



United Kingdom

Foreign & Commonwealth Office

HUMAN RIGHTS

Annual Report 2003

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 sixth 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/humanrightsreport2003. 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.

This report covers the period from July 2002–July 2003.

It 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. The report provides specific examples of those activities in a number of countries: we describe our response to the world's biggest issue this year in Iraq; we cover our less publicised but important grass roots work in many other countries that includes promoting good governance and civil society, protecting children and improving conditions for prisoners.

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www.fco.gov.uk
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United Kingdom

Foreign & Commonwealth Office

HUMAN RIGHTS

Annual Report 2003

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty September 2003

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FOREIGN SECRETARY'S FOREWORD

A concern for the victims of human rights abuses lies at the heart of the Government's foreign policy. I am determined that it should continue to do so. It inspired our military interventions in Kosovo in 1999 and in Sierra Leone in the following year. Today British service men and women are still present helping both countries to build a peaceful and prosperous future.

This report sets out how the Government is advancing the cause of human rights across the globe. Nowhere are we seeking more to promote this cause than in Iraq, despite all the current difficulties. The fall of Saddam Hussein ended a long nightmare for the Iraqi people. For almost a quarter of a century the regime's obsession with secrecy and its isolation from the outside world masked the full scale of Saddam's human rights abuses. But since his downfall our worst fears have been confirmed. Tens of thousands of bodies have been unearthed in mass graves. It's difficult to dispute the conclusion of the leader of the British forensic team in Iraq, Professor Margaret Cox, that Saddam's regime "was propped up with the bones of the Iraqi people buried beneath its sands." In his July report to the Security Council, United Nations Secretary General Kofi Annan said it is estimated that, over the past three decades, at least 290 000 Iraqis from all religions, ethnic groups, political affiliations, classes and professions had disappeared.

The dead and the missing are both the most painful reminder of Saddam's dictatorship and the greatest symbol of our determination to give Iraq the future its people so richly deserve. I do not underestimate the scale of our task. The tragic death of the UN High Commissioner for Human Rights, Sergio Vieira de Mello, the victim of a terrorist attack in Baghdad which claimed 23 lives, was a terrible reminder that there are forces in Iraq which oppose any efforts to improve the lives of Iraqi civilians. And there was an even worse death toll on 29 August when at least 75 people, including Ayatollah Baqer al-Hakim, were killed by a car bomb in Najaf. But these forces will not succeed. We are

determined to help the Iraqi people establish the foundations of a new country founded on respect for human rights, democracy and the rule of law.

I am proud of the role Britain is playing to help Iraq emerge into the light of freedom. But I am only too aware that in many other countries people live under the shadow of dictatorship or serious abuse of human rights. Two prominent examples are Burma and Zimbabwe where authoritarian regimes are using all available means to suppress popular demands for freedom.

We will continue to work with the international community to address such injustices. We act out of a strong conviction that human rights are not the preserve of the privileged few but are a global public good. I don't pretend that the international community is close to securing universal respect for human rights. Fifty-five years after its adoption, the ideals enshrined in the Universal Declaration of Human Rights have yet to extend to every corner of the world. But as this report shows, there are some grounds for optimism.

I commend this report.

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 publicize 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.



SERGIO VIEIRA DE MELLO

1948–2003

On 19 August 2003, shortly before this report went to press, Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights, was killed in a terrorist attack on the UN Headquarters in Baghdad.

Mr Vieira de Mello was appointed High Commissioner for Human Rights in September 2002. He brought to the job an unparalleled understanding of the United Nations. During his short tenure, he worked hard to mainstream human rights throughout the UN system and to encourage a more effective UN response to human rights violations around the world.

Prior to his appointment as High Commissioner, Mr Vieira de Mello had a long and distinguished career in the UN, serving in every continent of the world. He served as Deputy High Commissioner for Refugees before being promoted to the position of Under Secretary for Humanitarian Affairs. He was highly successful both as Special Representative for Kosovo and as UN Transitional Administrator in East Timor. At the time of his death, he was carrying out a four-month assignment as the UN Secretary General's Special Representative in Iraq.

Upon hearing the news of his death, Foreign Secretary Jack Straw said: "Sergio Vieira de Mello's death is an utter tragedy. He was an outstanding international civil servant who had dedicated much of his life to the high ideals of the United Nations, and to putting those into practice at the frontline of conflict. I met him most recently in Baghdad on 2 July. I was struck by his complete dedication and commitment to the reconstruction of Iraq. Above all he saw his task as bringing the people of Iraq back into the community of nations. Today Iraq and the United Nations have lost an exceptional man."

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Oscar Espinosa Chepe, an independent economist, is brought to court in Havana, Cuba, April 2003. He was one of 75 individuals arrested between 18–21 March 2003 for peaceful opposition work, during a crackdown by the authorities. Mr. Chepe, whose health is failing, was sentenced to 20 years. At the UK's suggestion, the EU raised the issue of Mr. Chepe's health with the Cuban authorities on 1 August.

HUMAN RIGHTS

Challenges and progress

This Annual Report covers the 12-month period until the end of July 2003, though in the cases of Iraq and Guantanamo Bay we have provided updates between then and when this Annual Report went to print in mid-August 2003. It is not a country-by-country survey of the whole world; we do not think that we should replicate the work of human rights organisations which exist to hold governments to account for violations of human rights. Instead, this Annual Report deals with both the broad trends worldwide under the main thematic areas of human rights and with what the government has done to promote and protect human rights in its foreign policy and practical work overseas. This first chapter focuses on some of the countries of greatest concern over the last year.

Human rights are one of the key considerations that go into the formation of foreign policy. Our strategic, legal, security and commercial interests as well as our treaty commitments are also critical factors in this process. But we do not accept that there is any inherent conflict between these different components of foreign policy. Indeed, we believe that they complement each other.

The UK Government's view is that the promotion and protection of human rights is both self-evidently morally right and firmly in our national interest. There is an increasingly clear link between respect for human rights, the rule of law and democratic norms on the one hand, and stability, prosperity and progress on the other. Conversely, widespread violations of human rights are often a precursor to conflict, as the experiences of Rwanda, Bosnia, Kosovo, East Timor and Afghanistan show. The instability they cause is often a fertile breeding ground for terrorism, drugs and people trafficking, intolerance and ideological fanaticism, all of which directly

affect us. Repressive regimes tend to prevent the development of openness, innovation, creativity and debate, which are essential for prosperity in an increasingly globalised world. Such violations and such conflicts make parts of the world much less safe for us to travel to and do business with and we are all poorer as a result.

Human rights continue to be universal values. They represent standards and benchmarks by which governments can legitimately be judged and held to account by their own citizens and by others. The advocacy of human rights does not mean that western liberal ideas are being imposed on others. Wherever people have broken free from repressive regimes in Europe, Latin America, and parts of Africa and Asia, they have demanded the same broad rights and freedoms that we take for granted. There are no cultural, religious or political reasons that make torture, enforced disappearances, extrajudicial killings or the lack of primary education more acceptable to some populations than others. Restricting human rights has never been shown to promote quicker or more inclusive social, cultural and economic progress. One of the most effective guarantees of stability, security and growth is the promotion, and not the denial, of human rights.

There continues to be a worrying number of major human rights concerns around the world. Our global network of diplomatic posts reports back to the FCO on these on a very regular basis. We also garner information from a wide range of incisive media reporting, both in the UK and overseas. And we continue to be impressed by the persistent and dedicated work of a huge range of international non-governmental organisations (NGOs), many of which are based in London. Finite resources mean that we cannot respond to

every human rights issue all the time. Nor do we pretend that we always have sufficient influence immediately to effect positive change. So we need to set priorities, doing what we can when we can and concentrating on those areas where our actions and those of our international partners can have a real impact on the ground. This Annual Report describes in detail how the UK Government has responded to human rights challenges around the world through diplomatic action, our work in international organisations and through practical projects.

We do not believe that there can be any 'one-size-fits-all' human rights policy. Our efforts in each of those countries where we have human rights concerns range from quiet, behind-the-scenes lobbying, through critical engagement and political dialogue, to public criticism, protest and even targeted sanctions. These different tactical approaches are in pursuit of a consistent goal: increased respect for human rights, the rule of law and democracy around the world.

In the period covered by this Annual Report there have as always been both positive developments and worrying regressions. The difficult task of reconstruction in Afghanistan continues in a positive direction. We have seen a peaceful transition of power in Kenya. We are now only months away from the accession to the European Union (EU) of 10 new member states, eight of which lived under repressive one-party rule less than 20 years ago. There have been impressive further legal reforms in Turkey, another candidate for EU membership. International human rights law was given a boost by agreement at the United Nations (UN) on a new Optional Protocol to the Convention Against Torture to improve independent monitoring both within states and internationally, as well as by the start of a process which we hope will eventually lead to a new convention on the rights of disabled persons.

Against this, however, there have been many minuses. These include the depressing results of further repression in Zimbabwe and Cuba, and the misery caused by the dead hand of highly authoritarian regimes in North Korea, Burma and parts of Central Asia. We have seen shocking images from the continued conflicts in Liberia and the Democratic Republic of Congo (DRC). And while there is now some cautious reason to hope that efforts to promote Middle East peace might bear fruit, both Israel and Palestinian groups have shown a worrying disregard for human rights.

The biggest issue over the last year, however, has been Iraq. It is not within the scope of this Annual Report to replay in detail the course of events that led to conflict. However, the UK Government's decision to take military action to enforce Iraq's disarmament obligations, in accordance with the relevant UN

Security Council resolutions, was taken as a last resort. The Iraqi regime's refusal for 12 years to co-operate with the UN left us with no option but to intervene militarily. We did so with the support of a majority in the House of Commons in a vote on 18 March 2003. Many people in the UK opposed the military intervention. It is, of course, right that in a liberal democracy based on respect for human rights any citizen should peacefully express their opposition to government policy whenever and wherever they choose. But while it is clear that a vigorous debate on the reasons for military intervention in Iraq will continue for some time to come, almost everyone on both sides of the debate agrees on the brutality and horror of Saddam Hussein's regime.

Last year's Annual Report and the special report on human rights in Iraq which the UK Government subsequently issued in November 2002 highlighted the wholesale violations that were familiar to almost every Iraqi family. Saddam Hussein turned a country that should have been a prosperous and influential member of the international community into a political pariah that repeatedly and consistently flouted its international legal obligations, including those under human rights law. Violations were systematic and widespread, including arbitrary arrest and detention, torture, executions, disappearances and, most shockingly of all, the use by a government of chemical weapons against its own people. The effect of coalition action in Iraq has been to liberate the country from a regime that bears comparison with some of the worst in history. We discuss in more detail the discoveries about gross human rights violations in Iraq since the fall of Saddam later in this chapter. We also describe the work that we are doing to help in setting up democratic, accountable institutions and promoting the rule of law and respect for human rights.

In Iraq, we are acting within a coalition led by the United States, a country with which, more generally, we share a common system of standards and values. Our approach to human rights means that our friends and allies are no more exempt from international human rights obligations than any other country. Where we disagree with the US we say so. For example, we do not share the concerns the US has in regard to the International Criminal Court (ICC), of which we remain a staunch supporter. We strongly advocate the worldwide abolition of the death penalty at a time when the US continues to execute more people than any other country in the western world. And we have serious reservations about the use of military commissions to try detainees held at Guantanamo Bay which we address later in this chapter.

At home, we do not claim to have a perfect human rights record and want to work with others to improve our performance. We have made it clear that we will always

agree to requests by UN human rights special rapporteurs to visit the UK. We report regularly to the UN Treaty Monitoring Bodies and co-operate with European and international human rights bodies. This year's report describes how in the last year we have adhered to more parts of the panoply of international human rights law, for example, by ratifying an Optional Protocol to the Convention on the Rights of the Child and signing the new Optional Protocol to the Convention Against Torture. We will continue to welcome scrutiny and constructive criticism from NGOs and civil society. The UK Government is, for example, investigating the allegations that some British troops in Iraq may have mistreated civilians or prisoners of war.

In short, the neglect of human rights cannot be excused in any country. But although no country has a perfect human rights record, this does not mean that all countries are equally imperfect. Indeed, it would be moral equivocation to suggest so. It is clear that respect for human rights is much stronger in democracies than in autocracies. So, legitimate concerns about human rights close to home and in like-minded countries should not blind anyone working in the field of human rights to – or disproportionately divert their effort from – the much more serious actions of the most repressive regimes around the world.

Before dealing with a number of individual countries, this year's Annual Report begins with an update to the UK's response to the threat of terrorism which was a major theme to our report a year ago, the first following the tragic events of 11 September 2001.

1.1 Human rights and the fight against international terrorism

The past 12 months have seen further atrocious acts of terrorism. Attacks in Bali, Riyadh, Mombasa and Casablanca have underlined that terror has become a global scourge which requires a global response. If people across the world are to be safe from such violence then we must maintain the momentum behind the campaign against terrorism. The UK remains at the forefront of this effort.

The UN Counter Terrorism Committee (CTC) remains the centrepiece of multilateral counter-terrorism efforts. Under UK chairmanship for its first 18 months, and Spanish chairmanship thereafter, the CTC has continued to drive forward international compliance with Security Council Resolution 1373 (2001) which imposes a legal obligation on countries to take a broad range of actions against terrorism. All member states have now submitted at least one report to the CTC which then responds, beginning a dialogue examining compliance with Resolution 1373. Many countries, including the UK, have now submitted three reports. The number of countries that have signed and ratified all 12 UN anti-terrorism Conventions and Protocols has now risen to 37 from only two as of 12 September 2001.

On 21 October 2002, when the recently appointed High Commissioner for Human Rights (HCHR) Sergio Vieira de Mello addressed the CTC, he drew attention to the link between human rights and the fight against terrorism and proposed ways for the CTC to deepen its awareness of human rights concerns. He also raised this when he called on the Foreign Secretary, Jack Straw, in November 2002. Mr Vieira de Mello was tragically murdered in the terrorist outrage against UN headquarters in Baghdad on 19 August.

The UK continues to recognise the need for the CTC, and those implementing anti-terrorist measures, to remain aware of the interaction between their activities and human rights concerns, respecting both the rule of law and human rights obligations. In line with this, the CTC has maintained direct links with the Office of the High Commissioner for Human rights (OHCHR). We have encouraged the OHCHR to provide guidance material and information on available technical assistance for inclusion on the CTC website. Our Mission at the UN also arranged for one of the CTC's experts to represent the Chairman of the CTC at the Human Rights Committee in Geneva in March 2003. Sir Nigel Rodley, an expert from the Human Rights Committee, briefed the CTC on 19 June.



1.



2.

1. Local people pray at the site of the terrorist attack in Kuta, Bali, two days after the bombing on 12 October 2003 which killed 202 people.

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

The UK supported Mexico's initiative of a resolution on human rights and counter terrorism at the UN General Assembly in 2002. We co-sponsored a similar resolution at the Commission on Human Rights (CHR) in April 2003. Both resolutions rightly stress the need for counter-terrorism measures to be conducted with full respect for international human rights obligations. They request the UN HCHR to provide assistance and advice to states on the protection of human rights and fundamental freedoms while countering terrorism.

At the CHR, Algeria tabled an alternative resolution which, as in previous years, spoke of "the gross violations of human rights perpetrated by terrorist groups". This distorts the focus onto the actions of terrorists, and gives terrorists the status of states. We do not accept this approach. The UN human rights system is primarily about bringing states to account for their actions. CHR resolutions need to focus on the actions and responsibilities of states. We believe the Mexican resolution does this very well. We, with our EU partners, therefore voted against the Algerian text.

In the wake of the attacks of 11 September 2001, the Council of Europe launched an initiative to produce guidelines on human rights and terrorism. The UK was a member of the sub-group established to draft the guidelines, which were subsequently endorsed by the Committee of Ministers on 11 July 2002. They are a compilation drawing upon existing law and practice, designed to give a clear and accessible guide for states in their responses to terrorism (available on the Council of Europe website www.coe.int). Although the guidelines are designed for the member states of the Council of Europe, they also have a wider audience as the principles and rules they contain are not parochial to Europe, but are universally applicable.

We continue to make all our partners in the campaign against terrorism aware of our strongly held views. For example, both our Ambassador in Tashkent and the then Secretary of State for International Development, Clare Short, have publicly criticised

the human rights record of the regime in Uzbekistan (see Annex One for full text of our Ambassador's speech). We also use our engagement with other states through our counter-terrorism assistance programmes to advocate our vision of effective law enforcement within the rule of law and under democratic control. Operational exchanges between our experts and those in other countries are often the most effective way to get across our message that countering terrorism in the long term will be more effective if human rights are respected.

UK anti-terrorism measures

Last year's Annual Report outlined the provisions of the Anti-Terrorism, Crime and Security Act (ATCS Act) which required a derogation from the European Convention on Human Rights (ECHR).

The UK derogation from the ECHR was challenged by the individuals detained under the ATCS Act. In July 2002 the Special Immigration Appeals Commission (SIAC) agreed that there was a public emergency facing the life of the nation and that the measures were strictly required by the exigencies of the situation, and were proportionate. But SIAC found against the UK Government on the grounds that there was a breach of Article 14 of the ECHR which relates to non-discrimination, because the powers outlined under the ATCS Act only apply to non-British citizens. The UK Government appealed on this point and the subsequent Court of Appeal judgement in October 2002 held, unanimously, that the powers are not discriminatory and that the derogation was lawful. The powers comply with our obligations under the ECHR.

Any individual detained under these powers has an immediate right of appeal to SIAC. There are currently 13 individuals detained under the Act. Another two people who were certified by the Home Secretary and detained have chosen to leave the UK. All of these individuals are exercising their right to appeal including the two who have chosen to leave the UK. Individual appeal hearings before SIAC began in May 2003. The first tranche (10 cases) has now been completed. No determinations



UN Secretary General Kofi Annan addresses a Security Council meeting on international terrorism on the first anniversary of the 11 September attacks on the US, which killed over 3,000 people.

Detainees at Guantanamo Bay

The US is detaining over 600 individuals at their naval facilities in Guantanamo Bay. Nine of those detained are UK nationals – the first was transferred there from Afghanistan in January 2002; the most recent in February 2003. The Foreign Affairs Committee of the House of Commons has expressed concern over the situation. In its December 2002 report into the Foreign Policy Aspects of the War against Terrorism, it recommended that the UK Government “continue to press the US government to move rapidly towards the trial of these alleged terrorists, in accordance with international law”. The UK Government has throughout shared such concern. As the Prime Minister told the House of Commons in February 2003, “it is a highly unusual and difficult situation. ... The one caveat I would enter is that we are still receiving quite valuable information from people who are there. However, I agree that it is an irregular situation and we would certainly want to try to bring it to an end as swiftly as possible.”

The US has said that all detainees are being treated humanely and in a manner consistent with the principles of the Geneva Convention. All detainees are housed in indoor accommodation with individual sleeping, toilet and washing facilities and air-ventilation. A field hospital and clinic are on site. The detainees are able to exercise and to practice their religion. Calls to prayer are broadcast throughout the camp. The detainees also have access to reading and writing material. They can exchange letters with their families through the US authorities and the International Committee of the Red Cross (ICRC), though there have been complaints, including from the families of UK detainees, that letters are censored, and subject to long delays, often of some months – we have asked the US to take action to reduce these delays. The ICRC has a regular presence at Guantanamo Bay.

UK Government officials have visited the British detainees in Guantanamo Bay on five occasions, most recently from 23 to 28 April 2003. The UK was the first state to visit its nationals there and we have carried out more visits than any other nation. At the time of the last visit, the UK detainees were in sound physical health.

In the September 2002 judicial review of the UK Government’s handling of one of the detainee’s cases, the Court of Appeal found that, at that time, we had done as much as could reasonably be expected in terms of offering assistance and making representations to the US on behalf of the UK nationals detained at the camp.

But, the Court also found that the detainee was arbitrarily detained in a ‘legal black-hole’. The UK Government has consistently pressed the US administration to come to a decision on resolving the position of all the UK detainees held in Guantanamo Bay. Whatever their status, we have made clear our view that the detainees are entitled to humane treatment, and if prosecuted, a fair trial.

On 3 July 2003, the US designated six detainees held at Guantanamo Bay, including two UK nationals, Moazzam Begg and Feroz Abbasi, as eligible for trial by military commission. At the time of the announcement the UK Government made clear to the US that the UK had strong reservations about the military commissions and we have continued to make clear to the US our view that any trial procedure must be fair and meet generally recognised principles. The Prime Minister raised the issue with President Bush during his 17 July visit to the US, following which, the US announced that all legal proceedings against British nationals held at Guantanamo Bay would be suspended pending further UK-US discussions.

The Attorney General subsequently visited Washington and US officials visited London for discussions which covered all options, including trial in the UK. The Attorney General received a number of assurances from the US Administration, including agreement that the prosecution would not seek the death penalty if Mr Begg and Mr Abbasi were tried by a US military commission. At the time of going to press in mid-August, these discussions continued and proceedings against Mr Begg and Mr Abbasi remained suspended.

have been handed down as yet. Hearings for the remaining cases will take place later this year.

The powers under the ATCS Act are subject to a high degree of scrutiny. In an independent review of the workings of sections 21-23 of the Act, which was laid before Parliament on 12 February, Lord Carlile of Berriew concluded that the Home Secretary certified persons under the ATCS Act only in appropriate cases and that he exercised his independent judgement in each case, having given due regard to advice from officials. The powers were debated and approved for renewal in the House of Commons on 3 March and the House of Lords on 11 March. The renewal order was signed by the Home Secretary on 12 March, renewing the power for a further 12 months

In addition to Lord Carlile’s annual review, a committee of nine privy counsellors, headed by Lord Newton of Braintree, has been appointed to review the operation of the whole ATCS Act,

including detention provisions. They are due to report later this year.

1.2 Iraq

The UK Government’s decision to participate in military action to enforce Iraq’s disarmament obligations, in accordance with the relevant Security Council resolutions, was taken as a last resort. The Iraqi regime’s failure to co-operate left us with no option. Our decision was supported by a large majority in the House of Commons on 18 March 2003. Authority to use force against Iraq derived from the combined effect of UN Security Council Resolutions (UNSCRs) 678, 687 and 1441; and all of these resolutions were adopted under Chapter VII of the UN Charter, which allows the use of force for the express purpose of restoring international peace and security.



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1. Representatives of the 25-member Iraqi governing council attend a news conference after the council's inaugural meeting in Baghdad, 13 July 2003.

2. An Iraqi woman and her two sons search a mass grave in the Iraqi town of Hilla, 8 June 2003, for an identifying piece of clothing to help her locate another son who went missing in 1991.

The Defence Secretary Geoff Hoon published the objectives for the military campaign in Iraq in Parliament on 20 March 2003 – the same day operations in Iraq began. The UK contributed 46,000 troops to the Coalition which launched a successful campaign, carefully targeted to minimise civilian casualties.

Human Rights

There are two strands to the UK Government's human rights policy in Iraq. The first is the investigation of human rights violations under Saddam Hussein's regime. The second is to help put in place the civil, legal and political structures, and the stable conditions necessary to ensure human rights are not violated in the future. We attach great importance to placing human rights and the rule of law at the forefront of efforts to encourage the building of representative, democratic institutions in Iraq. The UK Government underlined its belief in the importance of human rights when the Prime Minister appointed Ann Clwyd MP as his Special Envoy on Human Rights to Iraq. Since her return from a visit to Iraq, which took place from 27 May to 8 June, she has briefed the Prime Minister, the Foreign Secretary, other Ministers and Parliament. She is planning a further visit in September.

"There was a machine designed for shredding plastic. Men were dropped into it and we were again made to watch. Sometimes they went in head first and died quickly. Sometimes they went in feet first and died screaming. It was horrible. I saw 30 people die like this. Their remains would be placed in plastic bags and we were told they would be used as fish food... on one occasion, I saw Qusay personally supervise these murders."

Witness statement taken by INDICT researcher, quoted in an article by Ann Clwyd MP in The Times, 18 March 2003

For more than twenty years, Saddam Hussein's brutal regime committed extreme human rights violations as a matter of routine. Since the fall of the regime, evidence has continued to emerge about human rights atrocities. The Coalition Provisional Authority (CPA) has been set up in accordance with UN Security Council Resolution 1483 (adopted on 22 May 2003 and co-sponsored by the UK, US and Spain) as a temporary administration to help the transition to an Iraqi-led government. The CPA encourages Iraqis to come forward



Foreign Secretary Jack Straw visits the police academy in Baghdad where British officers are training Iraqi recruits, 2 July 2003.

with their testimonies of human rights abuse and counsels people requesting assistance. The CPA archives documentation of past atrocities for investigation and for possible future use as evidence in an Iraqi-led justice system.

The stories of abuse are horrific, and include accounts of physical torture, execution, disappearance and forced property evictions and demolitions. Iraqi citizens have provided photographs to the CPA showing graphic evidence of torture including extensive beatings, extraction of toenails, amputations, branding of foreheads and rape. Coalition forces have discovered various torture centres. At Abu Ghraib prison near Baghdad, coalition forces found a “death and torture chamber” containing padded nooses for strangulation during hanging and an electric shock wall. There were hooks on the ceiling which corroborate victims’ stories of being beaten while suspended. Medical professionals have shared stories of how they were forced to perform amputations or other medical experiments. Athletes have approached the CPA to describe how Uday Hussein tortured them. Coalition forces, the CPA, local organisations and private individuals have found thousands of documents containing detailed reports of how the regime ordered torture and execution and providing lists of those executed.

Coalition forces also continue to investigate suspected mass grave sites containing the remains those who were executed by the former regime. We have so far received reports of 115 such sites. Of these 18 have been confirmed and another 30 are probable mass grave sites, with the others yet to be investigated. The mass graves contain remains from all groups of Iraqi society – Kurds, Shi’a, Sunnis and Christians – as well as foreign prisoners of war. Human rights organisations and CPA experts estimate that, on present evidence, around 300,000 people may have been buried in mass graves over the past three decades.

The CPA set up an Office of Human Rights and Transitional Justice to deal with the examination of mass graves and the preservation of evidence, collect witness testimonies, identify

missing people and address property disputes. This is a huge task. Files documenting information about mass graves and human rights atrocities now occupy seven square miles of storage space. Helping Iraq deal with this grim legacy will take many years.

The CPA is currently undertaking assessments of the mass grave sites and these assessments will be followed by forensic examinations. A UK team of forensic experts produced initial recommendations for the exhumation of the graves and the preservation of evidence. Standard protocols have been drafted to ensure uniformity in standards of exhumations. A second UK forensic team arrived in Iraq on 15 August. Its task will be to help the CPA co-ordinate the international effort to take forward the investigations.

In UNSCR 1483, the Security Council affirmed the need for accountability for crimes and atrocities committed by the previous Iraqi regime. The new governing council (see below) is to set up a committee to look at options for dealing with those guilty of crimes against humanity and other crimes committed under the former regime. We welcome this decision. There are various options they may wish to explore, including a special tribunal for the more serious crimes, with others being dealt with by the Iraqi courts. We have always believed that this is a matter for the Iraqis themselves to decide, with suitable international help.

Two UK secondees to the CPA are working with Iraqis on collecting witness statements and testimonies, collating information on human rights atrocities and ensuring that the evidence is in an appropriate form to be used in a court of law. In the longer term the Iraqi authorities will take responsibility for this task. The CPA will help by providing skills training and technical advice to develop local capacity.

The CPA is working with the International Committee of the Red Cross (ICRC) to ensure that information on missing people is co-ordinated and centrally held in one venue, so that it can



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1. Paul Bremer, the US civilian administrator in Iraq, talks with tribal leaders in Hilla, south of Baghdad, during a summit to discuss Iraq's reconstruction, 14 June 2003.

2. A British soldier pulls ammunition, including grenades, from a hidden store in Umm Qasr, southern Iraq.

be easily transferred to Iraqi authorities at a later date. The CPA, in conjunction with the International Organisation of Migration, is beginning to address property disputes from the previous regime's policies of Arabisation and forced relocation. Seven offices will take initial dispute forms and create an Iraqi Property Reconciliation Facility whereby Iraqis can voluntarily agree to resolve disputes under existing Iraqi contract law.

The human rights situation in Iraq is improving steadily from the position under the former Iraqi regime. The CPA has initiated legal reforms to repeal laws inconsistent with fundamental human rights standards, for example by suspending use of the death penalty. New rights have been established including the right of suspects to remain silent and to have access to legal representation, and the exclusion of evidence obtained by torture. The CPA has also established standards to improve the management of detention and prison facilities.

The CPA's work on the promotion of human rights includes facilitating the work of international human rights NGOs in Iraq and encouraging the development of new local human rights NGOs. The CPA has provided two human rights training courses for local NGOs. Three mini conferences on human rights have covered missing people, documentation of past atrocities and transitional justice. The CPA is working with the Kurdish human rights ministry to create a national civic education programme to raise awareness of fundamental human rights.

As part of its human rights programme for Iraq, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested an initial \$1.5 million for the provision of six human rights officers. The officers' tasks are to collect data, identify protection issues, advise on human rights principles and law and provide training on human rights. They also have responsibility for collating and analysing information on human rights violations. The UK allocated £400,000 towards meeting the OHCHR's request. This allocation funded over 65 percent of the immediate start-up costs (\$950,000) of deploying six officers and supporting their work. We welcome the UN's valuable role in promoting human rights in Iraq and recognise the importance of all parties working together effectively in a co-ordinated way.

Humanitarian assistance and restoring basic services

Providing security and humanitarian assistance as well as longer term reconstruction programmes in the aftermath of the conflict are important parts of the foundation upon which an effective human rights policy can be built.

Saddam Hussein's regime callously denied the Iraqi people essential humanitarian relief available under the UN Oil for Food Programme. This action caused food shortages and left

hospitals under-supplied. The regime consistently failed to use the funds available to it and delayed processing agreed contracts, resulting in unnecessary shortages of humanitarian supplies and crippling vital infrastructure. The regime also made commercial decisions based on political considerations meaning that many contracts did not represent the best value for Iraq's money.

In the run-up to the conflict in Iraq, the UK Government together with UN agencies, international NGOs and coalition partners prepared for a range of humanitarian crises. These included the possibility of prolonged urban warfare, large population movements and the widespread destruction of essential infrastructure.

In the event, the conflict did not lead to the major humanitarian crisis some had predicted. However, looting, insecurity and the initial breakdown in Iraqi public services exacerbated the problems that already existed in Iraq before the conflict. Elements close to the former regime also continued to attack coalition forces, hampering the initial reconstruction effort. The UK Government remains fully committed to the reconstruction of Iraq. Although more needs to be done to restore Iraq's public services, the military and humanitarian agencies have begun to re-establish water and electricity supplies as well as education and healthcare services.

UNSCR 1483 welcomed the resumption of humanitarian assistance and called upon all member states to respond immediately to the humanitarian appeals made by the UN and other international agencies on behalf of Iraq. The UN appointed Sergio Vieira de Mello, the UN High Commissioner for Human Rights, as the Secretary General's Special Representative for Iraq. His responsibilities included co-ordinating UN efforts with those of the CPA to take forward the humanitarian and reconstruction process and liaising closely with UN agencies, ICRC, NGOs and Iraqi administrators on the ground. As we were going to press, a terrorist bomb destroyed the UN headquarters in Iraq, killing at least 20 people, including Mr Vieira de Mello. As the Foreign Secretary Jack Straw made clear on 19 August, the attack "will only reinforce our commitment to work for the peaceful, prosperous and democratic Iraq, which its people deserve".

UNSCR 1483 also lifted all sanctions other than the arms embargo (with an exemption for arms and materiel serving the purposes of the resolution). It imposed a ban on the trade of stolen Iraqi cultural property. Under the resolution, the Oil for Food Programme (which, under UN sanctions, provided for Iraq's oil revenue to be used to purchase humanitarian goods under the UN's supervision) will wind down over a six-month period.

Any money remaining in the Oil for Food account which has not been allocated to fund purchases of humanitarian goods by the end of the six-month period will be transferred to the Development Fund for Iraq. This Fund was set up under resolution 1483 to fund reconstruction. In addition to the remaining funds of the Oil for Food programme, 95 per cent of Iraq's oil revenues and overseas funds that belonged to the former regime will also be paid into the account. The UK Government is working intensively on the technical aspects of the Development Fund and the Advisory and Monitoring Board. The Board will oversee the Development Fund's work and ensure that its revenues are spent transparently to meet the humanitarian needs of the Iraqi people.

The UN launched a 'Flash Appeal' for Iraq on 28 March that sought a total of \$2.2 billion for humanitarian assistance by UN agencies. About 88 per cent of the appeal was met, partly through the Oil for Food Programme. The UN's revised humanitarian appeal for Iraq, launched in New York on 23 June, sought another \$259 million to cover remaining needs for the next six months.

As part of the UK Government's efforts, the Department for International Development (DFID) has been very active in humanitarian aid and the reconstruction of Iraq. DFID's work in Iraq has been guided by its Interim Iraq Humanitarian and Rehabilitation Strategy (available at www.dfid.gov.uk). This interim strategy covers the transition from humanitarian relief work to the beginning of reconstruction. The immediate goals have been to support the restoration of public services, the re-establishment of law and order, to ensure that the needs of the vulnerable are met and to support the restoration of public infrastructure, particularly power, water and sewerage facilities. The UK Government's total financial commitment to humanitarian efforts for Iraq in the current crisis is now £240 million.

Security and law and order

Ensuring stability in Iraq through the implementation of an effective security policy and the enforcement of law and order is vital to the overall humanitarian and reconstruction effort now taking place. Without security, reconstruction could be undermined and delayed. It is also imperative, in order to win the trust of the Iraqi people, that they feel secure and free from threat within their communities.

In the wake of conflict, UK commanders quickly established contact with local leaders and less than two weeks after the start of the operation, schools and markets had begun to reopen and hospitals were treating patients. By 22 April, Basra province was sufficiently safe for non-military organisations to begin their own humanitarian work.

The UK and US are working towards a multinational stabilisation force in Iraq. The US will be in overall command in Baghdad and the central sector with the UK and Poland commanding multinational divisions in the south and centre south respectively. There are 11,000 British troops in southern Iraq and these will be joined by 5,500 personnel from nine other countries (Czech Republic, Denmark, Italy, Netherlands, Norway, Portugal, Lithuania, Romania and New Zealand). Some have already deployed. In all, up to 30 countries are expected to send troops.

The UK has been closely engaged with emerging coalition plans for reform of the security sector. The coalition strategy is based around developing various key elements of security sector reform in conjunction with the emerging Iraqi authorities. The major decisions on size, shape and structure of the key elements will be made by those Iraqi authorities. We are helping with developing and implementing plans to recruit and train a new Iraqi army, establish a new Iraqi police force and create a bespoke training course for Iraqi police officers. The UK is planning to provide significant personnel support to the development of the security sector with acknowledged experts assisting in customs, governance, immigration, the military, police and prisons. As the security situation improves, the control of these activities will revert back to the Iraqis.

Shortly after the conflict, UK forces began to work with senior police figures in Basra to encourage the Iraqi police back to work. Coalition forces now undertake around 2,500 patrols each day of which 200 are joint patrols with the Iraqis. On 24 June Iraqi police began their first independent patrols. There are now over 31,000 Iraqi police at work across the country. As part of the UK's support for security sector reform, we are in the process of identifying 100 police officers to be deployed to Iraq to help train the new Iraqi police force. Senior UK police officers are in Iraq and working both to improve the day to day operational ability of the police as well as to push forward a national police strategy.

UK forces take great care to comply fully with their obligations under international law and the Geneva Conventions towards any prisoners of war that they detain. We have worked very closely with the ICRC, which has expressed itself content with the way we have treated prisoners and detainees throughout this conflict. There have been allegations of mistreatment by UK forces. The MOD are fully investigating individual cases. Annual training in the law of armed conflict, including prisoners of war, is a mandatory requirement for British Army units. All units in Iraq had up-to-date briefings before deployment.

Political process

UNSCR 1483 also set out a framework for a political process in Iraq leading to elections for a new Iraqi government as soon as possible. The CPA's role in this process is one of facilitation and encouragement. The first step, as foreshadowed in UNSCR 1483, was the formation of the Iraqi governing council. This 25-member body, broadly representative of Iraq's ethnic balance, was formalised on 13 July 2003.

The governing council's first task was to determine how it would govern itself. It decided on a nine-member "presiding council", with each member (in rotating alphabetical order) holding the chair for one month. The council has two priorities for rebuilding the administration of Iraq: to set in train a process to draft a new constitution; and to appoint and oversee a cabinet of ministers. The former is already underway – the governing council appointed a 25-member constitutional preparatory committee on 12 August, which will make quick recommendations on drafting the constitution. The appointment of ministers is also expected to take place during August or early September.

UNSCR 1483 gives provision for the governing council to take on increasing amounts of responsibility for running Iraq as it consolidates its position. The governing council is responsible for running a process to draw up a new constitution, to be endorsed by a referendum, and the holding of free elections thereafter.

Judicial Reform

The restoration of law and order rests, in part, on the development of a fully functioning and effective criminal justice system. The CPA recognised this from the outset and has undertaken a number of activities that will be instrumental in ensuring the successful redevelopment of Iraq's justice sector. The Iraqi ministry of justice, with help from a CPA senior adviser, conducted an early assessment of the existing capacity and needs of the Iraqi justice sector. The report's recommendations include proposals on emergency changes in criminal procedure legislation, as well as the longer-term requirements for reform in Iraq.

Noting the widespread damage suffered by the Iraqi judicial infrastructure, and the marginalisation of many members of the judicial profession under the previous Iraqi regime, the ministry of justice has formulated strategies and activities to ensure the establishment or reconstruction of basic Iraqi criminal justice facilities. This will involve a judicial review commission checking approximately 850 Iraqi judges and prosecutors for Ba'ath party links, corruption and complicity in human rights abuses. This review will be followed by an on-going judicial inspection unit that will exercise a permanent

oversight over the Iraqi judiciary. The new central criminal court of Iraq will try cases of national importance and help the Iraqi judiciary bring to justice those who are undermining Iraq's security and reconstruction.

The ministry of justice is undertaking the repair, reconstruction and security of court premises and prison facilities. An estimated 48 courthouses, 100 courts and eight prison facilities have re-opened countrywide. In Baghdad the CPA has established a criminal detention facility and a refurbished city prison is scheduled to open shortly. Other initiatives include training for judicial and prosecutorial personnel and the initiation of a *pro bono* lawyers programme.

Women's rights

The UK is committed to including women in all phases and at all levels in the reconstruction of Iraq. A UK gender expert is seconded to the CPA in Baghdad and there will shortly be another such expert seconded in Basra.

We encourage the leaders of Iraqi political and other groups to include women representatives both at national and regional level and we hope that these leaders will view this as an important part of the re-introduction of democracy in their country. There are three women on the governing council, which, while not proportionate to their numbers in society, will help to ensure that women's views are represented in all decision-making.

A Voices of Women of Iraq conference took place in Baghdad on 9 July, led by a group of seven Iraqi women and facilitated by the CPA. Workshops focused on the constitution, legal reform, education, social affairs, the economy and health. The conference recommendations will feed into the governing council, Iraqi ministries, UN agencies and emerging women's organisations and NGOs. The CPA is keen to work closely with UNIFEM, which organised a women's conference at the end of August in Baghdad. DFID has provided £500,000 for the UNIFEM work programme. We will continue to work with Iraqi women to take forward the recommendations from these conferences and to develop a dialogue with a range of women's groups within Iraq and outside to ensure women play a full role in shaping the new Iraq.

Child rights

The issue of child protection receives high priority within Iraq's ministry of labour and social affairs, where action to date includes assessments of care establishments, including improvements to seven orphanages and other childcare facilities. The CPA has started training programmes for staff and, due to the dearth of managerial capacity, will engage Arabic-speaking international experts in children's services.

They will provide training in up to date methods and principles and develop a fully trained Iraqi management team.

The CPA has set up an Iraqi child welfare commission. This cross-ministerial advisory body aims to ensure effective co-ordination in relation to children's issues. A cross-ministry group, lead by UNICEF, is looking at youth justice and in early September will bring together key stakeholders. A UNICEF project is giving shelter to street children.

A UK secondee is playing a leading role in the reconstruction of social services in Iraq. The ministry of labour and social affairs welcomes our support and many of the UK best practice models in social care will provide an excellent basis for Iraq's future social services.

1.3 Afghanistan

The signature of the Bonn Agreement in December 2001 set out the road-map towards the establishment of a democratic and representative government in Afghanistan, by free and fair elections to be held by June 2004. Its signatories committed the Afghan Interim Authority, and its successor the Transitional Authority, to act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law. The Agreement offers the prospect of political stability backed by considerable reconstruction assistance from the international community. Reconstruction is a top priority for Afghanistan, and the international community. The UK is contributing more than £322 million over five years in reconstruction and humanitarian assistance to assist the Afghan people to rebuild their country.

Good progress has been made in implementing the terms of the Bonn Agreement. The Emergency Loya Jirga, held in Kabul from 11-19 June 2002, allowed many Afghans their first opportunity in decades to have a real say in the running of their country. More than 200 women, as well as representatives from all ethnic groups and other minorities, were chosen to attend the meeting to elect a president, and approve the make-up of the Transitional Administration (Afghanistan's government). Local Shuras (or councils) have been set up across the country.

The UK has so far allocated £1 million to assist with implementing political processes as set out under the Bonn Agreement, including preparations for the elections. The United Nations Assistance Mission to Afghanistan (UNAMA) has been working closely with the Transitional Administration to develop a comprehensive programme of voter registration on a country-wide and non-partisan basis, in anticipation of elections in 2004. UNAMA is hoping to begin registration in August 2003, with a particular focus initially on rural areas

Shiberghan

A Channel 5 documentary in November 2002 highlighted alleged human rights abuses at Shiberghan prison. Captured Taliban claimed that 1,000 men had suffocated to death after being denied fresh air and water on their journey in containers to Shiberghan in late November 2001. The Northern Alliance denied this claim. They said that most prisoners had been transported in flat-bed trucks with container trucks only used when no other form of transportation was available, and that 200 prisoners had died from wounds they received in earlier fighting. The number of deaths claimed is difficult to substantiate, but Physicians for Human Rights (PHR) forensic experts made an initial limited excavation of the graves at nearby Dasht-e Leili. This excavation revealed 15 bodies in a small area, which PHR has suggested points to a high concentration of bodies in the overall area. There were no signs of overt trauma to the bodies, consistent with claims that the prisoners had died from asphyxiation. We welcomed the Transitional Administration's announcement on 21 August 2002 that they would co-operate fully with human rights organisations in the investigation.

where winter access would be more difficult. UNAMA is sensitive to the particular needs of women and will ensure that registration takes place in private single sex facilities, with women registrars employed to ensure that as many women as possible are registered to vote.

An important precursor to registration is the civic education process now underway. One of the main objectives of this will be to educate heads of households and community leaders on the importance of females registering and voting, as well as reminding women themselves of their right to vote.

Afghanistan's Independent Human Rights Commission, established in accordance with the Bonn Agreement in June 2002, has a broad mandate, including responsibility for investigating human rights violations and abuses. The UK has given £1 million to support the commission's national work plan, in which it will focus on four main areas of activity: institution building, women's rights, human rights education and transitional justice. Dr Sima Samar, Chair of the Commission, visited the UK in October 2002 and met Foreign Office Minister Mike O'Brien. In April 2003 the UN Commission for Human Rights adopted a resolution tabled by the chairperson. The resolution welcomed the progress Afghanistan had made over the past year but emphasised the importance the international community placed on Afghanistan ensuring the legal protection of rights as a fundamental part of the new constitution.

Under the Bonn Process, a Constitutional Loya Jirga is to be called in 2003 to approve a new constitution. The Afghan Constitutional Commission will prepare a draft text to present to the Loya Jirga. An open public debate on the new



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1. Afghan men wait to settle a land dispute outside the court in Kandahar, Afghanistan's second city.

2. An Afghan refugee family attend a mine and explosives awareness programme at the UNHCR office in Kabul. Afghanistan is one of the most heavily mined countries in the world.

3. Prime Minister Tony Blair meets Afghanistan's President Hamid Karzai for talks during his visit to the UK in June 2003.

constitution before the Loya Jirga is essential to ensure that the Afghan people are able to make a free and informed choice. A process of public education and consultation began in May 2003. The UN and Constitutional Commission plan to involve all sections of Afghan community, including women, in the process. The UK has given £500,000 to UNAMA to support the popular consultation process.

While political progress has been made, security remains a real problem. The UK continues to contribute troops to the International Security Assistance Force (ISAF). ISAF has had a positive impact, improving security in their mandated area in and around Kabul. But the Transitional Administration has limited authority outside Kabul and security remains poor in the regions. Sporadic fighting, albeit at a fairly low level, continues in some parts of the country. We welcome the commitment in May 2003 by regional leaders to work with the Transitional Administration, to implement national legislation and to remit customs revenue. Extending the centre's writ into the regions will be vital to the success of the new Afghanistan.

Because ISAF's mandate is limited to Kabul, we have had to look for alternatives to improve security in the regions. The UK is contributing £52 million over three years to support the international Security Sector Reform programme. This programme includes demobilising and disarming the militias; building an accountable national army and police force;

establishing democratically-controlled security institutions; stamping out the drugs trade; and rebuilding the legal and judicial system. In the shorter term, Provincial Reconstruction Teams (PRTs) are being set up in eight regional locations, under coalition authority, to help improve security and facilitate reconstruction. These civil-military teams should also help to extend the reach of the central government. Three US-led PRTs have begun work in Bamiyan, Kunduz and Gardez provinces and the UK deployed a PRT to Mazar-e-Sharif in July 2003. While PRTs are not intended to act as a primary security force, initial indications are that security has improved in the locations to which they have been deployed. We hope that the teams will also contribute to an improvement in the human rights environment.

In parallel with the constitution, work has begun to rebuild the legal system. The Italians are leading the international effort to assist the Afghan Judicial Commission. The UK has committed £1 million to support judicial reform. We are encouraging Afghanistan to ensure that implementation of the Sharia (Islamic law) in the new legal code will be consistent with Afghanistan's obligations under international human rights law. Afghanistan acceded to the Rome Statute of the International Criminal Court on 10 February 2003. The UK is also contributing to the effort to reform law enforcement mechanisms by training police and funding a Penal Reform



Jacqueline Lawson-Smith, the FCO member of the UK Provincial Reconstruction Team (PRT), meets members of the local women's ministry in Mazar-e-Sharif.

International project to assist the ministry of justice with capacity-building, including training prison officers in human rights and prison management. We are concerned about reported conditions in prisons across Afghanistan. In most cases prisoners are neglected and suffer from malnutrition, but there have also been reports of physical abuse and torture. We are pushing for full implementation of international human rights standards, including humane treatment of prisoners.

Afghanistan publicly demonstrated its intention to ensure full and equal rights for women by ratifying the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on 5 March 2003. The UK has offered to help Afghanistan implement CEDAW. The EU sponsored a resolution on Afghanistan at the Commission on the Status of Women in March 2003. The resolution welcomed the improvement in the situation for Afghan women since the collapse of the Taliban regime, but urged the Afghan Transitional Administration to ensure that a legal framework for protecting women's rights was put in place.

