04/05 £9,034

**Training and Advocacy on Anti-Discrimination Legislation** – This project aims to train policy makers, lawmakers, judges and human rights NGOs and lawyers in the EU Race Equality Directive and other international anti-discrimination instruments. The project will also involve the Czech Republic, Poland, Hungary and Bulgaria. Expenditure for financial year 03/04: £37,500; 04/05 £47,851

#### Turkey

**Training and Technical Assistance on Refugee/Asylum Issues** – This project aims to improve the capacity of local police in the areas of protection and defence of the rights of refugees and asylum seekers, and to bring the overall asylum system in line with EU standards and international best practice. Main activities will comprise training programmes, field monitoring visits and study visits. Expenditure this financial year: £135,000

**Child Rights: An Inter-Agency Approach** – This project aims to achieve greater effectiveness in working with children in the justice system through a programme of training for NGOs, child police units, lawyers and court personnel. Expenditure for financial year 03/04: £92,906; 04/05 £144,942

**Human Rights Training for the Judiciary** – This project aims to help Turkey to establish a more effective judiciary and better implement judicial reform by developing and implementing a tailored human rights training programme for a wide cross-section of the judiciary.

Expenditure for financial year 03/04: £36,695; 04/05 £153,430

**Developing Consistent Practice in the Judiciary** – This project aims to help establish a more effective judiciary and better implement judicial reform by drawing up a code of practice/ethics and training the judiciary in its use. The project will involve the development of a training programme and materials, study visits to the UK and development of a code of conduct. Expenditure for financial year 03/04: £36,171

#### Ukraine

**Journalistic Consolidation Campaign** – This project aims to assist Ukrainian media in tackling issues such as media harassment, censorship, editorial pressure, ethics, public dialogue, employee rights and freedom of the press. Main activities will be workshops, training events and round tables. Expenditure this financial year: £26,017

**Training of CVU Election Observers** – This project aims to protect electoral rights and help ensure open, free and fair presidential elections through the education and training of at least 10,000 volunteer observers and dissemination of 50,000 copies of printed guidance. Expenditure this financial year: £73,000

**Political Press Centre.** This project aims to establish a non-partisan political press centre to give the media access to balanced and objective coverage and analysis of events during the presidential elections. The press centre will be responsible for: creating a website with information on candidates and their views; press conferences with candidates; the running of an information centre; production of weekly video bulletins; creating a profile database of the candidates; and the creation of video archive to monitor media coverage. Expenditure for financial year 03/04: £117,207; 04/05 £107,470

**Centre for Regional Media Development** – This project aims to build a movement in Ukrainian civil society by developing the capacity of regional broadcasters to stimulate debate on current affairs issues. Expenditure this financial year: £19,065

**On-Site Media Training with an Elections Perspective** – This project will contribute to a democratic election process by training regional broadcast journalists in investigative journalism with an election focus. Sessions to be held in four regions of Ukraine, each opening with a roundtable discussion with local officials and NGOs. Expenditure for financial year: £9,912

## Ukraine/Poland

### Polish-Ukrainian Cross-Border Co-operation on JHA Issues –

This project aims to improve cross-border cooperation on trafficking of people and goods and cross-border crime, and promote local government reforms necessary to achieve effective co-operation. Activities to include study visits, internships, border visits, training sessions, formation of cross-border working groups and development of joint strategies.

Expenditure this financial year: £45,500

**Preparing for Democratic Elections in Ukraine** – This project aims to build the capacity of the Ukrainian opposition election teams to promote democratic elections in Ukraine through a programme of study visits and training in Poland and consultancy trips to Ukraine by Polish experts. Subjects covered will include strategy planning, contact with voters, campaign management, fundraising and coalition building.

Expenditure this financial year: £89,000

## Strengthening Relations with Emerging Markets Programme

The objective of this programme is to strengthen economic governance, democracy and respect for human rights in 'emerging market' countries, and to work more effectively with them in the pursuit of shared interests.

### Argentina

**Freedom of Information** – The aim of this project is to increase awareness of the right to access public information through an extensive lobbying programme targeting members of the senate committees, legislators and the press in order to lend weight to the campaign for access to information legislation.

Expenditure for financial year 03/04: £25,460

**Increasing Transparency in Congress** – This project aims to provide basic recommendations for senate reform to the vice-president. The project is being run in conjunction with five civil society organisations and a *pro bono* network of lawyers.

Expenditure for financial year 03/04: £19,800

### China

**Developing and Piloting a Labour Tribunal System** – This project aims to provide UK expertise to establish a labour 'arbitration court' system on the basis of UK best practice. A project office, steering committees and advisory groups have been set up and are working on the project.

Expenditure for financial year 03/04: £29,900

**E-Civil Society** – This project aims to provide the first ever web-based platform for small-to-medium sized Chinese NGOs to help promote NGO transparency as a means to attract both

domestic and international donors.

Expenditure for financial year 03/04: £14,500

### Mexico

**Community Workshops on Human Rights** – This project aims to train 90 people from rural communities on human rights, covering the areas of human rights protection, civil participation, peaceful settlement of conflicts, and promotion and defence of the rights to equality. Those trained will pass on what they have learned to their communities.

Expenditure for financial year 03/04: £3,553

**Good Governance Forum and Showcase** – This project has two distinct parts: the organisation of a national meeting including local, state and national representatives of government, civil society and the private sector where relevant experiences and information are shared; and the provision of a simple format to document some of these experiences and disseminate them to others who were not direct participants in the meetings.

Expenditure for financial year 03/04: £47,000

### Assessing Implementation of Principle 10 in Latin America –

This two-year project aims to provide a methodology guide for applying evaluation indicators to implementation of Principle 10 of the Rio Declaration on Environment and Development. Following training in Rome, two members of the coalition of NGOs in charge of implementing the project have started the dissemination of the training, working closely with national and state co-ordinators.

Expenditure for financial year 03/04: £180,000

### Nigeria

**Promoting Democracy and the Rule of Law: Coalition against the Death Penalty** – This project aims to undertake a lobbying and advocacy programme with the new national assembly, with the aim of promoting a constitutional amendment abolishing the death penalty.

Expenditure for financial year 03/04: £105,270

### Russia

#### Improving Conditions in Pre-Trial Prisons and Colonies –

This project aims to help 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 will be implemented and high level meetings will be held between the UK and Russian prison services and the Russian government department overseeing the programme of reform.

Expenditure for financial year 03/04: £35,021

**Strengthening the Implementation of Alternatives to Imprisonment** – Through Penal Reform International, this project will conduct discussions with the Criminal Executive Inspectorate in 18 pilot regions of Russia to establish priorities and the content of forthcoming training programmes. NGOs will be trained so that they can better supervise non-custodial sentences.  
Expenditure for financial year 03/04 – £90,074

**Ethnic Minorities and Access to Justice** – This project will enable ethnic minority representatives and local police to receive training on access to justice, and will promote dialogue by bringing both groups together for a one-day workshop. Training is being undertaken in Moscow, Samara, Krasnodar and Ekaterinburg.  
Expenditure for financial year 03/04: £37,804

**Researching and Defending Roma Rights** – Roma groups, with an estimated population of around two million in Russia, are very vulnerable due to their lack of official documents. This project aims to carry out research for a report which will identify some of the issues and difficulties that this minority group face. Roundtable discussions will bring together Roma representatives, police and local authorities.  
Expenditure for financial year 03/04: £16,470

**Dialogue: Media Freedom and Administrative Reform** – In Russian cities and towns, establishing local mass media independence depends to a great extent on the attitude of the heads of local authorities. This project aims to provide training to press secretaries of local authorities to facilitate a more transparent and independent local media.  
Expenditure for financial year 03/04: £43,415

**Promoting Standards in Public Life in the Russian Regions** – This project aims to improve administrative reform and self-regulation in the public sphere in Russia by introducing the experience of Britain's Committee on Standards in Public Life. Four working groups will work on developing guidelines and producing reports in priority fields.  
Expenditure for financial year 03/04: £30,026

**South Africa**  
**Building Capacity in the Independent Complaints Directorate (ICD)** – This project builds on an existing partnership between the ICD and the Municipal Police Services following a training needs analysis in 2002. The ICD is the only government body mandated to investigate deaths in custody and other deaths as a result of police action. It now has in place a basic investigators course and a group of trainers who

have been identified to deliver the training to other staff.  
Expenditure for financial year 03/04: £47,994

## Engaging the Islamic World Programme

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 in matters that affect their lives.

### Egypt

**Training of Lawyers in Egyptian Governorates on Human Rights Issues** – A three-year project, run by the Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP), to promote the rule of law and observance of international human rights standards in Egypt. 720 lawyers across 12 governorates will be trained in human rights litigation and the defence of civil liberties. So far 110 lawyers have been trained and a training centre will open in the near future.  
Expenditure for financial year 03/04: £63,674

**Supporting Women's rights Egyptian Ombudsman** – Over two years this project aims 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 machinery to eliminate gender discrimination and to help women secure their legal rights. To achieve changes in Egyptian policy and law, a mixture of strategies will be adopted, including analysis of daily complaints of working women and lobbying and educating policy makers and legislators.  
Expenditure for financial year 03/04: £93,142

### Kuwait

**Supporting Women Activists** – This project, co-funded by the British Council and delivered by the Active Learning Centre, aims to improve the campaigning and media skills of women. By providing training and workshops for activists, the aim is to improve the ability of women's groups to campaign more effectively and to get their message across in the media.  
Expenditure for financial year 03/04: £13,985

### Lebanon

**Furthering the role and Position of Women through Organisational Capacity Building** – This two-year project aims to increase the participation of women in the economy by promoting their economic independence through training, and by raising awareness of the role women can play in the economy. The Centre for Research Training Development (CRTD) delivered 11 workshops around the country. The project has now developed beyond the Lebanon-based stage, and regional activities have started in Egypt and Morocco.  
Expenditure for financial year 03/04: £30,447

## Morocco

### Strengthening Morocco's Judicial and Administrative

**Reforms** – This two-year project, working with the European Centre for Common Ground and Moroccan judicial and semi-judicial institutions, aims to support reform programmes and ease public access to justice without recourse to costly and lengthy court action. The Moroccan ministry of justice, estimates around 70 per cent of cases brought to court annually in Morocco could be dealt with outside the court system. This project aims to strengthen an existing ombudsman (set up in 2001), and work with the ministry of justice on new alternative dispute resolution mechanisms.  
Expenditure for financial year 03/04: £54,108

## Saudi Arabia

### Promoting the participation of Saudi Women in Civil Society

– A tailor-made course run by the Thomson Foundation, this project aims to provide first hand experience of how women in the media can empower women in society, thereby encouraging the development of a civil society.  
Expenditure 03/04: £12,577

## Yemen

**Enhancing the Professional Skills of Yemeni Women** – This three-year project aims to enhance women's performance in the marketplace and increase women's access to senior decision-making positions. The project aims to develop, in partnership with the Women's National Committee and British Council, a management course for women. The first introductory course was held in March and the postgraduate diploma course has now been established.  
Expenditure for financial year 03/04: £8,602

### Enhancing Women's Role in Local Community Projects –

This three-year project, in partnership with the Women's Affairs Support Centre and Civic Democratic Initiatives Support Foundation, aims to enhance the role of local women in their local councils' activities, improve the role of female decision-makers and develop a network of young female decision-makers of the future. The project has three phases running over a period of 30 months, aimed at raising awareness, developing decision-making skills through membership of shadow committees and ultimately to enhancing female leadership in targeted districts. The aim is to enlarge the number of female local council members by the year 2006.  
Expenditure 03/04: £18,181

**BBC My Life** – Through this two-year project, the BBC World Service Trust and the BBC Arabic Service will provide direct participatory opportunities for young women from across the Arabic speaking world to explore their aspirations for and

expectations of their futures. The project covers Egypt, Iraq, Jordan, Lebanon, Syria, Yemen and Morocco. The first workshop was held in May 2004 in Cairo.  
Expenditure for financial year 03/04: £160,298

### BBC Journalism Standards training in the Middle East and North Africa (MENA) Region

– This two-year project aims to provide sustained support to journalists and editors in the MENA region through a series of media dialogues and training opportunities. The project will support the further strengthening and development of an independent, fair and responsible media across the MENA region, facilitating journalists and editors from across the region to create their own resource base that will enable them to train and develop the skills of 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

### Congress of Democrats from the Islamic World

– The Congress of Democrats from the Islamic World conference took place in Istanbul, 12-15 April 2004. Organised by the National Democratic Institute (NDI) and United Nations Development Programme (UNDP), the conference brought together politicians from over 15 countries, across continents, to discuss issues of governance, empowerment and freedom across the Islamic world.  
Expenditure for financial year 03/04: £53,948

## On-going projects first financed in previous years under the Human Rights Projects Fund

### Strengthening the Protection and Promotion of Freedom of Expression by the African Commission on Human and Peoples' Rights

– This project aims to strengthen the protection and promotion of freedom of expression by the African Commission on Human and Peoples' Rights (ACHPR) by building on the success of Article 19 in promoting a declaration on Freedom of Expression adopted in October 2002.  
Expenditure this financial year: £122,500

## Sudan

### Challenging Impunity and the Prevention and Documentation of Human Rights Abuses in Sudan

– This project is designed to help do all of the above by training Sudanese lawyers on the documentation of human rights abuses, organising a symposium on strategies for human rights education, providing human rights training for target groups and monitoring, and documenting and campaigning on

violations against freedom of expression and association.  
Expenditure this financial year: £60,000

**Mutawinat Human Rights and Legal Service Project** – This project will build on what has been achieved to date by strengthening local legal and human rights education and developing the paralegal training programmes in northern Sudan. The project will fund the extension of these activities into six new towns.  
Expenditure this financial year: £40,663

### Uganda

**Human Rights Education** – This project will introduce a human rights curriculum into 15 pilot schools in Uganda. Teaching materials and activities on rights and responsibilities will be developed with teachers and students, culminating in the staging of a model United Nations General Assembly, involving over 200 children in Kampala.  
Expenditure this financial year: £52,500

## Americas

**Caribbean Death Penalty Project** – Within the framework of a project funded by the European Commission, Penal Reform International and Simons Muirhead & Burton will host three annual training workshops for lawyers in the Caribbean in order to raise the level of expertise which will be necessary to restrict the death penalty, leading to its gradual disappearance.  
Expenditure this financial year: £33,225

### Argentina

**Human Rights and Democratic Justice** – The aim of the project is to exert influence on the work of the judiciary in order to entrench the democratic features of transparency and accessibility, as well as safeguarding human rights.  
Expenditure this financial year: £22,300

**Equal Rights and Opportunities for the Disabled** – The aim of this project is an improvement in the quality of life for the disabled. This will be achieved through the qualitative and quantitative survey of the disabled at national level, followed by the presentation of the project to the media and legislators. This will eventually result in the drafting of bills to put before the national legislature.  
Expenditure this financial year: £30,000

### Brazil

**Improvement in Prison Management Project** – This project aims to improve prison management in the state of Sao Paulo, Brazil, thereby increasing practical respect for the human rights of prisoners and prison staff. Prison and training experts are working with project groups drawn from key management

positions in four prisons in Sao Paulo, the state and federal prison authorities, and with NGOs.  
Expenditure this financial year: £81,030

### Chile

**Achievement of Human Rights in the Chilean Prison System** – This project is designed to implement an organisational development programme to ensure that human right standards are observed in the Chilean prison system. This should enable the organisation to respond effectively to changing government policy, criminal justice legislation and community needs.  
Expenditure this financial year: £17,600

### Dominican Republic

**Capacity Building of the Dominico-Haitian Border Human Rights Network** – The overall objective of the project is to reduce the number of human rights abuses committed at the Dominico-Haitian border. To achieve this the project will build up the Jano Sikse Network's capacity to monitor and follow-up human rights abuses against migrants, temporary workers, victims of people-trafficking, deportees, prisoners and cross-border workers.  
Expenditure this financial year: £40,000

### Ecuador

**Effective Application of the Miranda Law in Ecuador** – In order to improve the application of the Miranda Rights in Ecuador, this project will increase knowledge of this constitutional provision, among both citizens and officials. The main activities will include a study to assess the number of abuses committed against detainees, the production of a procedural training guidebook, training workshops and the issuing of pocket size cards to all police officers on duty.  
Expenditure this financial year: £46,120

### Guatemala

**Justice and Reconciliation** – The project personnel will work with individual and community victims to investigate and prosecute cases. In addition the project will seek to strengthen the justice system by offering innovative training courses and technical support for prosecutors, police officers and judges.  
Expenditure this financial year: £50,000

### Peru

**Sexual Minorities' Rights** – This project will promote the acknowledgement and defence of the homosexual population in Peru through the strengthening of participation and representation of gays and lesbians in Peruvian society. It will also formulate proposals for legislation that will assure that public policies guarantee their rights.  
Expenditure this financial year: £54,917