Many girls are beginning formal education for the first time since the mid-1990s. The UNICEF and Transitional Administration-led Back to School campaign managed to return more than four million children to formal education by March 2003. This was a remarkable achievement given the limited resources in country. But girls still make up less than 30 per cent of the school population. Provision for girls' education in rural areas is virtually non-existent. There have been a number of press reports of attacks on schools and attempts, notably by the Governor in Herat, Ismael Khan, to uphold strict gender segregation in all schools. Because of a shortage of female teachers, the restrictions will result in a severe limitation on the ability of women and girls to receive proper education. Foreign Office Minister Mike O'Brien raised our concerns about the situation for women when he met Dr Sima Samar, Chair of the Independent Human Rights Commission in October 2002 and the Afghan Minister for Women's Affairs Habiba Sarabi in February 2003. The

resolution adopted by the Commission on Human Rights emphasised the need to ensure the full participation of women in all processes leading up to the convening of the Constitutional Loya Jirga and in the Constitutional Loya Jirga itself.

Life has improved for many ordinary women in Kabul, who are now able to work and move about freely in a way that was impossible under the Taliban. Women are represented throughout the ministries of the Transitional Administration, and on the Constitutional Commission, the Judicial Commission, and the Independent Human Rights Commission. But a number of restrictions remain in place for women, particularly in the regions. Access to education and to justice is often poor. Women's access to health care is severely limited across Afghanistan. Maternal mortality rates in Badakhshan Province are 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 'crimes', such as being raped or being left by their husbands for other women. The FCO Human Rights Project Fund (HRPF) is supporting the NGO WOMANKIND Worldwide in a project to develop a network of Afghan women's NGOs, to provide advocacy training and to promote the role of Afghan women in advance of the Constitutional Loya Jirga and elections next year.

Independent media, with strong support from the international community, are making a recovery. However, the media law passed in April 2002 contains worrying potential restrictions on press freedom, including the requirement for media organisations to obtain licences from the ministry of information and culture in order to publish. We raised our concern about the need to ensure freedom of expression with the Transitional Administration in June 2003 following the arrest and detention of two Afghan journalists in Kabul on charges of blasphemy.

The Chief Justice, Shinwari, banned all cable and satellite TV in January 2003, a move that has been widely criticised by the international community and NGOs, including Article 19.

Afghan Vice-President Sharani overturned the complete ban in February 2003: it now applies only to certain channels, but these have yet to be specified.

The UK is funding a number of media-related projects in Afghanistan, including a Reuters programme to train journalists. The HRPF has also funded a project with the freedom of expression NGO Article 19 aimed at increasing the capacity of independent media through engagement with civil society.

While the Taliban's systematic mistreatment of religious and other minorities has officially been overturned, problems persist – particularly between ethnic groups. The United Nations High Commission for Refugees (UNHCR) reports continuing abuse of minority Pashtun communities in the north. There is also concern that the nomadic Kuchi people may be excluded from the political process as a result of their lifestyle. We hope that the new constitution will include provision for the respect of minority rights and freedom of expression, and are encouraging the Transitional Administration to ensure that it does not contradict international human rights norms.

1.4 Turkmenistan

The human rights situation across Central Asia remains of deep concern above all in Turkmenistan and Uzbekistan (see next section). Turkmenistan is a one-party state which has been ruled in an increasingly authoritarian fashion by President Saparmurat Niyazov, former head of the local Communist Party, since its independence in 1991.

There has been a significant increase in human rights abuses following the reported assassination attempt on President Niyazov on 25 November 2002. The exact background to the attack is unclear, but in its aftermath several hundred people were initially rounded up and detained for questioning. Many of these were family and relatives of exiled political opponents such as former Prime Minister Boris Shikhmuradov, ex-Deputy Agriculture Minister Saparmurat Iklymov and Guwanch Jumayev, a leading businessman. The ex-Foreign Minister Batyr Berdiev was also arrested. The Turkmen government also alleged that six foreign nationals from Turkey (now facing trial in Turkey), four Russians and one US citizen (now back in the US) were involved. There are reports that many of the detained were subjected to torture. The Turkmen government introduced an extremely restrictive law called 'Betrayal of the Motherland' in March 2003 which outlaws criticism of either the president or the government. The maximum penalty for those found guilty under this law is life imprisonment – the possibility of parole, amnesty, pardon or reduction of sentence is specifically excluded.

Since the start of trials in January, 56 people have been convicted. Sentences range from 5-25 years imprisonment, some of which are in internal exile. The fate of the Russian nationals is still under discussion. A small number of Turkmen were also accused of crimes peripheral to the 25 November events. The most well known being Farid Tuhbatullin, a leading environmentalist. Tuhbatullin was imprisoned but released after an international lobbying effort in which the UK played a key role.

In the wake of these events, the UK and nine other members of the Organisation for Security and Co-operation (OSCE) decided to invoke a special procedure, the Moscow Mechanism, which allows a fact-finding mission to visit a country of special concern. In the case of Turkmenistan, the mission was mandated to investigate all matters relating to the conduct of the investigations, including detentions, allegations of torture, as well as the trials, convictions and sentencing procedures. Turkmenistan refused to co-operate.

Freedom of expression is another area of concern. The media is state controlled. The Turkmen government attempts to control foreign press comment by tight restrictions on access to Turkmenistan by foreign journalists. The government controls Internet usage, including monitoring Internet public access centres and blocking certain (especially opposition) websites.

Religious freedom is guaranteed under the Turkmen constitution, but the requirement for religious groups to register is a major obstacle. Only two religions, Sunni Islam and the Russian Orthodox Church, have succeeded in registering. Others have not been registered, despite in some cases apparently fulfilling all of the conditions required. In addition objections to compulsory military service on religious grounds, such as from Jehovah's Witnesses, have prompted heavy prison sentences.

The UK was influential in supporting an EU and US-sponsored human rights resolution at the 59th session of the UN Commission on Human Rights (CHR) in April 2003. The resolution highlighted the many problems in the country, including the absence of a right to a fair trial, freedom of expression, religion, association and assembly, the rights of ethnic and religious minorities and the freedom of movement within the country. The resolution calls on the Turkmen government to co-operate fully with all the special mechanisms of the CHR and to ensure full respect for all human rights and fundamental freedoms. As a first step, we want the Turkmen government to grant access to prisoners to the International Committee of the Red Cross (ICRC) and to invite the various special rapporteurs mentioned in the CHR resolution.

1.5 Uzbekistan

Uzbekistan continued to have a poor human rights record, despite numerous verbal and written assurances that it would respect its existing commitments and improve its current situation. Uzbekistan has signed and ratified the Convention against Torture. However, the UN Special Rapporteur on Torture, Theo Van Boven, described the use of torture in Uzbekistan as systematic in his report to the UN Commission on Human Rights (CHR). Uzbekistan has also signed the OSCE Charter and an EU-Uzbek Partnership and Co-operation Agreement. Yet it has consistently fallen short of OSCE commitments on human rights and Article 2 of the EU-Uzbek agreement, which demands respect for human rights as a basis for trade co-operation.

There remains a significant gap between human rights commitments and practice. Opposition political parties are banned. The right of opposition figures, human rights activists and journalists to express freely their opinions is severely curtailed by the authorities. Those attempting to exercise such rights often do so at the risk of personal freedom and safety. We believe there to be approximately 7,000 political and religious prisoners in places of detention in Uzbekistan. In many cases they have been sentenced following unfair trials. Convictions continue to be handed down despite allegations that torture has been used to secure confessions, upon which nearly all prosecution cases rest.

The UK appreciates the real security threats that Uzbekistan faces from terrorism and drugs trafficking. However, we have consistently urged Uzbekistan not to exploit the international fight against terrorism. As the British Ambassador to Tashkent said in a speech last October, Uzbekistan should not use it as "an excuse for the persecution of those ... who pursue their views by peaceful means" (the full text of the speech is included in Annex One of this report). Many of those unfairly imprisoned in Uzbekistan fall into this category. The UK took every opportunity to convey to Uzbekistan the importance of a proportionate response to perceived threats. We believe that to do otherwise is not only bad for human rights, but could also

prove counter-productive by raising levels of alienation and resentment in society and breeding extremism. The effect of UK and international pressure is hard to gauge, but we believe that it has contributed to a more restrained response.

Torture is a serious problem in Uzbekistan, and we lobbied on numerous cases at senior levels. The cases of Muzafar Avazov and Husnidin Alimov, two members of banned Islamist party Hizb ut-Tahrir who were apparently tortured to death in Jaslyk Prison with boiling water, rightly attracted significant attention in August last year. We did not agree with the official explanation that their injuries were incurred during a fight between inmates and, despite an EU request for further investigation, a satisfactory explanation was not forthcoming. In December 2002 the EU protested against the death sentence handed to Iskander Khudaiberganov, despite strong allegations that torture was applied to secure his and others' confessions. The allegations were dismissed without further investigation. The death in custody of Orif Ershanov on 15 May 2003, who was detained on suspicion of belonging to Hizb ut-Tahrir, was condemned by the international community. Despite EU requests for an independent investigation into the death, the Uzbek authorities declined any offers of assistance.

In November 2002, the UN Special Rapporteur on Torture visited Uzbekistan at the invitation of the government. We acknowledged this as a significant step. The Rapporteur reported that "torture or similar ill-treatment is systematic" in Uzbekistan. We urged Uzbekistan to acknowledge the problem and to follow the Rapporteur's recommendations. In response to the Special Rapporteur's report, the Uzbek government has admitted to "gross violations of human rights" in its prisons and promised to crack down on the use of torture, but apparently to little or no effect so far.

The UK welcomed the resumption of visits to places of detention by the ICRC in 2002. The Uzbek government and the ICRC had signed an agreement in January 2001, but their work was suspended for a time in 2001 and 2002 due to difficulties securing the co-operation of prison officials.



Inmates of Uzbekistan's notoriously brutal Zhaslyk prison. The Uzbek government has admitted to gross violations of human rights in its prisons.

The Uzbek authorities claim that brutality in the criminal justice system is to some extent a factor of its immaturity. Convictions habitually rely on signed confessions rather than on forensic or material evidence. The UK has provided assistance to Uzbekistan in the area of judicial reform, including training for judges and equipment for recording court proceedings. The effectiveness of this assistance has so far been limited. For it to be truly effective, we are now aiming to assist Uzbekistan with broadening the investigative capacity of its police. We believe that by lessening the dependence on often doubtful confessions and improving the focus on material and forensic evidence, Uzbekistan will be able to reduce levels of brutality and improve fairness in the judicial process.

Many NGOs and civil rights activists were critical of the European Bank for Reconstruction and Development's (EBRD) decision to hold its annual meeting in Tashkent. We worked to ensure that the meeting acted as an incentive for Uzbekistan to reform and not an endorsement of its policies. In ministerial level contacts, we emphasised to the Uzbekistan government the importance of demonstrating evidence of real political and human rights reform. Foreign Office Minister Mike O'Brien stressed the importance of taking measures to reduce torture in advance of this meeting in discussions with the Uzbek ambassador in February. The president of Uzbekistan gave the EBRD written guarantees that there would be open access for media and NGOs.

At the EBRD meeting on 4-5 May 2003, the then Secretary of State for International Development, Clare Short, made a very clear statement about the need for progress with economic and political reforms in Uzbekistan. This statement, and President Karimov's apparently negative reaction to it, were both shown on state television – a rare example of public criticism of the regime. As a result, the head of state television was temporarily removed from his position. The EBRD meeting also provided a rare opportunity for non-state journalists and local campaigners to have direct access to Uzbek ministers. However, we were extremely disappointed that President Karimov did not fulfil the undertaking that he had made prior to the meeting to condemn torture unequivocally.

Following the conference, we are concerned at reports of a backlash by the Uzbek authorities. The journalist and human rights activist Ruslan Sharipov was arrested on 26 May 2003 in Tashkent with colleagues Oleg Sarapulov and Azamat Mamankulov on suspicion of having committed homosexual acts. We believe that the accusations may be politically motivated as well as being intrinsically unjust and are linked to Sharipov's criticisms of the Uzbek government and revelations about police corruption. We continue to monitor this situation carefully.

We are working bilaterally, as well as with EU and international partners, and with international organisations such as the OSCE, to ensure improved respect for human rights by Uzbekistan and its Central Asian neighbours. The speech made by our Ambassador to Tashkent was the most comprehensive articulation of UK views. The EU, encouraged by the UK, drew attention to human rights problems at the EU-Uzbekistan Co-operation Committee and the EU-Uzbekistan Co-operation Council in January 2003. Through the EU we also make statements on human rights issues, including a statement expressing serious concerns over the conduct of the investigation and trial of Iskander Khudaiberganov made in December 2002. The UK supported the EU's statement at this year's Commission on Human Rights listing Uzbekistan as a country of concern. The statement particularly highlighted the areas of torture, abuse of power by law enforcement authorities and the need to reform the justice system.

1.6 Belarus

The poor human rights record of Belarus led to the introduction of EU sanctions in September 1997. In October 2002, the EU again expressed concern at "the lack of progress in democratic reform and the growing deterioration of individual freedoms and rights in Belarus". At the end of October 2002, the Belarusian authorities closed down the Organisation for Security and Co-operation in Europe's (OSCE) Advisory and Monitoring Group (AMG) claiming that the office was interfering in the country's internal affairs. As a result, the UK and other EU member states imposed visa restrictions on President Lukashenko and seven members of his government. A new OSCE office opened in February 2003. Following assurances from the new head of the office, Ambassador Eberhard Heyken, that the authorities were co-operating with the office, the visa restrictions were lifted in April 2003.

Disappearances

Several disappearances in Belarus remain unsolved. Yuriy Zaharenko, former Interior Minister and subsequently vocal critic of President Lukashenko, disappeared on 7 May 1999. Viktor Gonchar, First Deputy Speaker of the 13th Supreme Soviet and outspoken critic of the government, disappeared on 16 September 1999; his associate, Anatoliy Krasovskiy, also disappeared, having last been seen with him. Dmitriy Zavadskiy, a cameraman with the Russian ORT network, who had previously been arrested during filming of a documentary critical of the government, went missing on 7 July 2000. Official investigations have yet to yield results. In September 2002 the Council of Europe created an ad hoc sub-committee to help clarify the circumstances of each case. In January 2003 the General Prosecutor's Office suspended investigations into the cases of Zaharenko, Gonchar and Krasovskiy; in February, into that of Zavadskiy.

The lack of democracy in Belarus since Lukashenko's election in 1994 is symptomatic of the overall human rights situation. In 1996 the president used a manipulated referendum to extend his powers and term of office, dissolve the legislature (13th Supreme Soviet), and replace it with a pliant parliament (National Assembly). In September 2001, he extended his tenure in another election that again failed to meet international standards, including those set out in the OSCE's Copenhagen Document. The local elections of March 2003 were likewise disappointing in this respect.

Numerous violations of human rights have yet to be addressed by the government, despite on-going lobbying from Belarusian civil society and the international community. These include disappearances (see box on previous page), the lack of freedom of expression and access to information (for more details see page 194), and harassment of human rights defenders. The UK shares the concern expressed by the Parliamentary Assembly of the OSCE in its resolution on Belarus, adopted in July 2002, urging the authorities to cease harassment of independent media, NGOs and human rights activists, to end politically-motivated arrests and detentions, and mount a full and transparent investigation into the death or disappearance of opposition leaders.

Most of civil society faces an uphill struggle in resisting the government's continuing attempts to control it. Restrictive legislation (Decree No.8 of 2001) still severely limits the support groups can receive from the international community. Some groups have suffered more targeted interference. The trade unions, for example, still face difficulties. In July 2002, the Chairman of the Federation of Trade Unions, Franz Vitko, was replaced by Leonid Kozik, then Head of the Presidential Administration. In September, Lukashenko encouraged the federation to "take on the role of ... providing ideology". The UK shares the concerns voiced by the International Labour Organisation's committee on freedom of association in November 2002, with regard to manipulation of the trade unions and the government's "clear attempt to transform the trade union movement into an instrument for the pursuit of political aims".

In October 2002, amendments to the law on freedom of conscience and religious organisations were approved. Registration of religious communities is thereby compulsory, but possible only for those that consist of more than 20 adult Belarusian citizens living in a single region. Only Belarusian citizens may lead religious organisations. Censorship of all imported religious literature is also compulsory, as is that of any new acquisition of religious literature by a public library. The law places unnecessary restrictions on religious activity, especially on minorities, and thus inevitably discriminates in

favour of established groups such as the Russian Orthodox Church. The EU has voiced its concern to the Belarusian government at this further attempt to control civil society and will continue to monitor implementation of the law.

The UK, together with EU partners, has continually raised with the Belarusian government these and other concerns on human rights by way of regular EU statements in Brussels and Vienna and démarches by EU Heads of Mission. This year the EU co-sponsored a US resolution, the first ever on Belarus, at the Commission on Human Rights. The resolution expressed deep concern at reports of disappearances and/or summary executions of political opponents and journalists; of arbitrary arrest and detention; of harassment of NGOs, opposition parties and individuals involved with opposition parties or the independent media; and of possible increased restrictions on the activities of religious organisations.

Even though the Belarusian authorities have rarely shown themselves to be receptive to our efforts, we shall continue to make our concerns known. Our Embassy in Minsk will keep monitoring cases and issues of concern including, where possible, through attendance at trial proceedings and public demonstrations. We will also continue to support those who wish to see better implementation by the government of its undertakings in the field of human rights.

1.7 Burma

The past year has proved to be another depressing period for the people of Burma during which tentative hopes for moves towards democracy and improved human rights adherence by the military regime were raised, eroded and then abruptly shattered by the regime's renewed crackdown on the democratic movement since May 2003. Human rights violations in Burma continue to be widespread and systematic and the Burmese ethnic minority groups suffer disproportionately.

The release from house arrest of Daw Aung San Suu Kyi in May 2002 and assurances from the Burmese regime about pursuing a transition to civilian rule had raised hopes that improved human rights adherence in Burma might one day be achievable. This was accompanied by the release of several hundred political prisoners and some co-operation by the regime with the UN and international NGOs, including visits by the UN Special Rapporteur for Human Rights in Burma (September 2002 and February 2003), a first visit by a delegation from Amnesty International (January 2003) and the appointment of a liaison officer from the International Labour Organisation (November 2002). The ICRC offices, set up in 1999, continued to have access to prisons.



Supporters of Burma's opposition leader Aung San Suu Kyi protest against her detention outside the Burmese embassy in London, June 2003.

However, from the beginning of 2003 it was evident that these developments had not led to substantive improvements in human rights in Burma. Moreover, the *de facto* suspension of political prisoner releases from the end of 2002, continued violence and repression in the ethnic minority areas of Burma, renewed political detentions and arrests, and the regime's refusal to engage with the UN Secretary-General's Special Envoy to Burma, Tan Sri Razali Ismail, gave rise to increased concern about the sustainability of the political and human rights process in Burma.

Concern about the regime's commitment to co-operating with the UN and others on human rights issues was further called into question when the UN Special Rapporteur for Human Rights in Burma, Sergio Pinheiro, was forced to curtail his visit to the country in February 2003. This was in response to the discovery of a listening device in a room Mr Pinheiro was using to conduct confidential interviews with prisoners. Such surveillance contravened the operating procedures he had agreed with the regime.

Hopes for substantive early improvement in human rights in Burma were shattered on 30 May 2003 when an attack, clearly organised and perpetrated by elements of the military regime, was made against Daw Aung San Suu Kyi and a convoy of her National League for Democracy (NLD) supporters. Credible eyewitness reports indicate that the number of people killed and injured exceeds the figures put out by the authorities. Since 30 May, the Burmese regime has detained Daw Aung San Suu Kyi and many other democracy activists. We had reliable reports that she was removed from Insein prison in late June, but have no information as to where she is now. In taking this action, the Burmese regime demonstrated that it continues to ignore even the most basic human rights as a means of preserving its hold on power.

Over the years, the authorities have incarcerated thousands of Burmese citizens who have tried to change the country for the better. There remain approximately 1,400 political prisoners in

Burma, including many who are elderly or sick. All are kept in unsatisfactory conditions of detention. The ICRC has noted some slight improvement in prison conditions, but conditions generally remain very poor. After a modest programme of prisoner releases since 2000 (over 400), the number of political prisoners is again increasing. However, the Burmese regime has provided no credible explanation as to why they continue to detain the remaining prisoners, including U Win Tin, whom the FCO Freedom of Expression Panel (see page 192 for more details) has identified as a priority case.

On-going fighting between the regime and some ethnic minority insurgent groups has contributed to them being subjected to a disproportionate level of human rights violations. There is a wealth of credible evidence indicating that civilians are often victims of appalling abuses, ranging from the requisition of food and land, forced labour, extrajudicial killings, rape, torture and the destruction and burning of entire villages. Karen, Karenni and Shan states suffer some of the worst levels of violence and abuse. The regime has so far refused to allow the UN and international NGOs access to large parts of these states. This increases the vulnerability of the population, often leaving them at the mercy of poorly-trained and undisciplined troops. The lack of access to many of the ethnic minority areas of Burma contributes to the unacceptable level of violence and human rights violations in these areas.

The Burmese authorities' response to credible reports of human rights abuses from NGOs, the UK, EU, US and others, detailing rape and sexual violence carried out by members of the armed forces in Shan state and the use of child soldiers, has been inadequate. In response to the accusations of rape, the Burmese regime sought to portray the reports as totally false and originating from terrorist groups. It also denies that it knowingly uses child soldiers. The UN Special Rapporteur for Human Rights in Burma has asked for permission to conduct a detailed investigation into the human rights violations in the ethnic minority areas of Burma, particularly Shan state.

However, the regime has still not agreed to allow Mr Pinheiro the access and freedom of movement he requires.

The human rights situation in the ethnic minority areas of Burma is further complicated by the actions of some of the Burmese insurgent groups who continue an armed struggle against the regime. Amnesty International and other NGOs have reported that some of these groups also contribute to human rights violations, for example child soldiers. These violations add to the suffering of the population. However, they do not justify or account in any way for the regime's violence and human rights abuse in these areas.

The regime's gross economic mismanagement, combined with restrictions on freedom of speech, create an environment in which nepotism and corruption flourish and in which systematic abuse of economic, civil, social and cultural rights are common. While seeking to increase the size of its armed forces to the stated goal of 500,000, the Burmese regime has neglected to provide resources for health and education. Provision for health and education combined is believed to be less than 0.5 per cent of GDP. Public services are further deteriorating, with an increase in corruption and costs for citizens wishing to access health and education services. Over 70 per cent of people are believed to live in abject poverty. There is a lack of tolerance for ethnic cultures and languages. Members of non-Buddhist religions are less able to practise and proselytise. In some ethnic minority areas, there are credible reports of harassment by local authorities of those wishing to build and restore churches and mosques. This is in stark contrast to the government's active support for construction of Buddhist pagodas and monasteries.

Since the publication of the last Annual Report, the UK and EU partners have successfully co-sponsored resolutions at the United Nations General Assembly (UNGA) and the Commission on Human Rights (CHR) detailing and condemning human rights violations in Burma. Both resolutions were adopted by consensus and addressed the on-going systematic violation of civil, political, economic, social and cultural rights of the people of Burma, including extrajudicial killings, the use of torture, political arrests, forced labour, disrespect for the rule of law, child soldiers and reports of rape and sexual violence by members of the armed forces.

In response to the regime's failure to pursue respect for human rights, national reconciliation and democracy, the UK and EU partners strengthened the EU Common Position in June 2003. The Common Position contains a range of targeted measures designed to press the Burmese regime to enter into a genuine political dialogue with Daw Aung San Suu Kyi, the NLD and the ethnic minority groups, which could result in national

reconciliation and moves towards democratic, civilian government. The Common Position includes a weapons embargo, including the sale of items that could be used for torture, bans on defence links, non-humanitarian assistance and high-level visits to Burma along with an asset freeze and travel ban on the regime, its families and supporters. The EU has also restated and enhanced its commitment to provide assistance and support for the ordinary Burmese people who suffer under the gross misrule of the regime. In addition, the European Commission has suspended Burma's trading privileges in response to the use of forced labour. The UK does not encourage trade, investment or tourism with Burma. On 2 July 2003 Foreign Office Minister Mike O'Brien asked British American Tobacco, the UK's largest remaining investor in Burma, to withdraw its investment. Mr O'Brien has also written to the Association of British Travel Agents to highlight the democratic opposition's discouragement of tourism to Burma. Foreign Office Ministers have repeatedly made clear that the UK will continue to maintain and increase pressure on the Burmese regime to ensure that it takes irreversible steps to improve the human rights situation and restores democratic, accountable rule to Burma.

Until her detention, FCO Minister Mike O'Brien maintained regular personal contact with Daw Aung San Suu Kyi by telephone. She has told Mr O'Brien of her appreciation for the strong support the democracy movement in Burma has received from the British people, Parliament and Government.

1.8 People's Republic of China

We have concerns about a wide range of human rights issues in China including: freedom of religious belief; the extensive use of the death penalty; the use of torture; arbitrary detention, including the practice of re-education through labour; freedom of expression; freedom of association; the deprivation of religious and cultural rights in Tibet and Xinjiang; prison conditions and the treatment of prisoners; psychiatric abuse; treatment of Falun Gong supporters; and aspects of the implementation of the one child policy (for further details of China's one child policy see page 230).

The past 12 months has seen a historic leadership transition in China. At the National People's Congress in March 2003, a new Chinese state leadership was elected. This followed the 16th Communist Party Congress in Beijing in November 2002 at which China's top leaders retired from their party posts – with the exception of former President Jiang Zemin, who kept his role as Chairman of the Central Military Committee. Jiang's successor as General Secretary and President is former Vice President Hu Jintao. The new leadership has said that it will

continue the current policy priorities of economic growth, social stability and steady opening up to the world.

China remains, in effect, a one-party state and the Communist Party of China continues its monopoly on political power. Dissidents and democracy activists continued to be harassed and imprisoned, particularly in the run-up to the 16th Party Congress (see page 203 for more details).

Large scale demonstrations across China by state-owned enterprise workers laid off in recent economic reforms continued throughout 2002-2003. These usually centred on the failure of the enterprises to pay workers wages and benefits. Several labour activists were detained and later released. Two, Yao Fuxin and Xiao Yunliang, arrested in March 2002, were tried in January 2003 for "subverting the state". On 9 May the Chinese official news agency reported that they had been sentenced to seven and four years' imprisonment respectively. We are concerned by reports of their ill health. EU Troika Ambassadors démarched the Chinese authorities on these cases in January 2003, and again in May.

The Chinese authorities put severe restrictions on the freedom of expression and information. Strict Internet regulations came into force in August 2002. The Chinese authorities have the technology to scan websites and emails for subversive or obscene content and have blocked over 19,000 websites including those of the BBC and other international news organisations. Websites containing information on topics such as human rights, Falun Gong, Tibet, Taiwan, religious affairs as well as general news and media sites are targeted for careful scrutiny. Up until July 2003 over 30 people may have been jailed for sharing information or expressing views on line (see page 194 for more details).

Religious freedom has not improved since the last Annual Report. Many members of religious organisations not sanctioned by the state were arrested last year. Some were sentenced to periods of imprisonment between 15 years and life. (see page 207 for more details)

We are also concerned at the continuing Strike Hard Campaign which has singled out the Falun Gong and a number of other groups for particular attention. A Chinese court sentenced 15 Falun Gong members in September 2002 to terms of between 8-20 years for broadcasting Falun Gong material on a Chinese cable network. A US citizen and Falun Gong supporter, Charles Li, was arrested in January 2003 and charged with sabotaging radio and TV systems on behalf of the Falun Gong. The number of people in re-education through labour (RTL) camps seems to have increased due to the Strike Hard Campaign, although no

North Korean refugees

We are concerned by NGO reports that China continues forcibly to repatriate North Koreans and have urged China to fully implement the provisions of the 1951 Convention on Refugees. Although we acknowledge that some North Koreans entering China may be economic, rather than political, refugees there is evidence to suggest that on their return to North Korea some border crossers face persecution.

In June 2003 UN High Commissioner for Refugees Ruud Lubbers said that China's Ambassador to the United Nations had told him that China's policy was now to deport people back to North Korea only if they had committed a crime. But Dr Lubbers also criticised the Chinese government for continuing to refuse the UNHCR access to North Koreans seeking refuge in China.

We regularly call on China to co-operate with the UNHCR and to grant it full access to the border region. China continues to refuse to co-operate with the UNHCR or to allow the UNHCR to help resolve the issue, and denies jurisdiction of

the refugee agency in the issue. China's view is that North Koreans are not considered refugees under the Geneva Convention, but illegal economic migrants. China has said that bilateral agreements with North Korea take precedence over its obligations to the UNHCR and that were the UNHCR to "legitimise" the refugees this would lead to a sharp increase in illegal immigrants in the border region. They said this could lead to social instability and the establishment of refugee camps. China still has over 60,000 Vietnamese refugees in the country remaining from the 1960s. UNHCR involvement then did not result in all the refugees leaving China. In China's view, the best way to solve the problem is to improve conditions in North Korea.

We have called on China to co-operate in granting exit permits for North Koreans who wish to leave for another country and welcome the co-operation that China has given to Embassies in Beijing and other diplomatic posts in China who have had to deal with groups of North Korean asylum seekers on diplomatic premises.

official recent figures are available. The use of torture by the police remains a problem despite an official commitment to eliminate it. There is no right to remain silent and the police sometimes rely on oral confessions to secure convictions. Prison conditions remain poor. Conditions in China's mental institutions have also been criticised again in the past year. The World Psychiatric Association has not yet received a response to its request to send a working group to inspect these institutions following a Human Rights Watch report, published in 2002, which alleged abuse of patients.

Official statistics on the number of executions in China are not available, but we believe that China executes more people than all the other countries in the world combined (see page 174 for more details).

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 principles of the Joint Declaration, with particular regard to the protection of rights and freedoms. We published a report in February 2003 (Cm 5755) that covered the period July-December 2002 and a further report in July (Cm 5864) on the period January 2003-June 2003.

Our assessment remains that, generally, the people of Hong Kong continue to enjoy the basic rights and freedoms promised in the Joint Declaration. However, last year's Annual Report noted two controversial incidents relating to the handling of demonstrations, about which there were further developments during the period covered by this Annual Report. The first of these was the arrest of sixteen Falun Gong demonstrators in March 2002. At the conclusion of their trial in August 2002 they were all found guilty as charged; all with obstruction, some with obstructing the police and three with assault. Although the maximum penalties for the latter two offences are custodial sentences, the defendants were ordered to pay fines. In summing up, the magistrate said that he would be ignoring his common sense and daily experience if he ruled that the conduct of the demonstrators definitely amounted to obstruction. However, he found them guilty because there was proof of "potential obstruction" and because it was clear that the demonstrators had "absolutely no regard for other members of the public". The demonstrators have appealed against the verdicts. The appeal is due to be heard in early September.

The second incident related to the prosecutions of three people under the Public Order Ordinance for organising an unauthorised assembly. This was the first time that the Public Order Ordinance provision in question had been used as a basis for charges. At the conclusion of their trial, in November 2002, the chief magistrate (who had asked to hear the case personally) queried whether a case of a "political nature" such as this should have been handled by the court. He found the defendants guilty, but meted out a light sentence – binding them over for three months with a HK\$500 (about £40) bond.

We covered these cases in some detail in the Reports to Parliament. While we understand the sensitivities involved in maintaining public order, in doing so it is crucial that the SAR government continues to uphold Hong Kong's longstanding adherence to the rule of law, and maintains its respect for the freedoms of assembly and speech, if Hong Kong is to retain its image as a free and open society. Equality before the law is an essential tenet of the rule of law.

In the last report we noted that the SAR government had yet to make a positive response to the UN Committee on the Elimination of Racial Discrimination's recommendation that Hong Kong adopt appropriate legislation on racial discrimination. During his visit to Hong Kong in January FCO Minister Bill Rammell raised the lack of racial discrimination legislation with senior members of the SAR government. On 19 June Secretary for Home Affairs Patrick Ho announced that an anti-racial discrimination bill would be tabled in the legislative council

next year to protect the rights of ethnic minorities in Hong Kong. A public consultation exercise lasting up to three months would be conducted at the end of this year at the earliest. We welcome the SAR government's decision to introduce legislation to meet the recommendations of the UN. We look forward to seeing the proposals in more detail. We would expect them to comply fully with Hong Kong's international obligations under the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) and the ICCPR.

Article 23 of the Basic Law

Under Article 23 of the Basic Law (which is in effect Hong Kong's constitution) the Hong Kong Special Administrative Region (SAR) government is required to "enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the central government, or theft of state secrets, to prohibit foreign political organisations or bodies from conducting political activities in the SAR, and to prohibit political organisations or bodies of the SAR from establishing ties with foreign political organisations or bodies". There is no parallel provision in the Sino-British Joint Declaration. Many in Hong Kong have been concerned that there was scope for the eventual legislation to undermine their basic rights and freedoms, which are laid down in the Joint Declaration and the Basic Law.

The SAR government published a consultation document on its proposals to enact new laws last September and, following a three month public consultation period, published draft legislation in February. The SAR government included in the legislation a number of amendments from their original proposals, in response to concerns expressed by the people of Hong Kong and the international community.

We took a proactive position on the draft legislation, frequently raising our concerns with the SAR government. UK ministers also discussed Article 23 with their Chinese counterparts during the year. The UK was the first country to make a detailed statement about the draft legislation, on 27 March. The US and EU followed suit shortly after. After discussions in the Legislative Council's Bills Committee and public submissions, the SAR government made a number of improvements to the legislation in June. The SAR government announced its intention to pass the legislation before the summer recess, with the Bill to receive its final reading in the legislative council on 9 July.

Many people in Hong Kong continued to have strong concerns that the legislation would undermine their basic rights and freedoms and result, for example, in people being less prepared to exercise their freedoms of speech or association for fear of falling foul of the new legislation. Of particular concern to many were proposed new provisions on proscription (the SAR government already has the power to proscribe organisations on national security grounds) which would have compelled the secretary for security to consider proscribing a Hong Kong organisation purely because it was "subordinate" to an organisation proscribed on the mainland on national security grounds. Many feared that this would threaten the activities of organisations in Hong Kong such as the Falun Gong, Christian churches and NGOs. We were particularly concerned that these provisions would create a link with mainland legislation. This would be inconsistent with the 'One Country, Two Systems' principle, which underlies the Joint Declaration. Both the Joint Declaration and the Basic Law provide

Hong Kong – continued

for separate legal and judicial systems for Hong Kong. Mr Rammell made a further statement on 30 June, which focused on this particular point.

On 1 July an estimated 500,000 people, many of whom were specifically concerned about the legislation, protested against the SAR government's policies. On 5 July the Hong Kong chief executive announced significant amendments to the draft legislation (including the removal of the proscription clause that had been of concern to us and many others). On 7 July he announced that the passage of the legislation would be delayed to allow more time for further discussion

in Hong Kong. Mr Rammell issued a statement on 16 July welcoming these significant developments.

The Prime Minister Tony Blair visited Hong Kong from 22–23 July 2003. During his visit he welcomed the SAR government's decision to delay legislation under Article 23. He also reiterated that the UK hoped that Hong Kong would make early progress towards the Basic Law's ultimate aims of the election of the chief executive and all members of the legislative council by universal suffrage. One of the main themes of the 1 July protest, and two subsequent demonstrations later that month, had been the call for faster progress towards democratisation.

Although there have been some positive signs of further compliance by the Chinese with UN human rights mechanisms (see below), there have been no signs of progress in the ratification of the International Covenant on Civil and Political Rights. Nor does China have any current plans to accede to the Optional Protocol of the Convention Against Torture (OPCAT), although the government says that it is committed to eventual ratification. China retains its reservation on Article 8.1a of the International Covenant on Economic, Social and Cultural Rights (ICESCR) which concerns the right to freely join and establish trade unions. China's first report on implementation of the ICESCR was submitted to the UN on 27 June 2003. At the time this Annual Report went to print, the UN had not made this report public. China has also not fulfilled its obligation as a member of the ILO to respect the right of freedom of association.

The UK and EU have expressed concern over the death sentences (one suspended) passed against Lobsang Dhondup and Tenzin Deleg Rinpoche in Tibet. These sentences have reportedly been the first for a number of years to be passed against Tibetans for offences with political aspects. We are worried by reports that Lobsang's confession was extracted under torture and that due process, including confirmation by the supreme court of the death sentence, was not observed

during the trial. The men were found guilty of detonating bombs, separatism and, in Lobsang Dhondup's case, illegal possession of guns and explosives. The charges followed a bombing in which two people died. The two were originally sentenced by the Kardze Intermediate People's Court on 2 December 2002. Their appeal was heard by the Kardze Higher People's Court on 10 January behind closed doors, as it "involved state secrets". The higher court confirmed the verdict, and Lobsang Dhondup was executed on the morning of 26 January 2003. We are also concerned by the lack of information on these cases passed on by the Chinese despite their undertaking to keep the EU Presidency informed. We view this as a breach of the trust built up by the dialogue process.

UNDP has found that the educational index for Tibet is the lowest of the 31 provinces in China. However, there has been an improvement: recent official statistics claim that, in the first four years of a project to extend compulsory education in rural areas, which started in 1998, 196 schools have been built and over 4,000 teachers trained. Over half the counties in Tibet now implement a six-year compulsory education programme. Other projects encourage Tibetan students to enter higher education. However, adult literacy remains low. Despite its obligations under ICESCR to respect the Tibetans right to preserve their cultural, religious and national identity cultural rights, the



Chinese computer engineer Huang Qi before his imprisonment for publishing politically sensitive articles on his website.

Chinese government has continued with the demolition of historic buildings and housing complexes in central Lhasa, some of which are UNESCO special heritage sites. The UN Special Rapporteur on Adequate Housing has highlighted the need for continuing dialogue with China on this issue.

We are concerned by reports that Rebiya Kadeer, the Uyghur businesswoman whose case we reported in last year's Annual Report, is suffering from ill health. She is currently serving a sentence of eight years in a prison in Xinjiang. There are reports that the Strike Hard Campaign is waged particularly intensively by the local authorities in Xinjiang, with an emphasis on "terrorists, separatists, and religious extremists". Places of worship have been closed down and traditional religious activities restricted.

Despite these many bad news stories, there have been some positive developments in China over the past year. They include:

- > the release of high-profile political prisoners including, Ngawang Sangdrol, Xu Wenli and Fang Jue, and the decision in April by the Chinese authorities to allow Ngawang Sangdrol to travel to the US for medical treatment. Foreign Office Minister Bill Rammell met Ngawang Sangdrol on 26 June during her visit to the UK (see page 195 for more details);
- > renewed contact between China and the Dalai Lama. The UK, along with EU partners, welcomed two visits to China by a delegation of senior Dalai Lama representatives and the series of meetings they had with Chinese officials. We have encouraged the Chinese authorities to maintain this contact and hope it will develop into serious negotiations to resolve the Tibet issue;
- > media reporting on debate on the death penalty. Debate at an international conference in December 2002 was widely reported in the Chinese media. The fact that the media were permitted to report on the debate is encouraging. Some experts agreed that the death penalty should eventually be abolished;
- > HIV/AIDS. After initial under reporting of HIV/AIDS, the authorities now acknowledge that there are over one million cases in China. There is increasing legislation for the protection and care of HIV patients. The government is promoting public awareness and education of the disease;
- > in December 2002 China agreed to allow the International Committee of the Red Cross to open an office in Beijing;

- > continuing legal reform. For example, in December 2002 the government announced it was drawing up a consolidated civil code, claiming that this would support a major advance in rights protection. The timetable for legislation is not clear. Also in 2002 the supreme people's court introduced a code of ethics for judges and '10 prohibitions' (covering activities such as drinking alcohol while on duty, torture of detainees, bribe taking, misuse of official firearms) to improve police conduct;
- > revised legislation banning child labour came into effect in December 2002. Violation of the regulations will result in fines, withdrawal of business licences and criminal charges. In January 2003 ILO and Chinese authorities held the first ever workshop on forced labour;
- > co-operation with UN human rights mechanisms. Sergio Vieira de Mello, the new UN High Commissioner for Human Rights was expected to visit China in 2003, as was the Special Rapporteur on the Right to Education. (These visits were delayed due to Severe Acute Respiratory Syndrome (SARS) and because Mr Vieira de Mello was then involved in the reconstruction of Iraq.) Invitations have also been issued to the UN Special Rapporteur on Torture and the Chair of the Working Group on Arbitrary Detention. China has also agreed to issue an invitation to the Special Rapporteur on Religious Freedom and is considering inviting the Special Rapporteur on the Independence of Judges and Lawyers; and
- > safety at work. New state legislation on safety has been passed. More regulations are due to be passed but work safety conditions remain a cause for concern. The China Labour Bulletin estimates that around 7,000 miners die each year in industrial accidents.

China – the human rights dialogue

China stated at the UN Commission on Human Rights in April 2003 that international concern over human rights in China was "unimportant, meaningless and irrelevant". This has led to concerns among both other governments and in the NGO community as to the value China places on human rights dialogues.

Despite this we believe that a policy of engagement rather than isolation remains the right approach to promote systemic reform and better human rights in China. The UK-China human rights dialogue began in 1997. It takes place twice a year, in alternate capitals. The UK Government is constantly considering how to improve our dialogue with the Chinese. In April 2003 we exchanged views on evaluation methods and the creation of benchmarks with other countries holding similar bilateral

human rights dialogues with China. The UK Government has also taken into account NGO suggestions for more transparency. We maintain regular contact with a range of NGOs and hold a debriefing session with them after dialogue rounds. At an NGO seminar in April in Geneva which looked at the successes and failures of the dialogue process and in which Foreign Office officials participated, all participants supported continuing dialogue with China.

Results from the dialogue, like many aspects of human rights progress in China, are incremental. The purpose of the human rights dialogue is two-fold: to raise with the Chinese government our serious concerns about human rights in China; and to look for ways of working with Chinese people to improve respect for human rights. This policy underpins the work that has been done in China through the Human Rights Project Fund. In March 2003 we announced 10 new HRPF projects in China – the most for any country.

The ninth round of the UK-China human rights dialogue took place in London in November 2002 with the theme of 'labour issues'. The day of formal talks was preceded by a day of labour-related calls to the TUC, ACAS and UNISON. There was also a visit to the Northern Ireland Office.

China listed a number of specific developments since the previous round in May 2002 including:

- > new regulations on the use of evidence in administrative proceedings;
- > the holding of village elections in 27 provinces and autonomous regions, including Tibet Autonomous Region, where village elections were held by secret ballot for the first time;
- > the establishment of a framework for a social and security network. Ninety-five per cent of laid off workers from state owned enterprises were being retrained and were entitled to minimum wages. Over 100 million urban workers were covered by the unemployment insurance system; and
- > greater importance was being given to protecting the rights of the child.

As a result of the November 2002 dialogue, we are now considering requests from China to create projects in the areas of: human rights training for the police; a follow-up to the visit by the Death Penalty Panel in 2001; and a follow-up to the first meeting of the Working Group on the Covenants. The working group was set up to identify areas in which China and the UK could work together to promote the ratification and

implementation of the covenants. The first meeting of the group covered China's reporting requirements under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and labour rights.

Objectives for the UK-China human rights dialogue include:

- > **ratification and implementation of the International Covenant on Civil and Political Rights (ICCPR – signed but not yet ratified). Full implementation of the ICESCR (ratified by China in 2001 with a reservation on Article 8.1a);**

There has been no sign of progress towards ratifying the ICCPR. China has yet to implement fully the ICESCR. China's first implementation report was submitted on 27 June but has not yet been made public. China said at the dialogue that it takes ratification of the ICCPR seriously but that it would not ratify until it could implement the covenant promptly. We have offered to assist with the preparatory legal work for ratification. Using the HRPF in 2001-2002, we funded a two-year project identifying the difficulties of ICCPR ratification and proposing solutions.

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

The Chinese delegation said that the UK's encouragement had led China to co-operate with the Office of the UN High Commissioner for Human Rights (OHCHR) and that experience had shown this to be the right decision. They stated that China would continue to co-operate with the new High Commissioner who was expected to visit in 2003. They confirmed that they had invited the Special Rapporteur on Education to visit, and would be discussing dates for a visit by the Special Rapporteur on Torture. They were also willing to invite the Chair of the Working Group on Arbitrary Detention and would consider inviting the Special Rapporteur on the Independence of Judges and Lawyers.

- > **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;**

The Chinese responded that China applied the death penalty much less often now than in the past. They also pointed out that in China minors and pregnant women are exempt from the death sentence. We remain very concerned that there has, in fact, been no reduction in the use of the death penalty. The dialogue process has, however, allowed us to fund a number of projects in this sensitive area. The Great Britain China Centre and the Institute of Law at the China Academy of Social

Sciences are running a project to strengthen the role of the defence in death penalty cases; a British Council-run HRPF project will publish 24 articles in the *China Legal Daily* in favour of abolition of the death penalty for non-violent crimes.

- > **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;**

The Chinese delegation defended the use of administrative detention although they admitted that it could be improved in the context of judicial reform. Again, we are disappointed in particular that no steps have been taken to diminish the use of re-education through labour (RTL). Nonetheless our engagement with the Chinese on the rule of law remains strong and includes projects to strengthen criminal defence lawyers' rights in pre-trial procedures, promote new legislation on administrative affairs public hearing procedures and a bail pilot project in Shanghai.

- > **respect for the fundamental rights of all prisoners, including those arrested for non-violent political activities or religious beliefs;**

The Chinese delegation rejected allegations that torture was widespread and suggested setting up an EU/China co-operation project on torture prevention in police and prison administration. We are concerned that some officials within the system continue to rely heavily on confessions and that there is no right to remain silent. Last year HRPF funded a project to produce the first book published in China that comprehensively explores the issue of torture and measures taken against it in China. We also funded an empirical study of the criminal justice system in China to support further reform of the justice system.

- > **full and constructive responses to cases of concern;**

China handed over a written list of 16 responses to our list of 44 cases. We were disappointed by this response and have asked for responses to the outstanding cases.

- > **respect for freedom of religion and belief, both public and private;**

The Chinese delegation said that although China's policy against groups labelled as 'cults' continued, the number of Catholics and Protestants was growing rapidly. We are very concerned that severe persecution of the underground church movement continues, although China continues to deny that underground churches exist.

- > **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 Chinese delegation gave a briefing on the first visit by representatives of the Dalai Lama. The Dalai Lama's delegation had visited most of the major sites in Tibet and called on Tibetan officials. In Beijing they had met officials from the United Front Work Department (UFWD) and the State Ethnic Affairs Commission. The Chinese welcomed further discussions with the Tibetans. A second visit by the representatives of the Dalai Lama took place in May and June 2003. In Beijing they met with newly installed leaders at the UFWD. The delegation also travelled to Putuo Shan in Zhejiang province (one of four mountains in China sacred to Buddhists) and to Yunnan province, where they visited ethnic Tibetan counties on the border of the Tibet Autonomous Region. China maintained that Gedhun Choekyi Nyima was a normal schoolboy whose parents did not wish him to be exposed to the scrutiny of the world's media. Last year the HRPF funded a Save the Children project promoting child rights in Tibet. This year we will be funding a project to raise Tibetan indigenous people's awareness of their legal rights.