**Building Hope: Missing People of Peru** – This project complements the work of the Truth and Reconciliation Commission which, while investigating some indicative cases, has not had a broad enough mandate to review all cases of disappearances. The project will run a national campaign in order to gather as much information as possible and to produce a list of missing people and information on their cases. Expenditure this financial year: £106,960

### Venezuela

**Training Aragua State Police Force in Human Rights** – This project will enable Aragua state police to realise their obligation to defend and promote human rights by training police officers, and by meeting with the authorities with a view to reforming and restructuring the state police in line with human rights norms. Expenditure this financial year: £7,286

**Promoting Good Police Practices, Phase Two** – The second phase of this project will encourage the adoption of permanent public policies respecting human rights in Caracas' police forces, thus reducing human rights violations. Expenditure this financial year: £8,750

## Asia and Pacific

### China

**Preventing Police Misconduct** – This project will train 45 heads of provincial police supervision departments in the management of police misconduct. One hundred and twenty middle-ranking police supervision officers will also be trained in the same skills to pass down to their subordinates. In addition, existing British police training materials will be translated into Chinese. Expenditure this financial year: £32,000

**Criminal Defence Lawyers' Rights in Pre-trial Procedure** – The aim of this project is to strengthen the rights of criminal defence lawyers during the pre-trial stage by strengthening the defence lawyer's right to impunity when challenging the prosecution evidence and by encouraging further amendment of existing criminal procedures. Expenditure this financial year: £30,000

### India

**Addressing Legal, Social, and Judicial Impediments to Improving Sexual Health for Males Who Have Sex With Males in India and Bangladesh** – This project aims to address legal, social, and judicial impediments to improving sexual health for homosexuals in India and Bangladesh. Expenditure this financial year: £79,907

**Disability Law Unit** – This project will empower disabled people to take advantage of their rights (as provided by the Disability Act 1995) by creating a specialised Disability Law Unit and extending its reach across India through Regional Disability Law Units. Expenditure this financial year: £32,565

### Malaysia

**Production of Malaysia's First Alternative Report on the Implementation of CEDAW** – This project aims to strengthen national advocacy on the human rights of women and by participating in the reporting process for governments. Expenditure this financial year: £12,809

### Pakistan

**Capacity Building of Parliamentarians' Human Rights Body** – This project is designed to help the Parliamentarians' Commission for Human Rights play an effective role in raising human rights within the national assembly and achieving practical progress on the key human rights issues in Pakistan. Expenditure this financial year: £46,638

**Capacity Building of Grassroots Level Human Rights Defenders** – The aim of this project is to help the leading human rights organisation in Pakistan – the human rights commission of Pakistan – to extend its network of local groups involved in monitoring human rights abuses and promoting adherence to internationally guaranteed norms. Expenditure this financial year: £23,350

**Rolling Back the Death Penalty** – This project aims to heighten awareness about abuses inherent in Pakistan's current reliance on the death penalty and to help selected socially disadvantaged prisoners on death row challenge their death sentences. Expenditure this financial year: £56,035

**Supporting Human Rights Organisations' Interaction with Parliamentarians** – This project allows the human rights commission of Pakistan to establish a parliamentary lobby that will enable it to channel information and briefs from civil society groups to interested parliamentarians in order to encourage them to take up human rights issues. Expenditure this financial year: £35,466

### Vanuatu

**International Law Adviser to the Government of Vanuatu** – This project will fund an adviser who will identify international human rights treaties and conventions and UN resolutions requiring action by Vanuatu. Expenditure this financial year: £7,500

## Global

### **Global Report on the Independence of Judges and Lawyers –**

This project will fund a global report on both the state of the law and impediments to the independence of judges and lawyers.

Expenditure this financial year: £98,286

### **Hitting the Target: Follow-up to the Torture Reporting Handbook and Rollout of the Handbook on Judicial Safeguards –**

This project is aimed at providing the right people in the right countries with the right tools and skills to combat torture. This will be achieved through a review of the *Torture Reporting Handbook* to identify the impact of the first phase of the project.

Expenditure this financial year: £69,000

### **International Federation for Human Rights Strengthening National NGO Participation with the UN Treaty Bodies –**

This project is designed to train and equip national NGOs to report to UN human rights treaty bodies and follow-up on their recommendations.

Expenditure this financial year: £25,000

### **Visiting Programme for Senior Clinicians Implementing Organisations –**

This project is designed to improve the professionalism and understanding of key clinicians involved in examining cases of torture in countries where it is prevalent.

Expenditure this financial year: £14,000

## Middle East and North Africa

**Project to End Use of Child Camel Jockeys –** This project will seek the adoption and enforcement of legislation prohibiting the use of under 18 year olds as camel jockeys in the Gulf States, notably the UAE and Qatar. It will also provide for work to strengthen action to combat the trafficking of children to the Gulf States for use as camel jockeys.

Expenditure this financial year: £10,700

### **Egypt**

**Access to Basic Services Campaign –** This project is intended to empower citizens, particularly women, to recognise and promote their rights to access basic services through the active involvement of NGOs, policy makers, educators and the media.

Expenditure this financial year: £33,621

### **Improving the Legal and Social Status of Women Under the New Personal Status Law –**

This project will help empower women legally and socially and to protect and promote their interests through active involvement with decision-makers.

Expenditure this financial year: £44,434

**Exceptional Courts and Legislation –** This project aims to create a network of young lawyers and human rights activists to examine the emergency law and to include key policy makers and the media in creating practical solutions to the legal difficulties facing civil society.

Expenditure this financial year: £7,994

### **Morocco**

#### **Establishment of an Independent Body to Receive and Handle Prisoners' Complaints –**

The aim of this project is to improve prisoners' living conditions through the establishment of an independent body to receive prisoners' complaints and the publication of the Body's annual report and recommendations.

Expenditure this financial year: £9,360

### **Wider Europe**

#### **Improving Monitoring and Implementation of the Council of Europe's Framework Convention for the Protection of National Minorities: NGO Training Seminars and In-Country Activities –**

This project aims to improve the protection of minority rights in the 45 member states of the Council of Europe by contributing to improved monitoring and implementation of the Framework Convention for the Protection of National Minorities.

Expenditure this financial year: £38,264

### **Belarus**

#### **Human Rights Capacity Building in the Legal Community –**

This project aims to build the capacity of the Belarusian legal community in human rights law by increasing theoretical and practical expertise and strengthening links with the regional and international legal community. Main activities will include a training seminar, two seminars on international human rights law, and the creation of a legal information network website.

Expenditure this financial year: £15,410

### **Georgia**

#### **Creating Standards in the South Caucasus for Prison Monitoring and Evaluation –**

This project is aimed at improving the human rights conditions for prisoners in the South Caucasus by developing official standardised monitoring and evaluations procedures in co-operation with each country's independent monitoring board and ministry of justice. Activities include creating a standardised procedures monitoring methodology for external monitors of places of detention, and establishing a monitoring development team comprised of selected NGO members, with cooperation from the justice ministries in each South Caucasus country.

Expenditure this financial year: £33,847

## Kyrgyzstan

### Human rights in Prison/Alternatives to Imprisonment –

This project aims to promote change in the prison system, with respect for the human rights of prisoners and advocacy for legislative change that will allow wider use of alternatives to imprisonment. The project will initiate a working group on alternatives in the country and support pilot projects, contribute to the humanisation of prisons by improving physical conditions and monitor the improvement of prison conditions by establishing independent monitoring committees.

Expenditure this financial year: £109,440

## Russia

**A Key Human Rights Battle in Modern Russia: Alternative Civil Service** – This project aims to improve Russian legislation and regulatory norms on civilian alternatives to military service in accordance with international standards. A coalition of 50 NGOs from 33 regions will organise a nation-wide campaign to lobby for liberal amendments to the Russian Law on Alternative Civil Service, and to protect the rights of conscientious objectors.

Expenditure this financial year: £49,867

**Development of NGO Network for Prevention of Torture** – The aim of this project is to eliminate the use of torture in Russia.

The Nizhny Novgorod Committee against Torture has developed a methodology for using existing legal mechanisms to prosecute torturers and protect torture victims. This project aims to implement this strategy in at least seven other regions of Russia. The committee will organise training and on-going support to regional co-ordinators, and will work with regions to organise public campaigns, monitor torture, develop a torture database, and prosecute cases. It will also develop legislative proposals to draw up legal definitions of torture and cruel treatment.

Expenditure this financial year: £44,100

**School for Public Inspectors** – This project aims to establish social control in Russian state structures that were closed to society for many decades, starting with the penal system. The project will establish a school for public inspectors of prisons. In cooperation with the British Boards of Visitors (BoV), 15 trainers of the school will attend a seven-day course at the BoV Training Centre in Stafford. The project will then train 50 public inspectors of prisons for Moscow and the Russian regions.

Expenditure this financial year: £44,130

## Serbia and Montenegro

### Strategic Litigation and Legal Training to Challenge Violence and Racial Discrimination against Roma in Yugoslavia –

This project is aimed at developing and implementing legal strategies for challenging violence and racial discrimination against Roma in Yugoslavia through litigation, and

disseminating the results of the project to a wider public.

Based on the concept of public interest law, the project will use strategic litigation to challenge violence and racial discrimination in Yugoslavia. Suitable cases will be identified and litigation initiated, in some instances using local lawyers. The project hopes to secure favourable rulings that provide better protection against violence and discrimination.

Expenditure this financial year: £23,303

## Turkey

**PACE** – This project aims to exchange best practice in policing using independent consultants and possibly police officers. The Police and Criminal Evidence Act (1984) (PACE) is a broad model on which to base structural change and establish a comprehensive code of conduct for the Turkish national police and Jandarma, to ensure modern and effective policing standards that fully protect human rights.

Expenditure this financial year: £93,230

## On-going projects first financed in 2002

### Americas

**National Death Penalty Observatory** – This three-year project in Guatemala aims to tackle the increasing use of death penalty, by means of research, education, lobbying, and consultancy.

Expenditure for this financial year: £66,467

### Peru

**Building Free Media** – This three-year project aims to help establish national standards and commitments to freedom of speech and the right to receive public information.

Expenditure this financial year: £20,000

**Police Reform: The Police Ombudsman** – This three-year project aims to guarantee the creation and consolidation of the Office of the Police Ombudsman in Peru. This will become Latin America's first such office and the intention is to open a main office in Lima and three in the provinces.

Expenditure this financial year: £50,000

### Asia and Pacific

#### Cambodia

**Land Rights Monitoring** – This three-year project aims to ensure that the new land law policy is being applied equitably by helping the government investigate land disputes in 18 out of Cambodia's 24 provinces; intervene with provincial land commissions to resolve disputes; and provide emergency assistance to new victims.

Expenditure this financial year: £29,526

**China**

**An Empirical Study of the Criminal Justice System in China –**

This project aims to support further reform of the Chinese justice system.

Expenditure this financial year: £75,000

**India**

**Bonded Labour in India** – This three-year project aims to strengthen the capacity of NGOs to free workers from bonded labour in Indian states where the issue of bonded labour may have been ignored in recent years.

Expenditure this financial year: £45,000

**Papua New Guinea**

**Stopping Family Violence** – This three-year project will strengthen the institutional framework to provide effective and co-ordinated services for victims of family and sexual violence.

Expenditure this financial year: £13,860

**Wider Europe**

**Centre for Assistance to Torture Victims** – The aim of this project is to set up a centre in Nizhny Novgorod to monitor complaints and to provide effective legal remedies and medical rehabilitation for victims of torture in addition to strengthening the public response to torture.

Expenditure this financial year: £66,600

For further information contact:

Human Rights Policy Department  
 Foreign & Commonwealth Office  
 King Charles Street  
 London SW1A 2AH.

# 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 Co-operation 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](http://www.un.org)

## UN Human Rights Standards

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly (UNGA) in December 1948, was the first internationally agreed definition of human rights and fundamental freedoms. Although not a legally binding treaty, it establishes an internationally recognised set of standards that has 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.unhchr.ch](http://www.unhchr.ch) (‘Treaties’ section). Annex 5 gives a list of all the states that had ratified the core conventions by July 2004.

### 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; co-operate 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. (For more information on the Optional Protocol to the United Nations Convention Against Torture see page 182.)

### **International Convention on the Elimination of All Forms of Racial Discrimination**

The Convention defines discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms”. It also provides for positive discrimination under certain circumstances.

The Convention also provides for States Parties *inter alia* to: pursue a policy of eliminating racial discrimination and promoting understanding among all races; to nullify any laws or regulations which have the effect of perpetuating racial discrimination; to condemn all propaganda based on theories of racial superiority or which attempts to promote racial hatred or discrimination; to adopt immediate measures designed to eradicate all incitements to such discrimination; and to guarantee the right to everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law.

The **Committee on the Elimination of Racial Discrimination** monitors States Parties’ implementation of the provisions of the Convention. The Committee:

- > examines in public session reports by States Parties on the measures which they have adopted to give effect to the provisions of the Convention;
- > examines communications by one State Party claiming that another State Party is not giving effect to the provisions of the Convention; and
- > considers communications from individuals or groups of individuals within the jurisdiction of the State Party claiming to be victims of a violation by that State Party of any of the rights in the Convention. This is only relevant where the State Party has recognised the Committee’s competence. The UK does not recognise this right of individual petition.

### **Convention on the Elimination of All Forms of Discrimination Against Women**

The Convention defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of

their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”. States Parties undertake to pursue a policy of eliminating discrimination against women in all fields. There is provision for positive discrimination. States Parties undertake to take measures to suppress all forms of traffic in women.

Part 11 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.

### **Convention on the Rights of the Child**

The Convention defines a child as “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier”. States Parties undertake to pursue a policy of protecting the child from all forms of discrimination and to provide appropriate care. Provision is also made for the right of a child to acquire a nationality, to leave any country and enter his or her own country, to enter or leave

the territory of another State Party for the purposes of family reunification and for the State to take measures to combat the illicit movement of children abroad.

The Convention covers civil, political, economic, social and cultural rights. Particular attention is drawn to children seeking refugee status, and the mentally or physically disabled child.

Two optional protocols to the CRC were agreed in January 2000. The first – on the sale of children, child prostitution and child pornography – strengthens the protection for children, particularly by focusing on preventive measures and the criminalisation of acts. The second optional protocol – on the involvement of children in armed conflict – sets higher standards than the Convention, including higher minimum ages for recruitment and participation in hostilities.

The **Committee on the Rights of the Child** monitors States Parties' implementation of the Convention.

### **Economic and Social Council**

Responsibility for discharging the economic and social functions of the UN, including promoting universal respect for human rights, is vested in the UN General Assembly and, under its authority, in the Economic and Social Council (ECOSOC). It is made up of 54 UN Member States. It makes or initiates studies and reports, makes recommendations on these to the UN General Assembly, to the members of the UN and to the UN specialised agencies. It also prepares draft conventions for submission to the General Assembly on matters within its competence and calls international conferences on such matters. It enters into agreements with specialised agencies and makes arrangements for consultation with non-governmental organisations.

Further information is available on the UN website at: [www.un.org/esa/coordination/ecosoc](http://www.un.org/esa/coordination/ecosoc)

### **UN General Assembly: Third Committee**

The UN General Assembly (UNGA) consists of all UN Member States. It may discuss any issue within the scope of the UN Charter, including human rights, and may make recommendations to UN members or the Security Council. It receives and considers reports from the other organs of the UN and elects the 54 members of ECOSOC.

In the UN General Assembly human rights are dealt with in the Third Committee which meets annually in New York, usually in November. All UN Member States have the right to take part in the plenary sessions and to table and vote on resolutions. 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](http://www.un.org)

### **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.unhcr.org](http://www.unhcr.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 Rapporteurs**

Special Rapporteurs and Special Representatives are two of the extra-conventional mechanisms of the Commission on Human Rights (CHR). Their mandates are established by CHR Resolutions. These Resolutions typically direct the Chairman of CHR to appoint an individual of international standing, with an expertise in a particular area of human rights. They are mandated to examine, monitor and publicly report on human rights violations on a thematic issue, or within a particular state. They carry out fact-finding visits, communicate allegations of violations to governments, collect information and make broad recommendations.

As of July 2004, there were 22 thematic mandates, covering issues such as arbitrary executions, torture, violence against women and the right to education. They report annually to CHR and their reports include a summary of those allegations of violations, which they have communicated to governments, and of the governments' response to these allegations.

The appointment of a Special Rapporteur on an individual country is a sign that the international community is seriously concerned about the human rights situation there. As of July 2004, there were 14 country mandates for Burma, Burundi, Chad, Liberia, Haiti, the Occupied Palestine Territories, Sudan, North Korea, Cambodia, Turkmenistan, Uzbekistan, Belarus, the Democratic Republic of Congo and Afghanistan. They report annually to CHR, and occasionally, in the interim, to the UN General Assembly. If CHR considers that the human rights situation in the country has not significantly improved, it renews the Rapporteur's mandate, authorising further visits, collection of information and public reports.