- > **the human rights situation in Xinjiang;**

The Chinese invited us to visit Xinjiang in the context of the scheduled May 2003 Beijing round of the dialogue. This visit was postponed due to the outbreak of SARS. We raised the case of Rebiya Kadeer and asked for her release on medical grounds. We emphasised that China's support for the global war against terrorism should not be used as an excuse to repress those engaged in non-violent political activity or because of religious beliefs. China said that Rebiya Kadeer was being well treated and received regular visits by her relatives. This contradicts reports we have heard from NGOs and we will continue to raise her case.

- > **the end to controls on access to the Internet and to the jamming of BBC World Service broadcasts in Chinese and blocking of the BBC World Service website;**

China continued to deny that the BBC short wave Mandarin radio transmissions were jammed, maintaining that short wave frequencies were simply overcrowded. They also claimed that access to the BBC news website was not blocked. We continued to press for a meeting of technical experts. There has been no change in the existing restrictions on the BBC. At the last dialogue we also raised the introduction of new restrictions on the Internet in November 2002 (see page 194 for more details).

We included the cases of Huang Qi, Qi Yanchen, Jin Haiké, Xu Wei, Zhang Honghai and Yang Zili, all detained for their activities on the Internet, in our list of individual cases. They have subsequently been jailed for terms of between 5-10 years.

> **respect for freedom of association;**

China's reservation on Article 8.1a of the ICESCR is still in force. We continue to press for the abolition of restrictions on the formation and activities of independent labour unions. This year, we are funding a project in the Pearl River Delta that aims to improve access to information on the employment rights of women workers, particularly migrant workers.

The tenth round of the dialogue was due to take place in China in May, with the theme of 'the effect of economic development on human rights'. The visit to China was to have included a field trip to Xinjiang and a report of the visit would have been included in this Annual Report. We hope that the dialogue, which was postponed due to SARS, will now take place in late 2003.

1.9 Democratic People's Republic of Korea

The UK established diplomatic relations with North Korea in December 2000 and opened an Embassy in Pyongyang in 2001. The Democratic People's Republic of Korea (DPRK) established an embassy in London in November 2002. Despite diplomatic representation in both capitals, it has been difficult to engage the North Korean authorities in discussion of human rights issues whilst the nuclear issue dominates the political agenda. But the North Korean authorities are aware of our concerns on human rights, and we will continue to try to engage them seriously on this issue.

The UK is deeply concerned at reports of continued widespread and serious violations of human rights in North Korea, including the use of the death penalty, torture, labour camps, sanatoria for 'non-conformists' and extreme religious persecution. There are reports of disappearances, and of the trafficking of women and young girls across the DPRK-China border. Many of these reports come from defectors and, while the UK does not doubt their veracity, a lack of hard evidence and the continued refusal by the North Korean authorities to admit independent international human rights monitors makes it difficult to substantiate such reports. The need to acquire reliable information on human rights is therefore a driving factor behind our policy of engagement with the DPRK.

Many of the human rights problems are the direct consequence of the political system in North Korea. A dictatorship under the absolute rule of the Korean Workers' Party (KWP), the DPRK regime emphasises the national ideology of self-reliance, 'juche', in which collective spirit takes precedence over individual political or civil liberties. These are perceived as alien and subversive concepts. There is therefore a national interest in identifying and isolating all opposition: the absolute control of information is pivotal to the highly centralised system under Kim Jong-il's cult of personality.

The DPRK remains extremely sceptical and wary of foreign intervention, criticism and values. Although it has in the past shown itself to have thorough knowledge of human rights norms and instruments, North Korea invariably invokes sovereignty, non-interference and cultural differences to duck its responsibilities.

The DPRK constitution technically provides for various institutions and rights. But these are extremely limited in reality, and there is no independent judiciary. A national human rights committee was established in 1992, but it reports only sporadically and is not independent. Freedom of expression is curtailed and criticism severely punished. Nor is there freedom of assembly or association since this could, in the opinion of the authorities, lead to dissent. Freedom of movement within the country is severely restricted, and foreign travel is only permitted for a select few. Despite claims to the contrary by the North Korean authorities, genuine religious freedom does not exist. Defectors claim that juche is the only tolerated 'religion' that may be followed. Unions exist, but workers do not have the right to strike; wages are set centrally without any bargaining process. Moreover, there is no access to a mechanism that allows a change of government or leadership. We have, however, seen a modest but welcome increase in the acceptance by the DPRK authorities of the activities of aid agencies in North Korea. Some report that they have encountered less obstruction and more co-operation than in previous years.

The near collapse of the DPRK economy and recent natural disasters have caused serious food shortages, malnutrition and internal dislocation, causing thousands to flee their homes. Up to two million people are believed to have died through famine in the late 1990s, but reliable information is difficult to obtain. Increasing numbers cross over the border into China either in search of economic stability or to purchase basic medicines and foodstuffs for their families in North Korea. Border crossing often involves paying substantial amounts to the North Korean and/or Chinese border guards. Those caught and returned by the Chinese authorities may face torture and imprisonment. Similarly there are serious concerns about North Koreans forced

by the government to work in camps in Russia. The DPRK does not participate in international refugee fora, nor is it in contact with the UNHCR. There is no known policy or provision for refugees or asylum seekers. The number of refugees reaching South Korea has almost doubled in each of the last three years: in 2002, some 1,200 refugees arrived in the south.

In September 2002, the North Korean leader Kim Jong il admitted to the abduction of 13 Japanese citizens in the 1970s and 1980s by members of the security apparatus. Subsequently, five surviving abductees were allowed to return to Japan. Their families have not been allowed to leave North Korea. There are concerns that the actual number of Japanese abductees may be much higher, and that North Korea has not provided full information about the abductees it has acknowledged.

Both the UK and the EU regard discussion of human rights issues as integral to their relationships with North Korea, and have informed the authorities there that the development of relations will depend, among other things, on satisfaction of our human rights concerns. It has, however, been more difficult to engage with the North Korean authorities on any issue since October 2002, when they admitted the existence of a clandestine nuclear weapons programme. This nuclear issue has made the North Koreans even more unwilling to discuss human rights, and it is unlikely that any substantive dialogue can be restarted before the nuclear issue is resolved. The issue has, however, been raised by the British Ambassador in Pyongyang in discussions with senior North Korean decision-makers and by the FCO in its contacts with the North Korean chargé d'affaires in London, and with visiting North Korean officials.

The UK's programme for the provision of technical assistance to North Korea, which includes human rights training, has been suspended pending satisfactory progress on the nuclear issue. Thereafter, we stand ready to provide further assistance to build on training courses that were held in the UK in March 2002.

Last year's Annual Report referred to the EU Troika that visited the DPRK in June 2002, which made clear that the EU expected concrete improvements to be made on human rights issues in the DPRK. The Troika made clear that the EU position towards the DPRK at the 2003 UN Commission on Human Rights (CHR) would depend on progress made in particular areas of concern including religious freedom, torture, the treatment of repatriated refugees and giving independent monitors access to establish the veracity of the many negative reports about prison camps. Having seen no evidence of progress, the EU decided to table a resolution on North Korea at the Commission on Human Rights in April. The resolution,

which expressed deep concern about reports of systemic, widespread and grave violations of human rights in North Korea, was adopted by a large majority on 16 April.

Human rights issues will remain high on the agenda of our bilateral dialogue with the DPRK. We will seek access for international observers, including UK diplomats. Secondly, although the DPRK has ratified four of the six UN conventions, we will push it to ratify now the outstanding ones against torture and racial discrimination. We will also press the regime to fulfil its UN reporting obligations properly and to submit its long overdue reports owed under the Convention on the Rights of the Child (due in 1997) and the International Covenant on Economic, Social and Cultural Rights (due in 1992). Finally, we will push for the DPRK to co-operate fully with UN mechanisms, in particular the Special Rapporteur on Torture, the Special Rapporteur on the Right to Food, and the Working Group on Arbitrary Detention. Sadly we have seen no progress in any of these areas since they were flagged up in last year's Annual Report.

1.10 Indonesia

Indonesia has made some real strides in human rights since the 1998 downfall of President Soeharto. All political prisoners from the Soeharto era have been released, there is freedom of the press and free and fair elections. We are aware that Amnesty International reported in July 2003 that new political prisoners had been taken in. We are looking into these reports.

The road to democracy has not been straightforward and increased freedom has lifted the lid on issues such as regional autonomy and Islamic extremism, fuelling terrorist attacks such as the Bali bombings which killed 202 people in October 2002 and the bombing of the Marriott hotel in Jakarta on 5 August. The Indonesian police have responded well to the Bali bombing and many of the key suspects are currently on trial. The first sentence was handed down on 7 August.

Despite this progress, Indonesia's human rights record continues to give some cause for concern. The *ad hoc* human rights tribunal, established by Indonesia to try 18 defendants for atrocities committed in East Timor in 1999, has been disappointing. The tribunal only took evidence from a limited number of victims and failed to summon witnesses from the UN Mission in East Timor (UNAMET) and independent observers who were in East Timor at that time. The tribunal also failed to consider important evidence made available from investigations in East Timor. Twelve out of 18 defendants have been acquitted and only five have been convicted. Those convicted include: East Timor militia leader Eurico Guterres (10 years); the former Indonesian Governor of East Timor Abilio Soares (three years);



A witness in East Timor listens to a judge in Jakarta, Indonesia, during a teleconference trial in December 2002. Indonesia's Ad Hoc Human Rights Tribunal set up to try those accused of human rights abuses in East Timor has failed to meet many in the international community's expectations.

the former chief of the Dili military district Lieutenant Colonel Soedjarwo (five years); Brigadier General Noer Muis (five years); and former Dili police chief Hulman Gultom (three years). But all five have been released pending appeals. The former military commander of East Timor, Major General Adam Daniri, was sentenced to three years in August 2003. He is currently free on appeal. Many NGOs are calling for an international tribunal to be set up. We have already expressed our concerns to the Indonesian government about shortcomings in the process, both bilaterally and through the EU.

Elsewhere in the judiciary there have been some improvements. High-level corruption cases, which had been unheard of three years ago, were actively pursued. Akbar Tandjung, the Speaker of Indonesia's legislative assembly (lower house of parliament), was sentenced to three years for corruption in 2002, but he is free pending his appeal. However much still needs to be done to reform the judiciary and this will take time. The UN Special Rapporteur on the Independence of Judges and Lawyers visited Indonesia in July 2002 to report on the judiciary. At this year's session of the UN Commission on Human Rights in Geneva, we joined EU partners in encouraging the Indonesian government to implement its recommendations on reforming the judicial system, including on the issue of impunity. When the Foreign Secretary visited Indonesia in January, he also offered human rights training for a number of Indonesian supreme court judges. They undertook this training in the UK in March-April 2003. Further training is in the pipeline.

The reputation and professionalism of the Indonesian security forces has improved but serious problems remain, with allegations of extrajudicial killings, disappearances, arbitrary detention, rape, torture and mistreatment of prisoners. In addition, the police and military have often shown themselves to be unable or unwilling to respond when others commit serious abuses in the context of inter-religious and inter-ethnic conflict. We continue to help the Indonesian security forces become more professional and democratically accountable

through projects funded by our Global Conflict Prevention Pool (see page 124 for more details on the Pool).

Aceh's separatist dispute with Jakarta has been active for 26 years. Efforts to resolve it were chiefly brokered by the Geneva-based Centre for Humanitarian Dialogue (formerly the Henri Dunant Centre), the US and Japan. As a result of intensive dialogue, a Cessation of Hostilities Agreement (COHA) between the Indonesian government and the Free Aceh Movement (GAM), leading to a political settlement, was signed in Geneva on 9 December. However, by March 2003 there were signs that the COHA was failing. Following last-ditch peace talks in Tokyo in May, both sides failed to reach agreement and President Megawati immediately declared martial law in Aceh and started a military operation against the GAM. We believe, and have stressed this on a number of occasions to the Indonesian government, that long-term solutions to this conflict can only be achieved through peaceful negotiation.

It has been difficult to obtain reliable information on the human rights situation in Aceh during the on-going conflict, but there are allegations that both sides commit abuses including extrajudicial killings. The National Human Rights Commission is investigating reports of a mass grave with a reported 150 bodies. There are, however, some signs that the military are taking human rights more seriously than in the past with some soldiers being court-martialled for abuses. When Foreign Office Minister Mike O'Brien visited Indonesia in June 2003 he expressed concern about the human rights situation in Aceh and made clear to the Indonesian government that we expected them to conduct their operations in Aceh in accordance with international law.

There have also been concerns voiced by NGOs and others in the UK that British-built military equipment has been used in Aceh in breach of the assurances given by the Indonesian government that they would not be used offensively or in violation of human rights. But there is no evidence to date that

any British-built military equipment has been used in breach of these assurances. We are monitoring the situation in Aceh to ensure that this continues to be the case.

The Department for International Development (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 (IHL). DFID is monitoring the situation closely in Aceh, and are considering providing additional support to OCHA and ICRC.

In Papua (formerly Irian Jaya), calls for independence have grown. Following the departure of the Dutch in 1962, and a brief period of UN administration, Indonesia took over the administration of the province in 1963. Irian Jaya became a province of Indonesia following a UN-supervised Act of Free Choice in 1969, the legitimacy of which is still debated. The problems in Papua are not as violent as Aceh, but there are occasional skirmishes between separatists from the Free Papua Movement (OPM) and security forces. Most serious was the killing of the prominent Papuan independence leader, Theys Eluay, in November 2001 which we highlighted in last year's Annual Report. Seven special forces officers accused of involvement in the murder of Eluay were court-martialled and were given sentences of between two and three years. While the arrest and conviction of the perpetrators is encouraging, we are concerned at the leniency of the sentences.

In another incident, two US citizens working for Freeport Mining Company were killed in Papua in August 2002. Again military involvement is suspected. The Indonesian authorities are conducting an investigation with US assistance.

On 27 January, President Megawati issued a Presidential Instruction splitting the current province of Papua into three provinces, saying that administering a province as large as Papua was almost impossible, and that the instruction would help accelerate development in Papua. We have informed the Indonesian Government that we support full implementation of the Special Autonomy Law, but believe that the people of Papua should be consulted, and fully informed of developments.

In Maluku (the Moluccas) and Sulawesi sectarian violence, which has left thousands dead since 1999, has calmed down. To end the fighting between Christian and Muslim factions, the Indonesian government brokered the Malino I Accord for Sulawesi in December 2001 and the Malino II Accord for Maluku in March 2002. Although there has been a reduction in levels of violence, tension remains high with some Muslim and Christian extremists continuing to undermine the agreement.

Since we raised the issue in last year's Annual Report, we are not aware of any further reports of forced conversions. In September 2002 a Christian community leader, Reverend Damanik, was arrested in Central Sulawesi on charges of illegal possession of arms. In June he was sentenced to three years' imprisonment and has appealed.

Shortly after the Bali bombing, the militant Muslim group Laskar Jihad announced it had disbanded and begun to leave their positions in Maluku and Sulawesi. There are conflicting reports about why it disbanded. The leader of Laskar Jihad, Jafar Umar Thalib, was acquitted on charges of inciting violence in January 2003.

DFID has committed over £4 million to help establish the United Nations Development Programme (UNDP) Conflict Prevention and Recovery Unit in Jakarta. Through the Indonesia Security Sector Reform (SSR) programme, we (the FCO, DFID and the MOD) sponsored Stephen White, Assistant Chief Constable of Northern Ireland, to visit Jakarta in August 2002. He spoke to key police officers from Maluku, Sulawesi, Aceh and Papua about inter-community policing.

The death penalty is permitted under the criminal code and the last executions occurred in Kupang, West Timor, in May 2001. However, we are concerned about the Indonesian government's intention to resume executions. In March 2003, together with EU partners, we urged the Indonesian government not to end its *de facto* moratorium on the death penalty.

1.11 Iran

The UK supports President Khatami's stated objective of a civil society based on the rule of law. We welcomed President Khatami's re-election in June 2001 with an increased share of the vote, which demonstrated the Iranian people's clear will for reform and gave him a strong popular mandate. Unfortunately, the struggle for power between the reform-dominated, elected bodies like the Majles (Iranian parliament) and the conservative-dominated, largely appointed state organs like the judiciary, has had a heavy impact on the complex political situation in Iran and has adversely affected the implementation of political, social and economic reform. This in turn has had an effect, often negative, on human rights in the country.

The human rights situation in Iran continues to be a cause for concern. Although there is lively debate in the press, there are also regular attacks on freedom of expression. The conservative-dominated judiciary has closed down approximately 90 publications in the past three years – four of them were suspended in January 2003 alone. Almost all of these

publications were supporting reform, and while some were small student newspapers, many national papers have also been closed. Even those with the widest circulation, such as *Hamshahri*, published by Tehran municipality, have suffered temporary closure. The more outspoken papers are invariably closed down. Recently the government has imposed restrictions on the Internet, requiring Internet Service Providers using government telephone lines to block access to a large number of sites. Increasingly, attempts are also being made to jam satellite broadcasts. On 21 July, EU Foreign Ministers expressed their concern at the death of Zahra Kazemi, a photojournalist with dual Canadian-Iranian nationality who had died as a result of a blow to the head while in custody in Tehran. We welcomed the decision by President Khatami to order four cabinet ministers to investigate the case and will be following closely the on-going investigation.

Journalists, students and intellectuals continue to be imprisoned on dubious charges. Lawyers have been prosecuted for speaking out on behalf of their clients. Prison sentences have been upheld against members of parliament for expressing their views, although the sentences have yet to be implemented. And the number of executions, some of which have been in public, remains high (at least 111 in 2002). We and EU partners have repeatedly expressed concern about stonings. This is a subject on which reformers, and especially women's groups, in Iran have been campaigning for years. We therefore welcome, as a first step towards the abolition of this practice, the announcement at the end of last year by the head of the supreme administrative court that the practice has been suspended. We have also been informed that of the four women who were sentenced to death by stoning last year, three have been given alternative sentences and the fourth is awaiting the outcome of her appeal. We are monitoring this situation closely.

In late June 2003, several thousand people took to the streets voicing criticism of the regime and frustration at lack of reform. Four thousand were arrested and others were apprehended by pro-regime vigilantes, though most have since been released. At a press conference marking the fourth anniversary of student protests on 9 July, student leaders were removed by anonymous plain-clothed armed men. The UK and the EU publicly expressed concern at the way demonstrators were handled and called on the Iranian authorities to uphold protestors' human rights. We will continue to monitor the situation. The Foreign Secretary Jack Straw has stressed that the UK does not interfere in domestic Iranian affairs, but is committed to the universal human right to freedom of expression.

The Majles has so far had limited success with the bills relating to human rights issues which it has put forward to the Guardian Council (which reviews legislation for constitutionality and adherence to Islamic law) for approval, although they have continued to present draft bills on the key issues over the last year. A bill making it easier for women to sue for divorce was finally passed last year, but the Guardian Council yet again rejected the revised draft bill aimed at implementing the constitutional prohibition on torture. However, there is still room for negotiation and the Majles intends to revise it once more and return it to the Guardian Council. Although a bill aimed at equalising blood money payments (a sum of money paid in compensation to the family of someone killed) for Muslims and non-Muslims is in its last stages of formal ratification (and has already been applied), it will not apply to women, whose blood money is only half that of men, or to groups such as the Baha'is, whose religion is not recognised under the Iranian constitution and who receive no blood money.

Both we, and the EU collectively, regularly raise with the Iranian authorities our serious concern about treatment of the Baha'is. Persecution of individuals on religious grounds is totally unacceptable. Although no Baha'is remain under sentence of death, they continue to suffer harassment and discrimination in areas such as education, employment, housing and travel. The UK also continues to have concerns about the treatment of religious minorities such as Christians, Zoroastrians, Jews and Sunnis. The Jews imprisoned in Shiraz in 2000 on espionage charges have been released. Two completed their sentences, three were formally pardoned before completion, and the remaining five have been released but not pardoned. We are not aware of conditions attached to the release of the last five. However as no release papers have been issued, until the end of their sentences, or a pardon, they remain under threat of re-imprisonment.

Women continue to face discrimination in law and in practice, but are standing up in increasing numbers to demand their rights. The president's adviser on women's affairs announced last September that the overall literacy rate for women is 80 per cent and 64 per cent of the university intake is female. There are currently 13 female MPs (out of a total of 290). In a meeting in March 2003, the head of the judiciary met women MPs and he stressed the need to review existing laws that deny women their internationally recognised rights. But progress towards ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) is slow. It is being held up largely on religious grounds.

The EU sponsored a further resolution on human rights in Iran at the UN Commission Human Rights (CHR) in April 2002. Although this time the resolution narrowly failed, it led to the Iranians making a number of positive gestures. One of these was inviting the EU to engage in a dialogue on human rights. After internal debate the EU decided to take up this offer and the first round of dialogue took place in mid-December 2002, followed by a second in mid-March 2003. The first round of dialogue covered the themes of discrimination and the eradication and prevention of torture; the second round focused on the themes of fair trial and the rule of law. The EU also uses this channel to press the Iranians on specific cases of human rights abuse. Both were held in an open and constructive atmosphere and the Iranian participants included representatives of NGOs and the Islamic Human Rights Commission, academics, MPs, members of the judiciary, officials from the ministry of foreign affairs and a representative from the president's office. The EU has made it clear to Iran that it is not enough just to talk about human rights, but that we need to see concrete progress. It is too early to make a full evaluation of this dialogue. The human rights debate has been widened, but substantial progress has not yet been seen. The EU recognises, however, that results cannot be achieved overnight.

Also, following the failure of the resolution, Iran issued an open invitation to the monitoring mechanisms of the UN Human Rights Commission to visit Iran. This is a welcome development, following Iran's refusal for many years to allow a visit by the Special Rapporteur for Iran. The UN Working Group on Arbitrary Detentions was the first to take up the invitation and completed an inspection in February. By the end of July the group had still to make a full report. In his press statement at the end of the visit, Louis Joinet, the head of the group, noted a list of problems, not least the unusually large number of prisoners held in solitary confinement. But he also highlighted a number of positive developments, including the fact that he was allowed to interview prisoners freely. Iran will be judged on how it responds to his recommendations. Visits by two other working groups are now being planned. Mr Joinet noted problems with the legal system and with training for the judiciary.

The EU has made clear that the establishment of a dialogue is without prejudice to the tabling of a resolution at the Commission on Human Rights or at the Third Committee of the United Nations General Assembly. At this year's Commission on Human Rights in Geneva, the EU made a statement saying that it remained deeply disturbed by continuing serious violations of human rights in Iran and urging the government to speed up the process of reform of the administration of justice. The situation of human rights on the ground is one of the factors which will determine future steps in EU-Iran relations.

1.12 Saudi Arabia

We continue to have deep concerns about Saudi Arabia's failure to implement basic human rights norms. Our concerns apply to a wide range of issues including in relation to aspects of the judicial system; capital and corporal punishment; torture; discrimination against women and non-Muslims; and restrictions on freedom of movement, expression, assembly and worship.

The UN Special Rapporteur for the Independence of Judges and Lawyers, Dato' Param Kumaraswamy, visited Saudi Arabia in October 2002. His report identified many of these areas as of concern. He assessed that the Saudi judicial system continued to rely heavily on confessions. The control of the ministry of justice over judges contributed to a lack of transparency and impartiality. Torture and prolonged incommunicado pre-trial detentions continued.

We believe that between January and December 2002, the Saudi authorities executed about 46 people – one of the highest figures for any country in the world. Adultery can be punished by death. The judicial and administrative authorities' use of amputation, for example for theft, and flogging remained prevalent. Individuals can be sentenced to flogging for consumption of drugs and alcohol, fornication, distribution of pornography, slander or harassment of women in public.

There continued to be credible, specific reports of the use of torture to obtain confessions. Raising its concerns about Saudi Arabia in March, the EU declared at the UN Commission on Human Rights: "We deplore the practice of torture and cruel and inhuman punishment and of imposing the death penalty in apparent disregard of internationally recognised safeguards. We are also concerned about arbitrary and incommunicado detention, prison conditions, the lack of legal representation for defendants and the role of confessions in the legal process".

The UK Government remains concerned about discrimination against women, foreigners, non-Muslims and non-Sunni Muslims; and about restrictions on freedom of expression, assembly and worship. In Saudi Arabia, women represent half the school and university population, but are constrained in the types of job they are able to secure and the positions they can hold in society. There are severe restrictions on freedom of movement for women; they cannot drive or travel by air unless they are accompanied by a male guardian or carry written permission from a male guardian. They must conduct business through male representatives. At the Commission on Human Rights in Geneva in March 2003 the UK, with its EU partners, said that: "We remain deeply concerned about the situation of women who continue to be subject to systematic discrimination

and call upon the authorities of Saudi Arabia to take the necessary steps to improve their status".

The public profession of any religion other than Islam is forbidden. Shia Muslims complain of discrimination. Non-Muslims are forbidden to assemble, even in private, for religious purposes. Non-Muslim religious items or books (including the Bible) are forbidden. These constraints constitute one of the tightest restrictions on religious freedom anywhere in the world. Apostasy from Islam carries the death penalty.

Foreign residents of Saudi Arabia are highly dependent on their Saudi sponsors. For example, a foreigner cannot secure an exit permit, interact with official bodies, change jobs, rent a house, put children into school, install a telephone or connect a mobile without his or her sponsor's co-operation. We often hear of sponsors abusing the control which this allows them.

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. We have lobbied the Saudi authorities over the use of both corporal and capital punishment. We also raised human rights concerns with the Saudi government in relation to specific cases involving Britons, including the case of a number of British men who were detained in Saudi Arabia accused of involvement in a series of bombings. We expressed our deep concerns about this case and worked vigorously to resolve it.

The Saudi government has given an oral commitment to ratify both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. We continue to press the Saudi government to do so as soon as possible. With our EU partners, we also press the Saudi government to lift its reservations on the UN Conventions it has ratified.

Over the past year, Saudi Arabia has produced reports and information requested by some UN treaty monitoring bodies. For example, in March 2003 Saudi Arabia was examined by the UN Committee on the Elimination of Racial Discrimination for the first time since Saudi ratification of the UN International Convention for the Elimination of Racial Discrimination in 1997. (Saudi Arabia ratified the Convention with a general reservation that implementation should not conflict with Sharia law.) But the Committee observed that the Saudi government's reports lacked details of practical implementation. The Committee also raised concerns about the rights of foreign workers, discrimination against women, lack of religious freedom and the increase of anti-Semitic propaganda via the Internet.

Saudi Arabia has allowed a number of visits related to human rights issues over the last 12 months. During his fact-finding mission to Saudi Arabia, the UN Special Rapporteur on the Independence of Judges and Lawyers, Param Cumaraswamy, met representatives from the government, the Shura council, the board of senior religious scholars, the bureau of investigation and prosecution, the judiciary, the prison service and the legal profession. The co-operation Mr Cumaraswamy received from the Saudi authorities was encouraging. But it remains to be seen how soon and how fully they will implement his recommendations, published in March 2003.

In January 2003, Lord Brett, Chairman of the International Labour Organisation's governing body, visited Saudi Arabia at the invitation of the Saudi ministry of interior. The aim of his visit was to encourage progress on independent workers' committees, which have yet to be established in Saudi Arabia.

The NGO Human Rights Watch (HRW) also visited Saudi Arabia for the first time in January 2003. HRW delegates met the ministers of interior, justice, foreign affairs, education and higher education.

Saudi Arabia has encouraged a more open policy towards journalists from both international press agencies and individual media outlets. A number of British and American journalists have visited Saudi Arabia during the last 12 months sponsored by the ministry of information, the ministry of foreign affairs and the Saudi Arabian general investment authority. In February 2003, the Saudi ministry of interior, in a welcome step, authorised the creation of a commission for Saudi journalists.

In January 2003 Crown Prince Abdullah set out proposals for "self-reform and the promotion of political participation" in the Arab world. A few days later he received a petition signed by 120 people which called for reform including: election of members to the Shura council and regional assemblies; an independent judiciary; freedom of speech and association; the development of civil society and increased human rights; a greater public role for women; and a national forum for open discussion.

In April 2003, Crown Prince Abdullah received another petition signed by 450 members of the minority Shia Muslim community calling for the Saudi government to declare that Saudi Arabia respects all Islamic sects and to end discrimination between Sunni and Shia Muslim citizens.

In June 2003, religious scholars and thinkers from different Islamic traditions within the country took part in a National Forum for Dialogue. They reported to Crown Prince Abdullah

that there was a need to create national unity through addressing people's basic daily concerns; to ensure equitable distribution of resources; to address problems facing women and youth; to engage in a reform process; to expand public participation; to guarantee freedom of expression; and to recognise differences of opinion.

Although Crown Prince Abdullah has received these recommendations and petitions, it remains to be seen whether they will lead to any practical improvements.

In May 2002, Saudi Arabia adopted a new Code of Criminal Procedure aimed at modernising the criminal justice system. On the face of it, this code provides significantly improved protection for the accused. But, again, the extent of its practical implementation is still unclear.

In March 2000, Saudi Arabia announced its intention to establish two human rights committees, one governmental and one non-governmental. Neither has yet been established.

The Saudi government and Saudi Red Crescent plan to hold an international conference on human rights in Riyadh in October 2003.

1.13 Israel and the Occupied Territories

It is nearly three years since the start of the Al Aqsa intifada in September 2000 and the past year has again seen violence and hardship on both sides of the conflict. Both Israel and the Palestinian terrorist groups have shown a worrying disregard for human rights. By the end of the 1,000th day of the intifada, 26 June 2003, 797 Israelis and 2,601 Palestinians had lost their lives to the violence perpetrated by both sides and many more had been injured. The Israel Defence Forces' (IDF) reoccupation of the West Bank and Gaza continued to restrict freedom of movement of people and goods. As a consequence, the Palestinian economy continued its steep decline and the humanitarian situation worsened.

Both parties have committed themselves to implement the obligations laid down in the Quartet (US, EU, UN and Russia) roadmap for peace, which was published on 30 April 2003. The roadmap sets out a series of parallel steps to be taken by both sides towards a permanent settlement in 2005, leading to two states – Israel and Palestine – living side-by-side in peace. Greater attention to human rights concerns is an important part of this process. Israel and the Palestinian Authority resumed political negotiations and security co-operation. Israel recommended the transfer of tax revenues owed to the Palestinian Authority, and there was limited improvement on freedom of movement in the Occupied Territories in July.

Palestinian institutional reform is progressing. On 29 June three Palestinian militant factions declared a ceasefire. Levels of violence in June and July fell considerably. But the suicide bombing on a bus in Jerusalem on 19 August, in which 19 Israelis lost their lives, demonstrates that the peace and security that both peoples deserve can be achieved only if the momentum of improvements can be sustained.

Appalling acts of terrorism targeted at Israeli citizens, including suicide bombings, continued throughout the year. One of the worst of these was a double suicide bombing in Tel Aviv on 5 January 2003 in which 16 Israelis and six foreign nationals were killed. Many more were injured. Other suicide bombings targeted public transport: terrorist attacks on Israeli buses killed 90 people in the last year, including those killed in the Jerusalem bus bombing on 19 August. The Foreign Secretary Jack Straw has said that "every suicide bombing, as well as being an outrageous loss of life, which is totally unjustified, sets back the cause of peace in the Middle East". Palestinian militants continued to launch rocket attacks on Israeli settlements and towns, and Israeli settlers have come under fire from Palestinian gunmen. We utterly condemn such horrific terrorist attacks.

We support Israel's right, within international law, to protect its citizens, but we remain deeply concerned at the impact that the continuing Israeli occupation and the associated Israeli military operations have had on the lives of ordinary Palestinians. Throughout the Occupied Territories, military action continues to lead to many civilian casualties. Israel has continued its policy of assassinations, contrary to international law. According to an Israeli human rights organisation, at least 188 Palestinians have been killed during assassination operations since the second intifada began, of whom 78 were civilian bystanders, including women and children. Further Palestinian casualties resulted from the use of excessive force during Israeli incursions. Israel continues to hold approximately 1,000 Palestinians, including minors, in administrative detention (held in custody without being charged). We welcome moves by the Israeli government in August 2003 to release a number of these detainees along with other prisoners in a confidence building measure. But those remaining in administrative detention should be charged or released.

The continuing closure and curfew regimes imposed by the IDF are having a devastating impact on the humanitarian situation in the Occupied Territories. The Israeli government insists closures and curfews are a necessary security precaution and have prevented terrorist attacks in Israel. However, their effect on the Palestinian population has been one of collective punishment. Towns have been under curfew or closed for weeks

at a time, severely restricting the movement of people and goods. As a result the Palestinian economy has been devastated, unemployment has soared and the humanitarian situation has deteriorated. This process has been further exacerbated by the destruction of Palestinian property, in some cases as a collective punishment. Infrastructure and cultivated land have also been destroyed. This is particularly evident in the impact of construction of the Israeli security wall on the West Bank.

The humanitarian crisis has been compounded by difficulties faced by international and Palestinian humanitarian and medical agencies trying to deliver aid. There is little to indicate that recommendations made by the UN Secretary-General's humanitarian envoy in August 2002 to improve the humanitarian situation have been put in practice, despite Israel's commitment to do so.

Four Britons lost their lives or were seriously injured as a result of the continuing crisis over the last year. Yoni Jesner was a victim of a horrifying suicide bomb on a bus in Tel Aviv on 19 September. Iain Hook, an engineer working on United Nations Relief and Works Agency's reconstruction project in Jenin, was shot by the IDF on the UN compound where he worked on 22 November 2002. Thomas Hurndall, a peace activist, was shot in Rafah, Gaza, on 11 April 2003 while trying to shield Palestinian children from gunfire. James Miller, a British journalist, was shot and killed in Gaza on 2 May, while filming the destruction of Palestinian homes. We have been appalled by all these incidents. Foreign Secretary Jack Straw made it clear to the Israeli foreign minister that we expect full and transparent inquiries to be conducted into the

circumstances of the shootings. While the Israeli inquiry into Mr Hook's death is now complete, we continue to lobby the Israeli government on behalf of the families of Tom Hurndall and James Miller. On 14 July the Prime Minister Tony Blair raised both cases with the Israeli Prime Minister Ariel Sharon, during his visit to London, and called for a full and transparent investigation into the IDF shootings to be carried out by the Israeli military police. We have lobbied for the IDF rules of engagement to be tightened to help prevent further civilian deaths, and that full inquiries should be carried out where operations lead to civilian casualties, resulting in appropriate punishment for members of the IDF found to have been at fault.

The Palestinian Authority must do all it can to prevent terrorist attacks against Israel, and bring those responsible to justice. We have called on the Palestinian Authority to pursue reforms aimed at improving its effectiveness against terrorism, including reform of the security services. We judge that it could have done more throughout the year. We therefore welcome the pledges made by the Palestinian Prime Minister Mahmoud Abbas (Abu Mazen) at the Aqaba summit on 4 June to take action to do so, and to stop the armed groups who bring terror to Israel. The UK and international partners continue to offer support and practical assistance to the Palestinian Authority as it institutes the necessary reforms to do this.

The Palestinian Authority must also improve its human rights record in respect of its treatment of ordinary Palestinians. Since the beginning of the intifada, at least 29 Palestinians have been murdered for suspected collaboration with the Israeli authorities.

1. Relatives gather around the body of a 13-year-old boy at his home in the Jabalia refugee camp, north of Gaza city, 6 March 2003. Around 40 Israeli tanks had attacked the refugee camp, destroying three residential buildings and killing 11 Palestinians.



1.

2. Religious volunteers collect human remains at the scene of a suicide bombing in the northern Israeli town of Afula, 19 May 2003. In the fifth suicide bombing in 48 hours, a Palestinian detonated explosives at the entrance to a crowded mall killing three shoppers and wounding many more.



2.

The Palestinian Authority continues to maintain the death penalty, although there have been no formal executions over the last year. On 18 and 19 October 2002 the Palestinian security courts in Gaza city and Khan Yunis passed the death sentence against two individuals, Walid Hamdiyeh al-Shujaeyeh and Ameen Khakef Allah, accused of collaboration.

The UK maintains a policy of constructive engagement with Israel and the Palestinian Authority in an effort to prevent human rights violations. Bilaterally, and with EU partners, we have in ministerial discussions, démarches and public statements urged both sides to ensure all possible measures are taken to prevent civilian casualties. We have also called on the Israeli government to ease movement restrictions in the Occupied Territories, allow unfettered access for international aid agencies and ensure access to basic services, such as health and education, are not disrupted. Other issues raised with the Israeli government include assassinations, Palestinians held in administrative detention, and the destruction of Palestinian land and property.

We are playing a full part in international efforts to help the Palestinian Authority build democratic institutions and a sound civil administration. The Foreign Secretary hosted a meeting on Palestinian reform on 14 January in London in support of this. Progress made on financial reform includes steps to improve financial accountability. An action plan for public administration and civil service reform has been developed with UK assistance and we are supporting its implementation, with the objective of strengthening the rule of law.

We played a central role in the adoption of UN Security Council Resolution 1435 (2002) which calls for Israeli withdrawal from Palestinian cities, a meaningful ceasefire and for the Palestinian Authority to bring those responsible for terrorist attacks to justice, leading to the resumption of political negotiations.

The UK Government continues to support a range of practical initiatives aimed at improving respect for human rights in Israel and the Occupied Territories. Through the Human Rights Project Fund we have supported projects aimed at promoting children's and disabled rights, human rights education, and awareness of human rights by the Palestinian police.

The continuing cycle of violence has played out against a new international consensus on the need for a political solution to the conflict, reflected in the publication of the Quartet roadmap. Improving human rights is inextricably linked to progress on the political and security situation, and we firmly believe, therefore, that the roadmap offers the best opportunity for peace and means to improve human rights in the area. We

urge both parties to build on the initial steps they have taken to implement the roadmap.

We consider all export licence applications to Israel on a case-by-case basis against the consolidated EU and national arms export licensing criteria. We take account of Israeli military actions in the Occupied Territories in our export licensing decisions and keep the situation under close review. The outbreak of the intifada, the continued Israeli incursions in the Occupied Territories and the breach of Israel's 2000 assurance that UK-originated equipment would not be used in the Occupied Territories, have all been factored into the UK Government's export licensing policy. The UK has one of the most responsible and transparent arms export licensing systems of any country.

1.14 Zimbabwe

The human rights situation in Zimbabwe remains poor, as the ruling party ZANU (PF) maintains the use of violence and arbitrary arrest as a tool to silence its opponents and suppress opposition to the regime. The majority of the victims of these violations are members, supporters and suspected supporters of the opposition Movement for Democratic Change (MDC).

Country-wide local elections on 28-29 September 2002 were marred by state-sponsored violence, harassment and intimidation on a similar scale to that seen during the presidential elections in March 2002. MDC activists, MPs and supporters were assaulted, arrested and tortured by security forces in the run up to the elections and during polling. Around 700 MDC candidates were prevented from registering or contesting the elections as a result of threats, violence and intimidation, but also due to irregularities in the nomination procedures.

In 2002 attacks on teachers increased, concentrated mainly in rural communities where teachers are viewed as particularly influential figures. Violence against teachers who support, or are suspected of supporting, the opposition is seen as a way of limiting their influence on the rural population.

In September 2002, 70 schools in Binga were forced to close as all teachers were forced to attend a ZANU (PF) campaign rally ahead of the local elections. On 2 October 2002 the Progressive Teachers' Union of Zimbabwe (PTUZ) called a nation-wide strike to demand higher pay and an end to the harassment of teachers. On 10 October the Zimbabwe government arrested the general secretary of the PTUZ and detained him for four days. He was tortured during his time in prison. The strike took place despite government threats, however, following the protest many teachers were dismissed.

The Public Service Commission sacked 627 secondary school teachers in Harare and Bulwayo leaving entire schools without any staff.

Politically motivated violence further intensified at the start of 2003, linked to attempts by the state to silence dissent prior to the cricket World Cup matches played in Zimbabwe and in the run-up to parliamentary by-elections scheduled for 29-30 March.

A nation-wide 'stayaway' from work on 18-19 March, organised by the MDC, resulted in a wave of violence. At least 400 arrests were made and more than 250 people were admitted to accident and emergency departments in Harare hospitals due to injuries received in the violence.

A further 'stayaway' from 2-6 June was accompanied by more violence against the MDC. Between 350 and 400 MDC activists were jailed during the week of protest, including opposition leader Morgan Tsvangirai, and at least one party activist was tortured and subsequently died. An estimated 800 people were hospitalised. The police and military used tear gas to suppress student demonstrators at the University of Zimbabwe and raided a private clinic in Harare where injured MDC protestors were being treated.

Along with our international partners, the UK has consistently and publicly condemned these abuses and we have called on the Zimbabwe government to respect its obligations under international treaty organisations and human rights conventions. The EU, the Commonwealth, the US and others took action against the regime when these calls went unheeded. The EU made statements during both stayaways urging the Zimbabwe government to desist from violence and respect the rights of its citizens to demonstrate and express their views peacefully. The statements also made clear that the EU would continue to watch developments in Zimbabwe closely.

There are plenty of credible reports from human rights organisations in Zimbabwe to substantiate the testimonies of victims of violence, rape and torture. The vast majority of perpetrators of these crimes are members and supporters of the ruling party (including the so called 'war veterans' and members of the 'youth brigade'). Human rights abuses are often committed with the tacit or explicit approval of leaders of the ruling party. Agencies of the state, including the police force, army and intelligence services, have also been directly implicated in numerous assaults. They have failed consistently to prevent incidents of violence and intimidation from occurring or to arrest those responsible.

An opposition MP Job Sikhala was arrested in January 2003 and tortured while in custody. The horrific story of his torture, which included being blindfolded, beaten and having electric shocks applied to his feet, genitals and mouth over a period of eight hours, has been substantiated by medical reports prepared at the request of the magistrate. Reports of those arbitrarily arrested being subjected to police brutality and torture are commonplace.

The Zimbabwe human rights NGO forum reported 266 cases of torture between 1 January and 31 May 2003. There were 1061 reported cases in 2002. Of the various forms of torture, blunt violence, falanga (beating the soles of the feet), sexual torture and burning are most prevalent. Recently there has been an increased use of electric shocks in torture and of the rape and sexual torture of women.

Opposition MPs are arrested with increasing frequency. In the first quarter of 2003, even before the periods of mass action, 10 opposition MPs were arrested as well as numerous party officials, including the MDC Mayor of Harare, Elias Mudzuri, who has been systematically harassed in carrying out his duties. The police and army broke up a meeting between Mr Mudzuri and a Harare residents group using tear gas and indiscriminate assault. A judge ruled that the police had no grounds for arresting Mudzuri and he was released without charge for lack of evidence. This decision was criticised and Justice Benjamin Paradza (the judge in question) was arrested by police on 17 February at his chambers in central Harare on supposedly unrelated charges. He was released on bail.

During the days of mass action from 2-6 June, Morgan Tsvangirai, the President of the MDC, was once again in the spotlight. He was arrested on 2 June but released later that day in order to return to his on-going treason trial, and then re-arrested on 6 June on a second charge of treason. He remained in prison until 20 June when he was released on bail of approximately US\$5,000 cash and US\$50,000 in property assurances. A statement on 6 June expressed the EU's concern at the arrest of Morgan Tsvangirai and urged the Zimbabwe government to find a peaceful solution to Zimbabwe's internal political conflict through dialogue.

MDC supporters, polling agents and candidates were reportedly assaulted prior to and during polling during the country-wide local elections on 28-29 September 2002. On 27 September an MDC petition was presented to the high court to nullify the election nomination process. It cited widespread intimidation and assaults of MDC candidates and irregularities in the nomination process. The petition was dismissed.

Harassment of the clergy has increased and members of the clergy from various denominations have been arrested. Police and intelligence officers surrounded Bulawayo Cathedral on the evening of 27 February 2003 during a service at which torture victims gave public testimony of their ordeals. A number of South African clergy were present. At the end of the service the Catholic Archbishop of Bulawayo, Pius Ncube, was questioned and police returned to question him further the next morning. Various other religious leaders, including those from South Africa, went to his aid and no formal charges were laid.

On 28 February a group of approximately 20 priests were arrested while presenting a petition at police general headquarters in Harare. They were held in Harare central police station for six to seven hours before being released. The petition was organised by the Zimbabwe National Pastors' Conference, which had received permission to deliver a petition protesting against the use of torture and police brutality. Approximately 100 metres from their destination the priests say that they were confronted by riot police who proceeded to sing abusive songs at them in Shona, before forcing them into two trucks and taking them to the police station. They were allowed legal representation and charged with violent assembly.

Independent journalists and editors continue to be arrested and charged for allegedly publishing 'false information' under the Access to Information and Protection of Privacy Act (AIPPA) which requires journalists to be licensed by a media commission, appointed by the government. According to the Media Institute of Southern Africa (Zimbabwe), at least 33 journalists from independent and private media were arrested in 2002 under AIPPA or the Public Order and Security Act (POSA) mostly on trumped-up charges. Many others were threatened and harassed. In January and February 2003 alone, 17 journalists were arrested. A British reporter from the *Daily Telegraph*, Simon Briggs, was barred from entering Zimbabwe to cover a World Cup cricket match despite being an accredited journalist. Andrew Meldrum, the Zimbabwe correspondent for *The Observer*, *The Guardian* and *The Economist*, was forcibly expelled from the country on 16 May 2003 in defiance of three Harare high court orders to have him presented in court so legal proceedings could be followed. These cases grabbed the headlines, but the majority of those arrested are black Zimbabweans.

Human rights organisations based in Zimbabwe have also fallen victim to government intimidation in attempts to silence them. In August 2002 Dr Frances Lovemore, Medical Director of the Amani Trust, an NGO which works with victims of torture, was arrested and charged with publishing or communicating false statements prejudicial to the state. The offices of Amani Trust were raided and searched by police. Dr Lovemore was released

the day after her arrest and all charges against her were dropped due to insufficient evidence. On 22 January 2003 the Amani Trust received threats from an unknown source to firebomb its offices.

On 12 May 2003, 46 women were reportedly arrested by police officers in Bulawayo on allegations that they had staged a public demonstration in contradiction of a high court order which had barred them from doing so. The group was part of WOZA (Women of Zimbabwe Arise) which staged a peaceful demonstration commemorating Mothers' Day and calling for peace and an end to human rights violations and torture in Zimbabwe.

The EU issued a declaration on human rights abuses in Zimbabwe on 19 February 2003. This highlighted recent abuses and called upon the ZANU (PF) leadership to respect its obligations under international treaty organisations and human rights conventions. It calls on the Zimbabwe government to ensure the respect of human rights and fundamental freedoms and to end all harassment, intimidation and violence against the opposition and civil society. It also calls on the MDC to show restraint from violence. The declaration calls on both the government and opposition to open a serious dialogue on a joint approach to overcome the current overwhelming problems facing Zimbabwe on the political, humanitarian, social and economic fronts.

On 18 February 2002 the EU imposed targeted sanctions on Zimbabwe. These were extended twice and now consist of a travel ban on President Mugabe and 77 other senior government figures (including all ZANU (PF) ministers and politburo members), an assets freeze and an arms embargo. The EU sent a strong message to the Mugabe regime on 18 February 2003 when, by a unanimous decision, these sanctions were rolled over for a further 12 months.

The UK supported an EU resolution on human rights in Zimbabwe at the Commission on Human Rights in Geneva. The draft resolution condemned growing incidents of politically motivated violence and the numerous cases of violence against women, including cases of politically motivated rape. It also condemned incidents of arbitrary arrest, attempts to restrict the independence of the judiciary and restrictions on the freedom of expression, opinion, association and assembly, including numerous arrests of journalists. Unfortunately, for the second successive year the African members of the Commission tabled a 'no-action' motion that prevented a vote on the resolution itself. We deeply regretted this and are concerned that it showed a lack of commitment on the part of African states to admit to and confront gross human rights abuses taking place in their region.

Zimbabwe currently remains suspended from the councils of the Commonwealth.

In the coming year, the UK Government and its EU partners will continue to bring human rights abuses in Zimbabwe to the attention of the international community. We will maintain pressure on the Zimbabwe government to bring about a return to a respect for human rights and the rule of law in the country.

1.15 Democratic Republic of Congo

Stability in the Great Lakes region continues to be threatened by conflict in the Democratic Republic of Congo (DRC). A rebellion, backed by Rwanda and Uganda, began in 1998 in eastern DRC. The conflict between the groups and government forces reached a stalemate and the DRC was effectively partitioned between President Kabila's government and allies on the one hand, and the larger anti-Kabila armed opposition groups Rally for Congolese Democracy (RCD) and Movement for the Liberation of Congo (MLC) on the other. Both Rwanda and Uganda then invaded the DRC in 1998 in an unsuccessful attempt to overthrow President Kabila. Kabila was assassinated in January 2001 and replaced by his son, Joseph. Agreements on a transition to representative government have since been concluded, and Rwandan and Ugandan armed forces have left the DRC. But fighting continues, particularly in the eastern Kivu provinces and in the Ituri region in the north-east of the country.

We have worked actively with partners, particularly in the EU and UN, towards an inclusive solution to the armed conflict. The Lusaka Ceasefire Agreement is a key component in this. It was based on three major elements: withdrawal of all foreign forces; disarmament, demobilisation and repatriation of foreign armed groups; and an inter-Congolese dialogue between all Congolese parties, including unarmed opposition and civil society, to agree a transitional national government, leading to the first national elections since independence in 1960. It was strengthened by the Pretoria Agreement of 30 July 2002, signed by the presidents of DRC and Rwanda. An agreement on a transitional

national government (TNG), the 'Global Accord', was signed on 17 December 2002 in Pretoria and endorsed by a full plenary of the Inter-Congolese Dialogue on 2 April 2003 in Sun City. The TNG's four vice presidents were sworn in on 17 July and other ministers on 24 July. The first session of the new national assembly and senate was scheduled for late August.

The conflict in the Ituri province of north-eastern DRC, hitherto considered a side-effect or sealed microcosm of the wider DRC crisis, saw a serious escalation in April 2003. The UK Government condemned the massacre of civilians by militia in and around the town of Drodro on 2 April. Since then further violence has erupted as Ugandan troops left the region. The UN force in DRC, MONUC, protected large numbers of civilians caught in the crossfire, but lacked the capacity to restrain the militias. In May 2003 the UN Secretary-General asked Security Council members to contribute to a new international intervention force in Ituri. France agreed to lead the force and the Security Council authorised the Interim Emergency Multinational Force (IEMF) on 30 May to contribute to the stabilisation of security conditions and to the improvement of the humanitarian situation in Bunia. The IEMF was officially launched as a European Security and Defence Policy (ESDP) operation, called Operation Artemis, on 12 June. The UK has sent some 70 Royal Engineers to the IEMF in Bunia. With support staff and HQ-based officers, total UK deployment is around 85 personnel.

Relations between the former allies Rwanda and Uganda have deteriorated and given cause for concern that this might lead to the two countries engaging in conflict against each other on DRC's territory. We have been actively involved in efforts to ease the situation, through our third-party role to a Memorandum of Understanding between the two governments. A meeting between the presidents of the two countries was hosted by the then Secretary of State for International Development, Clare Short, on 8 May, since when relations appear to have improved.



Riot police detain protesters during anti-government demonstrations in Harare, 2 June 2003.

The UK provides six key military personnel to MONUC and has contributed technical assistance to the facilitator's office for the Inter-Congolese Dialogue, as well as to local peace-building initiatives. The FCO and DFID are working together to support peace initiatives and mediation work to bring an end to the war.

The extent of need in DRC justifies a major humanitarian intervention. There is particular evidence of widespread and urgent humanitarian need in the country's east. Development assistance is supporting health, nutrition and protection interventions through experienced international agencies as well as through the UN's co-ordination services and their joint emergency humanitarian interventions. Because of the high levels of humanitarian need related to the war, aid has grown markedly in the past two years. In the financial year 2002-2003, the UK committed around £17 million for humanitarian work and support for peace. DFID has allocated over £1 million to NGOs in the east of DRC for programmes, including human rights training for teachers and children, and support for victims of abuse. These programmes also include monitoring and raising rights abuses with local authorities and belligerents. We provided £250,000 to the UN Office of the High Commissioner for Human Rights (OHCHR) for human rights programmes in DRC. Following the installation of the TNG in Kinshasa in July, the UK's support will be increased gradually over the coming three years.

The UK Government has made repeated calls for all parties in the DRC to allow MONUC free access 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 has included pressing the armed forces of the government in Kinshasa, FAC, to allow inspectors access to military airports; the Congolese Democratic Group – Goma (RCD-G) to allow humanitarian access to the conflict-afflicted Haut Plateau; and the Movement for the Liberation of Congo (MLC) to assist investigation into alleged human rights abuses committed by its forces. We continue to press all parties to facilitate MONUC's access to all areas of the DRC and to co-operate fully with investigations.

The human rights situation in the DRC was the subject of a report of the UN High Commissioner for Human Rights to the Security Council on 13 February 2003. This report details examples of recent human rights abuses, including incidents in Ankoro in November 2002 when government forces killed 100 people and destroyed over 1,000 homes; and the 'Effacer le tableau' operation mounted by MLC and their allies, the RCD-National forces. This latter operation resulted in a massacre of the local population around the towns of Mambasa and Eringeti, and a range of other human rights abuses.

Cannibalism is also alleged to have taken place. The MLC responded to international pressure by putting 27 officers on trial from 18-25 February 2003, which resulted in convictions. However, by the end of July, the court had not handed out sentences. Separately from this report, NGOs also called for the abolition of the Cour d'Ordre Militaire – a trial before a military tribunal. This happened in April 2003. We continue to press for the government to reimpose its moratorium on the use of the death penalty.

Over the past 12 months there has been limited progress in some areas of human rights in the DRC. The DRC's former Human Rights Minister, Ntumba Luaba, has highlighted a number of initiatives, some involving UK support. A prison monitoring visiting programme, funded by the UK among others, has been set up. The government is also launching a campaign designed to raise human rights awareness in the armed forces and police. Human rights activists Willy Wenga and N'Sii Luanda Shandwe, who had been in prison since early last year, were freed at the end of February. Raymond Kabala (a newspaper journalist imprisoned after writing a story claiming the then security minister, Kongolo, had been poisoned) was also released at the end of his seven-month sentence on 9 March 2003. Mr Luaba has also said that there are no longer any human rights activists or journalists in custody in government-controlled territory. He further announced that his government would place a ban on entry into mines for anyone under the age of 18.

We deliver tough messages on human rights to all Congolese parties. The Foreign Secretary raised human rights concerns with the government and rebels during his visit to the Great Lakes in January 2002. Clare Short, the then Secretary of State for International Development, met the then DRC minister for human rights on 23 October 2002 and discussed the human rights situation in the north-east of the country. Our Ambassadors also maintain regular pressure, for example, by lobbying all parties against the use of the death penalty. The EU tabled a resolution at the Commission on Human Rights condemning the mass killings that took place in the province of Ituri, as well as reported acts of cannibalism, widespread recourse to sexual violence against women and children, and an upsurge in the recruitment and use of child soldiers. The resolution was adopted without a vote.

1.16 Côte d'Ivoire

Formerly seen as a beacon of stability in the region, Côte d'Ivoire (Ivory Coast) was plunged into crisis following a failed coup attempt in September 2002. Government forces were able to contain the attempt in the capital, Abidjan. However the rebels (later identified as the Mouvement Patriotique de Côte

d'Ivoire or MPCl) successfully held the north and the country was effectively partitioned in two. The Economic Community of West African States (ECOWAS) had some early success in brokering a ceasefire and initiating peace talks. But the situation was made more complex by the emergence in November 2002 of two new rebel groups in the west, the MPIGO (Mouvement Populaire Ivoirien du Grand Ouest) and the MJP (Mouvement pour la Justice et Paix). Liberian mercenaries linked to both government and rebel forces, were also involved in fighting and pillaging in western Côte d'Ivoire, contributing to acute security problems and flagrant breaches of human rights.

The initial impetus for the coup attempt seems to have come from factions of the military unhappy with proposed terms for their discharge. However, the rebels drew support from wider opposition to government policies which were perceived as discriminating against Côte d'Ivoire's large (over 25 per cent) immigrant communities, and the largely Muslim population in the north. This included concerns over eligibility to stand as president (which effectively excluded Alassane Ouattara, leader of the RDR, one of the main opposition parties whose main support base is in the north); nationality; land ownership rights; and wider issues of identity focused around 'ivoirité' (a complex and controversial concept, but which basically means that the only true Ivoirians are those who can trace their descent back several generations).

The fighting, ethnic tensions and the *de facto* partition of the country have created a serious humanitarian situation. There are an estimated 800,000 internally displaced people, and an estimated 400,000 refugees have fled the country, out of a total population of 16.5 million. Government services in the north of the country virtually ceased, and the influx of displaced persons from the conflict areas means they have been severely stretched in the south.

A UN fact-finding mission which visited Côte d'Ivoire in December 2002 concluded that all sides to the conflict had committed serious violations of human rights and international humanitarian law. It found that reports of mass graves in conflict areas were credible, and that death squads were being used in Abidjan by "elements close to the government". The government cited security concerns for destroying shanty dwellings in Abidjan, which primarily housed immigrant communities, but called a halt to the practice following criticism from the international community. An unknown number of civilians have been killed in the conflict, with widespread massacres reported to have taken place, particularly in the west.

A peaceful, political settlement for Côte d'Ivoire is an essential first step to improving the human rights, and the wider humanitarian, economic and political situation in the country. The French injected new momentum into the peace process in January 2003, hosting a round-table of all Ivorian political parties and the three rebel groups. The resulting Linas-Marcoussis Agreement usefully addresses the key issues underlying the crisis, and provides for a broad-based government of national reconciliation, including ministers from the 'Nouvelles Forces'. With the help of ECOWAS the new government was formed in March 2003, although certain issues such as the appointment of defence and security ministers remain unresolved.

Some progress has been made under the government of national reconciliation. The ceasefire line was extended west to the Liberian border in May 2003 and a joint operation, involving Ivorian government and ex-rebel forces along with ECOWAS and the French, cleared out most of the Liberian mercenary contingent operating in the area. A permanent cessation of hostilities was declared on 4 July 2003. Some progress has also been made on the process of disarmament, demobilisation and re-integration (DDR) and in restoring local government, transport and other north-south links.

The UK Government has consistently made clear that we oppose any attempt to overthrow a democratically elected government by force. From the outset of the crisis we provided support to the efforts of ECOWAS leaders and the French to restore peace and security to Côte d'Ivoire, and to promote a political settlement. This has included £3 million to support the deployment of the Ghanaian contingent of the 1,300-strong ECOWAS peace-monitoring force (ECOMICI), which is deployed in Côte d'Ivoire, and £1 million in humanitarian aid. We have joined the wider international community in condemning the grave human rights abuses which have taken place in Côte d'Ivoire, and fully support calls for in-depth inquiries into serious violations of human rights and humanitarian law. At the Commission on Human Rights, the EU made a statement expressing concern at the deteriorating human rights situation in Côte d'Ivoire including killings, summary executions, kidnappings, rape, arbitrary detention and forced recruitment.

1.17 Equatorial Guinea

Although nominally a multi-party republic, power in Equatorial Guinea is concentrated in the hands of President Teodoro Obiang Nguema and his own clan from the majority Fang tribe. President Obiang has been in power continuously since 1979, having replaced his uncle in a military coup. The judiciary, legislature, army, business and government interests are all subject to presidential control.

Equatorial Guinea has a poor human rights record. The use of torture, arbitrary detention and restrictions on freedom of speech and assembly has been widespread and systematic. It is thought that as many as one-third of Equato-Guineans may be living in exile abroad because of fierce political repression over the last two decades. President Obiang has announced the establishment of a centre for human rights, but the centre is not yet functional. The independence of the judiciary is seriously restricted and many trials are conducted before military tribunals. Laws are not published systematically, so even lawyers are often unaware of the correct judicial process.

The political and human rights situation worsened in 2002, seemingly as the government attempted to restrict the political opposition ahead of the December 2002 presidential elections. In June 2002, 144 people, including members of opposition parties, were arrested and tried in connection with an alleged coup attempt against President Obiang. Sixty-eight of the accused were given jail sentences, ranging from 6-20 years. These included leaders from the three main opposition parties, namely Placido Mico Secretary-General of the Convergence Party for Social Democracy, Guillermo Nguema Ela, Secretary-General of the Popular Union, and Felipe Ondo Obiang, leader of the banned Republican Democratic Force. The trial contained numerous procedural irregularities and there was evidence of ill-treatment and torture – many of the defendants appeared in court with dislocated or broken wrists and ankles. The trial was widely condemned, including by the EU. In October 2002 six of the 68 convicted were released in a presidential pardon, including the UP's Fabian Nsue Nguema, along with 40 ethnic Bubis convicted of a 1998 revolt. In June 2003 one of the convicted, the FDR leader Felipe Ondo Obiang, disappeared from his cell on Bioko Island without notification. It is believed that the authorities have moved him to the mainland.

A UN Special Rapporteur on Human Rights in Equatorial Guinea had been appointed annually since 1969. However, the mandate of the special rapporteur was cancelled in 2002 following African-led lobbying in the UN Commission on Human Rights (CHR). Rather than appointing a country-specific rapporteur, the CHR included Equatorial Guinea under the mandate of the Special Rapporteur on the Right to Freedom of Opinion and Expression for 2002-2003.

There are reports that torture was used to extract confessions from the group of the 144 tried for the alleged coup in June 2002, and it is used regularly in the detention of prisoners. Prison conditions are insanitary, cells overcrowded and prisoners are ill-fed. Women and children are held with men. There are also reports that prisoners are used as forced labour. Human rights NGOs are not allowed to register and function

in Equatorial Guinea. The only local NGO is government controlled, and there are no international human rights NGOs resident. Amnesty International and Global Witness have been refused visas in the past. The International Committee of the Red Cross has monitored prison conditions. The local Bar Association has been banned. The International Bar Association sent a mission in July 2003 to urge reconsideration and assess capacity.

The UN Special Rapporteur on the Right to Freedom of Opinion and Expression reported in January 2003. He noted an improvement in legislation, although there are still laws that need to be brought into line with international norms. He also called for the development of a free and independent media, reform of the judicial system, review of the national human rights commission and reconsideration of the cases of those convicted in June 2002. The only television stations are the state-owned broadcaster and a private outlet owned by a relative of the President, although foreign satellite reception is not prohibited. Foreign press is unavailable. There is only one news publication regularly in print and several private news publications have been suppressed.

Although multi-party democracy was introduced in 1992, there has been limited progress towards a pluralistic democracy. The national electoral commission, created in 2001, is presided over by the minister of the interior. The registration of the FDR opposition party has been blocked. The last presidential elections took place in December 2002, having been brought forward at late notice. The four opposition candidates withdrew from the election on polling day, raising accusations of flawed electoral processes. President Obiang was re-elected with over 99 per cent of the vote. Although the 2002 elections were not violent, certain democratic procedures were not observed, such as lack of private voting conditions, absence of opposition voting slips, presence of the military at polling stations, and lack of thorough monitoring. The opposition had no access to the media, nor the same level of funding as the ruling party. The EU criticised the conduct of the elections and called for internal political dialogue between all parties. At the Commission on Human Rights the EU made a statement expressing its great concern at the human rights situation in Equatorial Guinea, highlighting unfair elections, use of torture and beatings by the security forces and restrictions on the media.

Over the past six months, the authorities in Equatorial Guinea have made some progress in engaging with the international community on human rights issues, including discussions with the EU and the visit of the International Bar Association mentioned above. This dialogue marks a considerable advance on a previous policy of isolation. The President also granted

amnesties to political prisoners in October 2002 and at the end of July 2003. In the July amnesty 18 members of the opposition, including Placido Mico, were pardoned and released.

1.18 Cuba

Human rights in Cuba are of deep concern to the UK. The core issues are the denial of civil and political rights and of fundamental freedoms. Most of the checks and balances of a modern democracy, such as opposition parties, a free press, an independent judiciary and autonomous trade unions are absent in Cuba today. State security subjects peaceful opponents of the regime to surveillance, detention, house arrest, bureaucratic harassment and loss of employment, housing and other benefits. Ordinary Cubans are denied exercise of their full social and economic rights – they face limitations on the right to accumulate wealth, buy and sell property, form associations, travel abroad, and even to access many hotels and resorts in their own country. Internet access in Cuba is restricted and the dissemination of literature and text books is tightly controlled. International bodies such as the ICRC, Amnesty International and UN special rapporteurs are denied access to Cuba; they must rely on unofficial statistics provided by opposition groups. This makes accurate assessment of the human rights situation on the island particularly difficult.

Cuba maintains that it practices “participatory democracy”. Elections by direct ballot exist at municipal, provincial and national levels, but within the framework of the 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.

Cuba has the natural and human resources to become one of the region’s most prosperous economies. The island ranks highly in areas such as literacy, health care coverage and social welfare. But the continued fettering of the political, economic and intellectual freedom of ordinary Cubans means that Cuba’s political and economic systems are holding it back from realising its full potential.

Against the background of this sustained denial of civil and political rights, the Cuban government periodically conducts more concerted bouts of repression. In March 2003 the government launched the most serious crackdown on peaceful opponents for over a decade. A wave of arrests led to charges being brought against 75 people; these included treason and having links with a “hostile foreign power”. Those arrested included journalists, economists and independent librarians who were peacefully exercising their right to freedom of speech

and expression. The arrests sharply reversed a trend over recent years towards decreasing numbers of convicted long-term political prisoners.

The Cuban response to international condemnation was that the arrests were justified on national security grounds; those arrested were “instruments of a hostile foreign power” (the US) attempting to destabilise the Cuban government. The regime held summary trials across the island within weeks of the arrests. They denied those accused adequate facilities for preparation and sufficient time to prepare their cases. The courts rejected some of the lawyers appointed by the families of the defendants, and no foreign press or diplomats were admitted to the courtrooms despite formally seeking admission. The trials were conducted in violation of internationally accepted human rights standards.

Many of the prosecution witnesses were state security agents who had been masquerading as opposition but playing the role of agents provocateurs. The 75 defendants were all convicted and were sentenced to a total of 1,454 years. The majority of the trials resulted in sentences ranging from 12–27 years, handed down under Cuban Law No. 88 and/or Article 62 of the Penal Code. Law 88, the ‘gagging’ law, prohibits passing of information to a foreign organisation or media. As such, it is a contravention of Article 19 of the Universal Declaration of Human Rights.

Following the crackdown, the EU issued a statement condemning the arrests, trials and sentencing of peaceful opposition, and demanding their immediate release. Bill Rammell, the Foreign Office Minister responsible for human rights, summoned the Cuban ambassador to London to a meeting in which he asked the ambassador to convey to his government the UK’s deep concern at what had happened, and its strong disapproval. Further steps have been taken in concert with EU partners to underline that relations will not return to ‘business as usual’ until Cuba addresses her grave violations of human rights. A series of measures agreed by EU partners was published on 5 June. These include limiting high-level bilateral visits, inviting dissidents (besides government representatives and officials) to EU national day celebrations, and an extraordinary re-evaluation of the EU Common Position on Cuba. The Cubans reacted to EU announcements with vitriol, calling the EU “economic conmen” and “moral dwarves”.

The summary trial on 11 April of three Cubans who hijacked a ferry in Havana harbour in a bid to escape to the US, followed rapidly by their execution by firing squad, is another example of the Cuban government’s scant regard for international standards of human rights. The arrests, trial, appeals and

executions, which ended a three-year *de facto* moratorium on the death penalty in Cuba, were all completed within six days.

Cuba actively works to frustrate the UN Commission on Human Rights, in particular its investigative mechanisms. The Cubans refuse to work constructively in the CHR, but instead, load the Commission with resolutions blocking, diverting, or hampering the development of standards and the work of the UN. Despite this, the CHR has for several years successfully passed an annual resolution on Cuba's human rights record. This year the UK co-sponsored a resolution tabled by Latin American countries. The text was fairly mild, but reiterated last year's call on Cuba to accept a Special Representative of the High Commissioner on Human Rights to monitor the human rights situation in Cuba. We continue to urge the Cuban government to stop its disruptive and damaging behaviour in UN human rights fora, co-operate with the Human Rights Commission and accept a visit by the Personal Representative of the High Commissioner. We repeatedly call on Cuba to accede to the two major UN human rights covenants.

Although the situation for human rights in Cuba this year has been bleak, the work of those struggling for greater freedom has received greater recognition outside the country. In particular Oswaldo Paya received the EU Sakharov Freedom of Thought prize for his work on the Varela (democracy) Project. Following lobbying from the UK and others, the Cuban authorities granted him permission to leave Cuba to receive the prize, and he took the opportunity to travel extensively in Europe, the US and Latin America, including a meeting with Bill Rammell in London. Paya has not so far been arrested, but the Cuban government has ignored calls to respond publicly to the Varela Project, has denied its constitutionality, has libellously insulted him in the state press and has jailed many of his Varela collaborators in the crackdown. All leading opposition figures have now been named in speeches by Castro or in the recently published book of interviews with state informers/agents *The Dissidents*.

Despite Cuban intransigence and increased repression, we and our EU partners continue to believe that, in the long term, constructive dialogue and engagement represent the best means of encouraging peaceful change in the country and respect for civil and political rights. The EU Common Position of December 1996, last endorsed in December 2002, reaffirms the EU's commitment to a broad dialogue, maintaining a strong line on human rights. The European Commission opened an office in Havana for the first time in February 2003. Through the EU and the UN we call for: the release of the 75; fair trials; freedom of assembly and expression; a free media; freedom for private enterprise, political parties and NGOs; and

an end to arbitrary detention, intimidation of political opponents and all imprisonment on political grounds. We play an active part in the work of the EU Human Rights Working Group in Havana, which first met under UK chairmanship and includes close contact with civil society.

The UK also continues bilateral efforts to promote the progressive normalisation of relations with Cuba through constructive engagement. We seek to exercise influence through maintaining collaboration with a wide cross-section of Cuban society, both governmental and non-governmental. For example, we are funding a project to establish Cuba's first unit for preparing child witnesses for trial by supplying video equipment, training police officers in video interviewing techniques and advising on incorporation of video evidence into the justice system.

1.19 Colombia

Colombia's continuing 40-year armed conflict has intensified, with the civilian population worst affected by the violence and social problems it has brought. Left-wing guerrilla groups (the Revolutionary Armed Forces of Colombia – FARC, and National Liberation Army – ELN) and their right-wing paramilitary counterparts (United Self-Defence Groups of Colombia – AUC) stepped up their activities after the election of centre-right President Alvaro Uribe in May 2002. Uribe's election saw a reversal of the previous government's policy of negotiating with the armed groups and granting concessions in the hope of obtaining a peaceful end to the conflict. The President's landslide victory was achieved on a platform of re-establishing security throughout the country and weakening the illegal armed groups in order to bring them to the negotiating table.

The FARC launched a mortar bomb attack on the Presidential Palace during the new President's inauguration on 7 August 2002. The death toll of 30 would have been far higher if the operation had gone according to plan. Further attacks in major cities (Medellin, Cucuta), culminating in the 7 February 2003 attack on the El Nopal club in Bogota which left 35 dead, provided confirmation that the guerrillas (specifically FARC) had decided to take the fight into the cities. The move to urban terrorism, and a linked decrease in the number of large-scale engagements with the Colombian armed forces, have shifted the focus of the conflict to the civilian population. The continuing deplorable violent acts of the paramilitary groups are of equal concern.

Violence – murders, torture, massacres and kidnappings as well as forced recruitment by the illegal armed groups – tops the list of serious abuses of human rights in Colombia. Bombings and landmines kill civilians as well as police and armed forces

personnel. Civilians are murdered if they refuse to move from their land or to join one of the armed groups, or if they are simply believed to be supporters of the 'enemy'. The list of those considered undesirable by one or other of the combatants is long: trades unionists, human rights defenders, journalists, teachers, local and national government representatives, lawyers and church leaders. The targets for kidnapping are equally diverse: it is no longer only rich Colombian and expatriate businessmen who are at risk – subcontractors working for large companies, tourists and fishermen have all recently been kidnapped for ransom.

The statistics are horrifying: between 3,000 to 4,000 politically motivated murders a year, including in 2002 more than 170 trades unionists. The politically motivated violence, however, accounts for only part of the problem. The culture of violence, which has characterised Colombia for more decades than the political conflict, has led to one of the world's highest murder rates: in 2002, 28,230 Colombians were murdered. In Medellín, the world's most violent city, there are an average of 25 murders a day. The number of kidnappings went down slightly in 2002 from the previous year's high, but the total of 2,492 reported cases is still alarming. Most 'economic' kidnappings end with the release of the victim after a ransom payment, but those taken for political reasons may spend years in captivity.

The conflict has also given Colombia one of the world's most serious internal displacement crises. Those worst affected are society's most vulnerable groups – the indigenous and Afro-Colombian populations, women and children. The most reliable estimates (UN and ICRC) suggest the total number of Colombian internally displaced persons (IDPs) may be around 2.7 million. This figure continues to grow: 816 of Colombia's 1,100 municipalities are affected by displacement. One study suggests that over the course of 2003, an average of 1,000 Colombians could be displaced every day. The influx of displaced people into the cities has brought with it social problems such as unemployment, poverty and homelessness, as well as teenage pregnancies and poor access to health care and education. It has also replicated the conflict in an urban setting with the different groups attempting to recruit or just maintain their influence over the IDPs.

Many of those fighting in the illegal armed groups are minors, including young women. They may have been coerced into joining up, or come from violent or poverty-stricken families. They receive virtually no salary for their activities; many are killed or badly wounded in conflict and they lose contact with their families. Child labour is another problem with children working as domestic helpers or in family businesses. Seventy-three per cent of the displaced population are women – many of them single parents. Violence against women displaced or

caught up in the conflict is growing. There is little recognition of the equally serious problems of domestic violence and rape. Trafficking of Colombian women in international prostitution rings has recently been highlighted with the discovery of a major ring operating between Colombia and the Far East. This was probably only the tip of the iceberg: estimates suggest that at least 35,000 Colombian women are currently 'employed' by such organisations overseas.

The state has mechanisms for reporting and investigating human rights abuses. The office of the 'Defensor del Pueblo' (human rights ombudsman) is an independent body with regional representatives. Unfortunately, the security situation has meant that this institution and, in many cases, any state representation, has been absent from large parts of the country. This makes accurate assessment of the situation across the board difficult. We are funding, through the Security Sector Reform Strategy of the Global Conflict Prevention Pool, a project to place community defender posts in the middle and lower Putumayo, Caqueta, Choco and Cauca departments. It will be administered by the UN Development Programme (UNDP). The project seeks to generate both greater action by the state as well as international co-operation to prevent human rights violations and protect the civilian population. The aim is to help local communities in areas with a high risk of forced displacement to exercise their rights through the permanent presence of representatives of the Defensor del Pueblo.

Colombian and international NGOs play a vital role in highlighting problems. Impunity, particularly for members of the armed forces accused of human rights abuses, remains a serious concern. A Human Rights Watch report in 2002 highlighted problems over objectivity in the prosecutor general's office. The government has recognised that collusion between certain parts of the armed forces and the paramilitaries exists.

The Uribe government has stated it will take human rights seriously. We believe that it is genuinely committed to taking steps to address the human rights situation, and we will be supportive of its efforts to this end. Training for members of the armed forces in human rights and international humanitarian law has been stepped up. The President has referred on numerous occasions to his firm commitment to the respect for human rights by all agents of the state. In an address to the Diplomatic Corps in February 2003, he said he was determined to take steps to ensure that trades union activists, local government representatives and human rights defenders could conduct their business free from threats or intimidation. Colombian government spending on protection for these groups has been increased and, for the first time in many years, in December 2002 no murders of trades unionists occurred.

Although we believe that there is a sustained downward trend in such murders, we continue to press the Colombian government to do more for the protection of trade unionists and other vulnerable groups. A UN project, which has government support, will look at 100 of the most notorious human rights abuse cases and attempt to bring those responsible to trial.

The government's democratic security policy, which aims to re-establish state control throughout the country, has seen some success. Public support for the President and his policies remains high (80 per cent after 10 months in power according to one poll in July 2003).

A police presence is being established in over 150 municipalities, many of which have never had a police station before. The number of reported massacres has fallen by 36 per cent. Attacks on the oil pipelines taking production to the Caribbean coast for export have been drastically reduced, thanks to the introduction of special units set up to protect them. There were 41 such attacks in 2002, compared to 170 the previous year, and six in the first quarter of 2003. There has been criticism of the imposition and extension of the 'state of internal disturbance' which the government has used to impose military control in three key areas known as 'zones of rehabilitation and consolidation'; restrictions on movement and measures such as curfews, searches by the armed forces and mass investigations into civil society groups in these areas have been highlighted by civil society as infringing civil liberties. However in April 2003 the constitutional court suspended the extension of the state of internal disturbance. As a result the authorities had to lift several emergency measures, including military control over the zones of rehabilitation and consolidation. The Colombian government responded by saying it would resort to normal administrative tools to continue its fight against both the guerilla and paramilitary groups. No journalist or human rights activist has been prevented from visiting the zones. The security situation remains grave in the zones and in other parts of the country (Antioquia, Putumayo, Sierra de Santa Marta) where the illegal armed groups are fighting for territorial control.

The Colombian government recognises that the solution to the conflict cannot be reached by military means alone. It has opened the door to negotiations with the illegal armed groups, conditional on their declaring a ceasefire. The majority of the component parts of the AUC declared a ceasefire in early December 2002, and acts of violence perpetrated by the paramilitaries have declined since then, though some groups still continue abuses and have refused to enter into negotiations with the Colombian government. Exploratory peace talks initiated by the Catholic Church and pursued by

the Colombian Peace Commission have drawn to a close with a move towards more formal negotiations in July 2003. The UK Government has made clear that there should be no general amnesty or pardon for paramilitary members who have committed criminal acts of violence. Neither the FARC nor ELN have yet responded positively to the Colombian government's offer of talks with them.

The UK Government wants to see an improvement in the human rights situation in Colombia. Additional resources have been allocated to the British Embassy in Bogota to extend coverage of the situation and to allow greater involvement in human rights project activity in the country. Monthly meetings between FCO staff in Bogota and London and their NGO counterparts have deepened their knowledge and understanding of the problems. Individual cases have been brought to the attention of the Colombian authorities following these meetings. Foreign Office Ministers responsible for relations with Latin America, Denis MacShane and his successor Bill Rammell, have continued the dialogue at a political level and have raised specific human rights concerns with the Colombian authorities at the highest level. Most recently Bill Rammell emphasised these concerns to President Uribe and his ministers during his visit to Colombia in May 2003. He also gave clear messages on the need for the Colombian government to tackle impunity and collusion with those who commit human rights abuses. Importantly he called for the Colombian government to make clear their support for the work of all sections of civil society, stressing that civil society was part of the solution to Colombia's problems. Human rights issues were also discussed with President Uribe during a pre-inaugural visit to London in July 2002.

With our EU partners and through our involvement with the United Nations system in Bogota, we are working to highlight key human rights problems and to bring them to the attention of the international community. We also aim to push for better co-ordination and targeting of international assistance to Colombia. The FCO hosted the London Meeting on International Support for Colombia in July 2003, which was a key step towards meeting this objective. Representatives of donor countries and organisations to Colombia attended, with a contribution from representatives from civil society groups (including human rights NGOs and trade unions). It addressed the enormous problems Colombia faces and explored what further ways the international community could help Colombia to tackle them. A London Declaration was issued following the meeting and is available on the FCO website: www.fco.gov.uk.

We have provided political and financial support to the work of the UN's human rights office in Bogota and to the Special Adviser to the UN Secretary-General on Colombia. The EU's

programme of assistance, to which the UK contributes, is worth €330 million over the period 2001-2006. The European Commission has granted €8 million through its Humanitarian Aid Office (ECHO) to help IDPs. At the CHR in April, the EU supported the chairperson's statement on the human rights situation in Colombia which reflected our concerns.

Our own programme of bilateral assistance to human rights projects has been increased. Our strategy is focused on addressing the key human rights problems: violence, displacement, women and child's rights, impunity and the guarantee of fundamental freedoms. Under our Human Rights Project Fund we are currently supporting initiatives to raise awareness in the armed forces of their role in prevention of displacement and protection of the rights of internally displaced people and to increase attention by public authorities to the rights of displaced women, adolescents and girls. We funded a joint Save the Children Fund and Colombian Institute of Family Welfare project that ended at the beginning of 2003. The project provided safehavens for former child combatants in Bogota and Villavicencio and included education and psychological support.

We have funded a programme designed by the Mentor Foundation to educate people about drugs and thereby reduce demand for them. We have also funded schemes to develop a substance misuse prevention programme in primary schools as well as community-based approaches to preventing substance misuse.

We are also supporting projects to train members of Colombian NGOs and government representatives, who work on international development co-operation, in the strengthening and implementing of a policy for humanitarian aid; for training in the promotion and protection of women's human rights in Colombia; to develop skills to identify, manage and reconcile problems that arise among communities in 15 areas of Colombia; and to help street children escape their negative environment by setting up a children's farm.

HUMAN RIGHTS

Joined-up Government



UN Secretary General Kofi Annan, right, meets Baroness Valerie Amos, Secretary of State for International Development, at the UN in New York, 30 May 2003.

In promoting human rights overseas the FCO rarely works in isolation from other government departments. Instability in one country can have a knock-on effect for the surrounding region and beyond. Refugee flows following a breakdown in law and order in any country can have implications for our domestic policies in areas such as immigration and asylum. The FCO's response to the challenge of human rights violations committed abroad is therefore inextricably linked to the work of other government departments.

One area of co-operation on human rights issues across Whitehall that is not widely known is the UK's preparation for a UN convention promoting the rights of disabled people. This convention would be similar to those that already exist on racial discrimination, women's rights and child rights. Since Mexico first suggested the idea in August 2001, the FCO has worked closely with Disability Unit in the Department for Work and Pensions (DWP). The FCO is able to provide advice on existing international human rights instruments, human rights mechanisms and international law. DWP and the Department for Education and Skills (DfES) contribute knowledge and expertise on disability issues and on specific disability legislation, ensuring that what is agreed in international fora is consistent with UK standards and law. A representative from a disability NGO was also part of the official UK delegation attending the Ad Hoc Committee that met in June in New York – underlining the invaluable support that the FCO receives from civil society. Many more government departments will become involved as negotiations progress and it becomes clearer how the convention will effect the UK's own policies and practices.

The FCO also works with other government departments on practical projects throughout the world. Last year we included the Lord Chancellor's Department (now the Department for Constitutional Affairs) and the Department for International Development (DFID) in our deliberations on which projects should be supported under the Human Rights Project Fund (HRPF). We worked closely with the British Council to ensure that its own strategy for promoting good governance is closely

linked to ours. This year, HRPF is funding 13 projects that fall under the British Council's governance programme. The Global Conflict Prevention Pool and the African Conflict Prevention Pool (see page 124 for more details) are joint funds administered by the FCO, the Ministry of Defence (MOD) and DFID. The Pools take strategic action to prevent the escalation of tension and the outbreak of violence and can thus help to prevent the human rights abuses that so often accompany conflicts.

In the UK, the FCO has been helping the Department for Constitutional Affairs to complete the review on UK adherence to international human rights instruments (see page 73 for more details). It has also been working with the Department of Trade and Industry (DTI), DFID and the Department for Culture, Media and Sport preparing for the World Summit on Information Society due to take place in Geneva at the end of 2003.

This chapter outlines the work of different government departments, civil society and others in promoting the UK's human rights policy overseas.

2.1 The FCO and civil society

In the UK, civil society includes many organisations, such as community-based organisations, academic institutions and research bodies, that are not part of government.

All governments are responsible for ensuring adherence to international human rights standards within their own countries. They also have a vital role in promoting respect for human rights worldwide.

In addition to the work done by governments in human rights, there is a global network of non-governmental organisations (NGOs) that monitors human rights and manages projects to address different human rights issues and violations, wherever they occur and whoever they are committed by. These NGOs have developed high levels of expertise and technical assistance



The FCO held its first human rights open day on 10 December 2002 – UN International Human Rights Day. Around 2,500 people attended the event, learning about human rights issues around the world and meeting FCO and NGO representatives.

The Scottish Executive's Human Rights Unit

The Scottish Executive's Human Rights and EU Co-ordination Unit promotes the fundamental principles of human rights as underpinning our sense of community responsibility and citizenship. It also co-ordinates human rights work within the Scottish Executive.

The Scotland Act requires Scottish ministers and the Scottish Parliament to act in accordance with the Convention rights – those rights drawn from articles of the European Convention on Human Rights. Together with the Human Rights Act, this provides a framework within which ministers, Parliament and public authorities in Scotland must operate in order to protect human rights and ensure protection of the Convention rights in national courts. The Scottish courts have considered human rights cases against the Executive since the Scotland Act took effect in May 1999. Human rights cases against other Scottish public authorities could be brought in Scottish courts under the Human Rights Act from October 2000.

The Unit aims to integrate human rights considerations across the Executive. Each policy division takes human rights issues into account when developing policy. In-house solicitors support policy divisions with legal advice. In addition, a Scottish Executive minister must certify that every Bill introduced to the Scottish Parliament complies with the Convention rights.

Before anyone can claim the protection of their rights, they need to know what these rights are and how they apply to them. The Unit is involved in a range of awareness raising activities in partnership with human rights NGOs. It ran a successful pilot training course for executive staff recently which offered a grounding in human rights legislation and proofing policies for human rights compliance. During 2003, the Unit will be updating its human rights web pages and producing guidance for public and private bodies.

One of the Unit's priorities has been developing proposals for a Scottish Human Rights Commission. Following a consultation exercise, the Scottish Executive announced on 10 December 2001 that it would establish an independent and statutory Scottish Human Rights Commission. The 2003 Partnership Agreement confirms this intention.

The Scottish Executive believes that this new body will be a key means of protecting human rights in Scotland and will also help to strengthen and develop a culture of human rights within Scotland. The Scottish Human Rights Commission will also contribute to a modern Scotland that embraces and celebrates different cultures. Scotland will take its place beside many other countries that have already established successful and respected human rights commissions. (See page 188 for more details on human rights commissions worldwide.) The consultation period closed on 6 June and the Unit is now analysing the responses.

and can offer governments crucial support. The UK is very conscious of the valuable contribution NGOs make to its work in formulating policy on human rights. Many of the world's leading NGOs are based in the UK and in the past year there has been even closer co-operation between NGOs and the FCO on all aspects of human rights. Differences, of course, remain. The UK Government must sometimes balance a number of priorities when formulating its foreign policy. Human rights are one such priority, but not the only one. This may lead to a slightly different approach than that of an NGO for whom human rights may be the only priority. But we share the underlying goal of promoting human rights throughout the world.

Our engagement with NGOs and civil society covers a broad spectrum and to guide our work we have set up four thematic panels. Each panel convenes twice a year, enabling us to co-ordinate our efforts with NGOs in areas of human rights that are of particular concern. The panels focus on substantive and practical schemes of work rather than simply providing a forum for people to air their views.

The oldest of these panels, the Foreign Secretary's Death Penalty Panel, was established in October 1998. Hosted by the FCO, 10 leading experts from civil society meet with ministers and officials to discuss a strategy to promote the worldwide abolition of the death penalty. In February 2003 the panel

focused on Africa; the second meeting in July this year concentrated on Asia.

Another panel focuses on the issue of religious freedom. Over 50 organisations were represented at the Freedom of Religion Panel meeting in February 2003 where Professor Eileen Barker from the London School of Economics and Alan Clark of the International Association for Religious Freedom gave a presentation on their draft voluntary code for religious organisations. The panel agreed that the FCO should draw up an action plan in advance of the next meeting in October 2003, which will focus on concrete outcomes.

The Freedom of Expression Panel met twice in the past year, in December 2002 and June 2003. The panel has working groups on hate speech, public service broadcasting, imprisoned journalists, journalist safety, the information society and obsolete laws (see page 192 for more details). Freimut Duve, the Organisation for Security and Co-operation in Europe (OSCE) Special Representative on Freedom of the Media, spoke on 'Freedom of the media post 9/11' at the June meeting.

In last year's Annual Report we announced the creation of a new Anti-Torture Panel. This panel met for the first time in February 2003 to review the progress made under phases one to three of the UK anti-torture activities (see page 171 for more details) and to co-ordinate a plan for the next six months.

The panel agreed that the UK should concentrate its lobbying abroad on encouraging states to implement the Convention Against Torture if they have already ratified it, and on urging those states who have not yet ratified to do so. The Anti-Torture Panel will meet again in September 2003.

We are currently planning to set up a fifth panel, on child rights.

Dialogue is crucial to our approach in engaging with civil society. We host a forum each February for UK-based NGOs to exchange views with members of the official UK delegation to the UN Commission on Human Rights (UNCHR). The Commission is held for six weeks each March and April (see page 110 for more details). Last year's Annual Report noted our agreement that NGOs would have more time to present their concerns in advance of the 2003 Commission. The round-table format at the February meeting allowed full and frank discussion. Bill Rammell MP, the Foreign Office Minister responsible for human rights, attended the forum and later spoke at the opening of UNCHR in Geneva. After the UNCHR we invited the same NGOs back for a debrief on the outcome of the Commission. The FCO delegation to UNCHR benefited greatly from the expertise of the NGOs who attended both these meetings.

Regular meetings between the Human Rights Policy Department (HRPD) and NGOs are only one way in which the FCO engages with civil society. We are committed to integrating fully, or 'mainstreaming', human rights in UK foreign policy. In practice, this means that all geographical desk officers must monitor and act on human rights violations in their areas of responsibility and maintain regular contact with relevant human rights NGOs and civil society groups. We also liaise with NGOs on an *ad hoc* basis in advance of particular events such as major conferences or visits. For example, we helped organise the World Summit on the Information Society (WSIS) preparatory event, in May 2003, which briefed UK civil society before the WSIS meeting in Geneva in December 2003 and gathered views that could later be fed into the main Summit. Before Mr Rammell visited Colombia in May 2003, UK-based NGOs that are active in Colombia briefed the Minister on important human rights issues, which provided helpful background input for his meetings with the Colombian government.

This year two FCO officials spent short secondments with NGOs before joining the Human Rights Policy Department (HRPD). Before joining HRPD's UN Section in February, Chris Tunncliffe completed a two-week attachment with the International

My Rights, Your Rights, Human Rights – Human Rights Open Day

The FCO marked UN International Human Rights Day on 10 December (the anniversary of the signature of the Universal Declaration of Human Rights in 1948) with an Open Day entitled 'My Rights, Your Rights, Human Rights'. The FCO's Human Rights Policy Department (HRPD) planned and organised the event.

Around 2,500 people, including over 20 school groups, attended the Open Day. More than 50 NGOs, along with several international organisations, universities and other government departments participated in a variety of thematic stands covering all aspects of human rights.

The Foreign Office Minister Bill Rammell MP welcomed members of the public to the Open Day and launched a new FCO funded handbook: **Reporting Killings as Human Rights Violations**. The handbook was produced by the Human Rights Centre at Essex University and will be distributed to human rights defenders around the world to help them monitor and report on extrajudicial killings.

Mr Rammell also presented certificates to schoolchildren who had won a human rights project competition organised by HRPD. Schools had to submit a short description of a human rights-related project that they had carried out. They had to include the aim of the project, how the project had been developed and the results of the project so far. Three prize-winning schools each received £500 to provide educational resources on human rights issues. The winning entries were:

- > An Internet exchange between students at Kingsmead Comprehensive School in Enfield and Asesewa Community Day Secondary School in rural Ghana. The project allowed young people in both countries to engage with each other over such issues as child rights, right to education, right to health, right to shelter and right to livelihood.
- > A peer education project for Year 10 pupils at John Hanson Community School in Andover. Sixteen Year 10 pupils, selected by their peers, have been trained to write, resource and deliver lessons on human rights to the rest of their year group. Details of the first year of the project were featured in last year's Annual Report. In the second year of the project, the Year 10 pupils have extended their human rights education to younger year groups within the school as well as to local infant and junior schools. The 16 pupils have also trained a following year group to take their place, making the project self-sustainable.
- > A series of events organised by St Anne's Convent School, Southampton, that sought to raise pupils' awareness of basic human rights issues. This included a drama piece on asylum seekers; an art competition focusing on injustice, child poverty and refugees; a day of fasting linked to the concept of fair trade; and a presentation on shanty towns.

'My Rights, Your Rights, Human Rights' was the last in a series of open days at the FCO that formed part of the London String of Pearls Golden Jubilee Festival to commemorate the Queen's Golden Jubilee.

Department of the Law Society, the professional body for solicitors in England and Wales. The International Department handles all the international activity of the Law Society including campaigning on human rights and project work to improve access to justice. During the attachment, Chris heard NGOs' views on the Commission on Human Rights and learned about thematic mechanisms that the Commission employs to monitor and report on human rights situations. Before joining HRPD's Public Policy and Projects Section in March 2003, John Edwards spent three weeks with a number of free expression NGOs including Article 19 and English PEN. We believe that secondments such as these are an invaluable way of building strong working relationships between HRPD desk officers and their NGO counterparts.

To help integrate human rights across the FCO, HRPD runs a monthly one-day training course for all officers who are taking up a post, either in the UK or abroad, that includes a human rights component. More than 200 officers of all grades completed the course between July 2002–July 2003. HRPD carried out a comprehensive review of the course in May 2003 and redesigned some elements to reflect comments made by previous participants.

There is also a need for more in-depth human rights training for FCO staff who have a strong focus on human rights in their work. To this end we run a two-week human rights course for around 30 officials each year. The course covers all human rights issues and examines the legal and philosophical basis of human rights as well as their current application in the international community. We carried out a review of the course at the beginning of 2003 and adjusted the course content to reflect the growing amount of FCO work in the area of democracy and good governance.