At CHR in 2001, the UK announced in its national speech to the plenary that the UK will always agree to requests for visits by Special Rapporteurs and other mechanisms 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 harassment of journalists in Northern Ireland; child prostitution; the sale of children; and religious broadcasting.

The Special Rapporteur on Education (Katerina Tomasevski) presented her report to the CHR in April 2003.

### 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. At the end of June 2004, Justice Louise Arbour succeeded Sergio Vieira de Mello as the High Commissioner for Human Rights. Mr Vieira de Mello was killed in a terrorist attack in Baghdad on 19 August 2003. Following his death, the Deputy High Commissioner Bertrand Ramcharan was appointed Acting High Commissioner until the end of June 2004.

The Office of the High Commissioner for Human Rights (OHCHR), formerly the Centre for Human Rights, is based in Geneva and supports or implements the mandates of the CHR and the other UN human rights bodies. It monitors and helps to deter human rights violations through a field presence in key countries, and gives technical assistance and advice with human rights institution building.

The UN has a range of human rights programmes supported by voluntary funds. The UK contributes annually to the fund for victims of torture and to technical assistance programmes designed to help states improve their human rights performance. We are also one of the major voluntary contributors to the OHCHR's human rights field operations.

More information about OHCHR is available on its website: [www.unhchr.ch](http://www.unhchr.ch)

### International Labour Organisation

The International Labour Organisation (ILO) is a UN specialised agency whose work focuses on setting, monitoring and upholding rights and standards at work. This includes economic and social rights (such as the right to work, to favourable conditions of work, to form and join trade unions, to social security and to an adequate standard of living), and civil and political rights (such as freedom of association, the right to organise, and the right to peaceful assembly).

The ILO works for the implementation of these rights by adopting conventions and recommendations setting standards, supervising the application of these standards, operating complaints procedures and assisting Governments to give practical effect to the rights. Over 180 Conventions have been adopted by the ILO, including eight that are considered to be Core Labour Conventions. These are:

Convention 29 – forced labour

Convention 87 – freedom of association and the right to organise

Convention 98 – right to organise and collective bargaining

Convention 100 – equal remuneration

Convention 105 – abolition of forced labour

Convention 111 – discrimination in employment and occupation

Convention 138 – minimum age of employment and occupation

Convention 182 – worst forms of child labour

The ILO is unique among UN agencies in its tripartite structure – each Member State is represented by government, 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>

## International Committee of the Red Cross (ICRC)

The ICRC is the founding body of the Red Cross Movement and custodian of the Geneva Conventions, which set internationally recognised standards for the care of the wounded and sick from armed forces, the treatment of prisoners of war and protection of civilians in time of war. The ICRC statute allows it to take any humanitarian initiative. There is no obligation on governments to co-operate with the Red Cross other than on the basis of the Geneva Conventions. However, the ICRC, operating alone or in conjunction with national Red Cross and Red Crescent societies and their federation, the League of Red Cross Societies, has an important and effective humanitarian role as a neutral and independent intermediary. In addition to its traditional wartime role, the ICRC has become increasingly concerned with providing relief to large numbers of persons displaced within their own country. It has also been engaged in negotiations for the release of hostages and, when it perceives a need, has conducted confidential investigations into prison conditions.

## Council of Europe

### European Convention on Human Rights

The European Convention on Human Rights (ECHR) came into force in September 1953. It has been ratified by all of the 45 Member States of the Council of Europe (listed at the end of this section). 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. The Convention has 14 protocols which Council of Europe States sign up to voluntarily.

Under the provisions of the Human Rights Act 1998, the ECHR, for the first time in the UK, applies as a matter of domestic as well as international law. The Human Rights Act came fully into force in the UK in October 2000.

The European Convention guarantees a wide variety of rights, including: the right to life and the prohibition of torture and inhuman or degrading treatment or punishment; the right to liberty and security to person; the right to a fair trial; the right to respect for private and family life, home and correspondence; freedom of thought, conscience and religion; freedom of expression; freedom of peaceful assembly and association, including the right to join a trade union; a prohibition of discrimination in the enjoyment of rights and freedoms guaranteed by the Convention on grounds such as sex, race, religion, political or other opinion or association with a national minority.

The Convention recognises that most of these rights cannot be unlimited in a democratic society and that restrictions may be necessary on grounds of public safety or national security, to protect the economic well being of a country, public health and morals or the rights and freedoms of others, or to prevent disorder and crime. It also permits states, on certain conditions, to suspend their obligations in time of war or other public emergencies. No state can, however, suspend its obligation to respect bans on torture, slavery and the retroactivity of criminal law.

The Convention is available at: <http://conventions.coe.int>

### The European Court of Human Rights

The task of enforcing the rights contained in the Convention was until November 1998 shared by three bodies – the European Commission of Human Rights, the European Court of Human Rights and the Committee of Ministers. The latter remains the political decision-making body of the Council of Europe and is composed of the Foreign Ministers of Member States or their Deputies (Ambassadors). Since 1998, the part-time Court and Commission have been replaced by a single full-time Court based in Strasbourg.

The Court consists of 41 judges, one for each State Party to the Convention, elected for six years by the Parliamentary Assembly of the Council of Europe. The judges sit in their individual capacity and do not represent the country by which they were nominated. The Court is a judicial body, and it produces final and binding decisions. The website of the European Court of Human Rights is at: [www.echr.coe.int](http://www.echr.coe.int)

### Individual and inter-state complaints

Article 34 of the ECHR provides for the right of individual petition to the Court. Thousands of communications are received from individuals each year. For a communication to be admissible applicants must show that they have exhausted all domestic remedies and the application must be made within six months of a final decision by the domestic courts or authorities. The applicant must not be anonymous, the complaint must not be the same as one already examined by the Court or previously submitted to another international body and it must be covered by the scope of the Convention. About five per cent of all applications are declared admissible. Article 33 of the ECHR provides for the right for one State Party to lodge a complaint against another.

If an application is declared admissible, the Court will then request written and where necessary oral argument from the parties. The parties have the right to present written and oral argument. After the hearing, the judges meet in private and

vote on whether they consider there has been a breach of the Convention. The view of the majority forms the decision of the Court but separate and dissenting opinions are often annexed to the judgement. The judgement of the Court is final and there is no appeal. It is binding on the state concerned. Article 33 provides for the right of one State Party to lodge a complaint against another.

### Compliance with commitments

The 'compliance with commitments' procedure involves a review by the Committee of Ministers of states' implementation of their Council of Europe commitments. Member States are encouraged through dialogue and co-operation to take all appropriate steps to conform with the principles of the Council of Europe Statute in the cases under discussion. Discussion is confidential, although in cases requiring specific action the Committee of Ministers may decide to issue an opinion or recommendation, or forward the matter to the Council of Europe Parliamentary Assembly.

### Member States of the Council of Europe with membership dates – as at July 2004

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)

### The Observers to the Committee of Ministers

Canada (29.05.1996) – Holy See (07.03.1970) – Japan (20.11.1996) – Mexico (01.12.1999) – United States of America (10.01.1996)

### The Observers to the Parliamentary Assembly

Canada (28.05.1997) – Israel (02.12.1957) – Mexico (04.11.1999)

### European Social Charter

The Council of Europe's European Social Charter is the social counterpart to the ECHR. It covers employment, health and social rights. The UK ratified the Charter in 1962, the first state to do so. The Charter entered into force on 16 February 1965. States ratifying it undertake to accept at least five of the main Articles (for example, the right to work, the right to social security, etc).

The Revised European Social Charter expands the scope of the rights protected by the original Charter and is designed progressively to take its place. States signing the Revised Charter agree to be bound by not less than 16 Articles or 63 numbered paragraphs of Part 11 of the Charter. The UK Government signed the revised Charter in November 1997 and intends to ratify in due course.

### The Organisation for Security and Co-operation in Europe

The OSCE began life in Helsinki in 1972 as the Conference on Security and Co-operation 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 co-operation 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 co-operation 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 co-operation 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 at: [www.osce.org/hcnm](http://www.osce.org/hcnm)

### OSCE Representative on Freedom of the Media

The task of the OSCE Representative on Freedom of the Media, established in Vienna in November 1997, is to co-operate with and assist OSCE states in furthering free, independent and pluralistic media – these are crucial to a free and open society and accountable systems of government. The Representative has a mandate to observe relevant media developments in all OSCE states and to promote compliance with OSCE principles and commitments in respect of freedom of expression and free media. He is also responsible for reacting quickly to instances of serious non-compliance by OSCE states. The current Representative is Mr Miklos Haraszti. Further information is available at: [www.osce.org/form](http://www.osce.org/form)

### OSCE Long-Term Missions

The OSCE makes a real contribution to human rights and democracy throughout Europe by means of its Missions in the field. They provide practical support and advice to encourage

reconciliation between communities in post-conflict situations, and to support the development of indigenous institutions underpinning human rights and democracy.