Justice, an internationally-renowned NGO based in London, runs the course on behalf of the FCO. Justice uses its extensive network of contacts to bring leading human rights academics, legal and campaigning experts to speak on the course. Participants also hear FCO staff describe first-hand experiences of implementing human rights strategies in missions overseas. The course continues to be rated extremely highly by all participants.

Finally, we benefit greatly from the expertise and experience of our human rights advisers. These advisers typically have a background in an NGO or in human rights project management. This network has expanded over the last 12 months and we have now employed advisers in Kiev, Kathmandu, Caracas, Kuala Lumpur, Dakar, Pretoria and Nairobi. Two human rights advisers work in the FCO's Human Rights Department in London, one full-time and one part-time.

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 and to work in partnership with other countries to strengthen respect for good governance and human rights. Its governance programme stresses the importance of human rights and access to justice for all members of society. This contributes to the UK Government's foreign policy objectives of spreading the values of human rights, civil liberties, democracy and the rule of law.

In 2002–2003 the British Council spent an estimated £11.7million of its grant-in-aid from the Government on governance and human rights projects. This work develops links and advances knowledge, skills and debate between academics, civil servants, the private sector, NGOs, civil society and the media in the UK and other countries. Through its extensive overseas network, the British Council uses a variety of activities for its work including international conferences, in-country training and consultancy, academic links, study tours and providing information and learning opportunities. It has also managed projects funded by the FCO's Human Rights Project Fund (HRPF). For example, the British Council in **Brazil** is managing a project to improve the professionalism of the Brazilian Police in criminal investigation; the British Council in **Peru** is managing a campaign to sensitise organisations and individuals about the problem of missing people in Peru; in **Ukraine** the British Council is managing a human rights training project for prison officials.

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

- > 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, the arts, education and English language training to develop innovative ways of promoting and communicating human rights.

This year the British Council has been exploring ways of using new technologies (such as online learning and video-conferencing) to engage with new and younger audiences and to create new networks and communities of interest. It has been researching online and distance learning programmes in

law and human rights at UK universities which could be made available to key overseas audiences, such as legal professionals or human rights NGOs who are seeking professional development or capacity-building opportunities.

The British Council continued work on a project to network National Human Rights Commissions (NHRCs) across the Commonwealth, to share experience and best practice. (The network can be accessed at www.humanrights.britishcouncil.org.) During the year, the British Council held international workshops in Northern Ireland, on the UN's conventions and mechanisms for protecting human rights; in Uganda, on the use of public inquiries in investigating human rights abuses; and in India, on the human rights aspects of disability. The workshop in India was held jointly with UNHCHR to enable NHRCs' participation in UN preparations for a potential new convention for the rights of people with disabilities. (See page 220 for more details.)

The British Council plays an active role in citizenship education and human rights education. This year it co-ordinated its activity and brought together partners from around the world. There will be an international conference on citizenship education in the Commonwealth in September 2003. A set of exhibition posters and matching postcards to support citizenship education events and educational programmes, produced by the British Council, has been widely disseminated throughout the UK and overseas. The exhibition has been translated into Arabic and sent to British Council offices in the Occupied Territories, Jordan, Kuwait, Egypt and Nigeria to increase the impact of their work.

Connecting Futures is a British Council initiative aimed at deepening mutual understanding, learning and respect between young people from different cultural backgrounds. Initial work focuses on the UK and 10 countries and territories with large Muslim populations including the Occupied Territories, Pakistan, Indonesia, Egypt and Turkey. Activities include an online magazine for 15-18 year olds; a series of television programmes which explores youth alienation, racism and women's rights seen through the spectrum of football; and a forum in the UK for 70 young people from around the world to discuss common issues and learn about each other's culture. The project's website (www.connectingfutures.com) includes a 'safe area' for young people to engage in discussion and debate.

Wilton Park

Wilton Park is the academically independent Executive Agency of the FCO. It convenes 45 or more residential conferences each year to promote international dialogue between parliamentarians, policy-makers, NGOs and opinion-formers. Proceedings are off the record and are highly participatory.

The conferences cover a range of key international policy issues and are normally convened at Wilton Park's conference centre near Brighton. However, an increasing number of conferences are now being organised abroad.

The human rights agenda is a key priority of Wilton Park's work, which has been reflected in its programme. During the last year, Wilton Park convened conferences on a wide range of human rights issues, supported by the FCO. The conference *Post-Conflict Reconstruction: Lessons Learned and Best Practice* (October 2002) addressed the reconstitution of justice systems. *Protection of Civilians in Armed Conflict* (November 2002) was a conference convened on behalf of the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) in association with the UK Conflict Prevention Fund. This special conference was one of an international series devoted to formulating effective strategies to tackle current foreign policy concerns. At *The Responsibility to Protect: The International Duty to Defend the Vulnerable* conference (February 2003), delegates discussed humanitarian and human rights issues including the use of military force for humanitarian protection. The conference *Financing Global Public Goods for Health* (June 2003) addressed the right to health care as a global public good, stressing the 'common good' arguments for providing health care to those who cannot afford to pay.

Many of the Wilton Park conferences during the year addressed themes related to human rights, with several focusing on conflict prevention and post-conflict reconstruction issues. The role of democratic institutions and good governance in preventing and managing conflict was discussed at the conference *Creating the Conditions for Peace: What Role for the UN and Regional Actors?* (July 2002) held in association with the International Peace Academy. This concluded that long-term conflict prevention requires structural transformation and development aid; and that positive change can come through comprehensive plans for high-risk regions and priority areas, although the results may not become apparent for years. The conference on *Financing Development* (November 2002) considered how to meet the Millennium Development Goals (see page 149 for more details), and discussed international development based upon human rights. The conference on *Combating Child Abuse on the Internet* (January 2003), in conjunction with the National Crime Squad, debated the growing problem of images of abused children being circulated widely on the Internet, and how children can be best protected.

Discussion on human rights issues also ran through regional and country-based conferences. These included *Africa in the 21st Century: Stability and the Reform Agenda* (September 2002) and *Integrating Cuba into the Western World* (October 2002). At the conference *Afghanistan: Building for Peace* –



The WFD-funded project in East Mamprusi, Ghana, brings together community groups to increase women's engagement with local democracy.

One Year After Bonn (October 2002), delegates took stock of progress in building legitimate and representative government and examined what more should be done to support implementation of human rights standards, including the status of women and minorities. Participants at the conference *Political, Economic and Social Reform in the Arab World* (March 2003) discussed good governance and accountability, the place of minorities in the Arab polity, judicial reform and upholding the rule of law in North Africa, the Middle East and Gulf states.

Two thematically linked conferences on South-east Europe addressed the interplay between democratic institutions and economic transformation: *A New European Moment? Linking Southeast Europe into the European Union* (October 2002), and *Linking Western Balkans into the Euro-Atlantic Institutions* (May 2003). At the latter of these two conferences, held in Norway, the participants agreed that it is essential for all ethnic groups in South East Europe to realise their civil and political rights and their economic, social and cultural rights if they are to achieve the level of development necessary to allow them to fully integrate into European and Euro-Atlantic institutions.

More information on Wilton Park's conferences, past, present and future, as well as reports on the conferences are available from Wilton Park's website: www.wiltonpark.org.uk.

Westminster Foundation for Democracy

The Westminster Foundation for Democracy (WFD) promotes and supports democratic development worldwide, in particular, by funding a wide range of political parties. WFD is funded principally through a grant-in-aid from the FCO, currently £4.1 million for 2003–2004. 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 is responsible for managing the FCO's relationship with WFD. WFD policy is set by the 14-member board of governors: eight political appointees – three Labour, three Conservative, one Liberal Democrat and one from the smaller parties; and six non-partisan (independent)

appointees from the media, NGOs and academic world. 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 Westminster; its chief executive is David French, appointed in January 2003. A new strategy has recently been adopted which will set the framework within which the WFD will work for the next three years.

After administration costs have been deducted the grant-in-aid is divided equally between the political parties and WFD's central programmes. The Foundation's work is concentrated on Eastern Europe and Africa. It also retains an interest in supporting projects elsewhere in the world, and is investigating opportunities for developing its work in the Islamic, particularly the Arab, world. All grant recipients submit their project proposals to the board of governors.

After many years of conflict, countries in south-east Europe are now looking for stability. With the prospect of EU accession on the horizon, there have been major efforts to help the former Yugoslav republics achieve the accession criteria. In **Serbia and Montenegro**, WFD continued to support the AIRE Centre's (Advice for International Rights in Europe) training programme on the European Convention of Human Rights (ECHR) for the judiciary. The programme helped to promote Serbia and Montenegro's accession to the Council of Europe by developing values that strengthen the rule of law and develop an effective and independent judiciary. The programme has trained more than 10 per cent of Serbian judges. In Montenegro, nearly 300 legal professionals attended the courses. The bulletin contains summaries and analyses of the European Court of Human Rights' decisions. It represents an up-to-date source of relevant case law and is helping to embed European human rights standards into the practice of law.

A priority for the governments of Serbia and Montenegro is compliance with European conventions on the protection of minorities. WFD has supported activities to improve relations among ethnic communities and include them in decision-

making processes at local and national levels. The Serbian and Montenegrin Federal Ministry of National and Ethnic Communities runs workshops to make local officials more aware of ethnic minority rights. WFD supported the European Centre for Minority Issues in bringing together members of different ethnic communities and representatives of political institutions to debate practical policy issues. This inter-ethnic forum has developed concrete policy proposals, with guidelines on incorporating them into decision-making processes.

The authorities and civil society leaders in **Bosnia** debated human rights issues under a scheme organised by the International Human Rights Law Group and supported by WFD. Working in collaboration with the parliamentary committee on human rights, the Law Group organised public hearings aimed at raising the standards of parliamentary debate on human rights policy issues. WFD supported inter-ethnic reconciliation round-table discussions held by the NGO Cupido. WFD also helped to strengthen the Chamber of Human Rights in Bosnia by funding the placement of a British lawyer to the Chamber. This lawyer's experience of human rights law has benefited local lawyers and is enabling the Chamber to work more effectively.

The system of free legal aid in **Bulgaria** needs urgent reform. WFD has been supporting defendants in court who were either denied free legal representation or were poorly represented. This support was channelled through the Bulgarian Helsinki Committee, which presented these cases before the European Court of Human Rights. WFD gave additional support to the Right to Defence Foundation, which provides legal aid to the Roma community.

The human rights record remains poor in the republics of the former Soviet Union. In **Armenia** WFD supported the Helsinki Association's work on free legal advice and is investigating human rights violations particularly in judicial practice. This project provided impartial defence services in the courts and improved the understanding of legal rights among citizens receiving advice and also among young lawyers. Human rights violations have continued in neighbouring **Azerbaijan**, where there is little redress for most people because they are unaware of their rights. The Southern Resource Centre for Human Rights held a series of WFD-funded training seminars on international human rights law for local NGOs so they can better defend human rights and raise public awareness.

Many women in **Ukraine** are unaware of their rights, particularly in rural areas where there is a dearth of information and virtually no legal support. WFD has continued to support an informal ombudsman in the province of Chernihiv. In the L'viv region the Women's Perspectives group offers free legal counselling to women living in rural areas.

Women and democracy are the focus of a WFD-funded project in the East Mamprusi district of **Ghana**. The project brings together the district assembly, traditional leaders and an extensive network of community-based organisations to form strategies for gender equality that will enhance women's role in local democracy. WFD is also funding other **African** projects in Egypt, Nigeria, South Africa, Rwanda and Kenya on good governance and human rights where the civil society engages with state institutions such as parliaments, the judiciary and executive.

In **Malawi**, the Centre for Youth and Children's Affairs ran a training workshop for young people on reporting and documenting human rights and publishing a quarterly newsletter. In **Kenya**, the Education Centre for Women in Democracy provided training for rural women in 25 districts on how to participate in political life. WFD co-funded a legal co-operation programme to strengthen the administration of justice and the role of human rights defenders in **Kenya, Uganda and Zimbabwe**. It also funded the First People's Worldwide and the Working Group of Indigenous Minorities in **Southern Africa** to produce a community legal education booklet as part of a wider indigenous rights project. The project gave the San Bushmen of **Namibia** the knowledge and skills they need to defend their rights and develop working relationships with local and national government.

WFD is currently financing several human rights projects in Asia. It supports the **Hong Kong** Human Rights Monitor to raise awareness of human rights in the **South East Asian** region. Prospect Burma is an educational charity for Burmese students in exile that is raising awareness of human rights issues in **Burma**. In **Pakistan**, WFD supports the Women Workers Helpline to run seminars for women to improve their understanding of democracy and women's rights.

There are currently two WFD human rights projects running in the Middle East region. One is a civic education programme on democracy for women in refugee camps of northern **Iraq**. The programme includes collating information to develop a comprehensive strategy towards democracy in Iraq. The second project is promoting democracy in the **Middle East**. This regional project involves a workshop for Middle Eastern diaspora from the media, academia, politics, government and civil society to identify strategic directions and local interventions that will address the concerns raised in the 2002 UN Development Programme (UNDP) Arab Human Development Report. In 2002, WFD supported the Arab Association for Human Rights in **Palestine** and another project in Jordan that involved human rights workshops for women.



1.



2.

1/2. Photos taken during a field visit by DFID staff to the East Cape in South Africa, March 2003. They reflect the progress of the six-year-old Imbewu project, which works with the South African ministry of education to improve schooling in the region. 'Imbewu' is the Xhosa word for 'seed'.

2.3 Other government departments

Department for International Development

Approximately 1.2 billion people in the world continue to live on less than \$1 a day. This is around 24 per cent of the total population of all developing countries. In some regions, notably sub-Saharan Africa, the level is as high as 48 per cent. Poverty is a multi-dimensional concept, covering income and non-income aspects such as health, education and shelter. The Millennium Development Goals (MDGs), endorsed by the UN Millennium Summit in 2000, provide the framework for action against poverty (see box on page 149). The goals include eliminating extreme poverty and hunger; reducing by half the proportion of people living on less than a dollar a day by 2015; achieving universal primary education; providing greater rights and opportunities for women; and making sure that more children reach their fifth birthdays. DFID's new Public Service Agreement for 2003–2006 sets out how it will work towards this goal.

The UK believes that we can only achieve substantial and sustainable reduction in poverty by helping poor people to realise their human rights and to participate in their own

development. DFID outlined the contribution a rights-based approach can make in meeting the MDGs in the 2000 strategy paper *Realising Human Rights for Poor People*. The approach is built on three cross-cutting principles – participation, inclusion and fulfilling obligations. Within these principles, DFID emphasises the importance of seeing poor people as actors in their own development.

DFID works across the world, focusing on the poorest countries in sub-Saharan Africa and Asia. The Department has set challenging targets within the framework of the MDGs for each region. As we are committed to the MDGs, so our international development programme plays an important role in achieving economic and social rights. There are many issues to tackle, such as labour standards, reproductive rights and access to health care. We believe that achieving the MDGs also depends on civil and political rights. DFID therefore helps partner countries to develop systems of justice that are more accessible and responsive to the needs of poorer people and marginalised groups. By enhancing systems of governments, we can help poor people to participate more fully in the decision-making processes within their countries.

Catherine Masterman

The UK included a representative from the Department for International Development (DFID) in our delegation to the Commission on Human Rights (CHR) in 2003. Catherine Masterman works in DFID's Europe and Central Asia Department, managing projects and policy work aimed at integrating Russia and Ukraine into the global economy. Her inclusion in the UK delegation reflects the number of issues at CHR that relate to poverty and development worldwide.

Catherine found the Commission an interesting and unusual opportunity to discuss development issues within a human rights context. She was particularly surprised at how a country's negotiating position at CHR can differ from its statements in other international meetings. For example, UK attempts to include in the CHR resolutions language that had been agreed at the Monterrey summit on Financing for Development and the World Summit on Sustainable Development in

Johannesburg were often challenged by countries who had signed up to that language. While she felt that the human rights framework gave a useful perspective on development issues, she was concerned that the debate at CHR focused solely on the politics of human rights. Catherine thought that more time should have been spent examining ways in which a human rights approach to development could inform, and be informed by, practical examples of development co-operation. For example, in the debate on the Right to Development, the preoccupation of the leading developing countries was with chastising the developed countries for their opposition to a legally binding instrument for securing development aid. These countries seemed uninterested in discussing how the CHR could promote a greater focus on human rights in on-going development co-operation programmes such as the New Partnership for African Development (NePAD).

Impetus Awards – shared values in action

The DfES supported the innovative Impetus Awards scheme as a pilot in eight areas across the UK in 2002. The awards encourage young people to explore our shared values and to develop the confidence and courage to put those values into practice in their communities.

The awards support the values enshrined in the Human Rights Act. They make links between rights and responsibilities and demonstrate that no one can enjoy their rights fully if others do not act in a responsible way. Most schools and youth organisations produce statements based on values that capture their mission or ethos as a community. Many of these statements tie in with the values underpinning citizenship education and the Human Rights Act.

The Impetus Awards scheme is free for schools and youth organisations. It is easy to enter and builds on existing work and projects:

- > it supports and encourages awareness of people's shared rights and responsibilities;
- > it explores the underlying values of citizenship education and the Human Rights Act, in practical, innovative and creative ways;
- > it involves the whole institution; and
- > it engages with the local community.

The pilot last year was a success, with up to 100 schools and 45 youth organisations sharing and celebrating their good practice. This year the scheme will be launched in phases in different regions before being rolled out across England, Northern Ireland, Scotland and Wales. (See page 78 for more details about the DfES.)

Application forms are available online at:
www.globalethics.org/ukimpetus.html

DFID works with multilateral agencies to increase their impact in poverty reduction, promoting human rights and in their response to crises. This involves:

- > supporting the Heavily Indebted Poor Countries (HIPC) Initiative, giving debt relief to poor countries;
- > increasing the coherence and effectiveness of the UN development agencies, and supporting them in integrating human rights into their work;
- > improving the effectiveness of European Commission development assistance, making sure that a higher proportion is targeted at developing countries;

- > improving international responsiveness to humanitarian disasters; and
- > understanding and acting upon the causes of conflict and working with the FCO and the MOD to end on-going conflicts and prevent new ones.

The 2000 White Paper *Making Globalisation Work for the Poor* set out the arguments for good governance and economic integration to reduce poverty. To continue promoting the benefits of trade, we need to see the successful completion of the Doha round of trade negotiations by the deadline of 1 January 2005.

DFID works closely with the FCO on developing the Government'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)

One of the core missions of the Ministry of Defence (MOD) is Defence Diplomacy. This 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 promotion of human rights is central to this mission.

The consideration of human rights is also a key principle behind the MOD's input to the Government's cross-cutting initiative for conflict prevention. (See page 124 for more details.) The MOD works in partnership with the FCO and DFID on regional conflict prevention strategies under this jointly funded initiative. The MOD leads the strategy for conflict prevention in central and eastern Europe and directly supports other strategies that are led by its partners.

The British Military Advisory and Training Team (West Africa) has been working with the Armed Forces Staff College in **Ghana** since 1976. The Team provides training in support of the G8 Africa Action Plan for developing the capabilities of African Peace Support Operations (see page 122 for more details). The most recent International Peace Support Operations (PSO) course was held at the Kofi Annan International Peacekeeping Training Centre (KAIPTC) in Accra from May–June 2003. Over 25 African countries participated, as well as representatives from sub-regional African organisations. The syllabus covered the procedures involved in the planning, co-ordination and conduct of multi-functional UN peacekeeping operations; doctrine; international

humanitarian law; civil/military relations; conflict prevention; and peacekeeping in Africa. The Team is also extending the Ghanaians' expertise by helping to expand the KAIPTC's role so that it becomes a regional centre of excellence.

In **Kenya** the British Peace Support Team (Eastern Africa) continues its work with the Kenyan Armed Forces by providing training on peace operations. The Team sponsored the second International Senior Officers' Peace Support Operations Planners' Course in March 2003. Officers studied the planning and conduct of UN peacekeeping operations and wider topics such as child and gender issues. Seventeen African countries and representatives from five countries outside Africa took part. The scheme and similar schemes elsewhere stress the need for peacekeepers to act as exemplars of human rights and democratic principles.

As indicated in last year's Annual Report, the MOD now links assistance in peacekeeping training to wider political processes of inclusive and accountable government, including reform of the defence and security sectors. The British-led International Military Advisory Training Team in **Sierra Leone** aims to create professional, effective and democratically accountable armed forces, who are trusted by the public. The Sierra Leone Armed Forces are now deployed in key border areas with Liberia and Guinea, as well as in former rebel strongholds in eastern Sierra Leone and the town of Makeni. Following the long civil war, it will take time for them to win back people's trust. However, the

deployments have been professional and disciplined and most of the civilian population has welcomed them.

The MOD is involved in Defence Diplomacy throughout much of the Asia-Pacific region. We are assisting the government of **Indonesia** to reform its security sector. This involves Indonesian parties including the armed forces, the Indonesian ministry of defence, police, parliament and academia. MOD efforts in the past year focused on a defence review that was aimed at developing appropriately funded and structured armed forces with a clear security role. In **East Timor** the MOD continued to advise and train the newly-formed armed forces on military discipline, international law relating to armed forces and armed conflict and rules of engagement.

Since the summer of 2002 the UK has concentrated its efforts in **Nepal** on monitoring the gross and widespread human rights abuses which both the Royal Nepalese Army and the Maoists have committed with impunity. This monitoring helps to establish the exact nature of the human rights problem in Nepal and informs the direction and content of the MOD's work with the Nepalese security forces and government ministries. The work of the MOD complements that of the Embassy which has continued to lobby the Nepalese government on the continuing violations of human rights and to deliver strong public messages to both sides. The Nepalese government has made some progress in the reform agenda; it now accepts and tolerates more human rights groups and has taken the first decision to court-martial soldiers for an incident of unlawful killing.

An Equality Commission for the UK?

In 2002, the UK Government's Women and Equality Unit, led by the Minister for Women, Patricia Hewitt, launched a consultation process on the question of creating a single equality commission for the UK. This initiative aims to make the UK's equality legislation more coherent and easier to access. The UK Government published a consultation document 'Equality and Diversity: Making it Happen' in October 2002 inviting views on the future role of UK's equality institutions: the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission. The results of this consultation will be announced later this year. There are unlikely to be any changes before 2006. For further details about this consultation process see the Women and Equality Unit website at www.womenandequalityunit.gov.uk

As part of these consultations, the Department for Constitutional Affairs is considering what role human rights should have within any future equality structure. There are different models for providing institutional support for human rights which include:

- > separate bodies for human rights and equality (as exist in Northern Ireland);
- > an 'overarching' Human Rights Commission;
- > an equality body with limited human rights powers; and
- > an Equalities and Human Rights Commission.

In response to the consultation on a possible single equality commission, the parliamentary Joint Committee on Human Rights (JCHR) published a report on 19 March 2003 about the need for a Human Rights Commission for the UK. The JCHR will hold further consultations, but the Committee's preferred option is for the establishment of an integrated human rights and equality commission. According to the JCHR, such a Commission would promote a human rights culture, conduct and commission research, offer guidance to public authorities, and have the power to conduct enquiries into public policy on human rights. For full details of the report see the JCHR website at www.publications.parliament.uk

Reform of the armed forces and democratic accountability among Central and Eastern European armed forces are central to the mission of the British Military Assistance Training Team in the **Czech Republic**. Respect for human rights is a fundamental part of the courses at the Eastern European Junior Staff Officer College, established in 2002 as a joint UK-Netherlands initiative. In **Russia** the MOD supports the resettlement of ex-military personnel, helping them to play a positive role in civil society when they leave the armed forces.

It is vital both for the maintenance of democracy and the respect for human rights that the military in any country remains under the control of an accountable civilian authority. The MOD's core mission on Defence Diplomacy helps to address this issue around the world. During 2003, 75 students from 40 countries will be funded by the MOD to complete a seven-week postgraduate diploma course in the UK, Managing Defence in a Democracy. A shorter, export version was conducted in 2003 in Georgia, Argentina and the Balkans.

MOD civilian advisers continue to work, mainly within partners' defence ministries, advising on defence management issues. Over the next year a permanently established civilian-led Defence Advisory Team, operating under the Cross-Cutting Initiative, will provide in-country advice in support of 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 MOD is working in Security Sector Reform (SSR) in 15 countries including Uganda, the Balkans, Afghanistan, Indonesia, Serbia and Montenegro and Peru. **Uganda** is undertaking major reform of its security sector. A central part of the reform is the production of a strategic defence review which seeks to improve oversight, transparency and accountability of the military and to assist in the effective integration of the Ugandan ministry of defence and the headquarters of the Ugandan People's Defence Forces. To prepare for the review, senior Ugandan officials and members of the review team attended the Defence Diplomacy course, Managing Defence in a Democracy, in Uganda in September 2001. Since then, the Defence Advisory Team has provided advice and assistance to the review. The review process included other Ugandan government departments, parliament, academics from Makerere University and the media.

Defence Diplomacy provides an opportunity to strengthen international partnerships by developing shared interests and common respect for human rights and democratic principles. Defence Diplomacy will remain a key mission for the MOD.

Department for Constitutional Affairs (DCA)

The Department for Constitutional Affairs (DCA) is responsible for human rights policy in the UK. The Department's Human Rights Division also 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 to legal challenges. DCA liaises with the Parliamentary Joint Committee on Human Rights, which is inquiring into the case for a UK Human Rights Commission. It also maintains and develops the UK's position under various international human rights treaties.

The Human Rights Division's website (www.humanrights.gov.uk) receives on average 1,500 visits a week. In 2002 its help desk received a weekly average of 50 telephone calls. Since the second anniversary of the Human Rights Act, the Division has been in contact with 5,559 local government and health authorities and voluntary sector organisations to raise awareness of the Act.

The Human Rights Act

The Human Rights Act 1998 came into full effect on 2 October 2000 and has become an established feature of the UK's legal and political culture. Fears that its introduction would result in unnecessary legal action and a flood of claims against government bodies have proved unfounded. There have been relatively very few actions based purely on the Act itself. Cases with a human rights legal point have usually been raised under existing legislation and the rights under the Convention on Human Rights taken fully into account.

Human rights roadshows

DCA's Human Rights Division staged roadshows around the UK from October 2002–March 2003 to develop understanding and raise awareness of the Human Rights Act. There were roadshows in Exeter, Llandudno, Birmingham, Manchester, Gateshead and most recently London, where Yvette Cooper MP, then Minister with responsibility for human rights, gave the keynote speech. Further roadshows in Brighton, Canterbury, Daventry and three other venues are planned for 2003–2004.

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. It works for this through a series of periodic and *ad hoc* visits by a committee of independent experts – the European Committee for the Prevention of Torture (CPT).

The CPT has carried out five visits to the UK. The most recent was in May 2003. The Government welcomes the CPT's visits and co-operates as fully as possible.

During its fifth periodic 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 UK Government looks forward to receiving the CPT's report in due course.

The CPT also carried out an *ad hoc* visit to the UK in February 2002 to examine the treatment of people detained under the Anti-terrorism, Crime and Security Act 2001 (see box for details).

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. 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.

The UK signed Optional Protocol 13 to the ECHR on abolition of the death penalty when it was opened for signature on 2 May 2002 at the Council of Ministers meeting at Vilnius. 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.

The UK intends to ratify Protocol 13 in October 2003. 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

On 7 March 2002 the UK Government announced 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

Persons detained under the Anti-terrorism, Crime and Security Act 2001

In February 2002 members of the European Committee for the Prevention of Torture (CPT) made an *ad hoc* visit to the UK to examine the treatment of persons 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 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 and the Director of High Security Prisons, as well as with officials in the Lord Chancellor's Department and the Home Office.

The CPT visited Belmarsh High Security Unit and Highdown Prison, in which persons detained under the Act were held. They spoke with the prisoners themselves as well as with members of staff.

The CPT submitted its formal report to the UK Government on 18 July 2002. It noted that the co-operation the delegation had received was very good. It found that the treatment of detainees was generally acceptable from a material standpoint. However, it listed some concerns, and made suggestions for possible areas for improvement. These included improvements in: access to work for detainees; the amount of time detainees spent out of cell; educational and recreational activities; and medical and psychological treatment facilities. The CPT's report also noted that access to solicitors had not always been given as quickly as would have been expected.

In a formal response, the UK Government welcomed the CPT's report as being of great value in assisting the prison service in formulating a strategy for the appropriate care and custody of people detained under the Act. The UK Government also noted that the CPT had identified several positive features in the treatment of prisoners detained under the Act. The UK Government accepted the recommendations for improvement made by the CPT but pointed out that the legislation was a new development for the Prison Service, and had necessitated a review of prison procedures.

The Prison Service had discussed with the CPT during their visit many of the issues raised in the report. The Prison Service had addressed some of these issues immediately and had identified and tackled other problems before the report was published. As a result of the visit, the Director of High Security Prisons commissioned a team to address the recommendations made by the CPT. All of the CPT's comments have been thoroughly investigated and each point addressed accordingly. Appropriate medical and psychological treatment is now fully available. Access to legal advice has been improved. The detainees have been relocated to a unit that offers improved cell facilities and a wider regime, with access to education, a library and a multi-faith room.

At the request of the UK Government the CPT published its report of the visit and the Government's response on 12 February 2003. Both are available on the CPT's website at www.cpt.coe.int and via a link on the DCA (Human Rights) website at www.humanrights.gov.uk

member states. Departments will review 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
- > Declaration under Article 22 of the UN Covenant 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

- > Protocol 7, European Convention on Human Rights
- > Protocol 12, European Convention on Human Rights
- > 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 leads the review in consultation with other government departments and outside organisations with a human rights interest including, of course, NGOs. The review body of representatives from government departments has met on five occasions and there have been several smaller meetings between departments. A report was submitted to Ministers in July 2003.

Ministerial/NGO forum

DCA maintains an on-going discussion with NGOs through its Ministerial Forum on Human Rights about how to develop human rights policy. David Lammy MP, Minister with responsibility for human rights policy at DCA, chairs the Forum. The Forum 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 Committee on the Administration of Justice, 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 has 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 International Covenant on Civil and Political Rights (ICCPR). In November 2002 the UK submitted its initial response to the UN Human Rights

Committee's concluding observations following the UK's examination under ICCPR. NGOs taking part in the DCA Ministerial Forum on Human Rights were invited to comment on a draft of the report prior to its submission to the UN. At its 77th session in March 2003 the Committee examined the information supplied by the UK and decided that no further action was required at that time.

The Home Office

The Prison Service has continued to host visits from prison services overseas to demonstrate how the UK manages a modern prison service. In the last year there have been around 80 visits from countries including those in South America, Eastern Europe and Africa. These visits are organised both through the FCO, DFID and other organisations and directly by embassies and foreign prison services. The purpose is to share best practice on the running of a modern prison service with due regard to human rights issues and the international agreements to which we are a party.

The Prison Service has supported projects in Russia with reciprocal visits by prison staff. The Prison Service also has two experienced senior managers chairing the Council of Europe steering committees for prison reform for Georgia and Azerbaijan.

The UK currently provides 202 serving and 14 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 transition from military and peacekeeping situations to civilian policing status. UK police officers play a key role in the international agencies' work in establishing, training and advising local civilian police forces. A key aspect of this assistance and training is to provide expertise in democratisation and the protection of human rights and minorities.

The European Union Police Mission (EUPM) in **Bosnia and Herzegovina** began operations on 1 January 2003. EUPM is the first EU civilian operation initiated under the European Security and Defence Policy and follows the end of the mandate of the UN's International Police Task Force. EUPM will work until December 2005 on developing the Bosnia and Herzegovina police force to meet the European and international standards. It aims to establish a fully independent police institution in Bosnia and Herzegovina that fully respects human rights and provides the necessary security to the society it serves. The UK is contributing 58 police officers to an international police contingent of 482 officers.

The UK Government has made commitments to the UN and the EU to increase the number of police officers available to serve on peacekeeping missions. The EU agreed that member states should be able to provide up to 5,000 police officers to international missions by 2003. Within this overall target, 1,000 officers are to be deployable within 30 days. Member states will contribute on a voluntary basis to meet this target. There are no national quotas set to achieve the target.

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 450 police officers through the European Union 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 Department of Trade and Industry (DTI)

The UK Government will not issue export licences if there is a clear risk that the proposed export might be used for internal repression. We are committed to a rigorous and transparent approach to Strategic Export Controls. All relevant export licence applications are individually assessed against the consolidated EU and national arms export licensing criteria and other Government policies.

The licensing authority for the export of arms and other goods controlled for strategic reasons is the DTI. All relevant individual licence applications are circulated by the DTI to other Government departments with an interest. These include the FCO, the MOD and DFID. The Government publishes details of export licence decisions and the criteria in its Annual Report on Strategic Export Controls. All the decisions on export licences and the EU and national criteria are available on the FCO website at www.fco.gov.uk/sanctions.

The consolidated criteria demonstrate our commitment to an effective human rights policy through regulated arms trade. Criterion two, which deals with internal repression, is particularly relevant to human rights and fundamental freedoms in the country of final destination. The UK is committed to maintaining high standards of export licence decision-making, including full consideration of the impact on human rights, through the on-going review of the EU Code of Conduct. We regularly urge other countries to adopt stricter and more transparent arms export policies.

Responsibilities for human rights in Northern Ireland

Under the terms of the 1998 Belfast Agreement, the UK Government retains responsibility for human rights policy in Northern Ireland and is responsible for implementing international obligations in the fields of criminal justice, policing, prisons and political development.

The then Secretary of State for Northern Ireland John Reid MP suspended the devolved institutions in October 2002 following a collapse of confidence among the parties in the wake of allegations about continuing paramilitary activity. Intensive negotiations followed between the UK and Irish governments and the Northern Ireland political parties aimed at restoring power to the devolved institutions and fully implementing the Belfast Agreement. The postponement of the Assembly Elections (scheduled for May 2003) is to allow the two governments to continue efforts to rebuild the trust and confidence necessary for the restoration of effective devolved institutions.

There has been further progress over the last year in implementing the Patten Report recommendations on a human rights based approach to policing. The Northern Ireland Policing Board published a Code of Ethics in February 2003. The Code is embedded in the police conduct regulations so that if police officers do not carry out their duties in line with the Code's standards, they may face criminal or disciplinary investigation.

The Code is based on the European Convention on Human Rights and other relevant human rights standards, such as the United Nations Code of Conduct for Law Enforcement Officials. It covers professional duty; investigations, privacy and confidentiality; use of force; people in custody; equality; integrity; property; fitness for duty and the duties of police supervisors. It also stresses the priority that the Police Service must give to human rights. All police officers are trained in the application of the Code.

In accordance with the Belfast Agreement, the Secretary of State for Northern Ireland invited the Northern Ireland Human Rights Commission (established by the Agreement) to consult and advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights that reflect the particular circumstances of Northern Ireland. The Commission published its preliminary advice for consultation in September 2001 and is continuing to consult widely.

In accordance with section 69(2) of the Northern Ireland Act, the Secretary of State also asked the Commission to carry out a review of its powers and functions and to make recommendations. The government published a consultation document in May 2002. While the consultation period ended on 16 August 2002, it could not conclude before the suspension of the devolved institutions in October as the views of key stakeholders were missing at that stage. Following the restoration of the devolved administration, the UK Government will bring the consultation to a close and shortly afterwards will produce its final response to the review of the Commission's powers.

In September 2002 two members of the Commission resigned reducing the number of commissioners from 12 to 10 (excluding the Chief Commissioner). We will initiate a process to appoint new commissioners in late summer 2003.

When the Secretary of State suspended the devolved institutions, he decided to continue the programme of work already agreed by the Northern Ireland Assembly. The Human Rights Unit (HRU) in the Office of the First Minister and Deputy First Minister acts as a central co-ordinating point for providing information and guidance on human rights issues to Northern Ireland government departments. The aim of the Human Rights Unit is: 'The promotion of a culture of rights and responsibilities within the Northern Ireland departments and the public authorities for which they are responsible.' The Unit also works closely with its colleagues in the Human Rights Unit in the Northern Ireland Office, which has responsibility for co-ordinating departmental returns to international human rights organisations such as the UN, and has a role in monitoring the impact of the Human Rights Act as it affects the Northern Ireland Office.

The HRU makes sure that departments take a consistent approach on human rights issues to minimise the risk of challenge in the Courts. In last year's Annual Report we flagged up that subordinate legislation to the Regulation of Investigatory Powers Act 2000 was being taken forward. This legislation was passed in October 2002 and established an enabling power for the First Minister and Deputy First Minister to authorise bodies to carry out surveillance activities. Work is on-going to appoint an Investigatory Powers Commissioner for Northern Ireland.



As Minister for Trade Policy, Mike O'Brien MP has responsibilities in both the FCO and the Department of Trade and Industry.

Last year's Annual Report also gave details of the Devolved Administration's plans for the creation of a Commissioner for Children and Young People. The Commissioner for Children and Young People (NI) Order 2003 was made at Privy Council in February 2003. The first Commissioner for Children and Young People for Northern Ireland was announced on 26 June 2003 and will take up post on 1 October 2003. The Commissioner will have an important role as both advocate and ombudsman. The Commissioner's duties include:

- > promoting an understanding and awareness of the rights and best interests of children and young people;
- > reviewing the effectiveness of law and practice relating to children and young people;
- > reviewing the effectiveness of services provided for children and young people;
- > providing advice and guidance on best practice on the rights or best interests of children and young people; and
- > engaging actively and consulting directly with children, young people and parents.

The Children and Young People's Unit in the Office of the First Minister and Deputy First Minister has also further developed proposals for a Children's Strategy for Northern Ireland since last year's Annual Report. This ten-year strategy will inform all the work related to children carried out by every Northern Ireland department and agency. It will set the vision for children and young people in Northern Ireland and the objectives needed to realise that vision. There will be formal consultation in August 2003 and we aim to publish the final strategy by March 2004. We are confident that the final strategy will be in line with the UN Convention on the Rights of the Child, reflecting its ethos and principles, and help to secure a better future for all children and young people living in Northern Ireland.

The Export Control Act received Royal Assent in July 2002. It gives the Government new powers which will allow the UK's export control regime to be one of the most comprehensive and effective in the world.

The new powers in the Act cover trafficking and brokering of military equipment; electronic transfer abroad of military technology and the intangible transfer of technology; and technical assistance which may be used in connection with weapons of mass destruction. The powers will come into effect

through secondary legislation. The Government published a consultation document on the draft secondary legislation that closed for comments on 30 April 2003 and will consider the responses when finalising the draft secondary legislation. The Act also increases transparency and accountability in the legislative framework governing export controls by setting clear limits on the Government's power to impose export controls; by requiring the Government to publish guidance on the principles to be followed when exercising licensing powers; and by placing the publication of the Government's Annual Report on Strategic Export Controls on a statutory basis.

The UK has been pressing for a Europe-wide ban on the export of torture equipment since the then Foreign Secretary announced a UK national ban in July 1997. Under that ban the UK controls the export of equipment which could be used for torture and bans the export of equipment that could only be used for torture and capital punishment. We have pressed the Commission to come forward with a proposal which would essentially create a similar ban at EU level. There was no progress until 2001 when the European Council produced guidelines on the EU Policy on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The EU Commission finally made a proposal for a Council Regulation on trade in equipment related to torture and capital punishment in December 2002. The proposal has four main elements:

- > a ban on the export and import of equipment that could only be used for torture or capital punishment (such as leg irons or gas chambers), and a ban on related technical assistance and brokering in such equipment;
- > provisions to make licensable the export and import of equipment which could be used for torture but also has legitimate applications (such as tasers);
- > detailed criteria for deciding on applications for licences to export licensable equipment (for example, that which could have torture applications); and
- > a mechanism for other member states or the Commission to object to a proposed licensing decision, empowering the Commission to take the decision.

Discussions on the proposal are continuing in Brussels.

Women and Equality Unit

The UK promotes women's enjoyment of human rights and freedoms by negotiating resolutions and other documents in international fora. The Women and Equality Unit (WEU), part of the Department of Trade and Industry, supports the

Ministers for Women in promoting gender equality throughout government policy. The Unit liaises across Whitehall on international policy matters relating to gender equality and helps to co-ordinate, negotiate and present UK positions on women's issues.

For information on WEU's work on the promotion of women's rights see Chapter Nine.

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 is represented on the steering group to take forward the Council of Europe's Education for Democratic Citizenship (EDC) initiative from 2001–2005. The DfES is sharing the UK's experiences of promoting human rights and citizenship education as part of the All-European Study of EDC policies. This study is currently underway and the DfES is one of the study's regional writers. The study explores and shares best practice in EDC within policy-making and legislative frameworks between Council of Europe states. It will be available in autumn 2003.

The Council of Europe and the DfES embrace the widest definitions and practices of education and human rights, in formal and non-formal education, such as citizenship education, minority rights and children's and young people's rights. There is a growing emphasis in the UK on developing citizenship education programmes, particularly in the formal school sector, with participation by children and young people.

Human rights and citizenship training in UK schools

Human rights are coming to life for young people through education programmes addressing citizenship. The DfES introduced citizenship education in primary schools in September 2000 and it has been a statutory national curriculum subject in secondary schools (for pupils age 11–16) since September 2002.

All schools have guidelines on teaching citizenship, with examples of how to deal with human rights issues and planning a human rights day. The DfES has also funded and supported resources and awards that encourage young people to explore human rights within their schools and communities. These include the *Impetus Awards* (see box on page 70); the *Young Citizen's Passport – Citizenship Edition*, a popular guide to the law which is fully compatible with the Human Rights Act of 1998; *Show Racism the Red Card*, anti-racist educational resources with live footage of well-known footballers talking about racism; and *Talk – Actions Speak Louder than Words*:

Citizenship and Disability, which explores and challenges perceptions of disability. More information about these and other resources and awards is available at www.dfes.gov.uk/citizenship.

The Department for Work and Pensions (DWP)

The Department for Work and Pensions (DWP), through its Disability Unit, leads on disability issues in the UK and disability issues stemming from Europe and the international fora. 2003 is the European Year of Disabled People, providing an opportunity in the UK for people to get involved in disability issues and to promote the disability agenda.

In January 2002 the Disability Unit set up a National Co-ordinating Committee and a Government Steering Group to develop, implement and evaluate the strategy and programmes within the UK for the European Year of Disabled People. The Committee is chaired by DWP officials and includes representatives from disability organisations including the UK Disability Forum for European Affairs, the British Council of Disabled People, the Disability Rights Commission, the Disability Charities Consortium, the National Council for Voluntary Organisations, the Confederation of British Industry, the Federation of Small Businesses, the Broadcasters' Disability Network, the Local Government Association, the Trade Union Congress, Inclusion Scotland, Disability Wales, Equality Commission Northern Ireland and Disability Action. The Government Steering Group comprises officials from other government departments and the Devolved Administrations of Scotland, Wales and Northern Ireland.

The European Commission set aside €12 million for the European Year of Disabled People. The UK received approximately £50,000 for launch events and £500,000 for project activities. In addition to this, the UK Government has contributed a further £2 million to support the Year. Maria Eagle MP, Minister for Disabled People, is keen for the Year to be a success.

In the UK we have three main initiatives:

> Campaign bus

The European Commission provided a campaign bus to promote disability issues by touring Member States. The bus and its theme: 'Get On Board!' set off from Greece in January 2003 and visited key venues in each country. Its visit to the UK from 2 June–2 July 2003 was co-ordinated by the UK Disability Forum for European Affairs. The venues included the Epsom Derby, the Mobility Roadshow in Castle Donnington and Manchester United Football Club.

> Launch events

The European Year of Disabled People was officially launched in the UK in the week beginning 20 January 2003. Project winners, politicians, the media and others attended special launch events in London, Cardiff, Edinburgh and Belfast.

> Projects

The Government is providing £2.3 million, which includes an EC contribution of approximately £500,000, for 171 projects, following a competitive bidding exercise. They include 20 national and regional projects and 151 local projects. Large projects receive up to £50,000 while smaller projects get up to £10,000. Disabled people are involved in running all projects. The projects include establishing a disabled writers' network, staging a disability arts festival and helping disabled people become home owners.

Further information on the European Year of Disabled People is available at www.disability.gov.uk.

The Joint International Unit of the DWP leads on UK relations with the International Labour Organisation (ILO). The ILO is the specialised UN agency promoting internationally recognised rights for workers, primarily through Conventions that are legally binding on those countries that ratify them. The UK has ratified all of the ILO's core Conventions. (See page 153 for more details.) DWP makes a regular annual contribution of £9 million to the ILO.

For information on a possible UN convention on rights for the disabled see page 220.

2.4 Protecting British nationals abroad

The British are a nation of travellers and helping them when things go wrong is one of the FCO's most important activities. Our consular staff in London and overseas help an increasing number of people every year. This year we anticipate dealing

with around 1,000 requests a week from Britons abroad in trouble or needing help. Consular staff responsibilities include registering births and deaths, replacing stolen passports and assisting victims of tragic accidents (and their families) and those caught up in other difficult circumstances.

First and foremost consular staff are concerned with protecting the human rights of any British national in difficulty. The FCO's Consular Directorate in London and consular staff around the world deal with human rights problems every day. Consular staff recognise that all situations are different and are alert to the possibility of human rights abuse in any country. Consular Directorate now has a dedicated Human Rights Section that examines the wide range of human rights violations that can affect British nationals overseas. The section works closely with NGOs including Interights, Asian Family Council, Women Living Under Muslim Laws, Parents And Children Together as well as overseas NGOs. In addition the section works with and helps fund Prisoners Abroad and Reunite, and has arranged for several specialists to be seconded to the FCO to help provide the best possible advice and service to those in distress. In addition, Consular Directorate has established *pro bono* medical and legal panels of experts to help resolve complicated cases. The following sections describe in more detail some of human rights issues with which our consular staff deal.

British nationals in prison overseas

At the end of June 2003 we were aware of 2,266 British prisoners detained overseas. All prisoners, regardless of the nature of their offence, are entitled to FCO consular services. We make no judgements about guilt or innocence.

The FCO has had a dedicated Prisoners Unit since 2001 covering the many policy and welfare issues that affect British nationals imprisoned or detained overseas. The Unit works with consular officials in posts overseas to ensure that the human rights of British prisoners are respected in accordance with international human rights standards.



1.



2.

1. Members of Amnesty International hold a candle-light vigil outside Westminster Abbey for Jackie Elliott on the night of his execution, 4 February 2003. Mr Elliott, a dual US-British national, was sentenced to death for the murder of a 19 year-old woman in 1987.

2. Baroness Symons of Vernham Dean is the Foreign Office Minister responsible for consular affairs.

Prisoner Transfer case study – Morocco

The UK signed a bilateral Prisoner Transfer Agreement with Morocco in February 2002. British nationals sentenced by the Moroccan courts could then apply to serve the remainder of their sentences in a UK prison. Normally it can take up to a year for the transfer formalities to be completed.

In the case of one British national in prison in Morocco, the prison transfer had become urgent as his father had been diagnosed with a terminal illness. He would only be able to see his son again if the prisoner were transferred to the UK as swiftly as possible. The Embassy in Rabat gave this case top priority, translated the many necessary documents and delivered them by hand to the Moroccan authorities. Consular officials emphasised to the Moroccan authorities the urgency of the case and finalised the transfer in under three months. HM Prison Service also gave priority to the case and arranged his flight and escort back to the UK in time to see his father at Christmas.

The Prisoners Unit works at two levels. It takes an interest in prisoners' day-to-day welfare: consular staff make visits, help deliver food and basic supplies to prisoners held in poor conditions, and make representations to the local authorities if we have cause for concern. We pay particular attention to medical problems and, if necessary, we may refer serious cases to the FCO's panel of *pro bono* medical advisers in the UK for further advice.

The Unit also considers, as a last resort, whether the UK Government can support appeals for clemency on behalf of British prisoners. The criteria, established in 2001, are compassionate or medical reasons; where there is *prima facie* evidence of a miscarriage of justice; or where the prisoner is a minor. The FCO has supported 11 appeals for clemency since this new policy was introduced.

At another level, the Unit looks at longer-term issues such as the negotiation of Prisoner Transfer Agreements (PTAs). PTAs allow prisoners to apply to transfer to serve the remainder of their sentence in their home country. Such transfers improve prisoners' prospects for rehabilitation and re-integration into society and they have the opportunity to be visited by family and friends.

We also encourage as many countries as possible to accede to the multilateral prisoner transfer agreement, the Council of Europe Convention on the Transfer of Sentenced Persons (CEPTSP) which is open to all, not just European countries. The benefit of the multilateral arrangement is that it embraces a much larger number of countries. So far, 52 countries have signed up to this, making it the largest international transfer convention.

We are willing to consider bilateral PTAs with countries which are reluctant to accede to the CEPTSP. PTAs with the UK are along the same lines as the CEPTSP; the obvious difference being that the agreement is with only the UK. In the period covered by this Annual Report we signed bilateral transfer agreements with Sri Lanka, the Dominican Republic and Peru, bringing the number of countries with which we have PTAs to 13. We are negotiating PTAs with a further 21 countries.

Fair trials and the death penalty

We are particularly concerned about the human rights issues surrounding fair trials and the death penalty. Consular Directorate leads on matters concerning human rights and British nationals detained overseas. The Directorate's Human Rights Adviser (who is a legally qualified specialist appointed to the FCO) is responsible for helping to implement the Government's policy on the death penalty and providing training and advice on fair trials and other standards of human rights.

The Human Rights Adviser also manages the FCO's *pro bono* panel of lawyers, set up in 2001 to help safeguard the human rights of British nationals overseas who face trial or are in prison and may not be able to secure timely and adequate legal advice. So far this year 18 cases have been referred to the panel, which consists of 53 experts in criminal and human rights law. Panel members are currently advising prisoners detained in countries including the US, Saudi Arabia, Spain, Japan, Lebanon, Portugal and Romania.

The panel of lawyers works by putting the British national in contact with a panel member who is willing to provide free advice, working alongside any locally instructed lawyer. The advice is given to the prisoner concerned and not to the FCO. The FCO's role is to pass on requests and offers of assistance, but the legal relationship is between the British national and the lawyer.

Panel members can also help a detained British national with a request to the host government for support in a clemency plea. If a panel lawyer believes that a prisoner has not received a fair trial, he or she can present this to the FCO with a recommendation to support a clemency plea on behalf of the prisoner. Ministers then consider the panel member's opinion, together with FCO Legal Advisers' opinion, and decide whether or not to support the case.

The UK opposes the use of the death penalty in all circumstances. The Government's policy on British nationals and the death penalty, announced to Parliament on 27 February 2001, is to make representations against the death sentence on behalf of British prisoners on death row, or those that may face

the death penalty, at whatever stage and level is judged the most appropriate. As of July 2003 there are 10 British nationals on death row overseas. A further nine face charges for which the death penalty could be imposed.

In the past year the Government has made representations on behalf of British nationals on death row in the US (see page 177 for more details), China, Pakistan and Thailand. These representations included calls from British Ambassadors and Consuls, letters from Ministers and telephone calls from the Secretary of State to relevant officials and politicians.

The two cases in **China** involve two British Nationals Overseas who have been convicted and sentenced to death for drug trafficking. The then Foreign Office Minister Baroness Amos sent a letter on 14 March 2003 urging the Chinese authorities not to carry out the executions. We continue to take a close interest in these cases and remain ready to make further representations.

In **Thailand**, three British nationals are currently awaiting trial, two for murder and one for drug trafficking, where the prosecuting authorities are seeking the death penalty. We are monitoring these cases and will take advice from the defendants' lawyers on when representations should be made. In May 2003 another British national was convicted of drug trafficking in Thailand and was sentenced to death. We were ready to make representations, but in the event the sentence was immediately commuted to life imprisonment.

It is difficult to quantify the impact of our representations. In the US we made representations on behalf of Jackie Elliott. Although our representations were noted, Mr Elliott was executed earlier this year. In another case, we made representations in October 2002 on behalf of British national Rayon Sampson who was facing charges of armed robbery and murder in Illinois. Baroness Amos wrote urging the Prosecutor not to seek the death penalty and in December 2002 the Prosecutor announced that the death penalty would not be sought in Mr Sampson's case.

Child abduction

Every year hundreds of parents suffer the terrible loss of having their children abducted by a former partner. Consular Directorate's Child Abduction Unit is expanding to meet the needs of these parents and to find new ways to help them in their struggle to get access to their children or have their children returned.

There have been a number of new initiatives this year to prevent and resolve this type of child abduction.

Jackie Elliott

Jackie Elliott, a dual UK/US national, was sentenced to death in the State of Texas for the rape and murder of a woman. He was executed on 4 February 2003 after being on death row for 15 years.

The UK Government made representations to the US authorities that Mr Elliott's sentence be commuted to a term of imprisonment. We made these representations from both London and the British Consulate in Houston. Former Foreign Office Minister Baroness Amos wrote to officials in Texas, including the Chair of the Texas Pardons and Paroles Board, and the District Attorney. The Foreign Secretary Jack Straw wrote to the Governor of Texas. He then telephoned the Chair of the Parole Board urging commutation of the death sentence, and the Governor of Texas' Office requesting him to order a stay of execution.

The EU Presidency also wrote to the Chair of the Texas Pardon and Paroles Board and the Governor of Texas on behalf of the EU, expressing the EU's opposition to the death penalty and urging that Mr Elliott not be executed.

In the weeks before Mr Elliott's execution, and right up to the day of the execution, his lawyers made applications to the courts to have new DNA testing carried out, which, they argued, would cast doubt on the safety of his conviction.

The Government's representations regrettably did not save Mr Elliott. However, they raised awareness in the State of Texas of our policy on the death penalty.

We will continue to oppose the death penalty and make representations on behalf of British nationals facing the possibility of a death sentence.

Kenneth Richey

Kenneth Richey has been on death row in Ohio for the past 15 years. He was convicted and sentenced to death for the murder of a two year-old girl who died in a fire, which was allegedly started by Mr Richey. Mr Richey was born in the Netherlands to a British mother and an American father. At the time of his birth British women were unable to transmit their citizenship to children who were born abroad. At the time of his conviction and sentence Mr Richey was a US national.

In November 2002 an amendment was made to the Nationality, Immigration and Asylum Act 2002 that entitled Mr Richey to register as a British citizen, which he has now done. Mr Richey is now a dual UK/US national and so the UK is able to make representations on his behalf. Our Deputy Consul-General in Chicago attended the hearing of Mr Richey's application for a retrial held in June 2003. We are awaiting the decision. We will keep in contact with Mr Richey's legal team and local officials. We will make representations against the use of the death penalty on Mr Richey, and do all that we properly can to prevent his execution.

Forced marriage case study

The FCO's Community Liaison Unit (CLU) received a telephone call from a concerned schoolgirl saying that her friend S, aged 17, was being forced into a marriage overseas and that S was six months pregnant.

The CLU made some initial calls and discovered a lengthy history behind S's problems. She was not allowed out unsupervised, had suffered emotional abuse and had eventually run away from home. She had a history of self-harming behaviour and anorexic disorders. Her education had also suffered. She had skipped school and increasingly poor marks in her school work showed she was losing motivation and concentration. The family had a history of domestic violence; the police had occasionally been called to the house and social services alerted. S had been to see social services by herself two or three times before being taken abroad. She had told them that she was pregnant, that her family would be horrified and that they were likely to take her abroad, force her to undergo an abortion and force her into marriage.

We did not have any address for S overseas and so we reported her as missing. UK police then visited family members who were still in the UK. We asked the police to persuade the family that as she was reported missing she had to be presented at the British High Commission (BHC) within 48 hours. The family members in the UK told the police that S was now married and very happy in the overseas country with her husband. The father made an overseas call and asked

for S to speak to the police officer in person. A girl on the telephone spoke to the policeman saying that she was fine. The policeman left satisfied and ready to close the case.

The CLU was concerned that this visit had merely served to warn the family of their interest in the case. It could have caused the family to bring forward any plans to move or hide S. We urgently went back to the police and said that we were not convinced that she was safe. Indeed, there was no way of knowing if this was indeed S herself speaking or that she was speaking freely. We requested the police to make a second, more forceful visit. This time, the strategy was successful. The family was sufficiently concerned that they produced S at the BHC where she informed us that she had already been forced to undergo an abortion at six and a half months, had been forced into marriage and had been raped by her new husband. She was extremely traumatised and desperate to return to safety in the UK.

The BHC issued her with an emergency passport and she returned to the UK where she was accommodated in a refuge.

This was a tragic case. Unfortunately, we were not alerted until the worst of the damage had already occurred. However, we were pleased to be able to help her out of the situation and into a place of safety.

The FCO works closely with the Family Law Division of the High Court of England and Wales. We contributed to the funding and organisation of a judicial conference in January 2003 that covered both child abduction and forced marriages. The conference brought together senior members of the Pakistan judiciary, including the Chief Justice, and members of the UK's family judiciary, including the President of the Family Law Division of the High Court, Dame Elizabeth Butler-Sloss. Delegates reached a landmark agreement on child abduction, resulting in a judicial protocol between the UK and Pakistan. The protocol states that when a child is abducted from one country to the other, the judge presiding over the case will return the child to their country of habitual residence for a custody decision. This only applies to cases in which there are existing custody orders. Our first case is currently being tried in the light of this protocol and we hope it will become an effective tool for 'left behind' parents in the UK whose children are in Pakistan.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction is the international instrument which we recommend parents use to gain the return of their children following an abduction. The Department of Constitutional Affairs leads in Hague Convention cases and we have been working to ratify this legislation with new countries. The countries we are considering have complied with the

requirements set out in the Hague Secretariat's guidance.

We are also discussing projects with these countries to help them to comply with the Convention.

We work closely with Reunite, an NGO that specialises in child abduction and supporting parents, to provide an advice line for our consular customers. Reunite's recent Islamic conference, part-funded by the FCO, provided us with another forum to explain our role and the assistance we can offer parents. We hope the working group that formed after this conference will help us to reach more parents and advise us on how to improve our service to parents.

Forced marriage

The term "forced marriage" applies to anyone who is coerced into marriage against his or her will. Forced marriage is an abuse of human rights. Forced marriages are, of course, distinct from arranged marriages, the key distinction being the lack of consent by one or both partners. Arranged marriages are an important, valid and valuable tradition in many cultures.

Over the last year the FCO's Community Liaison Unit (CLU) helped over 250 British women and men facing the trauma of being forced into a marriage abroad, and dealt with many more enquiries. The number of victims of forced marriages who are minors is increasing alarmingly: around 30 per cent this year

were minors, twice last year's figure. Many people were held against their will and some endured serious emotional and physical abuse.

The CLU is constantly improving its case handling and policy responses to forced marriages. The Unit employs two full-time caseworkers to advise and assist victims and potential victims. They work closely with our posts overseas to find ways of resolving cases. Since the CLU was established in 2000, the FCO has repatriated over 100 young people to the UK.

The CLU has developed forced marriage training courses for consular staff that will share best practice throughout the FCO. The Unit has commissioned the NGO Interights, which specialises in the international legal protection of human rights, to produce a guide to the law relating to forced marriage in the UK and relevant countries to help consular staff, lawyers and voluntary groups.

We are developing a network of partners in the UK and overseas. In **Pakistan** we have funded women's refuges, NGOs and legal aid organisations that help victims. In the UK we work with other government departments, the police, the judiciary, service providers and youth and women's organisations. We regularly attend community events. This outreach programme keeps us in touch with those most affected by the problem and improves our work.

This year we continued to work with UK police forces involved in the police-to-police links project that established and strengthened ties with police forces in India and Pakistan. We also built on the Association of Chief Police Officers' guidelines, launched last year, delivering training for police and reprinting an updated version of the guidelines.

In March 2002 we organised a trip to Pakistan for the President of the Family Law Division, Dame Elizabeth Butler-Sloss, to meet her counterparts in the Pakistan judiciary to discuss issues related to forced marriages. This resulted in a successful Judicial Conference in the UK in January 2003 where agreement was reached on working together to tackle the problem of forced marriage. (See section on child abduction above for more details.)

We are developing guidelines for social workers on dealing with cases of forced marriage to complement those guidelines already adopted by the police. To give the guidelines maximum impact, we held a series of regional consultations and met with Ministers and officials from the Department of Health and the Association of Directors of Social Services.

Human rights adviser in Caracas

Catherine Weiss took up post as human rights and environment adviser for Venezuela in June 2002. Her longstanding interest in Latin America started in 1991, when she spent a year in Argentina working on domestic human rights violations. After four years as a commercial solicitor in London and Lisbon, Catherine completed an LLM in Human Rights Law and joined the London-based human rights NGO Interights.

During the political, social and economic crisis of the past year in Venezuela, Catherine has developed a clear approach for the Embassy to address fundamental human rights issues. The priorities are tackling impunity, particularly within the police, facilitating better access to justice, and Colombian refugees in the border area.

According to PROVEA (a local human rights NGO), state police forces carry out 66 per cent of reported killings in Venezuela and in 2002, 40 per cent of reported cases of extrajudicial and summary killings by state police forces were by Portuguesa State Police. Death squads are estimated to account for a third of these deaths, with local communities often supporting the squads. Catherine has been working with a local NGO to train Portuguesa State Police in human rights. As a result of the course, local communities are developing stronger relations with the police and the state police force has opened a human rights department. Catherine is now working with the NGO, the State Governor and Chief of Police on reforming and restructuring Portuguesa State Police with a view to repeating the course in other states. The Embassy is now funding a similar project in Aragua State. Our work has received considerable publicity and been publicly applauded by the Human Rights Ombudsman's Office and NGOs. We have another project with Amnesty International in Caracas, promoting good police practices among municipal police forces and training multipliers. Participants have developed projects to reform their police forces, as a result of which a new human rights unit has opened and one municipality is training its entire force in human rights.

Catherine explains: "It is important to develop an integrated approach, funding complementary projects with local NGOs to work with communities and families who have suffered police violations, providing training and facilitating casework. We are encouraging different NGOs to share experiences and develop best practice for police training."

Catherine has fostered strong relationships with UN agencies and key national institutions, such as the Human Rights Ombudsman's Office and Judges' School. She brokered an agreement with UNDP to provide practical human rights training for the Human Rights Ombudsman's Office nationwide and has set up a project with an NGO and the Judges School to train judges and public defenders in children's and adolescents' rights. Catherine has earned a reputation as a source of information and advice on human rights and potential projects, and is consulted by other embassies, businesses and institutions. Within the Embassy she works as part of a team, training local staff in human rights concepts and priorities.

She adds: "We must share more information and best practice and avoid duplication. The network also enables NGOs to foster links with potential donors. I am trying to move the focus away from the capital, working with NGOs in the Interior."



Catherine Weiss, the FCO's human rights and environment adviser for Venezuela.

In November 2002 the then Foreign Office Minister Baroness Amos launched an academic study of community perceptions towards forced marriage. This study will improve our understanding of attitudes towards forced marriage among communities in the UK. Over the coming year we will develop discussions on this issue with European partners who are keen to hear more about our pioneering work.

Dealing with forced marriages in Bangladesh

The Consular Section in Dhaka deals with around 40 reports of forced marriage each year; a number which has been increasing year on year. Nearly all of the cases are in the Sylhet division of **Bangladesh**, about 160 miles from Dhaka. Until November 2002 the Consular Section relied on a local NGO to provide support for its work on forced marriage cases in Sylhet. However, we felt that the High Commission needed its own forced marriage infrastructure to deal with the growing number of cases in Bangladesh. At the end of November 2002 we appointed a locally engaged UK community officer to work out of the High Commission's office in Sylhet. Her primary role has been to provide assistance to victims of forced marriage. Since her appointment the High Commission in Dhaka has successfully rescued five victims and investigated 37 reports of forced marriage. We have provided safe temporary accommodation in Sylhet and are hoping to fund a similar permanent facility offering temporary secure accommodation in Dhaka.

Our High Commission continues to raise awareness of forced marriage issues among the community through NGO partners and the British Council. Workshop sessions have taken place throughout the year involving police, local government, religious leaders, women's groups, the judiciary and community leaders. There have also been activities for schoolchildren. We have also commissioned a short TV programme to be broadcast on Bangladesh Television to disseminate information to a wider audience.

British Hajj Delegation

Every year around 20,000 British Muslims perform the Hajj pilgrimage to Mecca, Saudi Arabia.

In the past year the FCO worked with Lord Patel of Blackburn, other Muslim leaders and representatives of Muslim organisations under the umbrella of the Hajj Advisory Group to organise the British Hajj Delegation. A team of ten volunteer Muslim doctors and counsellors and two Muslim FCO consular officials travelled to Mecca in February 2003 to provide medical and consular assistance to the British Muslims. The FCO committed £45,000 to the project and helped secure sponsorship from businesses and charities to assist the

Bangladesh case study

The High Commission out-of-hours duty officer received a telephone call from the fiancé of a 19-year-old woman who had been brought to Bangladesh on holiday by her family. He reported that her family was trying to force her to stay in Bangladesh and get married against her will. He told the duty officer that on arrival her parents had confiscated her passport and ticket and had sent a false message to her employer in the UK. The young woman had her UK mobile telephone with her and managed to get a message to her fiancé. The duty officer advised the informant to contact Community Liaison Unit in Consular Directorate for further advice. Later that evening the duty officer received a call from a woman in which she confirmed the details as told by her fiancé.

The woman was only able to provide a limited address for where she was being held. The next morning the Vice Consul asked our UK community officer in Sylhet if she could find the address. Our officer on the ground knew the address and the area of the city and confirmed that she could go to the house but it would be helpful if she could also know the name of the father or uncle.

Unfortunately, CLU were unable to get any further information on the father or uncle's name. The UK community officer in Sylhet went to the address where she found the 19-year-old. The young woman was allowed to speak to the community officer in confidence and asked for FCO assistance to return to the UK because she feared she would be forced into marriage if she remained in Bangladesh.

The woman left her relative's home with our officer. She was escorted to Sylhet airport and put on a flight to Dhaka. Our consular staff also made arrangements to get the woman on a flight to the UK the same evening. She arrived from Sylhet and was met at the Dhaka airport by consular staff from the High Commission. After having a meal and filling in required documents, we escorted her back to the airport to make sure that she got through immigration and on to the plane safely.

delegation in its work. A permanent Hajj secretariat has been established, also with FCO funding, at the Islamic Cultural Centre beside Regent's Park mosque.

The Task Force for International Co-operation on Holocaust Education, Remembrance and Research

In May 1998, the UK, Swedish and US governments organised a meeting in Stockholm dedicated to the Holocaust. They set up a Task Force for International Co-operation on Holocaust Education, Research and Remembrance. They agreed that the Task Force would work closely with NGOs in order to spread knowledge of the Holocaust through international educational and public activities. The Task Force now has 14 member countries and has successful liaison relationships with other countries including the Ukraine, Romania, Latvia and Lithuania.

At the Stockholm 2000 meeting, the UK agreed to lead the liaison with Lithuania and for the past three years we have

worked with Lithuanian officials and NGOs. Our partnership draws on bilateral and Task Force resources to support successful educational, research and remembrance projects. Past and current projects include a travelling exhibition, 'Jewish life in Lithuania'; signposting of Holocaust sites; and teacher-training seminars. Lithuania became a member of the Task Force in 2002. The bilateral and Task Force partnership remains strong, building on Lithuania's achievements. More information is available on the Task Force website <http://taskforce.ushmm.org>.

2.5 Chevening Scholarships

The British Chevening Scholarships are prestigious awards funded by the FCO and administered by the British Council, which enable overseas students to study in the UK. Around 2,300 new Chevening Scholarships are offered every year to talented graduates and young professionals in over 150 countries to experience living in the UK and gain skills which will benefit their countries.

In 2002-2003, 70 people came to the UK to study a course connected with human rights. Special human rights schemes under the Chevening programme included a three-month human rights scholarship in partnership with the University of Nottingham aimed at young Chinese officials. Course options include international human rights law, human rights in practice and English civil liberties law. Our High Commission in New Delhi offers two one-year human rights scholarships. Chevening Scholarships usually cover the students' tuition fees, travel, accommodation and living expenses plus a books allowance. The students come from a wide range of backgrounds.

Zakaria Lawrence Ndenge has spent the past year studying for an LL.M (Master of Law) in Human Rights at Staffordshire University. Originally from Wau in southern Sudan, he read law at Al Neelain University in Khartoum before working as a lawyer for six years when he became first legal counsel at the co-ordination council for southern Sudan. He is very clear about his future role in Sudan:

"I believe as a person working in the field of law it is my duty to work for the protection and promotion of human rights. I belong to a part of the world where human rights abuses are common practice and people lack awareness of their fundamental human rights. My course is a great opportunity to gain scientific and practical methods of how to protect and promote human rights.

"The British Council offers open days and receptions for Chevening scholars in the UK, which are good opportunities to meet and exchange views with scholars from different parts of the world."

Daniela Martins Considera comes from Rio de Janeiro, Brazil. She graduated in law in 1996 from the Federal University of Rio de Janeiro, worked as a federal justice official in 1998, and started working at the public defender's office in 1999, a public organ of the state of Rio de Janeiro helping poor people with legal representation.

"In 2000 I started working as a public defender in the penitentiary system of Rio de Janeiro, giving juridical assistance. I worked for 18 months at the Frei Caneca Complex and witnessed the terrible conditions under which prisoners are held. Afraid of revenge, the prisoners refused to talk making it more difficult to punish those responsible. In 2001 I moved to a centre at the public defender's office for the defence of the rights of children and adolescents, which promotes integration within the children justice system (civil and criminal), and represents children and adolescents, and their parents, within the legal process. We worked at institutions for young offenders where the situation was even worse than at the penitentiary system. Human rights are completely forgotten. As a public defender, I saw all kinds of abuses against poor people who are completely disregarded by our society.

"I thought it would benefit our work if I could study human rights and chose the MA in Understanding and Securing Human Rights at the Institute of Commonwealth Studies. This course means I



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1. Zakaria Lawrence Ndenge studied human rights law at Staffordshire University.

2. Kumars Khaleghi studied human rights law at the University of Essex.

will be able to teach at university, sharing my knowledge and developing my academic career. But the real improvement will be in my work as a public defender. Although the public defender's office was not established as an official human rights organisation, the right to juridical assistance is part of the overall international system of human rights. The MA will be crucial in considering the public defender's office as a human rights institution, and could be the link for us to develop more special organs to protect human rights, including the rights of women, prisoners, children, minorities, the elderly, and economic and social rights. Through the MA, I have also realised that the judiciary may become an important place to advance social justice."

Kumars Khaleghi graduated from the National University of Iran in 1998 with a degree in judicial law and a masters in international law, having written his thesis on UN action in freedom of expression. "This was the start of my experience in human rights," he explains. "I understood the concepts of respect, co-existence, peace and many other human rights values. Work experiences in law firms made me realise the greatness of such fundamental principles which are legally enforceable while simple enough to be understood by everyone. My experience in the Strategic Sciences University as an international law researcher made me appreciate the necessity of applying human rights as basic values at national and international levels."

Kumars' particular field of interest now lies in corporate social responsibility. "The LLM course in International Human Rights Law at Essex University has given me an instrument I can use in

different ways to promote people's well-being and make the connection between human rights and responsible business. This will help to address concerns about the oil industry in my country. As a lawyer I hope to be able to play an effective role in this important movement."

Belarus is a nation in transition and **Alexander Plashchinsky** believes that to participate in the process of transformation and reforms, he needs an appropriate professional and academic background. After graduating in international relations and diplomacy from the Belarusian State University in 2000, he joined the Belarus diplomatic service as desk officer for the UK while continuing his research on US foreign policy.

"I chose to study at Kingston University for its specialised MSc in International Conflict, which focuses on the burning problems facing the world today. I view my studies in the UK as an opportunity of a lifetime and an important contribution to my professional background and personal growth. As a career diplomat engaged in bilateral relations between Belarus and the UK, I wanted first-hand experience of Britain as a cradle of democracy, its culture and traditions. I have experienced British life, met interesting people, deepened my knowledge of modern international issues and concentrated on my main interest – US strategy of global leadership, its evolution and current implementation. I have broadened my vision of international relations and have decided to continue my studies by doing a PhD at Kingston."

Human rights advisers take up Africa posts

This year the FCO appointed the first human rights advisers in Africa. Carolyn Norris took up her sub-regional post in Dakar, Senegal, in February 2003. Jon Lunn, human rights adviser for Southern Africa, began work in Pretoria, South Africa, in June. A third adviser was due to start in Nairobi, Kenya, in August.

Carolyn and Jon have both worked with Amnesty International's International Secretariat in the 1990s and their paths crossed again at Article 19, working in the field of freedom of expression. In addition, Carolyn has been involved in projects with NGOs such as Human Rights Watch, the Medical Fund for the Treatment of Torture Victims and International Human Rights Law Group. She explains the challenges of her new job:

"Working in West Africa is a constant challenge as the sub-region combines optimism and conflict with countries such as Sierra Leone, which is courageously emerging from conflict, and countries which may be stable but suffer fundamentally from bad governance. Civil society in each country faces different struggles."

In Liberia, the FCO is supporting an NGO in documenting human rights abuses by all sides to the conflict. In Guinea, our funding allows a human rights NGO to publish a two-monthly newsletter. Carolyn is

hoping to fund more projects in coming months. Through one project, she hopes to enable children, some as young as seven, to demand their rights as 'apprentices'. As she points out, in some of the worst cases the type of work the children do and the conditions they work under constitutes a contemporary form of slavery. "Another project I hope to fund will raise awareness of human rights issues with Liberian refugees in Sierra Leone and with Liberian people displaced within their own country, as well as with their host communities."

Jon's background includes having taught development and human rights at the London School of Economics. He also stresses the range of challenges that Africa faces:

"The countries of southern Africa pose a range of challenges in terms of strengthening human rights. Contexts range from fragile democratic transitions in countries like Malawi and Mozambique to the consolidation of peace in Angola after a devastating thirty-year civil war. Then there is the complex political and economic crisis in Zimbabwe. Widespread famine and the HIV/AIDS pandemic in the region also exacerbate crises of governance. As a human rights adviser, I see my role as helping to integrate human rights into the UK's policies and interventions for southern Africa."

HUMAN RIGHTS and Europe



Members of the Roma minority write a job application form against a window at a job fair organised by the Romanian government for Roma in Bucharest.

This chapter gives details of the instruments and activities that the European Union (EU), the Council of Europe and the Organisation for Co-operation and Security in Europe (OSCE) deploy to protect and promote the human rights of people within Europe and the rest of the world. All three organisations are committed to democracy, human rights and the rule of law. By promoting and protecting these principles and common values, we can build foundations for peace, stability and prosperity in Europe and beyond.

Membership of the three organisations overlaps. The OSCE is the largest with 55 participating states from Europe, Central Asia and North America. All 15 EU member states (to be 25 in 2004) belong to the Council of Europe which has 45 member states, and all Council of Europe members belong to the OSCE. The only states which are members of the OSCE but not the Council of Europe are Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, US, Canada, Monaco and the Holy See.

Issues covered by the OSCE include arms control, preventive diplomacy, confidence and security-building measures, human rights, democratisation, election monitoring and economic and environmental security. The Helsinki Final Act, adopted in 1975, set out the fundamental principles that guide relations between OSCE participating states:

- > sovereign equality, respect for the rights inherent in sovereignty;
- > refraining from the threat or use of force;
- > inviolability of frontiers;
- > territorial integrity of states;
- > peaceful settlement of disputes;
- > non-intervention in internal affairs;
- > respect for human rights and fundamental freedoms including the freedom of thought, conscience, religion or belief;
- > equal rights and self-determination of peoples;
- > co-operation among states; and
- > fulfilment in good faith of obligations under international law.

The OSCE has no legal status under international law and its decisions are not legally binding. However, having been signed at the highest political level, its decisions do carry authority.

The Council of Europe covers all major issues other than defence. Its work includes human rights, media, legal co-operation, social cohesion, health, education, culture, heritage, sport, youth, local democracy, the environment and regional planning. At the core of the Council of Europe is the European Convention on Human Rights which entered into force in 1953. This sets out the following fundamental rights and freedoms which members undertake to secure for everyone within their jurisdiction:

right to life, prohibition of torture, prohibition of slavery and forced labour, right to liberty and security, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association, right to marry, right to an effective remedy, and prohibition of discrimination.

A legal framework for human rights within the EU's external policy is set out in the Treaty on European Union (TEU) of 1 November 1993. This ensures that liberty, democracy and the rule of law are aims of both Common Foreign and Security Policy and development co-operation. The EU also has human rights clauses in all new agreements with third countries (see page 98).

The UK encourages these three regional organisations to co-ordinate their work and achieve a coherent European approach to human rights. Regular dialogue, exchange of information and joint actions are vital to avoid duplication and make sure that the work of one organisation adds value to the work of the others.

Our co-operation is improving, although we cannot be complacent and there is more work to do. EU enlargement is just one example of successful co-ordination between the EU, the Council of Europe and the OSCE. All accession states to the EU have signed the European Convention on Human Rights and are subject to the jurisdiction of the European Court of Human Rights. The Copenhagen political criteria (see box) – against which the EU judges whether candidate states have achieved stability of institutions and respect for human rights – are based on standards elaborated by the Council of Europe. For many years the Council of Europe and the OSCE have played a role in helping to encourage EU candidates to improve their human rights standards in order to meet these criteria.

In this year's Annual Report we look in particular at the human rights situation in Bulgaria and Romania with whom the EU is currently negotiating membership and we include a progress report on Turkey's EU candidacy. We also give an overview of how human rights are developing in the western Balkans.



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1. Polish President Aleksander Kwasniewski displays Poland's EU Accession Treaty after signing it in Warsaw, 23 July 2003. All candidates for membership of the EU must conform to the Copenhagen Criteria.

2. Dr Denis MacShane MP, Foreign Office Minister for Europe.

Elsewhere in the Annual Report we cover our human rights concerns in Central Asia, Moldova, Ukraine and the Caucasus.

3.1 EU enlargement

The EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law (Article 6 of the TEU). The prospect of EU membership is an incentive for candidate states to focus on human rights as they prepare for their membership. EU membership means that the EU can take action against any member state that seriously and persistently breaches such rights. This, in turn, guarantees that new member states entrench and respect human rights.

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, member states 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;
- > the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;
- > the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union; and
- > create 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.

All candidates for the EU must meet the political criteria established by the Copenhagen European Council in 1993, before any negotiations can begin. In December 2002 negotiations concluded with 10 candidates: Estonia, Latvia, Lithuania, Poland, Hungary, the Czech Republic, Slovakia, Slovenia, Cyprus and Malta. Heads of state and government signed an Accession Treaty on 16 April 2003. Subject to ratification of the Treaty, the ten countries (the accession states) will accede to the EU on 1 May 2004. Negotiations continue with **Bulgaria** and **Romania**, with the aim of welcoming them as members of the EU in 2007. If the European Council decides in December 2004, on the basis of a Commission report and recommendations, that **Turkey** fulfils the Copenhagen political criteria, the European Council will open accession negotiations without delay.

The prospect of EU membership has provided the political impetus for many of the aspiring EU members to become more involved in human rights initiatives at national and international levels including the ratification and implementation of regional and international human rights obligations. For example in the 1990s all of the current accession states, which had not already done so, signed and ratified the European Convention on Human Rights. In 2002, all signed Protocol 13 to the European Convention on Human Rights, which outlaws the death penalty in all circumstances.

The EU works closely with all the candidate countries in UN human rights fora. The candidates are equally strong supporters of EU human rights initiatives and statements in these fora, demonstrating that they share the EU's commitment to promoting and protecting human rights in external relations.

On 21 May 2003 during the second reading of the Enlargement Bill, the Foreign Secretary Jack Straw announced to Parliament that the UK would extend the European Convention on Human Rights to the UK's Sovereign Base Areas (SBAs) on **Cyprus**, with effect from 1 May 2004.

This means that those Cypriots who live in the SBAs will get the same human rights protection as other Cypriots.

On-going human rights issues in the 10 new member states

The EU is bringing new directives into force this year to combat discrimination across Europe. During 2003 all EU member states must begin to implement Directives 43/2000/EC and 78/2000/EC prohibiting discrimination in the workplace and elsewhere. Before accession, all 10 new member states must transpose and enforce the same directives, further entrenching human rights and respect for minorities across Europe.

Legislation alone will not change ingrained attitudes. In some of the accession countries, lack of resources and weak administration mean that they cannot implement the legislation effectively. In the months leading up to the accession of the 10 new member states, the European Commission will monitor the situation, highlighting any aspects of human rights and respect for minorities that still need improving. The Commission will produce its final monitoring report in November 2003.

The Commission emphasises to new member states the importance of developing administrative capabilities in order to implement new legislation. To this end, it has allocated €1.5 billion this year within the Phare programme. Through this programme, EU members send experts to candidate countries and other countries of the region. The UK has been involved in several projects with a human rights angle. In the **Czech Republic**, we are promoting racial and ethnic equality and in **Bulgaria** we are helping to integrate the Roma. These projects strengthen government action to develop a legal and institutional framework to combat racial and ethnic discrimination and improve relations between minorities, in particular the Roma community, and wider society. In **Poland**, we are financing a project to develop police services.

We continue to follow the issue of citizenship in **Estonia** and **Latvia** and welcomed the Latvian government's research into

why some residents had not taken up citizenship. The Estonian and Latvian governments provide programmes of support to their residents to take and pass the citizenship tests: the UK has given financial support to these programmes which include publicity campaigns and language courses.

Roma in the EU accession countries

The majority of the world's 12 million Roma live in the EU accession countries of the Czech Republic, Hungary, Poland and Slovakia, and in Bulgaria and Romania. Although there is no state-sanctioned discrimination against Roma, individual Roma may experience prejudice and discrimination in their daily lives.

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 European Commission, has closely monitored progress on Roma issues in recent years. We have found no evidence of systematic or officially sanctioned discrimination against Roma.

European Commission progress reports for 2002 suggested a range of further measures to address discrimination against Roma in education, housing and employment. It is essential that governments implement the EU's anti-discrimination directives effectively. Our Embassies are working closely with governments and NGOs across the region to support this process and there is pre-accession assistance to target these issues.

In **Slovakia** we are funding a Roma Housing Rights project from the Global Opportunities Fund 'Reuniting Europe' Programme. The aim of the project is to challenge the abuse of Roma housing rights through a programme of research, litigation of key cases, advocacy and training, working with Roma activists and communities. This and other similar projects are underpinned within 'Reuniting Europe' by a larger, regional project, Anti-Discrimination Legislation: Training and Advocacy in Central and Eastern Europe. This provides awareness and training for policy-makers, lawmakers, judges and human rights



Former Democratic Party MP Leyla Zana during her retrial at a state security court in Ankara, 23 May 2003. Mrs Zana was convicted in December 1994 of membership of a banned organisation (the PKK).

NGOs and lawyers on anti-discrimination instruments and provides practical assistance in their implementation.

In the **Czech Republic**, we encouraged the Czech authorities to tackle discrimination by funding a project to improve relations between the police and the Roma. This has had a positive effect on policy. Training on minority issues is to be introduced as part of core police training. As a result of the project there are now eight qualified trainers who are able to provide this training to existing and new police officers. Our training workshops and a Czech high level study visit looking at policing in a minority community in the UK, was followed up by a seminar held in the senate. The seminar led to the establishment of the national action plan on the policing of minorities. The security policy department of the ministry of interior is currently overseeing the implementation of the key sections of this strategy. In August 2002 the Czech government approved an Action Plan for Roma Integration and the finance ministry allocated about €1 million to implement projects throughout the municipalities. The ministry of education is examining how to improve educational support to the Roma community by using Roma educational assistants more effectively.

We have worked with the **Polish** government on several projects, worth over £230,000, since 1999. The Young Roma Business Academy aims to improve job-seeking skills of Roma. The work involves youth mentoring to encourage integration between Poles and Roma and has resulted in an increase in young Roma embarking on further education programmes. A second project covering five areas in Poland is encouraging Roma to vote and participate in local elections. In the Nowy Sacz region, Roma voter participation increased by 30 per cent and an unprecedented number of Roma leaders also ran for election although none were successful. We have also been involved in projects to improve housing standards for Roma. We funded training for 40 local government officers in dealing with Roma issues and implementing a Roma housing programme. This has resulted in a substantial increase in funding from central government especially on housing.

In addition to the FCO work, DFID is funding a project with the NGO European Dialogue, worth £818,000 over two years, to develop strategies to improve access to justice for Roma in Bulgaria, the Czech Republic, Romania and Slovakia.

Turkey

Human rights are a central tenet of the Copenhagen political criteria which Turkey, like all EU candidates, must meet before it can begin accession negotiations. In this way Turkey's EU candidacy reinforces the Justice and Development Party (AKP) government's own reform agenda.

Turkey has made considerable progress towards meeting these criteria. The legislative reforms of the past year each contained clear evidence that Turkey's political leaders are determined to align the country with the EU's standards and values. The European Council (at Copenhagen in December 2002 and Thessaloniki in June 2003) has acknowledged this progress, as has the European Commission's Regular Report. The General Affairs Council on 14–15 April agreed a new Accession Partnership offering enhanced practical assistance.

The partnership is a road-map towards EU membership and an incentive to the government to promote and protect human rights in Turkey. The UK strongly supports both of these aims.

During the last year the Turkish government has complemented its constitutional and legislative changes with a willingness to engage with multilateral agencies. Positive reports from the UN Special Representative for Internally Displaced Peoples, the UN Committee Against Torture and the European Committee for the Prevention of Torture reflect Turkey's progress. Nonetheless there remain some significant human rights concerns, including the government's implementation of reforms regarding freedom of expression and minority rights, in particular those of the Kurds. The use of torture remains a concern. We address this in Chapter Seven.

The Turkish parliament adopted legal changes in August 2002, which symbolised the government's willingness to introduce far-reaching reforms, even at the risk of domestic controversy. It abolished the death penalty (except in case of war), and on 15 January 2003 Turkey signed Protocol No. 6 to the European Convention on Human Rights (on the abolition of the death penalty). One immediate effect of this reform was the commutation to life imprisonment of the sentence against Abdullah Ocalan (leader of the proscribed terrorist organisation, the PKK). The government took steps to widen freedom of expression and of association, for example by permitting public broadcasting and private education in languages other than Turkish. Measures were introduced to strengthen the fight against torture. The lifting of the state of emergency in the four provinces where it had applied (Tunceli, Hakkari, Diyarbakir and Sirnak), has improved the human rights climate in south-eastern Turkey. This is according to recent reports on these provinces by the Human Rights Commission of the Turkish parliament, itself a welcome sign of vigorous parliamentary scrutiny.

Parliament adopted two further reform packages at the beginning of 2003. These addressed other outstanding concerns in the fight against torture and introduced important changes protecting fundamental freedoms, such as making it harder to close down political parties. The reforms also allowed for retrial in cases following European Court of Human Rights

(ECtHR) judgements. This is already benefiting some of those serving prison sentences for expressing non-violent opinions. For example, on 4 March 2003 Ankara State Security Court decided to retry Leyla Zana and the three other former Democratic Party (DEP) MPs who were convicted in December 1994 of membership of a banned organisation (the PKK) and who successfully appealed to the ECtHR.

However, while the authorities are implementing some of these reforms quickly, other attempts to implement reforms, for instance broadcasting and education in minority languages and the freedom of religious foundations to register property, have been less successful. In some cases reforms have not been implemented in the spirit in which they were passed, with legislators' good intentions translated into restrictive regulation. The Turkish government needs to translate the improved legislation already in place into a track record of consistent and universal implementation. We continue to urge them to do so.

Human rights reform in Turkey has nevertheless acquired significant momentum. The government has promised further legislation and in July 2003 passed the sixth EU-related package. This addressed some longstanding concerns, for example by abolishing Article 8 of the anti-terror legislation (which allowed people to be prosecuted for propaganda against the state and defined 'terrorism' to include speech as well as action) and by facilitating the building of places of worship. It also allowed the private broadcasting of minority languages. The government wants key civil servants to receive human rights training.

As we were going to press, the Turkish government passed a seventh EU-related reform package. This was particularly far-reaching and we warmly welcome the changes it should bring. The package entrenches civilian political control of the military and addresses other key criteria specified in Turkey's Accession Partnership. These include further reducing restrictions on freedom of association and expression (for instance by limiting the type of propaganda that people can be prosecuted for), and facilitating the teaching of minority languages. The package should expedite prosecutions in cases relating to torture and ill-treatment. It also introduces provisions that should remove the remaining instances where civilians can be tried in military courts and raises the upper age for trial before a juvenile court from 15 to 18. We look forward to the swift and effective implementation of these reforms.

An increasingly dynamic civil society is developing in Turkey and the government is making important efforts to engage with it. The new Parliamentary Human Rights Commission has made a positive start, meeting domestic NGOs such as the Human Rights Association and the Islamic-orientated human

rights group Mazlumder. Reforms now allow international NGOs such as Amnesty International to be established in Turkey although the authorities still hamper the work of some human rights organisations. Turkish NGOs are particularly enthusiastic about the establishment of the new Human Rights Presidency's consultation board, which has set up a variety of working groups. The presidency is a small unit within the prime minister's office that co-ordinates human rights-related policy across government by liaising with NGOs, officials and political actors. The working groups are now reporting on key issues. The government must now make sure that this work results in concrete action.

There is still a worrying number of cases against minority groups (in particular Kurds) and human rights defenders. While many cases end in acquittal, court rulings and interpretations by prosecutors are not consistent. The need to prevent intimidation of those groups is illustrated by the fact that on 6 May 2003 police officials, accompanied by a state security court prosecutor, raided both the central office of the Human Rights Association and its Ankara branch. Despite positive changes to the political parties and election laws, the closure of the Kurdish party HADEP and the cases filed against HADEP and DEHAP (another Kurdish Party) members and their supporters also reflect the need to implement previous reforms. These include those which made it more difficult to close down political parties by requiring the Constitutional Court to have a three-fifths majority rather than a simple majority.

We continue to support Turkish human rights NGOs with practical training, for example on designing and managing their projects and finances and strategic planning. We meet with them regularly to discuss the situation on the ground and new ways forward. An example of this is the recent HRPF funded project to promote the effective participation of women in society in south-eastern Turkey. The FCO worked with Kamer, an NGO focused on women's rights and combating domestic violence, to increase the administrative capacity of other women's NGOs in the region.

The government's reforms in August 2002 for protecting freedom of expression were a major step forward but current regulations are preventing some of these reforms being implemented. By allowing public broadcasting and private education in languages other than Turkish (including Kurdish), the Turkish government has recognised cultural pluralism in Turkey for the first time. The reforms also narrowed the definition of threatening or insulting behaviour to allow criticism of the Turkish state in accordance with normal democratic practice, and protected the freedom of the press and freedom of association more effectively. However, regulations on private education in languages other than Turkish effectively require

the teaching to take place in different buildings. They require the students already to speak Turkish and they require the teachers to be heavily vetted. We expect the sixth package of EU-related reforms to address some concerns by allowing private broadcasting in minority languages which should lead to actual broadcasts in these languages.

Turkey has recently taken the very welcome and highly significant step of ratifying a number of important international agreements including the two core international human rights treaties – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – and the International Convention on the Elimination of all forms of Racial Discrimination.

We continue to urge Turkey to introduce comprehensive civil and administrative law provisions against discrimination; to sign the Council of Europe Framework Convention on the Protection of National Minorities; and to sign the Rome Statute of the International Criminal Court. As a matter of course, we encourage Turkey to implement the statutes outlined in all the treaties to which it is party.

Fewer cases relating to torture, deaths in custody and disappearances in Turkey were filed in the European Court of Human Rights (ECtHR) in 2002. Recent reforms demonstrate that Turkey takes its commitment to the ECtHR seriously. Turkey now allows re-trial following ECtHR judgements and has aligned the payment of compensation and stamp duties with European standards.

However, we are concerned about some aspects of Turkey's compliance with the ECtHR. We underlined the need to act quickly to implement all the court's judgements fully during the UK-Turkey human rights dialogue in November 2002. The revised EU Accession Partnership makes similar calls. As a fellow member of the Council of Europe, the UK will continue to play its part on the Committee of Ministers to ensure that Turkey fulfils its obligations under the Convention.

Recent court decisions in Turkey have reflected inconsistencies in the implementation of reforms. One example was the Adana State Security Court decision on 22 May 2003 to sentence four people to three years and nine months' imprisonment for "aiding and abetting an illegal organisation" in connection with petitions handed in to Seyhan (Adana) directorate of education demanding education in Kurdish. However there have been some encouraging judgements in the last year. In April 2003 the Appeals Court upheld the verdict in the infamous Manisa case in which 10 police officers from Manisa were accused of torturing a group of young, left-wing activists in 1995. The sentences range from 5–10 years for each officer, allaying fears

that the courts would overturn or water down the convictions. There have also been important results for freedom of expression. On 20 May Ankara Criminal Court acquitted the lawyer Filiz Kalayci on charges of "insulting the state". The case was launched in connection with a press release about the special 'F-type' prisons. On 21 May Istanbul State Security Court (SSC) acquitted Bilgesu Aydan Erenus on charges of "making propaganda for an illegal organisation". The case had been launched against an article in a journal about death fasts.

There have also been important court rulings supporting the rights of persons belonging to minority groups. In March 2003 the Court of Appeals stated that having a name was a constitutional right. This overturned the decision of a lower court in the south-eastern province of Siirt, which had ruled that parents must change the Kurdish name they had given to their baby girl. On 18 February 2003 the Diyarbakir Penal Court acquitted Osman Baydemir, former Chair of the Diyarbakir branch of Human Rights Association, and several board members of violating the law by using the Kurdish spelling of 'newroz' (new year) in publications.

FCO human rights work in Turkey

We have an on-going bilateral dialogue with Turkey on human rights, which we inaugurated in June 2002. The second round was in London in November 2002. FCO officials, led by the Director for Wider Europe, Linda Duffield, received a delegation from the Turkish ministry of foreign affairs. We held frank and constructive discussions about Turkey's progress in protecting human rights. The delegations shared ideas and best practice that later resulted in a variety of HRPF-funded projects. The next round of talks is scheduled for this autumn in Ankara.