More information on the OSCE is available at: [www.osce.org](http://www.osce.org). Those interested in applying for a UK secondment to the OSCE should see the recruitment section of the FCO website at: [www.fco.gov.uk](http://www.fco.gov.uk).

### The Commonwealth

The Commonwealth is a voluntary association of 53 independent states who work together towards common international goals (a list of Member States is at the end of this section). It is also a 'family' of nations building on their common heritage in language, culture, law and education – which enables them to work together in an atmosphere of greater trust and understanding. The most widely used definition of the Commonwealth can be found in the 1971 Declaration of Common Principles, available at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

The Commonwealth has no formal constitutional structure. It works from understood procedures, conventions and occasional statements of belief or commitment to action. Inter-governmental consultation is its main source of direction enabling member governments to collaborate to influence world events and establish programmes carried out bilaterally or by the Commonwealth Secretariat, the Commonwealth's main executive agency.

### Commonwealth Ministerial Action Group

The 1991 Harare Commonwealth Declaration (see website address) 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) 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.

### The Commonwealth Secretariat

The UK is a major contributor to the Commonwealth Secretariat, which runs a range of programmes to help member countries improve their human rights performance. The Secretariat's Human Rights Unit has developed training

materials for the police and judiciary; assisted governments in meeting their international and regional human rights reporting obligations; and run programmes to strengthen democratic structures and independent human rights institutions.

Further information is available at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

### Commonwealth Heads of Government 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 co-operation for development, considering the work done over the last two years and agreeing priorities and programmes for the future; and
- > to strengthen the sense of the Commonwealth itself, in particular its characteristics of friendship, business partnership and stabilisation.

Further information is available at: [www.thecommonwealth.org](http://www.thecommonwealth.org)

### 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

## 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. Twenty-four OAS Member States are 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. To date, no such complaint has been examined by the Commission and only six States Parties has accepted the Commission's competence under Article 45; it is empowered to receive and review communications alleging violations of inter-American human rights instruments lodged by "any person or group of persons, or any non-governmental entity legally recognised in one or more Member States of the Organisation". All remedies under domestic law must have been pursued and exhausted, or shown to be ineffective or unduly prolonged; and the Commission's functions and powers include promoting respect for and defence of human rights in the Americas, by such means as preparing reports and studies, making recommendations to Member States for the adoption of measures to promote human rights and providing advisory services in response to enquiries made by Member States on human rights related matters.

### The Inter-American Court of Human Rights

The Inter-American Court of Human Rights is an autonomous judicial institution established under the American Convention on Human Rights. The Court's principal purpose is to interpret and apply the Convention. It is based in San José, Costa Rica. The Court is composed of seven judges and has both adjudicative and advisory jurisdiction. In order for a case

against a State Party to be brought before the Court, the State Party concerned must have made a prior declaration recognising the jurisdiction of the Court to rule on cases where a friendly settlement has not been achieved. As of July 2004, 21 States Parties to the Convention had recognised this kind of jurisdiction of the Court. 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](mailto:pi@oas.org)  
Website: [www.oas.org](http://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. Indeed, there is much about the new AU, and its capacity to deliver on its wide-ranging objectives, which remains unclear at present. There is, however, a welcome emphasis on promoting good governance, democracy and human rights in the AU's Constitutive Act, which was also reflected in the AU's inaugural summit.

### African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights, adopted in June 1981 and entered into force in 1986, is a legally binding treaty to which there are 53 State Parties. It contains a wide range of rights covering civil and political rights and economic, social and cultural rights. It also includes various peoples' rights (as opposed to individual's rights) which are much less developed in other international or regional legally binding instruments (such as the right to a healthy environment).

The Charter also differs from other human rights conventions by listing, in Articles 27-29, the duties of the individual towards the state (for example, not to compromise the security of the state), whereas in other conventions the individual has a duty only to other individuals. Its limitations clauses are more restrictive than those in other Conventions (for example, the rights to freedom of expression, of association and of movement must be exercised 'within the law', whereas in other instruments they may only be subject to restrictions which are provided by law and are shown to be necessary for the respect of the rights of others or for the protection of national security, public order, public health or morals).

The Charter can be found at: [www.africa-union.org](http://www.africa-union.org)

### The African Commission on Human and Peoples' Rights

Implementation of the African Charter is supervised by the African Commission on Human and Peoples' Rights which was established in November 1987. It is composed of 11 members who are elected by the AU Assembly of Heads of State and Government from a list of candidates nominated by State Parties to the Charter. The Charter makes no provision for a Court. However, the members of the then OAU adopted a Protocol in 1998 deciding to establish an African Court of Human and Peoples' Rights. (For more information on the court see page 131.)

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; and
- > promoting human rights by undertaking studies, disseminating information and encouraging national and local institutions concerned with human rights.
- > 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](http://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](mailto:idoc@achpr.org)



# Status of ratifications of the principal international human rights treaties

as of 23 July 2004 (Source UN) – <http://www.unhcr.ch/tbs/doc.nsf>

The international human rights treaties of the United Nations that establish committees of experts (often referred to as “treaty bodies”) to monitor their implementation 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 of States shows which 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 23 July 2004, all 191 Member States of the United Nations were a party to one or more of these treaties.

## Status of ratifications of the principal international human rights treaties as of 23 July 2004

**New ratifications since the Annual Report on Human Rights 2003 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
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

Country/Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
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			s:22 Sep 00	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	<b>16 Jul 03</b>	<b>18 Dec 03</b>	16 May 03a	16 May 03a	16 May 03a	16 May 03a
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

Country/Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
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	<b>02 Dec 03</b>	<b>02 Dec 03</b>	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				<b>16 Apr 04a</b>		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	s:18 Apr 67	s:18 Apr 67	05 Nov 76a	17 Jul 84		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
Luxembourg	18 Aug 83	18 Aug 83	01 May 78*	02 Feb 89	29 Sep 87*	07 Mar 94
Macedonia						
(The Former Yugoslav Republic of)	18 Jan 94d	18 Jan 94d	18 Jan 94d	18 Jan 94d	12 Dec 94d	02 Dec 93d
Madagascar	22 Sep 71	21 Jun 71	07 Feb 69	17 Mar 89	s:01 Oct 01	19 Mar 91
Malawi	22 Dec 93a	22 Dec 93a	11 Jun 96a	12 Mar 87a	11 Jun 96a	03 Jan 91a
Malaysia				05 Jul 95		17 Feb 95a
Maldives			24 Apr 84a	01 Jul 93a	<b>20 May 04a</b>	11 Feb 91
Mali	16 Jul 74a	16 Jul 74a	16 Jul 74a	10 Sep 85	26 Feb 99a	21 Sep 90
Malta	13 Sep 90	13 Sep 90a	27 May 71*	08 Mar 91a	13 Sep 90a	01 Oct 90
Marshall Islands						05 Oct 93
Mauritania			13 Dec 88	10 May 01a		16 May 91
Mauritius	12 Dec 73a	12 Dec 73a	30 May 72a	09 Jul 84a	09 Dec 92a	26 Jul 90a
Mexico	23 Mar 81a	23 Mar 81a	20 Feb 75	23 Mar 81	23 Jan 86	21 Sep 90
Micronesia (Federated States of)						05 May 93a
Moldova (Republic of)	26 Jan 93a	26 Jan 93a	26 Jan 93a	01 Jul 94a	28 Nov 95	26 Jan 93a
Monaco	28 Aug 97	28 Aug 97	27 Sep 95a		06 Dec 91a	21 Jun 93a
Mongolia	18 Nov 74	18 Nov 74	06 Aug 69	20 Jul 81	24 Jan 02a	06 Jul 90
Morocco	03 May 79	03 May 79	18 Dec 70	21 Jun 93a	21 Jun 93	22 Jun 93
Mozambique		21 Jul 93a	18 Apr 83a	16 Apr 97a	14 Sep 99a	26 Apr 94
Namibia	28 Nov 94a	28 Nov 94a	11 Nov 82a	23 Nov 92a	28 Nov 94a	30 Sep 90
Nauru		s:12 Nov 01	s:12 Nov 01		s:12 Nov 01	27 Jul 94a