This year the HRPF is providing £400,000 to projects in Turkey. Of this £340,000 has been allocated to projects related to the rule of law and prison reform. We are training public prosecutors in prison management and promoting women's participation in society in the GAP region (the provinces of Batman, Diyarbakir, Gaziantep, Mardin, Siirt, Sanliurfa, Sirnak and Kilis) of south-eastern Turkey. We also fund three British Council projects and others through the UK/Turkey EU Action Plan, one example being a project to help prepare women's NGOs for the hearing of Turkey's report to the UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW).

Turkey has also been a priority country for the newly launched Global Opportunities Fund (GOF). The GOF 'Reuniting Europe' Programme is currently funding a number of projects in Turkey with an emphasis on helping Turkey meet the Copenhagen Political Criteria. One example is a project on child rights in Turkey, which aims to raise awareness of child rights and

improve the existing provisions for dealing with children in the Turkish judicial system. Another will allow Turkey to complete the second stage of a project to provide human rights training for the Turkish judiciary.

Turkey's prisons have had a notoriously bad reputation. This is now changing thanks to a sustained effort to overhaul the prison system as part of the reform agenda to meet EU standards. We have supported these changes since 1999, working with the British Council and the International Centre for Prison Studies to forge a working relationship with the Turkish ministry of justice. We have completed four projects this year. Our work has helped to set up independent prison monitoring boards; developed prisoner recreation and education programmes; trained prison governors; and strengthened the prison management skills of public prosecutors.

In addition we monitor and report on human rights in Turkey, attending hearings wherever possible, and liaise with EU colleagues to maximise our collective understanding of, and impact upon, the human rights situation in the country. We maintain a strong network of contacts. These include local and multinational NGOs and international human rights bodies. We regularly meet with Turkey's Human Rights Presidency, the Parliamentary Human Rights Commission and civil society organisations.

Bulgaria

In the post-communist period, the Bulgarian government has consistently implemented policies aimed at observing and protecting human rights. The country is party to international conventions such as the UN Convention on the Rights of the Child and the Council of Europe Framework on the Protection

of Ethnic Minorities. The remaining human rights challenges concern social exclusion of ethnic minorities and vulnerable groups such as the Roma and people with special needs, including learning difficulties.

The FCO and DFID have been assisting central government and local administrations to address these problems for some years. Examples of our work include: strengthening capacity in policy development at the ministry of labour and social policy; enhancing understanding of social exclusion issues in Sliven, Nova Zagora and Yambol municipalities; improving legislation and conditions for small- and medium-sized enterprises; and integrating the delivery of public services through the one-stop-shop model.

We design projects that provide effective local services for vulnerable groups and help them to integrate with the wider community. We achieve our objectives in a variety of ways. We aim to influence policy formulation and we push for changes to the existing legislation by introducing new models and demonstrating good practices. An example of this is the Bulgarian draft Child Protection Act, which is based on the UK child protection legislation. This involved a team of UK consultants from Essex University (who were part of an EU twinning project) working with the state agency for child protection and ministry of labour and social policy. Together they drafted and implemented the Child Protection Act and amended Family Code addressing key priority areas in child welfare reform. Save the Children UK and other Bulgarian and international NGOs have also contributed to the proposed legislation.

Police reform in Romania and Bulgaria

The police forces in Romania and Bulgaria face certain challenges before they can meet European standards of accountability, transparency and community policing.

In Romania, the FCO has been funding the Metropolitan Police to run a training programme for senior officers with the Bucharest city police since 2001. The programme focuses on building the confidence of ethnic minority communities in crime investigations; dealing with complex investigations into child abuse in care homes; and policing large-scale public events.

Metropolitan Police officers have provided a combination of training in the UK and consultancy advice within Romania. This work will continue over the next two years within the framework of two EU-funded twinning projects, partnering the Home Office with the Romanian ministry of interior. The projects address the demilitarisation of the police and the fight against police corruption.

In Bulgaria the Metropolitan Police has worked with the Bulgarian national police since 1997 to promote open and accountable policing practice. As a result of this work, the ministry of interior has adopted a national community policing strategy. The most recent project funded by the FCO in 2002 concentrated on improving police relations with ethnic minorities. The project produced some significant results:

- > it established a cross-sector training centre in the city of Plovdiv, which has a large Roma community;
- > it set up a sustainable training programme for officers in areas with large ethnic minority populations; and
- > in areas where training took place, there was a marked reduction in the number of complaints against the police.

The Bulgarian national police force has now taken over this regional pilot, adding two new regions and applying for EU pre-accession funds to run the programme nationally.

We work in partnership with local administrative bodies, such as the social assistance agency and local directorates and inspectorates of education, NGOs and community groups, to plan and deliver effective services. DFID assisted the agency in introducing a one-stop shop to help deliver these services. We are currently considering additional support to address the agency's institutional development and capacity building.

We encourage further integration by providing needs assessments, buildings and programme development for day centres and institutions for children with special needs, and for vocational schools in Dobrich, Varna, Stara Zagora, Smolyan, Razlog, Sofia, Mezdra, Vidin and Pazardjik. We help to raise awareness about integrated education and equal access to education. DFID funded a pilot for pre-school and first grade education with teacher-assistant support for children in ethnic minority communities in Plovdiv, Stolipinovo and Samokov. This gives children an equal start and the children involved have successfully overcome language barriers and adapted to mainstream schools. The model also led to some changes in secondary education.

Romania

The Romanian government has made substantial advances in human rights in recent years and has ratified almost all of the major international agreements. It has launched a number of initiatives to deal with remaining issues and to affirm its commitment to human rights. For example, in April 2001 the government launched a ten-year national strategy for the improvement of the Roma situation and is currently reviewing the strategy's progress. In 2002 the government abolished laws forbidding homosexual acts and improved child protection, particularly in institutions.

We are working with the Romanian government on remaining challenges. British experts are helping to reform the adoption system so that it complies with the Hague Convention. DFID funds the position of co-ordinator for the High Level Donor's Group – an NGO which supports the government's efforts to ensure the respect, protection and fulfilment of the rights of all children and adolescents. The co-ordinator works with ministers, officials, health administrators and civil society to secure the necessary strategic changes in Romania's child protection system.

Child abuse is one of the most serious human rights problems in Romania. We are tackling this by raising the profile of the problem. Working with a local NGO in Iasi, we co-funded a campaign on child abuse. We are also addressing child abuse as part of a project on police reform. The UK has seconded an adviser to the ministry of the interior to advise on reform,

including techniques for dealing with domestic violence and child abuse.

In an on-going DFID project, the University of Swansea is working with the Romanian ministry of justice on young offenders' probation periods. There was no concept of probation in Romania before the DFID project started in 1998. Probation as a sanction is now enshrined in law (enacted December 2001) and there are nascent probation services in all 41 counties. DFID provided professional training for all the staff.

Education is the key to reform in many areas. In 2002 the British Council launched a human rights textbook and an associated programme of teacher training. The project team will adapt this successful project for use outside Romania.

Finally, we have launched projects to improve the position of the Roma community and to address gender issues, disability rights and inter-cultural education. For example, the British Council project Women in Politics is upgrading the skills of women politicians so that more of them will achieve positions of influence and thus work with maximum effectiveness. On disability rights, the British Council in Romania and the Lamont Centre for the Physically Disabled are organising a major international conference: Thinking Globally, Acting Locally: Working with the Disabled Community Towards a More Inclusive Society. The British Council is also working on an Intercultural Education Through Schools project with the Intercultural Institute of Timisoara, in partnership with NGOs, government organisations and 20 pilot schools. The scheme is intended to foster an ethos within the education system based on appreciation of diversity, democratic participation and pluralistic community engagement.

The European Initiative for Democracy and Human Rights (EIDHR)

The European Initiative for Democracy and Human Rights (EIDHR) is the largest human rights and democratisation fund in Europe, receiving approximately £62 million from the EU each year. EIDHR projects may be launched on a pilot or experimental basis and can be funded without the consent of the government of the host country. This complements other European Community programmes such as the European Development Fund and MEDA (a fund for Mediterranean partners – Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia and the Palestinian Authority) which are implemented with governments. The UK contributes approximately 17 per cent of EIDHR's budget annually.



French soldiers outside the British camp at Bunia airport, DRC, 2 July 2003. The Interim Emergency Multinational Force for Bunia was officially launched as a European Security and Defence Policy operation on 12 June 2003.

In 2002 EIDHR focused on democracy and the rule of law, international criminal tribunals and setting up the International Criminal Court. This work included five specific areas:

- > support for the abolition of the death penalty;
- > fighting impunity and promoting international justice;
- > combating racism, xenophobia and discrimination against minorities and indigenous people;
- > preventing torture and supporting the rehabilitation of victims of torture; and
- > strengthening democratisation, good governance and the rule of law.

In 2002 the fund approved 66 projects in the first four areas. Some of these projects were managed by NGOs based in the UK, including Penal Reform International (the Commonwealth Caribbean Death Penalty Project); Women's Aid Federation of England (Strengthening Diversity in Russia); Oxfam (Combating Xenophobia and Discrimination against Dalits in Nepal); British Institute of International and Comparative Law (Legal Tools for Commonwealth Africa); European Dialogue UK (Ethnic Minorities and Access to Justice in Russia); Media Diversity Institute UK (Improved Media Coverage of Ethnic and Minority Issues in the South Caucasus); REDRESS Trust (Improving Torture Survivors' Access to Justice and Reparation Worldwide); and Amnesty International (Preventing the Practice of Torture through Education). In 2003 the fund decided to fund projects focusing on democracy, good governance and rule of law.

EIDHR funded another 51 projects in co-ordination with international and regional organisations including UN specialised agencies and the Office of the High Commissioner for Human Rights, the Council of Europe and the OSCE. Examples include work with the UN Office of the High Commissioner for Human Rights on the observation of human

rights in Burundi and assistance to the Sierra Leone Truth and Reconciliation Commission. EIDHR also financed an outreach project with the International Criminal Tribunal for the former Yugoslavia (ICTY).

EIDHR does not only support large-scale projects. There are some valuable EIDHR projects that increase support for local civil society initiatives. In 2002 EIDHR's micro-project scheme provided €7.85 million to 15 countries: Algeria, Bosnia and Herzegovina, Colombia, Ethiopia, Federal Republic of Yugoslavia, Georgia, Guatemala, Indonesia, Ivory Coast, Mexico, Pakistan, Russia, Tunisia, Turkey and Ukraine.

Electoral observation missions

The EIDHR also funds activities related to elections. In 2002 the EU deployed electoral observation missions to Cambodia, Zimbabwe, East Timor, Democratic Republic of Congo Brazzaville, Sierra Leone, Pakistan, Ecuador, Kenya and Madagascar, at a cost of approximately €11 million. The EIDHR also provided approximately €2 million to domestic observer groups and NGOs to educate people about elections and their rights. (See page 214 for details of UK participation in EU observer missions.)

Human Rights and Democracy Committee

The Commission must consult or inform the Human Rights and Democracy Committee, composed of representatives of member states, about important decisions relating to EIDHR. The Committee generally meets four times a year and must approve EIDHR projects with budgets in excess of €1 million. The FCO and DFID represent the UK on the Committee.

For more information on EIDHR see: www.europa.eu.int

EU Common Foreign and Security Policy

The EU Common Foreign and Security Policy (CFSP) helps to promote good governance, the rule of law, respect for human rights and fundamental freedoms. The UK is committed to an effective CFSP. We work with partners in Brussels, through

our diplomatic representations in third countries and through our representations to international organisations to promote human rights and support CFSP.

The EU includes human rights, democracy and the rule of law in all levels of political dialogue with third countries. The EU makes it a priority to foster close ties with those countries with which it has signed an Association Agreement. The UK pushed hard for more consultations before sessions of the UN Commission on Human Rights and the Third Committee of the UN General Assembly to ensure a coherent European approach to human rights.

The EU holds special dialogues on human rights with the US, Canada, China and Iran. Experts hold meetings with the US and Canada twice a year before the UN's Commission on Human Rights and the annual UN General Assembly. The main objective of this dialogue is to examine areas of common interest and possibilities for co-operation within multilateral human rights bodies. The EU also uses the dialogue with the US to raise issues relating to the death penalty and the International Criminal Court. The EU-Iran dialogue is covered more fully in Chapter One.

The aim of the EU-China human rights dialogue is to express the EU's concern about human rights in China and to increase awareness within China of the need to promote and protect human rights. The dialogue covers 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; the death penalty; administrative detention; individual cases; and treatment of refugees and minority rights, including in Tibet and Xinjiang. The UK took the initiative in pressing for an evaluation of the EU/China human rights dialogue. (See Chapter One for more details on our bilateral human rights dialogue with China.)

Under CFSP, Common Strategies, Common Positions and Joint Actions underpin political dialogue. These are the main legal instruments that implement the EU's Common Foreign and Security Policy. Many of these instruments promote human rights and good governance in third countries.

Common Strategies set out EU objectives towards a third country. They increase the effectiveness of EU actions by enhancing the overall coherency of EU policy. The Common Strategies on Russia, Ukraine and the Mediterranean region stress that their respective relations with the EU must be based on shared values of respect for the rule of law, consolidation of democracy and promotion of human rights.

Joint Actions set out specific EU operational action. The EU adopted Joint Actions during 2002, including: to support the establishment of an interim multinational security presence in Burundi to assist the transition to democracy; to establish the European Union Police Mission to take over from the UN International Police Task Force in Bosnia and Herzegovina; and to reinforce the capacity of the Georgian authorities to support and protect the OSCE observer mission on the border of Georgia with the Ingush and Chechen Republics of the Russian Federation.

Common Positions define the EU's approach to a geographic or thematic matter of general interest. During 2002-2003 the EU has adopted or renewed Common Positions expressing concern about human rights and good governance, for example in Burma and Nigeria, and imposing restrictive measures against Zimbabwe and Liberia. The EU amended its Common Position on the International Criminal Court to include measures for the Court's early establishment and effective functioning, and to encourage universal support through the widest possible participation in the Statute.

Démarches on human rights and declarations are other important CFSP instruments. Démarches typically cover: illegal detention, forced disappearances, the death penalty, torture, refugees and asylum seekers, free elections, extrajudicial executions, freedom of expression and of association, the right to a fair trial and attacks on human rights defenders.

During 2002, the EU carried out démarches on human rights in Andorra, Argentina, Australia, Bolivia, Brazil, Burkina Faso, Burundi, Cameroon, Chile, China, Côte d'Ivoire, Cuba, DRC, El Salvador, Ethiopia, Gabon, Equatorial Guinea, India, Indonesia, Iran, Iraq, Israel, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Malawi, Malaysia, Mauritania, Nepal, Nigeria, the Palestinian Authority, Pakistan, Peru, the Philippines, Russia, Rwanda, Senegal, South Korea, Swaziland, Syria, Thailand, Togo, Tunisia, Uganda, Ukraine, US, Uruguay, Uzbekistan, Vietnam and Zimbabwe.

The EU also issued human rights-related declarations concerning the following countries: Angola, Bangladesh, Belarus, Bosnia and Herzegovina, Burma, Burundi, Cambodia, Chile, Colombia, Comoros, DRC, Croatia, Equatorial Guinea, Eritrea, Ethiopia, Fiji, FRY, Georgia, Guatemala, Haiti, India, Indonesia, Israel, Kazakhstan, the Kyrgyz Republic, Latvia, Liberia, Madagascar, Malawi, Mali, Mexico, Nepal, Nigeria, the Palestinian Authority, Peru, Russia, Sri Lanka, Sudan, Togo, Turkmenistan, Ukraine and Zimbabwe.

The European Security and Defence Policy operation in the DRC is covered in Chapter One.

Charter of Fundamental Rights

The EU Charter of Fundamental Rights sets down the rights, freedoms and principles that the EU must respect whenever it acts under the powers the member states have given to it.

The UK has always favoured a clear statement of the rights and freedoms EU institutions should respect. The Charter of Fundamental Rights was agreed nearly three years ago. However, it was not clear enough for legal use.

The Convention on the Future of Europe, which took place between February 2002 and July 2003, has proposed the incorporation of the Charter of Fundamental Rights into its draft Constitutional Treaty for the EU. The UK and some other EU member states have worked hard in the Convention to get more clarity and legal certainty into the Charter. The changes the UK helped push through have put the whole package in much better legal shape.

The Charter does not lay down new rights. Rather, it draws existing rights, freedoms and principles together and makes them much more visible to the citizen. Member states are bound by the Charter only when they are implementing EU law – not when they are dealing with non-EU matters.

The UK has not yet agreed to the Convention's proposal to incorporate the Charter into the new Constitutional Treaty. With other member states, we will examine this and the Convention's other proposals at the Inter-Governmental Conference, starting in October this year.

The EU also issues an Annual Report on Human Rights. This, along with the full text of EU human rights-related declarations, is available at <http://europa.eu.int>.

EU trade agreements

The EU has long had a system of trade agreements with other countries that have evolved and developed over the years. The agreements vary in their terms, but since the early 1990s the EU has included a human rights clause in 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 Cotonou Agreement with the 78 African, Caribbean and Pacific (ACP) states. Since 1995 all bilateral agreements of a general nature have included the human rights clause (excluding agreements that deal with a specific sector of the economy).

The human rights clause includes:

- > respect for democratic principles and fundamental human rights as laid down in the United Nations Universal Declaration of Human Rights and for the principle of the rule of law;
- > the promotion of sustainable economic and social development and the equitable distribution of the benefits of association with the EU; and
- > the importance of the principle of good governance.

In the last year an Association Agreement with Jordan entered into force and the EU concluded negotiations with Lebanon, Algeria and Chile for Association Agreements. These are being ratified by national parliaments and will allow the EU to develop a structured dialogue on human rights issues with these countries. Negotiations are underway for an Association Agreement with Syria, which includes a human rights clause; and a Trade and Co-operation Agreement with Iran, which will only be concluded if there is real progress on parallel political co-operation including human rights. The EU has used the mechanisms created under the Euro Mediterranean Association Agreements to raise human rights issues at a formal level with third countries. For example at the third meeting of the EU-Israel Association Council on 21 October 2002, the EU raised concerns about the deteriorating situation in the Occupied Territories. At the second meeting of the EC-PLO Joint Committee, which covers relations between the EU and the Palestinian Authority, on 18 March 2003 the EU stressed the importance of respecting human rights and the early abolition of capital punishment with a moratorium on executions in the meantime.



Thousands of people following the funeral procession of assassinated Serbian Prime Minister Zoran Djindjic in Belgrade, 15 March 2003.

Through the Cotonou Agreement the EU maintains dialogue with all 78 ACP states to promote human rights and the principles of good governance, such as respect for the rule of law, on which human rights depend. The EU also has the right to suspend non-humanitarian development aid to countries that repeatedly fail to respect human rights or the principles of good governance. This enables the EU to support people's basic humanitarian needs in the ACP states, while putting pressure on their governments to promote human rights and good governance. This year, the EU suspended non-humanitarian aid to Haiti, Liberia and Zimbabwe.

3.2 South East Europe

For full details of developments related to the International Criminal Tribunal for the former Yugoslavia (ICTY), see page 166.

Serbia and Montenegro

On 4 February 2003 the constituent republics of the Federal Republic of Yugoslavia (FRY) adopted a state union constitution that changed the name of the country to **Serbia and Montenegro** (SaM). The SaM government adopted the Charter for Human and Minority Rights on 26 February.

SaM has much to do in order to develop a fully tolerant multi-ethnic society. However the government has established national councils for ethnic minorities and moved toward electoral and legislative reform. The UK supports SaM in its implementation of human rights initiatives. It is now vital to bring to justice those who committed war crimes of genocide and ethnic cleansing. The SaM government must work with the ICTY to this end.

In 2002 the ministry of national and ethnic communities formed national councils to promote identity in culture, language, education and media among Hungarian, Ruthenian, Romanian, Croatian and Roma communities. We expect to see national councils for Albanians and Bosniaks in 2003. The government signed bilateral treaties for the mutual protection of ethnic minorities with Romania and Hungary and is working up similar treaties with Croatia, Macedonia and Albania. A working group is reforming electoral law, so that minorities can be represented in the Serbian parliament.

The government paid much attention to the plight of the Roma in 2002. With the FRY Roma national council, the government drafted a strategy for the integration and empowerment of the Roma. We will monitor SaM's implementation of this strategy in 2003.

Also in 2002, the FCO helped fund a tolerance campaign by the federal ministry of national ethnic communities to raise

public awareness of minority groups, combat prejudice and promote minority rights through newspaper articles, billboards and radio and television programmes. Jelena Markovic, Deputy National Ethnic Communities Minister, described the campaign as the most successful since the fall of Milosevic in 2000, and thanked us for our support.

The Serbian government declared a state of emergency after the assassination of Serbian Prime Minister Dr Zoran Djindjic on 12 March 2003. The state of emergency was lifted on 22 April 2003. It included measures that limited access to legal representation, freedom of expression, freedom of the press, rights to privacy and freedom of association and movement.

Following Dr Djindjic's assassination, police arrested at least 11,000 people and charged 4,000 for crimes committed before and after the fall of Slobodan Milosevic in October 2000. These included 50 leading members of the seven largest crime gangs in Serbia. We support SaM's efforts to reduce organised crime. The OSCE and Council of Europe are monitoring investigations into human trafficking in Montenegro to ensure they comply with international standards.

The FCO was involved in a London conference on Organised Crime in south-east Europe in November 2002. The conference set out plans to improve the rule of law and reform law enforcement and judicial institutions.

Serbia and Montenegro became the 45th member of the Council of Europe on 3 April 2003. By joining the Council of Europe, SaM must ratify the European Convention on Human Rights and Freedoms and take part in the Council of Europe's core tasks to promote and protect human rights, the rule of law and pluralist democracy.

The Council of Europe Parliamentary Assembly (PACE) and the Committee of Ministers will monitor SaM's adherence to its Council of Europe commitments. These commitments include greater co-operation with ICTY.

Kosovo

Helping to rebuild the relationship between Belgrade and Pristina is a major element of the FCO strategy on **Kosovo**. Four years after the conflict in Kosovo ended, there are signs of progress in this area, although both sides need to commit themselves fully to reconciliation and co-operation.

At the Thessaloniki Summit in June 2003, which discussed EU relations with the western Balkans, the authorities in Belgrade and Pristina agreed to start dialogue on practical co-operation in areas of mutual concern such as energy and the return of



Muslims gather outside a recently reconstructed mosque in the Bosnian Serb city of Banja Luka. On 19 July 2003 it became the first mosque in the Orthodox Serb-dominated town to open since the 1992-1995 inter-ethnic war.

internally displaced persons (IDPs). The EU will sponsor this dialogue which will help raise the living standards of all Kosovo's citizens.

The number of Serbs and other minorities returning to Kosovo remains low, but is slowly increasing. During the first five months of 2003, 992 people returned to Kosovo. This has increased from 874 during the same period last year. The open letter from the Kosovo Albanian leaders on 1 July 2003 signed by all the minority groups (except Serbs) to encourage all IDPs to return, is a genuinely positive step. We hope that it will lead to a real acceleration in the number of people returning to Kosovo.

Minorities are now choosing to travel unescorted. The Nis express escorted bus service to the Serbian boundary has closed due to a lack of demand. But, in some areas freedom of movement is by no means assured – there is still a huge psychological leap before all Kosovo's minorities truly feel secure.

The only way to underpin reconciliation is for people to feel that they have effective law and order institutions. Setting up the police and judicial structures in Kosovo was a key FCO aim in 2002. The FCO committed £800,000 for law and order projects. This included six television programmes, similar to the UK CrimeWatch series that encouraged people in Kosovo to report serious crime to the police. Thousands of people phoned in and the programmes have helped to break down the culture of turning a blind eye to criminality. The UK also currently contributes 133 police officers to the UN Mission in Kosovo (UNMIK) and 13 police officers as trainers to the Kosovo Police Service (KPS). The KPS is a genuinely multi-ethnic force working alongside international police. Of all the KPS officers, Kosovo Albanians comprise 84.26 per cent, Kosovo Serbs 9.51 per cent and other non-Serb minorities 6.24 per cent. We have also seconded international judges to the local judiciary that now deals with 100 per cent of civil and 97 per cent of criminal cases.

Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) is progressing towards wider promotion and protection of human rights. Much remains to be done and the authorities must maintain the momentum towards ethnic reconciliation and cultural and religious tolerance. Despite some recent improvements, problems remain particularly pronounced in the entity of Republika Srpska.

Lord Ashdown, the international community's High Representative to Bosnia and Herzegovina, works closely with the Bosnian authorities to implement a range of measures. These include steps to embed the rule of law; to protect minority and returnee rights; to speed the arrest and prosecution of war criminals; to promote reconciliation; and to support independent media. The UK Government fully supports Lord Ashdown in these efforts.

It is vital that BiH delivers those indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) to The Hague for trial – above all, the wartime leaders Radovan Karadzic and Ratko Mladic. Their continuing freedom damages public confidence and holds back Bosnia's progress towards a European future.

Improved rule of law is central to the reform agenda agreed between Lord Ashdown and the Bosnian authorities. These reforms underpin the fight against organised crime, they will improve Bosnia's business climate, and they increase protection for people's basic human rights.

On 1 January 2003 the UN International Police Task Force (IPTF) handed over to the European Union Police Mission (EUPM). The EUPM aims for a Bosnian police force free from political and ethnic pressures and fully mindful of human rights concerns. The EUPM will establish best European and international practice through monitoring and mentoring. The UK has provided 56 police officers and nine civilians for the EUPM (about 13 per cent of the total).

Illegal migration and human trafficking continue to be a problem for Bosnia and Herzegovina, although it is hard to measure the scale of the problem accurately. There are many miles of porous borders which are complicated to police and it is all too easy for people to abuse the legal entry system. Meanwhile, the law makes it difficult to deal with those who are profiting from illegal migration – it is only considered a serious crime when prostitution is involved. Nonetheless, there has been significant recent progress:

- > the EUPM has worked closely with the Bosnian police to tackle all forms of human trafficking. On 23 January 2003 it monitored a raid by Operation FIGHT, during which hundreds of BiH police raided 23 night clubs and suspected brothels across the country;
- > joint action by police forces in both entities (Republika Srpska and the Bosnian Federation) has broken a chain of organised criminals involved in trafficking. The alleged head of this chain is currently awaiting trial in the newly-established state court; and
- > the treatment of victims of trafficking (mostly women) is getting better. The victims used to be processed through the courts as criminals. Now they are increasingly seen as victims and treated accordingly.

There have been impressive efforts to establish a professional and fully independent judiciary. The independent judicial council completed a comprehensive review of judges and prosecutors to make sure that those who hold office in the BiH courts are competent and independent. The new high judicial and prosecutorial councils have clear criteria for judicial and prosecutorial appointment, and responsibility for disciplinary matters. This framework removes improper political or other influence within the judicial system.

The Bosnian state court was inaugurated on 27 January 2003. It will deal primarily with inter-entity crime. It will also have a special panel for economic crime. This higher-level court, protected from local political and ethnic pressures, is crucial to guaranteeing a sustainable human rights regime in Bosnia.

By the end of 2002, nearly a million refugees and displaced people had returned to their homes, including around 390,000 minority returnees. By June 2003, 84 per cent of the claims made under the Bosnian property law which allows refugees to recover their pre-war housing had been settled.

Although there has been substantial progress in allowing refugees and displaced people to return home, we must avoid complacency. Serious problems persist. Many of the people

waiting to come back are those returning to hard-line areas where nationalist-inspired intimidation and violence still occur.

In March 2002 the government reached agreement on how to implement the Constituent Peoples' Decision made by the constitutional court in 2000. The decision confirmed that all constituent peoples (Bosnian, Croat, Serb and others) have equal rights across the whole of Bosnia and Herzegovina. The general elections on 5 October 2002, and consequent formation of the new governments and legislatures, took place in line with the provisions of the agreement. However, more work is needed and the international community continues to work in partnership with the Bosnian authorities to achieve full implementation.

On 31 March 2003 580 victims of the 1995 Srebrenica massacre were buried in the purpose-built Potocari Cemetery outside Srebrenica. This is the first stage in establishing a larger memorial to provide solace for the victims' families and increase awareness of the terrible events that took place at Srebrenica. We are pleased that Lord Ashdown was able to bring new impetus to creating this memorial. The International Commission for Missing Persons (ICMP) is making good progress, through DNA testing and other means, in identifying the remains of the victims. The UK has strongly supported these efforts. We were the first country to contribute to the memorial, providing a grant of £50,000, and we donated over £600,000 to ICMP's important work.

BiH's public broadcasting service (PBS) is now up and running, providing a country-wide public television and radio service operating to public service principles and standards. DFID is making a significant contribution by funding a three-year BBC World Service consultancy. This will provide a high level of technical knowledge and practical experience to assist in restructuring the PBS.

DFID is developing its civil service reform project in Republika Srpska to improve the capacity and professionalism of public administration. The FCO continues to fund Westminster Foundation for Democracy (WFD) projects that are building partnerships between British and Bosnian political parties to share experience and best practice. Activities have included campaigning and communication training, and projects to raise political awareness among young people.

Croatia

Croatia's constitution guarantees human rights and fundamental freedoms but although the human rights situation has improved, there are some outstanding issues to address including reform of the media and of the judicial system. The Croatian government must implement the

necessary legislative measures and protect people's rights, particularly those of minorities. The government must also resume full co-operation immediately with the International Criminal Tribunal for the former Yugoslavia (ICTY) if it is not to damage seriously its EU and NATO ambitions.

In February 2003 the Croatian government formally applied for membership of the EU. To be successful, Croatia must meet the Copenhagen political criteria. (See box on page 89.) These conditions, coupled with EU pressure, are a powerful incentive for the Croatian government to address outstanding concerns.

In December 2002, the Croatian parliament finally passed the long-awaited Constitutional Law on National Minorities. The law provides a legislative framework for the promotion and protection of minority languages and culture, as well as advocating minority representation in parliament, local government and administrative and judicial bodies. The law is an important step forward. Now the government must implement this new legislation effectively and fairly and thus demonstrate its commitment to minority rights.

Croatia took another positive step when the government signed an agreement by Prime Minister Racan in December 2002 with the Serb Orthodox Church and the Croatian Islamic Community. The agreement guaranteed the right to religious education in schools and financial support from the state budget. Croatia's small Roma population (9,400) still suffers economic and social discrimination. The government needs to adopt and implement a national strategy for Roma as soon as possible.

Only a third of the 300,000 Croatian Serb refugees who fled Croatia in 1995 (after Croatian military operations to retake Serb-held Croatian territory) have returned. Most of those who have not returned are living either in Serbia and Montenegro (SaM) or Republika Srpska in Bosnia. It is difficult to determine how many of these refugees would like to return to Croatia. International organisations working with refugees in Croatia, such as the OSCE, believe that the rate of return is levelling off.

The Croatian government has taken some important legislative steps and practical initiatives to facilitate refugee return. In July 2002 the parliament adopted amendments to the law on areas of special state concern to accelerate the repossession of property currently held illegally by temporary occupants. The government also announced an Action Plan for Property Repossession: this aimed for all illegally-occupied property to be reposessed by June 2003 although this deadline has not been met. The processing of applications for reconstruction assistance needs streamlining. At the moment it takes several years, which is unacceptable.

Over the last three years, the UK Government has provided over £450,000 towards reconstructing Croatian Serb houses destroyed or badly damaged during the war.

The authorities are finally addressing the issue of lost tenancy rights. In February 2003 they launched an initiative to make sure that Croatian Serb refugees who lost their tenancy rights would be eligible for state housing assistance on their return. Although the initiative does not offer a comprehensive legal solution to the issue of tenancy rights terminated during and immediately after the war, it could, if properly implemented, address many of the concerns over the termination of tenancy rights of refugees and displaced people. With EU partners and international organisations, we will monitor the development and implementation of these initiatives and legislation.

Media reform is long overdue. The state-owned Croatian radio and television company (HRT) has long been susceptible to political interference in its output and staff appointments. Parliament passed the new law on HRT in February 2003. The law broadly meets EU standards, but does not fully protect HRT from interference by public and state bodies. EU missions and the OSCE will monitor the implementation of the law. Any evidence of political interference could adversely affect Croatia's EU application.

There is currently a backlog of 1.3 million cases in Croatia's judicial system – in a country of only 4.7 million people. The parlous state of the judicial system affects all aspects of Croatia's political, economic and social development. People are frequently denied access to justice, as plaintiffs may have to wait years for a case to reach court. Former President Tudjman appointed some judges who have openly nationalist views. There have been cases of politically-influenced judgements, particularly against ethnic Serbs. It is important that the government urgently undertakes widespread reform of the judicial system, particularly to protect minority rights.

The government has become increasingly willing to prosecute Croatians suspected of committing war crimes. The trial in Rijeka of General Norac and four other defendants accused of war crimes in the Gospic area was relatively well-handled, and the court found the General and two other defendants guilty. However, the trial of Croatian prison guards in Split (accused of the torture and murder of Serb prisoners of war) highlights serious shortcomings in the Croatian judicial system. The judge espoused nationalist views and ignored strong evidence of witness intimidation, continually postponing the trial. The judge has since cleared the defendants. The case questions the ability of the Croatian judicial system to prosecute fairly domestic war crimes. The supreme court is currently examining the appeal.

Macedonia

The UK is committed to the rule of law in **Macedonia** and, to this end, we recognise that Macedonia needs an effective police force. We are advising the Macedonian police force on fulfilling its legitimate security functions in an efficient and accountable manner that meets modern European standards. In March and April 2003 we provided expertise to assist the Macedonian government in designing a new counter-insurgency/public order unit. This included setting appropriate recruitment criteria for equitable ethnic representation and to identify candidates whose previous records might make them unsuitable for the job.

During the conflict the Macedonian authorities closed down broadcasts in Albanian on the official state-run television. Both the Macedonian and Albanian media complained of intimidation by the government. In response to this we have promoted independent and responsible media in Macedonia through an FCO-funded programme of training activities run by the BBC.

Albania

Albania still faces a number of human rights challenges, although there is no evidence of systematic abuse as state policy. Institutional weakness, corruption and a poorly-developed civic culture all exacerbate these challenges. From time to time, there are reports of serious violations of individual rights, such as police violence against people they have arrested – although the authorities are increasingly taking firm action against those responsible. Though the media reports on these cases freely, the lack of transparency in the justice system makes it difficult to track people's progress through it. There are examples of political actors using Albania's defamation laws to exert pressure on journalists and the media in general. Conflicting interests between private media owners and the government add to the general perception that reporting lacks objectivity.

The UK, the EU and other international organisations are working with the Albanian government to develop legislation and institutional capacity to improve civil rights and democracy. Success is crucial to Albania's Stabilisation and Association Agreement negotiations with the EU.

There has been some progress on electoral reform. A specially-established all-party parliamentary commission put forward proposals which parliament has now approved. Parliament needs to implement the commission's recommendations in time for the local elections later in 2003. Property legislation is currently under discussion. The UK is concentrating on activities to improve access to justice and policing standards in order to protect vulnerable groups, particularly women and children, at risk from traffickers. During 2002 we funded a study on the role of female police officers. The OSCE is currently examining the recommendations with a view to implementing them. We

also funded the refurbishment of a holding suite in Durrës for trafficked women and children. The UK has contributed to the EU policing mission in Albania and is about to finalise the next phase of a forensic policing project to enable investigation to UK standards by October 2003.

3.3 The Council of Europe

Ten western European nations including the UK established the Council of Europe in 1949 with the aim of protecting and promoting human rights, the rule of law and democracy throughout Europe. The Council of Europe played an important role in reconstructing the shattered societies of post-war Europe and more recently helped shape the new democracies that emerged after the end of the Cold War. Forty-five European states are now members of the Council of Europe with Serbia and Montenegro joining in April 2003. For its newer members, the Council of Europe has focused much of its activity on developing institutions, consolidating the rule of law and freedom of expression.

The Council of Europe enforces human rights through legal instruments. The most prominent of these is the European Convention on Human Rights (ECHR), adopted in 1950. The Convention has since become the cornerstone of European human rights protection. All Council of Europe member states are legally obliged to ratify the Convention. Under its provisions each member state guarantees its citizens basic civil and political rights in a state governed by the rule of law. These guarantees extend to the 800 million citizens of all Council of Europe member states.

The Council of Europe also runs highly effective monitoring mechanisms to prevent torture and protect national minorities and is in the process of establishing a forum for protecting the rights of Roma across Europe. The Parliamentary Assembly of the Council of Europe (PACE) also plays an important role in protecting human rights. The PACE, which comprises national parliamentarians from across Europe, sends rapporteurs to monitor the commitments made by member states when they join the Council of Europe. It makes recommendations on where countries can make more progress on human rights and related issues.

The European Court of Human Rights

The European Court of Human Rights in Strasbourg enforces the European Convention on Human Rights. Together the Court and the Convention offer a unique system of access to justice. The Court is the only one to offer such a comprehensive protection of human rights and they deal with inter-state petitions and a vast number of individual applications. States are legally obliged to comply with the judgements of the Court, including changing domestic legislation where necessary.

The number of applications to the Court increased by 500 per cent from 1993–2000 due to the accession of several new member states and increased awareness of human rights in the established Council of Europe states. This increase led to a large backlog of cases which threatened the Court's efficiency. In response to the problem the Court set up an evaluation group in 2000 which has since made certain recommendations. These include streamlined procedures and increased funding. The group also made some far-reaching proposals such as changing the Convention and introducing a filtering mechanism. In the UK the Government has consulted parliamentarians, NGOs and the judiciary on these recommendations. There was general agreement on the approach to handling all but the most controversial recommendations. NGOs did not agree with recommendations to introduce filter mechanisms that would reduce the number of cases given full consideration by the Court. The evaluation group's reform programme began in January 2003 and will run to the end of 2005. Substantial extra resources are involved: the UK is contributing an extra £9 million over 2003–2005. At the Council of Europe Ministerial in May 2003 (Lord Goldsmith, the Attorney-General, represented the UK), ministers agreed the remaining reform proposals which aim to:

- > prevent national violations and improve domestic remedies;
- > optimise the effectiveness of the filtering and the subsequent processing of applications; and
- > improve and accelerate the execution of the Court's judgements.

The ministers gave instructions for the preparation of a draft amending protocol to the European Convention on Human Rights in time for the November 2004 session. In regard to a new filtering mechanism, this is a compromise on the evaluation group's original recommendation. Ministers instructed their deputies on the Council of Europe Committee of Ministers that, in giving effect to the proposal to add a new admissibility requirement to Article 35 of Protocol 11 of the Convention, they must take into account all effects of the proposed addition on the unique right of individual application. This includes the Committee's concerns about the threat to this right that the Court's increased workload poses.

Decreasing the Court's workload mainly depends on domestic action by member states to obviate the need for applicants to take their cases to the Court. Since October 2000 the UK has incorporated the rights and freedoms guaranteed by the ECHR into UK law through the Human Rights Act. This means that people in the UK can claim these rights in the UK courts instead of taking their case to Strasbourg.

For more information on: the Council of Europe, see www.coe.int ; the European Court of Human Rights, see www.echr.coe.int ; the Parliamentary Assembly, see 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 has made visits to look at human rights issues in Romania (October 2002) and Slovenia (May 2003). He examined issues such as the position of vulnerable groups and people with mental disabilities, and the treatment of minorities including Roma. In Kosovo (October 2002), he focused on the fate of displaced people. He also visited Poland in November 2002. Mr Gil-Robles held conferences on the role of Ombudsmen and seminars on human rights for the mentally disabled.

The Commissioner remained actively engaged on Chechnya. He visited in February 2003 to assess to what extent the authorities had taken into account his previous recommendations on Chechnya, including certain rights that must be guaranteed during the arrest and detention of people following 'cleansing' operations. He found that security and impunity remained the major problems. He concluded that the authorities must assure personal security, enhance the rule of law and uphold human rights; set up the requisite institutions for political dialogue in order to emerge from the deadlock of war; and improve material living conditions and give people the prospect of development in the medium-term.

The Commissioner's 2003 Annual Report is available at www.coe.int .

3.4 The Organisation for Security and Co-operation in Europe (OSCE)

The Organisation for Security and Co-operation in Europe (OSCE) brings together 55 states from North America, Europe and Central Asia which share the aim of preventing conflict through a comprehensive approach to security. An integral part of this approach is promoting human security through setting standards, monitoring and helping states to implement their OSCE and other international commitments in human rights.

The OSCE is concerned with human rights throughout its area. It makes a particularly effective contribution to human rights through its missions and field presences in 18 countries,

OSCE Anti-Semitism Conference

This year there was an exceptional OSCE conference on anti-Semitism. The two-day conference in June 2003 in Vienna brought together over 350 delegates from OSCE participating states and beyond to examine the underlying causes of anti-Semitism and share ideas and best practice for combating anti-Semitism in the

OSCE area. Lord Janner of Braunstone QC, Chairman of the Interparliamentary Commission Against Anti-Semitism, Chairman of the Holocaust Educational Trust and Vice-President of the World Jewish Congress led the UK delegation and gave a keynote speech to participants at the conference.

mainly in Southeast Europe and the former Soviet Union. We contribute to these missions through core budgetary costs and by providing personnel. Roughly 10 per cent of total 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 of about £5.5 million.

More information on the OSCE and the work of its missions and institutions is available on its website at: www.osce.org. Those interested in a secondment to an OSCE field mission can find application forms in the OSCE section of the FCO website: www.fco.gov.uk.

OSCE High Commissioner on National Minorities

The OSCE High Commissioner on National Minorities (HCNM) was established in 1992 and has been operating since January 1993. It operates independently of all parties involved 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 High Commissioner on National Minorities is Rolf Ekeus, who took over from his predecessor Max van der Stoep in July 2001. Mr Ekeus has made recommendations to 13 countries

on thematic issues such as language, education and political participation. In **Latvia** and **Estonia**, where language barriers have led to internal tensions, he has promoted integration for the Russian speaking minorities through educational reform.

Last year the UK supported two of the High Commissioner's key projects: a development plan for the people of Samtskhe-Javakheti, an economically-deprived region of **Georgia** with a large ethnic minority population; and an inter-ethnic relations project in **Kyrgyzstan**. Both projects are on-going and have been very successful. Samtskhe-Javakheti is an area where Georgian, the official state language, is not widely spoken. This leads to insufficient minority participation, poor social services, a decaying infrastructure and economic deprivation. The project is supporting the region's integration into Georgia, paying particular attention to the Armenian population. UK support is funding language training for civil servants and bringing this area to the attention of international organisations and encouraging a co-ordinated effort. The Kyrgyzstan project is helping to reduce inter-ethnic tensions that are exacerbated by the under-representation of minorities within government structures.

We also contributed £70,000 to work that included two projects in **Moldova**, one providing language teacher training and the second organising a seminar on social integration. The projects will help minorities integrate into Moldovan society. In **Kazakhstan** we continued to fund a project to monitor and improve inter-ethnic relations and another project on the use of minority languages in electronic media. A number of states have taken steps to limit this use by adopting legislation that prescribes quotas for broadcasting time in the state language. The project is defining existing practice and clarifying international standards.

Office for Democratic Institutions and Human Rights (ODIHR)

The Office for Democratic Institutions and Human Rights (ODIHR), the oldest OSCE institution, started work as the Office for Free Elections in 1991 and is now the largest OSCE body.



1.



2.

1. The OSCE held a one-off conference on anti-semitism in Vienna on 19 June 2003. Former New York mayor Rudolph Giuliani, left, led the US delegation.

2. Serbia and Montenegro's President Svetozar Marovic, left, shakes hands with Council of Europe Secretary General Walter Schwimmer during the ceremony that made Serbia and Montenegro the 45th member of the Council of Europe, 3 April 2003.

ODIHR's new director, Austrian Ambassador Christian Strohal, took office in March 2003, replacing Ambassador Gerard Stoudmann who led the institution for six years.

ODIHR's main role is election monitoring. It also promotes wider democracy by fighting human trafficking, promoting gender issues and freedom of movement, and acting as a contact point for Roma issues and NGOs. ODIHR's rule of law assistance is increasingly in demand and the UK supports this work in Central Asia. ODIHR's unrivalled expertise in monitoring elections is recognised within Europe, the US and Africa (see Chapter Eight for more details). The FCO has given significant HRPF grants to ODIHR for projects to combat torture and trafficking.

OSCE Anti-Torture Programme

The UK is currently the only donor to this OSCE programme, contributing £75,000. OSCE priorities are eradicating torture, developing safeguards to prevent torture and ill-treatment and tackling impunity. ODIHR carries out the work, which focused on Azerbaijan, Georgia, Armenia, Kazakhstan, Tajikistan and Uzbekistan. In **Georgia** the public defender office's rapid reaction team monitored pre-trial detention and documented human rights violations. Torture by police mainly occurs in the first 48 hours of detention. The rapid reaction team makes unannounced visits to detention facilities and its activities have been highly successful. In **Armenia** the OSCE supported a human rights handbook for prisoners which contains relevant legal acts, extracts from international documents and models for making complaints. The ministry of justice wants to provide a copy of the handbook to every prisoner in **Kazakhstan** to make them more aware of their rights. In **Tajikistan** the OSCE sponsored a concert against torture in which well-known Tajik artists condemned torture and ill-treatment.

OSCE/ODIHR rule of law projects in Central Asia and the Caucasus

We contributed £100,000 to projects on legislative alert/review and assistance; technical assistance to ombudsman offices; legal training and education for students and legal professionals; prison reform; and torture prevention. We funded projects in Tajikistan, Kazakhstan, Kyrgyzstan, Ukraine and Azerbaijan. In **Tajikistan**, ODIHR provided assistance to upgrade the prison system in line with OSCE best practice. Activities included human rights training for prison personnel and a regional conference on transferring the prison system from the ministry of interior to the ministry of justice. There was training for staff of pre-trial detention facilities in **Kazakhstan** and more training for the prison service in **Azerbaijan** in co-operation with the Council of Europe. Law enforcement agencies in Tajikistan received training on applying international standards, such as the UN Convention Against Torture, and on using the mechanisms to prevent

torture. ODIHR also funded a legislative alert and assistance programme in the Caucasus. The aim was to monitor new human rights legislation and to highlight shortcomings. The OSCE reviewed new legislation in Armenia and Georgia, identifying amendments.

The UK financed other ODIHR projects during the year, including a fund for observers from Central and Eastern Europe and former Soviet Union countries to attend ODIHR election observation missions. This is an effective way of ensuring that election observers are drawn from a mixture of backgrounds and gives them a unique learning experience to take back to their own countries. In another project, Advancing Political Rights of the Roma and Sinti, the aim is to engage these ethnic minorities in political debate and educate them about their rights as voters.

The Representative on Freedom of the Media

The OSCE Representative on Freedom of the Media, Dr Freimut Duve, was appointed for a second three-year term in January 2001. Dr Duve assists participating states in their commitment to free, independent and pluralistic media. In doing so he highlights cases where freedom of the media is infringed and reports to the permanent council on a quarterly basis with his observations and recommendations. The UK part-funded the Fourth Central Asian Media Conference last year, which focused mainly on corruption and discussed media freedom in terrorist conflict.