Country/Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
Nepal	14 May 91a	14 May 91a	30 Jan 71a	22 Apr 91	14 May 91a	14 Sep 90
Netherlands	11 Dec 78	11 Dec 78	10 Dec 71*	23 Jul 91	21 Dec 88*	06 Feb 95
New Zealand	28 Dec 78	28 Dec 78	22 Nov 72	10 Jan 85	10 Dec 89*	06 Apr 93
Nicaragua	12 Mar 80a	12 Mar 80a	15 Feb 78a	27 Oct 81	s:15 Apr 85	05 Oct 90
Niger	07 Mar 86a	07 Mar 86a	27 Apr 67	08 Oct 99a	05 Oct 98a	30 Sep 90
Nigeria	29 Jul 93a	29 Jul 93a	16 Oct 67a	13 Jun 85	28 Jun 01	19 Apr 91
Niue						20 Dec 95a
Norway	13 Sep 72	13 Sep 72	06 Aug 70*	21 May 81	09 Jul 86*	08 Jan 91
Oman			02 Jan 03a			09 Dec 96a
Pakistan			21 Sep 66	12 Mar 96a		12 Nov 90
Palau						04 Aug 95a
Panama	08 Mar 77a	08 Mar 77	16 Aug 67	29 Oct 81	24 Aug 87	12 Dec 90
Papua New Guinea			27 Jan 82a	12 Jan 95a		02 Mar 93
Paraguay	10 Jun 92a	10 Jun 92	s:13 Sep 03	06 Apr 87a	12 Mar 90	25 Sep 90
Peru	28 Apr 78	28 Apr 78	29 Sep 71*	13 Sep 82	07 Jul 88	05 Sep 90
Philippines	07 Jun 74	23 Oct 86	15 Sep 67	05 Aug 81	18 Jun 86a	21 Aug 90
Poland	18 Mar 77	18 Mar 77	05 Dec 68*	30 Jul 80	26 Jul 89*	07 Jun 91
Portugal	31 Jul 78	15 Jun 78	24 Aug 82a	30 Jul 80	09 Feb 89*	21 Sep 90
Qatar			22 Jul 76a		11 Jan 00a	04 Apr 95
Romania	09 Dec 74	09 Dec 74	15 Sep 70a	07 Jan 82	18 Dec 90a	28 Sep 90
Russian Federation	16 Oct 73	16 Oct 73	04 Feb 69*	23 Jan 81	03 Mar 87*	17 Aug 90
Rwanda	16 Apr 75a	16 Apr 75a	16 Apr 75a	02 Mar 81		24 Jan 91
Saint Kitts and Nevis				25 Apr 85a		24 Jul 90
Saint Lucia			14 Feb 90d	08 Oct 82a		16 Jun 93
Saint Vincent and the Grenadines	09 Nov 81a	09 Nov 81a	09 Nov 81a	05 Aug 81a	01 Aug 01a	26 Oct 93
Samoa				25 Sep 92a		29 Nov 94
San Marino	18 Oct 85a	18 Oct 85a	12 Mar 02	<b>09 Jan 04</b>	18 Sep 02	25 Nov 91a
Sao Tome and Principe	s:31 Oct 95	s:31 Oct 95	s:06 Sep 00	03 Jun 03	s:06 Sep 00	14 May 91a
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	<b>26 Jun 04</b>	<b>26 Jun 04</b>	07 Apr 69a	<b>25 Apr 04a</b>	<b>25 Apr 04a</b>	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		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	<b>23 Dec 03</b>	<b>23 Dec 03</b>	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

Country/Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
United Arab Emirates			20 Jun 74a			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
<b>TOTAL SIGNATORIES among non-stateparties</b>	<b>7</b>	<b>8</b>	<b>7</b>	<b>1</b>	<b>12</b>	<b>2</b>
<b>TOTAL STATE PARTIES</b>	<b>149</b>	<b>152</b>	<b>169</b>	<b>177</b>	<b>136</b>	<b>192</b>

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).

## Further sources of human rights information

**In all email correspondence to government departments please include your postal address for a reply.**

> **On-line directory of all Government websites**

[www.open.gov.uk](http://www.open.gov.uk)

> **British Council**

Bridgewater House  
58 Whitworth Street  
Manchester M1 6BB

Tel: 0161 957 7755

10 Spring Gardens  
London SW1A 2BN

Tel: 0207 930 8466

[www.britishcouncil.org](http://www.britishcouncil.org)

**Governance issues**

[www.britishcouncil.org/governance](http://www.britishcouncil.org/governance)

> **The Commonwealth**

The Commonwealth Secretariat  
Marlborough House  
Pall Mall  
London  
SW1Y 5HX

Tel: 0207 747 6500

[www.thecommonwealth.org](http://www.thecommonwealth.org)

> **Council of Europe**

Point 1  
F-67075 Strasbourg Cedex  
France

Tel: +33 3 88 41 20 33

[www.coe.int](http://www.coe.int)

**The Human Rights Information Centre**

Council of Europe  
F-67075 Strasbourg Cedex  
France

Tel: +33 3 88 41 20 33

[www.humanrights.coe.int](http://www.humanrights.coe.int)

**European Court of Human Rights**

Council of Europe  
F-67075 Strasbourg Cedex  
France

Tel: +33 3 88 41 20 18

[www.echr.coe.int](http://www.echr.coe.int)

**The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**

Secretariat of the CPT  
Human Rights Building  
Council of Europe  
F-67075 Strasbourg Cedex  
France

Tel: +33 3 88 41 39 39

[www.cpt.coe.int](http://www.cpt.coe.int)

> **Council of the European Union**

Rue de la Loi  
175 B-1048 Bruxelles  
Belgium

Tel: +32 2 285 61 11

<http://ue.eu.int>

**EU Annual Human Rights Report**

<http://register.consilium.eu.int/pdf/en/03/st13/st13449.en03.pdf>

> **Department of Work and Pensions**

**DWP Correspondence Unit**

Room 540  
The Adelphi  
1-11 John Adam Street  
London WC2N 6HT

Tel: 020 7712 2171

[www.dwp.gov.uk](http://www.dwp.gov.uk)

**Disability Unit**

Level 6  
Adelphi  
1-11 John Adam Street  
London WC2N 6HT

Tel: 0800 882 200

[www.disability.gov.uk](http://www.disability.gov.uk)

> **Department for International Development**

1 Palace Street  
London  
SW1E 5HE

Tel: 0845 3004100/ (International) +44 (0) 1355 84 3132

[www.dfid.gov.uk](http://www.dfid.gov.uk)

> **Department of Trade and Industry (DTI)**

DTI Enquiry Unit  
1 Victoria Street  
London  
SW1H 0ET

Tel: 0207 215 5000

[www.dti.gov.uk](http://www.dti.gov.uk)

> **Home Office**

Public Enquiry Team  
Room 856  
50 Queen Anne's Gate  
London  
SW1H 9AT

Tel: 0870 000 1585

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

**Human Rights Act Implementation in the UK**

[www.humanrights.gov.uk](http://www.humanrights.gov.uk)

**The Race Relations (Amendment) Act**

[www.publications.parliament.uk/pa/cm199900/cmbills/121/00121-a.htm](http://www.publications.parliament.uk/pa/cm199900/cmbills/121/00121-a.htm)

**The Immigration and Nationality Directorate**

[www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)

**Home Office Crime Reduction Site**

[www.crimereduction.gov.uk](http://www.crimereduction.gov.uk)

> **International Committee of the Red Cross (ICRC)**

Public Information Centre  
19 Avenue de la Paix  
CH 1202 Geneva  
Switzerland

Tel: +41 22 734 60 01

[www.icrc.org/eng](http://www.icrc.org/eng)

> **International Labour Organisation (ILO)**

4 Route des Morillons  
CH-1211 Geneva 22  
Switzerland

Tel: +41 22 799 6111

[www.ilo.org](http://www.ilo.org)

> **Department of Constitutional Affairs**

Selbourne House  
54-60 Victoria Street  
London  
SW1E 6QW

Tel: 0207 210 8614

[www.dca.gov.uk](http://www.dca.gov.uk)

**Freedom of Information Unit including details of the Freedom of Information Bill**

[www.dca.gov.uk/foi/foidpunit.htm](http://www.dca.gov.uk/foi/foidpunit.htm)

> **Ministry of Defence (MOD)**

The Ministers' Correspondence Unit  
Room 222  
Old War Office  
Whitehall  
London  
SW1A 2EY

Tel: 0870 607 4455

[www.mod.uk](http://www.mod.uk)

> **African Union (AU)**

Headquarters  
PO Box 3243  
Addis Ababa  
Ethiopia

Tel: +251 1 51 7700

[www.africa-union.org](http://www.africa-union.org)

> **Organisation of American States (OAS)**

Headquarters  
17th Street and Constitution Avenue, NW  
Washington, DC 20006  
USA

Tel: +1 202 458 3000

[www.oas.org](http://www.oas.org)

> **Organisation for Economic Co-operation and Development (OECD), including revised guidelines for multinational enterprises (MNEs)**

OECD Paris Centre  
2 Rue André Pascal  
F-75775 Paris Cedex 16  
France

Tel: +33 1 4524 8200

[www.oecd.org](http://www.oecd.org)

> **Organisation for Security and Co-operation in Europe (OSCE)**

OSCE Secretariat  
Kartner Ring 5-7, 4th Floor  
1010 Vienna  
Austria

Tel: +431 514 36 0

[www.osce.org](http://www.osce.org)

**OSCE High Commissioner on National Minorities (HCNM)**

Senior Adviser

OSCE High Commissioner on National Minorities

PO Box 20062

2500 EB

The Hague

The Netherlands

Tel: +31 70 312 55 00

[www.osce.org/hcnm](http://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

[www.un.org](http://www.un.org)

**UN Office of the High Commissioner for Human Rights (OHCHR), including the core United Nations Human Rights Treaty descriptions and signatories**

OHCHR-UNOG

8-14 Avenue de la Paix

CH-1211 Geneva 10

Switzerland

Tel: +41 22 917 9000

[www.unhchr.ch](http://www.unhchr.ch)

**United Nations General Assembly**

[www.un.org/ga](http://www.un.org/ga)

**International Criminal Court**

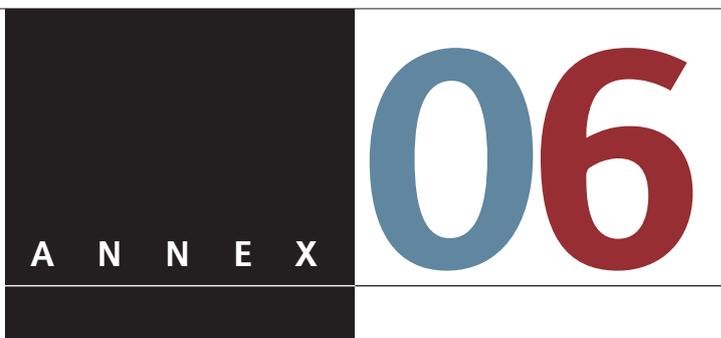
Maanweg, 174

2516 AB The Hague

The Netherlands

Tel: +31 70 515 8186

[www.icc-cpi.int](http://www.icc-cpi.int)



# Glossary

<b>AU</b>	African Union	<b>ECOSOC</b>	Economic and Social Council
<b>ACHPR</b>	African Commission on Human and People's Rights	<b>ECOWAS</b>	Economic Community of West African States
<b>ACPP</b>	Africa Conflict Prevention Pool	<b>ECRI</b>	European Commission against Racism and Intolerance
<b>ATCS</b>	Anti-Terrorism Crime and Security Act	<b>ECtHR</b>	European Court of Human Rights
<b>CAP</b>	Common Agricultural Policy	<b>EIDHR</b>	European Initiative for Democracy and Human Rights
<b>CAT</b>	Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment	<b>EU</b>	European Union
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>EUMC</b>	European Monitoring Centre on Racism and Xenophobia
<b>CERD</b>	Convention on the Elimination of Racial Discrimination	<b>EYDP</b>	European Year of Disabled People
<b>CFSP</b>	Common Foreign and Security Policy	<b>FCO</b>	Foreign & Commonwealth Office
<b>CHOGM</b>	Commonwealth Heads of Government Meeting	<b>FGM</b>	Female Genital Mutilation
<b>CYPU</b>	Children and Young People's Unit	<b>HIPC</b>	Heavily Indebted Poor Countries
<b>CHR</b>	Commission on Human Rights	<b>HRPD</b>	Human Rights Policy Department (FCO)
<b>CLU</b>	Community Liaison Unit	<b>HRPF</b>	Human Rights Project Fund (FCO)
<b>CMAG</b>	Commonwealth Ministerial Action Group	<b>HIV/AIDS</b>	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
<b>CPT</b>	Convention for the Prevention of Torture	<b>ICC</b>	International Criminal Court
<b>CRC</b>	Convention on the Rights of the Child	<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>CSR</b>	Corporate Social Responsibility	<b>ICERD</b>	International Covenant for the Elimination of all forms of Racial Discrimination
<b>CSW</b>	Commission on the Status of Women	<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>DCA</b>	Department for Constitutional Affairs	<b>ICRC</b>	International Committee of the Red Cross
<b>DDA</b>	Disability Discrimination Act	<b>IFF</b>	International Finance Facility
<b>DfES</b>	Department for Education and Skills	<b>ICTR</b>	International Criminal Tribunal for Rwanda
<b>DFID</b>	Department for International Development	<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia
<b>DPRK</b>	Democratic People's Republic of Korea (North Korea)	<b>IDPs</b>	Internally Displaced Persons
<b>DRC</b>	Democratic Republic of Congo	<b>IHL</b>	International Humanitarian Law
<b>DTI</b>	Department of Trade and Industry	<b>ILO</b>	International Labour Organisation
<b>DWP</b>	Department for Work and Pensions	<b>IMF</b>	International Monetary Fund
<b>EBRD</b>	European Bank for Reconstruction and Development	<b>IMO</b>	International Maritime Organisation
<b>ECHR</b>	European Convention on Human Rights		

<b>ISAF</b>	International Security Assistance Force	<b>WCAR</b>	World Conference Against Racism
<b>GCPP</b>	Global Conflict Prevention Pool	<b>WEU</b>	Women and Equality Unit
<b>GOF</b>	Global Opportunities Fund	<b>WFD</b>	Westminster Foundation for Democracy
<b>KFOR</b>	Kosovo Force	<b>WHO</b>	World Health Organization
<b>MDGs</b>	Millennium Development Goals	<b>WSIS</b>	World Summit on Information Society
<b>MOD</b>	Ministry of Defence	<b>WTO</b>	World Trade Organisation
<b>MONUC</b>	United Nations Mission in the DRC		
<b>NATO</b>	North Atlantic Treaty Organisation		
<b>NEPAD</b>	New Partnership for Africa's Development		
<b>NGO</b>	Non-Governmental Organisation		
<b>OAS</b>	Organisation of American States		
<b>OAU</b>	Organisation of African Unity		
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights		
<b>OECD</b>	Organisation for Economic Co-operation and Development		
<b>ODA</b>	Official Development Assistance		
<b>OHCHR</b>	Office of the UN High Commissioner for Human Rights		
<b>OSCE</b>	Organisation for Security and Co-operation in Europe		
<b>PA</b>	Palestinian Authority		
<b>PACE</b>	Parliamentary Assembly of the Council of Europe		
<b>SADC</b>	Southern Africa Development Community		
<b>SAR</b>	Special Administrative Region		
<b>SCSL</b>	Special Court for Sierra Leone		
<b>SFOR</b>	Stabilisation Force (Bosnia and Herzegovina)		
<b>SIAC</b>	Special Immigration Appeals Commission		
<b>UDHR</b>	Universal Declaration of Human Rights		
<b>UN</b>	United Nations		
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan		
<b>UNAMET</b>	United Nations Mission in East Timor		
<b>UNAMSIL</b>	United Nations Mission in Sierra Leone		
<b>UNCTC</b>	United Nations Counter Terrorism Committee		
<b>UNDP</b>	United Nations Development Programme		
<b>UNFICYP</b>	United Nations Peacekeeping Force in Cyprus		
<b>UNFPA</b>	United Population Fund		
<b>UNGA</b>	United Nations General Assembly		
<b>UNGASS</b>	United Nations General Assembly Special Session on Children		
<b>UNHCR</b>	United Nations High Commissioner for Refugees		
<b>UNICEF</b>	United Nations Children's Fund		
<b>UNCAT</b>	United Nations Committee Against Torture		
<b>UNCHR</b>	See CHR		
<b>UNIFEM</b>	United Nations Development Fund for Women		
<b>UNMEE</b>	United Nations Mission in Ethiopia and Eritrea		
<b>UNMIK</b>	United Nations Mission in Kosovo		
<b>UNMIL</b>	United Nations Mission in Liberia		
<b>UNMISSET</b>	United Nations Mission Support of East Timor		
<b>UNOMIG</b>	United Nations Observer Mission in Georgia		
<b>UNSCR</b>	United Nations Security Council Resolution		

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