OSCE field missions

The OSCE has missions or is present in 18 countries, ranging in size from three staff in the project office in Ukraine to over 1,000 in the mission in Kosovo. The UK is a major contributor of project funds to these field missions. This year the UK funded work that ranged from human rights training for the police in Chechnya to a review of legislation in Macedonia. The Political Resource Centres project in Bosnia (see box) was a particularly successful project.

Bosnia – Political Resource Centres (Ljubuski and Visegrad)

The OSCE established Political Resource Centres (PRCs) around Bosnia in 1998 to improve the capacity and willingness of political parties to engage with the electorate, to educate people about political parties, and to provide a forum for parties and people to discuss and debate issues. The project's results were impressive: many new small parties entered the elections in autumn 2002. During 2002 our Embassy in Sarajevo financed two centres in Ljubuski and Visegrad and has now decided to support the project throughout 2003. This time the centres are targeting young political leaders, encouraging women into political life and providing a resource for NGOs to meet elected and appointed officials.

Richard Monk, senior police adviser

Good policing plays a vital role in preventing conflict (particularly secondary conflict), preserving social stability during political crises and in post-conflict rehabilitation. Without respect for the rule of law, effective law enforcement and sound institutions upholding the law, there is little likelihood of social, political or economic development in any state.

In February 2002 Richard Monk, formerly a senior police officer in the UK, assumed the dual role of Senior Police Adviser to the OSCE Secretary General and Director of the newly-established Strategic Police Matters Unit at the OSCE Secretariat in Vienna. The UK funds both Mr Monk's secondment and projects.

Mr Monk explained that this is not the first time the OSCE has engaged in police-related matters: "The OSCE is already associated

with multi-ethnic police training programmes by virtue of its successful work in Kosovo, Macedonia and southern Serbia. But we are being invited to tackle other tasks. We also need to think about training for investigators — on a regional basis — in modern methods of combating major crime, including sexual crime."

Mr Monk's appointment has made police work within the OSCE region more focused. For example, police-related tasks in the Balkans have expanded. During the past year there have also been some comprehensive programmes of police-related assistance in the states of Central Asia and the Caucasus (the UK has pledged €625,000 to the police assistance project in Kyrgyzstan). There is now the potential for systematic improvement in policing methods both within and between participating states.

UK secondee Zaqaa Chohan, OSCE human rights adviser to the office of the prime minister, Kosovo

Zaqaa Chohan, a UK secondee to the OSCE Mission in Kosovo (OMiK), was formerly a commercial lawyer for an international law firm. Zaqaa has worked for several humanitarian organisations and spent a year on the UN Mission in East Timor. She has been in Kosovo since October 2001 and was appointed human rights adviser to the office of the prime minister in February 2003. She describes her work as follows.

"OMiK is the institution-building pillar within the UN Interim Administration in Kosovo (UNMIK). It is the main agency responsible for monitoring and protecting human rights and developing local capacity for advocating human rights. In the field of human rights the OSCE monitors the legal system, helps and supports victims of high-risk crimes such as people trafficking, war crimes and organised crime, advises on property issues, reduces discrimination and generally polices and raises awareness of human rights. As the situation in Kosovo changes, so the OSCE has also evolved to focus on different areas but, overall, the aim is to make sure that human rights are taken on board by all national organisations as they take on more responsibility.

"The OSCE plays a vital role in monitoring and documenting human rights abuses in Kosovo. Our human rights teams regularly report on general concerns and we have prepared special reports on human rights issues.

The situation in Kosovo has changed a lot since the NATO bombing in April 1999. The hand-over process by UNMIK is still going on. UNMIK has gradually transferred certain competencies to the national executive and 10 ministries in areas like health, labour, social welfare and education. In May 2001 a constitutional framework outlined the hand-over of competencies and enshrined people's entitlement to basic human rights. The OSCE monitored and helped this transition in line with the eventual goal of resolving Kosovo's status. But there are many difficult political and human rights considerations, like the right to return for refugees and displaced

people and the right to return to property. And are the conditions in Kosovo conducive to people's return? What are freedom of movement and security issues for different ethnic communities?

"As adviser I work closely with national counterparts, civil servants, the permanent secretaries and the ministries to make sure that human rights are respected. My work includes making sure each ministry knows how to apply international human rights in their areas and brings human rights into their culture and training. I am also involved in reviewing draft legislation, legislative initiatives and policies for compliance with human rights standards. I advise, make recommendations and participate in legislative working groups, such as the one on trafficking issues. I help with public awareness campaigns and consult with community representatives and other national and international organisations. I brief the Head of Mission's political affairs department on matters of mutual co-operation, such as the attainment of the prescribed UN benchmarks.

"Kosovo is moving to take over more competencies from UNMIK to the national executive, and showing more progress towards the benchmarks that reflect compliance with European and international standards and the debate on the status of Kosovo. My position in the prime minister's office offers a fascinating opportunity to observe the next steps and to appreciate how politics combine with human rights."



A displaced Congolese woman and her children wait outside the UN offices in Bunia, DRC.

HUMAN RIGHTS

and international actions

Chapter Two described how the UK's response to the challenge of promoting human rights abroad calls upon the expertise of a broad spectrum of government departments and civil society. The last chapter dealt with the UK's work on human rights within a European context. As the Universal Declaration of Human Rights makes clear, however, 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. It is vital therefore that the United Nations, which represents the global community of states, takes the leading role in ensuring that governments and people throughout the world realise these rights. Human rights violations in one country are a concern for us all, not only because of our common humanity but also because the universal respect for human rights is the best guarantee of global security and prosperity. The UN offers the natural context in which to raise these concerns.

For the UN to accomplish this, each member state must fulfil its duties and responsibilities. This means signing up to and observing the international human rights instruments and making sure that they translate the commitments they have made into action on the ground. It also means constantly checking their compliance with these instruments and co-operating fully with the treaty monitoring bodies and mechanisms, such as the special rapporteurs. Those countries that have traditionally shown the least co-operation with these UN human right mechanisms are invariably those with the most to hide. And it also means seeing the UN human rights fora, and especially the UN Commission on Human Rights (CHR), as an opportunity to press for genuine improvements in those countries with the worst human rights records and not as a chance to score political points. If the CHR is to reach its full potential as champion of global human rights standards, it

should not descend into petty regionalism and pacts between the worst performers.

Repressive regimes often argue that their country's sovereignty or cultural specificity precludes criticism from outside. Those who suffer under such regimes rarely support these arguments. The UK accepts and values the scrutiny of the UN and others and always agrees to any requests by UN human rights special rapporteurs to visit the UK.

This chapter examines the UK's work within the UN over the past year. It also describes the work of other non-European multilateral human rights mechanisms. In particular, it highlights the work that we have done on human rights through the Commonwealth – a unique body of 54 developed and developing countries that share a common heritage and a commitment to the development of human rights and democracy.

4.1 United Nations

The United Nations (UN) is the single most important body for promoting human rights worldwide. It has helped the international community create a sophisticated system of protection for human rights. This is based on the concept that states have obligations to protect the human rights of their citizens, and that the international community has a legitimate interest in ensuring that states live up to those obligations.

A short history

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 to draw up the Universal Declaration on Human Rights (UDHR). This historic document, 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.

The UDHR is an important statement of principles, 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 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 sometimes known as the International Bill of Rights.

The UN has adopted four further Conventions that contain more detail about states' obligations in specific areas of human rights protection:

- > 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 1979;
- > 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 takes its obligations under them extremely seriously, including the obligation to provide regular reports to the treaty monitoring bodies that the UN established under each treaty. As part of our on-going dialogue with other countries on human rights issues, we urge all UN member states to sign and ratify the six core UN human rights treaties. As part of its Public Service Agreement with HM Treasury for the period 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 and their protocols by March 2004. We have already met this target. A table of ratifications of the treaties is at Annex Five.

New human rights standards

The UK participates in elaborating new human rights standards. In the last year the United Nations General Assembly adopted the Optional Protocol to the UN Convention Against Torture. The UK was one of the first countries to sign the Optional Protocol and we hope to be among the first to ratify it later in 2003. (See page 170 for more details.) A UN Ad Hoc Committee considered proposals for an International Convention on the Protection of the Rights and Dignity of People with Disabilities, holding its second session in New York on 16–27 June. (See page 220 for more details.) On 24 June 2003, the UK ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (see page 232 for more details).

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 upon each initiative. Some resolutions establish UN Special Procedures



Foreign Secretary Jack Straw meets Sergio Vieira de Mello, the UN High Commissioner for Human Rights, during his visit to London in November 2002. Mr Vieira de Mello was tragically murdered in the terrorist outrage against UN headquarters in Baghdad on 19 August 2003.

(special rapporteurs, special representatives or working groups). Others encourage the Office of the UN High Commissioner for Human Rights to focus on particular issues.

The UK attaches great importance to the CHR's work. We have been a member for all but two years since the CHR's inception in 1946, and we send a large and active delegation to each session. After a long and hard-fought campaign, the UK was re-elected on 29 April to serve on the Commission for the period 2004–2006. After the election, Bill Rammell MP, Foreign Office Minister for Human Rights, said: "I am delighted that the UK has been re-elected to the Commission on Human Rights. The UK has been one of the Commission's most active and committed members since its inception in 1946. I look forward to working with fellow CHR members to promote adherence to human rights more widely, as well as focusing attention where necessary on countries with appalling records of human rights violations."

Mr Rammell visited Geneva on 19–20 March 2003 to attend the Commission and to hold meetings with Sergio Vieira de Mello, the then UN High Commissioner for Human Rights, and the heads of other Geneva-based UN organisations. He used his speech to the plenary session of the Commission (see Annex 1) to set out the UK's view that all human rights are equally important, and that the two so-called groups of rights (economic, social and cultural rights on the one hand and civil and political rights on the other) are interlinked and mutually reinforcing.

The 59th session

The 59th session of the CHR took place in Geneva from 17 March–25 April 2003. All documents from the session, including voting records, are available at www.unhchr.ch.

The 58th session in 2002 had been the most difficult session since the Cold War. Events in the Occupied Territories overshadowed the session. There was an increasingly politicised divide between developed and developing world, with acrimonious debates on economic, social and cultural rights, and increased resistance to EU initiatives on specific countries. The EU narrowly lost resolutions on Iran and Chechnya by one vote and a no-action motion on Zimbabwe passed by two votes.

Prospects for the 2003 session seemed even less promising. Preparations for the session were overshadowed first by the controversy over the African Group's decision to nominate Libya to chair the session and then by the conflict in Iraq, which started during the session's first week. We would have preferred the African Group to nominate a chair from a country with a better human rights record. When the US, unprecedentedly, called

a vote on the issue the UK, along with EU partners, abstained, believing this was the best way of registering our concerns without destroying the opportunity to take forward our human rights objectives at CHR. In the event the 2003 session was less politicised than many had expected. In a departure from practice in previous years, the first week was set aside for high-level addresses to plenary during which most speakers, including Mr Rammell on behalf of the UK, strongly urged the CHR to avoid the polemics of the previous year. A further turning point was the Commission's decision to reject a proposal (tabled mainly by countries in the Non-Aligned Movement) for a special sitting on the conflict in Iraq, which would have sidelined much of the Commission's work programme for this session. The proposal was defeated by 25 votes to 18, with 10 abstentions.

Country resolutions

Currently the most contentious issue at the CHR is how to address human rights violations in individual countries. The EU traditionally tables a number of resolutions under Item 9 of the CHR's agenda, under which the Commission is supposed to examine the human rights situation around the world. The resolutions detail the human rights concerns in a particular country and urge that country to co-operate with the UN special procedures in order to address these concerns. Such resolutions are under increasing attack at CHR. Many members oppose them as a matter of principle. Some argue that overt criticism can be counter-productive, while others fear the notion of close international scrutiny. The UK will continue to make the case for country-specific action at CHR. We believe that the scrutiny of the international community has been helpful in improving the human rights situation in circumstances such as apartheid South Africa and when countries such as Nigeria, Chile and the former Soviet bloc were under dictatorships. We believe that international attention today can provide much-needed support for those who struggle for justice in countries such as Zimbabwe and Burma.

At this year's session the EU tabled nine resolutions and two Chairperson's statements (which are agreed by consensus) on the human rights situation in specific countries. For the first time it introduced a resolution on **North Korea**, which the CHR adopted by a wide margin, proving that the majority of CHR members view country-specific action as a legitimate part of the Commission's work. The CHR also passed a new resolution on **Turkmenistan**, which the EU had tabled jointly with the US. Each resolution expresses concern about reports of human rights violations and urges the government to co-operate with the UN special procedures to address those concerns. As in previous years, the EU's resolutions on **Burma** and the **Democratic Republic of Congo (DRC)** were passed by

consensus, thereby extending the mandates of the UN special rapporteurs for the human rights situation in those countries. The EU's resolution expressing concern at Israeli settlements in the Occupied Territories was passed with overwhelming support (50 votes to two with one abstention). The EU also drafted Chairperson's statements, which passed by consensus, on the human rights situations in **Colombia** and **East Timor**.

The EU supported initiatives put forward by other countries on **Afghanistan, Cambodia, Belarus, Burundi, Chad, Haiti, Liberia, the situation in the Occupied Territories, Sierra Leone, Somalia and Western Sahara**. It supported the draft resolution on **Cuba**, presented by Costa Rica, Peru and Uruguay, which called upon Cuba to co-operate with the UN High Commissioner for Human Rights (UNHCHR) special representative.

However, the CHR voted down – for the first time – the long-standing resolution on **Sudan**, thereby ending the mandate of Dr Baum, the UN Special Rapporteur. The EU lost its resolution on **Chechnya** by a wider margin than in the previous year following extensive Russian lobbying against the resolution. As in 2002 the African Group introduced a no-action motion on the EU's draft resolution on **Zimbabwe**, thereby preventing the proposal from being put to a vote.

Thematic resolutions

While country-specific resolutions often attract the most public attention, most of the CHR's output consists of resolutions on thematic issues – such as civil and political, economic and social rights – that further develop the UN's approach to the rights set out in the UN treaties. There were 71 such resolutions at the 2003 session. The UK delegation participated actively in discussions of thematic issues.

Civil and political rights

The UK played a full part in updating the EU's resolution on the death penalty. 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 (ECOSOC) in 1984. In addition this year's resolution called on states not to use cruel, inhuman or degrading forms of execution, and not to execute mothers with dependant children. In an excellent example of governments and NGOs working together, the EU drew up an extensive lobbying strategy with the help of Amnesty International and Hands Off Cain, which ensured that the resolution attracted a record number of co-sponsors (75). The CHR adopted the resolution by a wider margin than in the previous year – 23 votes to 18, with 10 abstentions.

As in previous years, Denmark drafted the resolution on torture. The resolution was adopted by consensus and attracted the co-sponsorship of a wide range of countries, including – for the first time – the US. The resolution extends the mandate of the UN Special Rapporteur on Torture for a further three years.

Sweden introduced a resolution on extrajudicial, summary and arbitrary executions that met with opposition from the countries of the Organisation of the Islamic Conference (OIC) who objected to references to the death penalty, killings on the grounds of sexual orientation and aspects of the work of the Special Rapporteur. Attempts at compromise language failed, so there was a vote on the paragraph which listed such groups. This was won by 27 votes to 10, with 15 abstentions. The whole text passed by 37 votes to 0, with 16 abstentions.

The EU and Latin American countries again worked together on the resolution on the Rights of the Child. The US delegation objected to language on the Convention on the Rights of the Child (to which the US is not a party) and the death penalty, which followed language agreed at the 2002 session when the US was not a member of the CHR. The US called a vote on two paragraphs (it was the only country to vote against them) and distanced itself from consensus on the overall text.

Romania and Peru tabled an important resolution on the interdependence between democracy and human rights, which, among other things, calls for a seminar on democracy and the rule of law. The resolution was passed by a strong majority. Cuba failed to amend the resolution with a reference to self-determination, which the sponsors argued was out of context.

This year the CHR faced two alternative draft resolutions on human rights and terrorism. Algeria tabled its usual draft, which referred to "gross violations perpetrated by terrorist groups". We cannot subscribe to this notion: it is a fundamental feature of international human rights law that only states violate human rights, because only states have obligations to protect them. Terrorists, by contrast, commit criminal acts. We believe it is important that the UN human rights system focuses on bringing governments to account. In contrast Mexico introduced a text that rightly focused on the responsibilities of states to ensure that their counter terrorism measures conform to their international human rights obligations. Along with EU partners we co-sponsored the Mexican text – which was adopted by consensus – and we voted against the Algerian one.

We welcomed the fact that at this year's session the CHR allocated time for dialogue with UN special rapporteurs. This enhanced their standing and raised the level of the debate. But one worrying feature of this session was the increase in criticism of the special rapporteurs from individual countries.

The rapporteurs on torture, extrajudicial killings and independence of the judiciary all came under criticism from countries who disagreed with their findings. The UK believes that special mechanisms such as the special rapporteurs play a crucially important role and deserve the support of all members of the UN. It is their job to bring governments to account, and they should not be criticised for doing so.

Cuba attempted to introduce a resolution on human rights and human responsibilities, which claimed that an individual's enjoyment of his or her human rights should somehow depend on fulfilling certain obligations towards the state. We totally reject this notion: an individual's human rights are not contingent on their agreeing with a particular government as the Cuban resolution implied. The extent to which a state can limit someone's human rights is clearly set out in the UN human rights treaties. We were pleased that the CHR failed to adopt this resolution – but only just: 25 countries supported it, 25 did not and three abstained. In accordance with CHR rules, the resolution was therefore rejected.

It had been difficult to negotiate the resolution on racism at the 2002 session, due to differing views about follow-up to the 2001 Durban World Conference Against Racism. This year the Commission began to close the gap. The EU abstained on the final text (in 2002 it had voted against). But we were disappointed when, at the last minute, an agreed paragraph on anti-Semitism and Islamophobia was removed from the text.

Economic, social and cultural rights

The UK was fully involved in discussions of economic, social and cultural rights at this year's session. With support from Western partners, we successfully introduced language into four resolutions stressing that good governance is essential for the realisation of economic, social and cultural rights. We co-sponsored the Portuguese text on the right to education, voted for the Cuban resolution on the right to food and Brazil's resolution on access to medication. And we joined consensus on a range of others, including the Portuguese omnibus resolution on economic, social and cultural rights; Germany's text on the right to adequate housing; a Mexican text on women's equal ownership of land; and a French text on human rights and extreme poverty.

The UK is committed to the implementation of the right to development, which we regard as a useful way of placing human rights approaches at the heart of development strategies. Some countries regard the concept as a means of establishing a legal obligation to provide development assistance. It is unfortunate that the issue has traditionally proved divisive at CHR. This year, we worked hard to find common ground with the drafters of the text and we were

pleased to be able to vote for the resolution, which asked the Sub-Commission on Human Rights to explore a range of options and their feasibility. These options sought to advance the implementation of the right to development, and to report back to CHR in two years' time.

As in previous years, some countries, notably Cuba, introduced a series of resolutions on spurious issues that have little if anything to do with human rights, such as toxic waste. The problem with these resolutions is that they create mandates that use up valuable and limited UN resources and stretch the UN human rights system too thinly, preventing it from focusing on more relevant human rights issues. The UK therefore opposed these resolutions at this Commission and will continue to do so.

UN General Assembly Third Committee

The United Nations General Assembly (UNGA) meets in New York each autumn. The Third Committee of the UNGA discusses human rights issues. All 191 UN members take part. The UK participated actively in human rights discussions during the 57th session of the UNGA, which took place from 30 September–26 November 2002. In all, the Third Committee adopted a record 84 resolutions.

There were six resolutions on the human rights situation in individual countries: **Afghanistan, Burma, Cambodia, Democratic Republic of Congo (DRC), Iraq and Sudan.** Under the Danish Presidency, the EU played a significant role introducing the resolutions on Iraq, Burma, Sudan and DRC. The UK delegation contributed extensively to the draft texts and was active in lobbying for support among the wider UN membership.

The main achievement of the 2002 session came when members adopted the Optional Protocol to the Convention Against Torture and opened it for signature. This Optional Protocol is the newest piece of international human rights law. Thanks to extensive lobbying from Costa Rica, Switzerland and the EU, working closely with NGOs, a large majority of members adopted the Protocol (127 for, four against and 42 abstentions), and there were almost 90 co-sponsors.

Other significant achievements were the adoption by consensus of a resolution that the Netherlands sponsored on the elimination of crimes against women committed in the name of honour (see Chapter Nine for more details). The text makes clear that states must do all they can to eliminate such crimes. Mexico successfully saw through a consensus text on the protection of human rights while countering terrorism, which formed the basis for the consensus CHR text. Finland's draft resolution on extrajudicial executions, which included a list of

Human rights and sexual orientation

This year, for the first time, the CHR addressed the issue of human rights and sexual orientation when Brazil unexpectedly tabled a resolution calling on all states to promote and protect the human rights of all citizens, regardless of their sexual orientation. A number of reports by UN special mechanisms had already addressed the issue, but it had not previously been the subject of a resolution. The UK strongly supported the initiative and, along with EU partners, we quickly agreed to co-sponsor it. Some EU partners argued that it was not appropriate for the resolution also to refer to discrimination on the grounds of gender identity, arguing that this would confuse two distinct, but related, areas of discrimination. The reference was dropped on the understanding that we would return to it in future resolutions.

A number of OIC countries strongly opposed the resolution. The Holy See also lobbied against it. When it came up for action on the penultimate day of the CHR, Pakistan called a no-action motion which would have prevented any further discussion of the issue. Encouragingly, this motion was defeated by 24 votes to 22 (with six abstentions). However, Egypt, Saudi Arabia, Malaysia, Libya and Pakistan then tabled 50 amendments to the resolution, which would have deleted each and every reference to sexual orientation. Controversially, the Chair decided that the resolution should be taken at the very end of proceedings on the final day. When it came up for action, the opponents of the resolution successfully talked it out of time. Amid procedural chaos, the CHR decided to postpone its consideration of the issue until the next CHR session in 2004.

groups of people at particular risk, attracted 13 last-minute proposed amendments from other countries. Encouragingly the text survived with – for the first time – a reference to sexual orientation, which had met with opposition from the countries of the OIC.

As in previous years, the EU joined forces with Latin American countries to present a resolution on the Rights of the Child. For the first time the resolution was called to a vote when the US objected to references to the International Criminal Court and the Convention on the Rights of the Child. The US was the only country to vote against the text.

The issue of follow-up to the 2001 Durban World Conference Against Racism proved contentious at the following year's session of the Commission on Human Rights. It was therefore heartening that this UNGA adopted by a wide margin a text that the EU was able to co-sponsor. On the other hand, the Non-Aligned Movement introduced a resolution on the Right to Development that was based on a text the EU had been unable to support at the 2002 CHR since it prejudged the outcome of the Open-Ended Working Group's work on this issue. When the US called a vote, the EU abstained.

The EU used its statement to the plenary session to highlight its priorities of eliminating the death penalty and preventing torture, and its activities in these areas.

The UN High Commissioner for Human Rights (UNHCHR)

The UN High Commissioner for Human Rights (UNHCHR) has principal responsibility for UN human rights activities.

Sergio Vieira de Mello, the former head of the UN office in East Timor, succeeded Mary Robinson as the High Commissioner for Human Rights in September 2002. The UK warmly welcomed Mr Vieira de Mello's appointment. During his short tenure in

office, Mr Vieira de Mello focused on strengthening national human rights protection systems, reforming the UN human rights programme and protecting human rights under the rule of law. He also held meetings with the Foreign Secretary Jack Straw MP, the former International Development Secretary Clare Short MP and Bill Rammell MP, Foreign Office Minister for human rights. Mr Vieira de Mello was appointed the UN Secretary General's Special Representative in Iraq in May 2003. We deplore his murder in the terrorist attack on the UN headquarters in Baghdad on 19 August 2003.

The Office of the High Commissioner for Human Rights (OHCHR) supports the special procedures of the CHR and other appropriate UN bodies. It monitors human rights in field offices, such as the one in Colombia, 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 in the work of the UN.

The UK broadly supports the priorities for reform of the UN human rights system that UN Secretary-General Kofi Annan set out in his autumn 2002 paper *Strengthening of the United Nations: an agenda for further change* (available at <http://ods-dds-ny.un.org>). This paper set out his vision for ensuring that the UN focuses on priorities fixed by member states and that the Secretariat gives better service. Mr Annan detailed four areas for action: strengthen the capacity of the UN to help countries build strong human rights institutions; review the procedures of the treaty monitoring bodies to simplify reporting obligations; review the special procedures system to make it more effective and better supported; and strengthen the management of the OHCHR. We strongly

endorse his call on member states to keep in mind the true purpose of the Commission on Human Rights and not to allow debate to be dictated by political considerations and block positions.

The UK demonstrates its commitment through practical support to the OHCHR. In terms of voluntary contributions, the UK is the OHCHR's second largest donor. From 2000-2002, the UK contributed nearly £8 million to its work. We aim to secure increased funding for UNHCHR through reprioritising UN activity.

OHCHR produces an annual report on how it uses its voluntary funding. Further information on the OHCHR is available at www.unhchr.ch.

The Department for International Development (DFID) provides strategic support to the UNHCHR valued at £2 million per year. The objectives of this partnership 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 system;
- > to integrate economic, social and cultural rights into the UN's work; and
- > to provide human rights information to other implementing agencies.

FCO contributions to OHCHR's work in 2002 included:

£175,000 to the UN voluntary fund for victims of torture.

The fund makes small grants to NGOs providing humanitarian assistance to torture victims and members of their families. The fund estimates that 78,000 torture victims benefited in 2002 through over 50 projects. In the UK the following NGOs received direct grants for their work with torture victims: Muslim Women's Aid, Penal Reform International, Prisoners of Conscience and the Medical Foundation for the Care of Victims of Torture.

£100,000 to the UN voluntary fund for technical assistance. This contribution was shared between two field offices:

OHCHR, Sudan Office. We continued to be a leading supporter of this office. We aimed 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 a national human rights plan of action.

OHCHR, Mexico Office. Last year OHCHR completed phase one and began phase two of a three-year technical co-operation project to improve Mexico's human rights situation. Our priority areas include the administration of justice, protection of vulnerable groups, indigenous people's rights and setting up a national human rights plan of action.

£150,000 to national human rights institutions. The UN Secretary-General has identified national human rights protection systems as a principal UN objective. In 2002 we increased our contribution by £50,000 and supported national human rights institutions in Nepal, Rwanda, Uganda, Ecuador and Mongolia. Other work in this area included training staff members in human rights and creating a website to assist regional networks of national human rights institutions.

£120,000 to the UN office in Bogota. This office monitors human rights violations and makes recommendations to the Colombian government. In 2002 the office supplied legal training, workshops for UN personnel and NGOs, a report on killings and a manual on human rights monitoring.

£10,000 to the OHCHR Seminar on the Interdependence of Democracy and Human Rights.

International Labour Organisation

The UK is committed to the promotion and implementation of fundamental labour standards and fully supports the International Labour Organisation's (ILO) Declaration on Fundamental Principles and Rights at Work and its Follow-Up adopted in 1998. The Declaration urges member states, regardless of their level of economic development, to commit themselves to promoting and realising certain internationally agreed fundamental principles and rights. These are the effective abolition of child labour; freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced and compulsory labour; and the elimination of discrimination in respect of employment. These principles and rights are enshrined in the eight core ILO Conventions. The UK has ratified all eight ILO Conventions. (See page 236 for more details on ILO child labour conventions.) The UK makes an annual contribution of £9 million to the ILO. In addition to this, the UK Government has made current and planned commitments of over £30 million to support the ILO's technical assistance programmes that help developing countries attain the core labour standards. This includes support for the Global Reports which each year provide a picture of the current situation of one of the core standards. This year's report is on discrimination in

employment; next year's report will focus on freedom of association and the effective recognition of the right to collective bargaining.

The UK also contributes indirectly to the work of the ILO's World Commission on the Social Dimensions of Globalisation through its support to the ILO International Poverty Group (IPG). The IPG is conducting research on the impact of trade, foreign direct investment and financial liberalisation on employment income distribution and poverty. Officials from the UK's Department of Work and Pensions (DWP) offer advice and guidance to the World Commission, which is reporting in autumn 2003. They have also participated in an EU-organised joint consultation event to inform the World Commission about how EU member states address social and economic change, and the challenges of globalisation. DFID supported a workshop for the World Commission on 8 April 2003 on the effects of globalisation on employment and wages in developing countries, with particular reference to low-income groups and countries.

Sanctions

With the exception of the threat or use of force, sanctions are the strongest of the coercive measures available to the international community when responding to challenges to international peace and security. Sanctions are an integral element of the collective security provisions of the UN Charter. They are not intended to be punitive. They are designed to change behaviour, whether by a state or by a non-state actor such as Al Qa'ida. We believe that the international community should only impose sanctions after it has considered all other options.

The objectives of sanctions and the criteria for lifting them must be clear from the outset. The UK has been at the forefront of international efforts to develop targeted sanctions that we can tailor to specific circumstances. We have strongly supported the UN Security Council's work throughout 2002 on improving the effectiveness of UN sanctions, in particular the Stockholm Process on Implementing Targeted Sanctions. We make every effort to ensure that new UN and EU sanctions exert maximum pressure on leadership elites, while having minimal impact on the civilian population. Useful measures include arms embargoes, selective asset freezes or travel bans on senior figures, and selective embargoes on trade or financial flows.

It is vital to consider the potential humanitarian impact before imposing sanctions. We must include appropriate humanitarian exemptions in sanctions regimes from the outset. We must ensure that we can implement sanctions effectively. Wherever possible, the international community should monitor implementation on the ground.

We fully implement all mandatory UN and EU sanctions regimes. We also implement the OSCE arms embargoes on Armenia and Azerbaijan, and we operate national arms embargoes on Iran and Zimbabwe.

The UN Security Council initially imposed sanctions against **Angola** (UNITA) in 1993. UNITA was the principal political and military opponent of the Angolan government. Imposing sanctions was a response to UNITA's failure to adhere to the tenets of the Accords de Paz (1992) which demanded, among other things, a ceasefire between UNITA and the government. The sanctions consisted of an arms embargo and an oil embargo with specific exemptions. In 1997 and 1998 the UN Security Council imposed further sanctions because UNITA had failed to comply with the Lusaka Protocol (1997). The Lusaka Protocol demanded opposing forces to disengage; combatants to demobilise in preparation to return to society; a long-term de-mining programme to begin; and the establishment of a government of national reconciliation.

The new sanctions included an asset freeze and travel ban on senior UNITA officials, and imposed an embargo on diamonds originating in UNITA territories and on aircraft parts.

In February 2002 the leader of UNITA Jonas Savimbi was assassinated. His death left UNITA without a leader, providing the opportunity for a new peace process. On 4 April 2002, Ibrahim Gambari, the UN Secretary-General's special representative in Angola, signed a Memorandum of Understanding with the Angolan government and declared a ceasefire. From April 2002 fighting stopped between UNITA and the FAA (Angolan armed forces). UNITA began to demobilise and ceased to exist as a military force. Finally, UNITA began to fulfil the tenets of the Lusaka Protocol. The UN Security Council took an incremental approach to removing the sanctions against UNITA by lifting the travel ban for renewable 90-day periods (UNSCRs 1412 and 1432 (2002)), and finally lifting it permanently in October 2002 (UNSCR 1439(2002)). This approach to lifting sanctions encouraged UNITA to comply with all the requirements of the Security Council.

The UN Security Council lifted all other sanctions against Angola (UNITA) on 9 December 2002 (UNSCR 1448(2002)). The Security Council had decided that UNITA had broadly met the tenets of the Lusaka Protocol. There had been an effective ceasefire and UNITA troops had disengaged, with 5,000 men integrating into the FAA (Angolan armed forces). The FAA now control large mining areas.

Sanctions made it more difficult for UNITA to wage civil war. After Savimbi's assassination, the sanctions helped to coerce UNITA into complying with the Lusaka peace agreement.

UN Security Council

Respect for human rights is inextricably linked to international security and the attainment of a just and sustainable peace. Under the UN Charter the UN Security Council has primary responsibility for maintaining international peace and security. Since the end of the Cold War most of the conflicts facing the Security Council have been armed conflicts within states. The causes of conflict often lie in inefficient and corrupt governments, inequality, poverty, the denial of basic human rights and the flouting of international standards.

The UK is one of the five permanent members of the UN Security Council and works to ensure that the Council addresses human rights issues in any conflict. This includes giving all military, civilian or police personnel, at all levels, appropriate pre-deployment training on human rights, including gender awareness, before they are deployed to UN peace operations. Another priority is to include, systematically, human rights and humanitarian issues in the mandates of peace operations and to task UN political offices in conflict areas to report regularly on human rights. The UN Secretary-General's country and mission reports to the Security Council will, where appropriate, include reporting on the human rights situation and make recommendations for addressing problems.

East Timor

The Democratic Republic of **East Timor** became the first new democracy of the 21st century when the United Nations Transitional Administration for East Timor (UNTAET) handed over sovereignty to the democratically elected government on 20 May 2002. It became the 191st member of the UN on 27 September 2002.

The new East Timorese government faces many challenges. It is one of Asia's poorest countries with high unemployment, an economy based on subsistence agriculture, poor infrastructure and huge deficiencies in health and education provision.

Through the UN Mission of Support to East Timor (UNMISET), the UN supports the East Timorese government with core administrative functions and by providing interim external and internal security. Ten UK police officers are currently serving with the UN police in East Timor. Since June 2001 the UK has funded the secondment of three successive army legal advisers to provide defence legal advice and training to the office of defence force development in East Timor. A fourth army legal adviser started a six-month secondment in May.



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2.



3.

1. The UN Security Council, during its 4,777th meeting, discusses the protection of civilians in armed conflict.

2. UN peacekeepers line up in front of the presidential palace in Dili, East Timor, during a ceremony to mark International Peacekeepers Day, 29 May 2003.

3. An East Timorese citizen displays the national passport. East Timor gained independence in 1999.

The East Timorese constitution abides by many recognised international human rights standards and states that there shall be no death penalty in East Timor. East Timor has ratified the Statute of the International Criminal Court (ICC) and has approved for accession the core international human rights instruments. The UN Human Rights Unit, diplomatic missions and NGOs in East Timor are encouraging the government to make all new legislation compatible with international human rights standards. The judicial system needs significant work and there is concern about the length of time prisoners remain on remand and the detention of juveniles. The recent establishment of a court of appeal and the imminent establishment of an ombudsman office are welcome developments.

It will take many years for the divisions to heal in this post-conflict society. A spate of security incidents in late 2002 and early 2003 gave rise to fears that pro-Indonesia militia are out to settle scores against independence supporters. In fact, the attacks were probably criminally motivated. However, the prevalence of illegally-held small arms makes more violence probable. A peaceful student protest in Dili on 4 December turned into a violent anti-government riot and the police shot two protestors dead. Since then UNMISET, in conjunction with the Timorese government and international donors, has reviewed and improved police training.

There are still around 28,000 East Timorese living in West Timor, out of the original 250,000 refugees who fled there in 1999. The Office of the UN High Commissioner for Refugees (UNHCR) ended its returnee assistance programme at the end of 2002. The UN Development Programme (UNDP) is now administering a special fund to help members of the former Indonesian administration in East Timor who wish to return home. The UNHCR is still investigating the cases of some East Timorese children who were separated from their families and taken to Indonesia in 1999.

There were major incidents of mass killings, forced deportation, murder, rape, torture and other crimes against humanity committed in East Timor between 1 January–25 October 1999. The Serious Crimes Unit (SCU) established by UNTAET, following UNSCR 1272, is investigating these incidents and has filed 50-60 indictments implicating around 300, including the former Indonesian armed forces chief General Wiranto, and the former Indonesian governor Abilio Soares. Most of the suspects are in Indonesia, but the Indonesian foreign minister Hassan Wirajuda has said that Indonesia will ignore the indictments. On 9 July 2003 Interpol issued nine arrest warrants at the request of Dili district court on the basis of SCU investigations.

Commission for Reception, Truth and Reconciliation – East Timor

The Commission for Reception, Truth and Reconciliation (CAVR) was established in February 2002 to enquire into human rights violations committed in East Timor between April 1974 and October 1999. It aims to assist the process of national reconciliation and to ease the formal judicial system, and achieves these aims by allowing those responsible to confess less serious crimes before a commission panel and do community service in atonement.

The commission's original two-year mandate has been extended by six months, up until October 2004. The commission has so far conducted three public hearings on truth seeking and has held reconciliation hearings in all districts of East Timor. There is a high level of community support and by helping to heal the divisions of the past the CAVR will hopefully reduce the possibility of new outbreaks of violence. The UK has contributed £364,000 to the commission.

4.2 International Humanitarian Law

Since the earliest times soldiers have developed basic rules on the treatment of the sick and wounded, prisoners of war and similar humanitarian matters. 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. Between then and the First World War, states adopted new international instruments to deal with rules of combat, most notably the Hague Convention of 1899 and its Review in 1907. The Geneva Convention was reviewed in 1906. The experience of the First World War led to further international agreements including the 1925 Geneva Protocol outlawing the use of poison gas, and a further Geneva Convention in 1929 relating to the treatment of prisoners of war.

But there has been 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. These instruments, together with their two Additional Protocols of 1977, form the cornerstone of modern International Humanitarian Law (IHL) and have been ratified by most states. More recent international agreements have principally concerned weaponry. These include the 1972 Biological and Toxin Weapons Convention, the 1980 Convention on Certain Conventional Weapons (and its 1995 and 1996 Protocols respectively outlawing blinding laser weapons, mines and booby traps) and the 1993 Chemical Weapons Convention. Another example is the 1997 Ottawa Convention banning anti-

personnel landmines which came into being as a result of widespread revulsion at the appalling suffering of victims long after a conflict has ended. Much of IHL is now accepted as customary international law – that is, general rules that apply to all states, whether party to a particular treaty or not.

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; on not targeting ambulances and hospitals; not maltreating 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 is providing advice to commanders of irregular armed groups in developing countries, many of whom are unaware that the Second Additional Protocol to the Geneva Conventions deals substantively with internal armed conflicts. Nevertheless, some combatants choose to put themselves outside international humanitarian law by using deliberate abuses to terrorise 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 occasionally themselves be complicit in planning and organising war crimes and crimes against humanity. Terrorising civilians may itself be a specific war aim.

The UK is committed to promoting the widest possible awareness of and respect for IHL. One of the principal ways we do this is by working closely with the ICRC. In 2003 as in previous years the UK made a substantial contribution to the ICRC annual headquarters appeal. This funds IHL training for officials and members of armed forces around the world. The Department for International Development (DFID) has allocated £17.5 million annually for the financial years 2002–2006 for contributions to the ICRC's field operations, making the UK the second largest contributor to the ICRC. The ICRC signed a three-year partnership agreement with DFID for the purpose of strengthening ICRC operational capabilities in protection, assistance and preventive action. The partnership, which also involves the British Red Cross, will provide the ICRC with £15 million per year. Of this, £4 million is set aside for the ICRC's global prevention work.

During the past year, the FCO provided short IHL training courses for policy makers and lawyers in the FCO and other government departments on the relevance of IHL to their work. FCO legal staff and the Armed Forces ran the courses which included a speaker from the ICRC headquarters in Geneva.

In February 2003 the FCO and British Red Cross organised a Commonwealth Red Cross and Red Crescent Conference on IHL, with support from DFID and the MOD. The event provided a forum for representatives of Commonwealth governments and Commonwealth Red Cross and Red Crescent national societies to discuss a range of topics. The objectives were: to increase the capacity, commitment and activities of Commonwealth governments and national societies in IHL; to follow up the 27th International Conference of the Red Cross and Red Crescent and prepare for the 28th International Conference (December 2003); and generally to promote contacts and co-operation between participants.

The UK Government's Interdepartmental Committee for International Humanitarian Law co-ordinates work on IHL between the FCO and other government departments, including the MOD and DFID. The British Red Cross has a special auxiliary role to that of the UK Government in the humanitarian field, including IHL, and is a full member of the Committee.

4.3 The Commonwealth

The UK's work within the Commonwealth is another important element in our global human rights effort. 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.**

Our bonds within the Commonwealth are strong: one in four people living in the UK has a close relative in another Commonwealth country. There are 1.7 billion people living in the Commonwealth – over 30 per cent of the world's population. They live in every continent and include the world's many religions, races, languages and cultures. These bonds strengthen our ability to influence the Commonwealth's human rights performance.



1.



2.

1. Chris Mullin MP, Foreign Office Minister with responsibility for the Commonwealth.

2. Jan Kavan of the Czech Republic, centre, presides over a meeting of the General Assembly to discuss the New Partnership for Africa's Development, 16 September 2002.

The Commonwealth Ministerial Action Group (CMAG) has a mandate to engage on human rights. CMAG's agenda includes **Zimbabwe, Pakistan, Fiji** and the **Solomon Islands**, where we have concerns about human rights abuses and about good governance more generally. The UK is committed to strengthening the Commonwealth's action on human rights; highlighting shortcomings where they are present; and promoting best practice for those who embrace reform. We were among the 10 members of the High Level Group, set up at Prime Minister Tony Blair's instigation at the 1999 Durban Commonwealth Heads of Government Meeting (CHOGM). This made recommendations last year to reform the Commonwealth by giving it wider powers to protect human rights more effectively. The 2002 CHOGM accepted these recommendations.

Commonwealth Heads of Government Meeting (CHOGM)

Commonwealth Heads of Government last met at Coolum, Australia, in March 2002 to discuss the theme 'The Commonwealth in the 21st Century: Continuity and Renewal'. The full text of the Coolum Declaration is available at www.chogm2002.org The next CHOGM is in Abuja, Nigeria, on 5–8 December 2003 with the theme: Democracy and Development: Partnership for Peace and Prosperity.

In March 2002, CHOGM asked a troika of Commonwealth leaders – the past, present and next Chairs of the Commonwealth: President Thabo Mbeki of South Africa, Prime Minister John Howard of Australia and President Olusegun Obasanjo of Nigeria – to monitor Zimbabwe's compliance with the Harare Principles. These are the core values to which all countries of the Commonwealth subscribe as part of their membership. The troika met in London at the Commonwealth Secretariat on 19 March and suspended Zimbabwe from the Councils of the Commonwealth for one year with immediate effect. They reviewed the situation last September, but did not reach agreement on future measures. On 16 March 2003 the Commonwealth Secretary-General, the Rt Hon Donald McKinnon (New Zealand), issued a statement on Zimbabwe's

suspension. This announced the troika's conclusion that Zimbabwe should remain suspended from the Councils of the Commonwealth until Commonwealth heads of government could address the issue at the next CHOGM, taking account of the Commonwealth Harare Principles and reports from the Commonwealth Secretary-General.

Implementing Commonwealth values: the Harare Declaration

The Auckland CHOGM in 1995 set up the Commonwealth Ministerial Action Group (CMAG) to deal with serious or persistent violations of the Harare Commonwealth Declaration. CMAG meets at foreign minister level. The current CMAG members are Australia, Bahamas, Bangladesh, Botswana, India, Malta, Nigeria and Samoa. In 2002–2003 CMAG met twice in London on 30 October–1 November 2002 and on 19–20 May 2003. There are two more meetings planned in 2003: in September at the UN General Assembly and immediately pre-CHOGM in December.

At the London meeting in May 2003, CMAG agreed to continue to monitor the situation in **Fiji**, in particular the consequences of the return to a fully constitutional government following the supreme court ruling in June 2003. It requested the Commonwealth Secretary-General to remain engaged with Fiji until these processes are resolved and to keep CMAG apprised of developments.

CMAG welcomed **Pakistan's** progress in the establishment of democratic institutions and the determination to enhance public accountability and end corruption. CMAG noted that the Pakistan parliament has remained deadlocked over constitutional matters. The group hoped that the dialogue between the government and the opposition parties on outstanding issues, including the constitutional ones, would be concluded successfully in the spirit of parliamentary practice and process. CMAG agreed to review Pakistan's suspension at its next meeting.

The collapse of order in the Solomon Islands has led to international concern. CMAG decided to keep the Solomon Islands on its agenda to ensure that it can monitor the situation and support positive developments. Australia is leading a Pacific regional initiative to help stabilise conditions in the Islands.

Cameroon is not on CMAG's formal agenda. However, CMAG is concerned about the state of democracy, human rights and the rule of law there. In early 2002 the Commonwealth Secretary-General appointed a Special Envoy, Christine Stewart, to co-ordinate international efforts to improve governance and democracy. The Cameroon government has been co-operative and constructive, but there is still much work to be done on revising the Criminal Procedure Code, an independent judiciary, prison management and elections. (See separate box.)

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.

Cameroon

Cameroon's human rights record continues to be poor, despite the fact that the Cameroon government has ratified the six core human rights instruments. The condition of prisons and use of torture within the penal system, the high level of corruption within the judiciary, and the lack of transparency in the electoral process all need attention and reform.

As a member of the Commonwealth, the Cameroon government is committed to adhering to the Commonwealth Harare Declaration principles on human rights and good governance. The Commonwealth Secretary-General expressed concern about these issues in June 2001. Since then the Commonwealth Secretariat has provided technical assistance and in 2002 the Secretary-General appointed a Special Envoy, Christine Stewart. In response to these concerns, President Biya of Cameroon set up a presidential

commission in December 2002 to address the issues that Ms Stewart had raised. These issues included independence of the judiciary and the rule of law, good governance, electoral processes, decentralisation and human rights. In addition, Ms Stewart has worked to co-ordinate international assistance among donors. We continue to support the Secretariat in its efforts.

Bepanda Nine

Last year we reported on the case of the Bepanda Nine. The government's Commandement Operationnel (CO) arrested the nine men for stealing a gas bottle. The men disappeared and are presumed murdered. The CO members who were implicated in the affair all received lenient charges and sentences. The families of the victims lodged an appeal. There is no date yet for the first hearing; however, the CO appears to have stopped its operations.

The FCO supports the work of civil society in protecting and promoting the Commonwealth's values and in delivering benefits to the people of the Commonwealth. Since CHOGM 2002 it has been particularly important to harness the resources of all Commonwealth organisations, including civil society. As part of delivering the High Level Group recommendations, we have funded London University's Commonwealth Policy Study Unit's research on Commonwealth NGOs to make their interaction with the official Commonwealth more effective. Another example of our support was the Royal Commonwealth Society's NGO meeting on education as part of the preparations for the 2003 Commonwealth Conference of Education Ministers in Edinburgh. This forum provided an opportunity for NGOs to feed in policy ideas about, for example, bringing citizenship education and human rights into the curriculum.

The FCO's Commonwealth Small States Fund helps NGOs to spread awareness of the importance of human rights and democracy among the Commonwealth's smaller states. Through the Commonwealth Press Union (CPU), the fund sponsored 14 editors from small states in the Caribbean, Pacific islands and Africa to attend the 5th Commonwealth Editors' Forum in Sri Lanka from 25–28 February 2003. Delegates debated issues such as press freedom, human rights abuses against women and the sustainable development of the journals they represented. The CPU was one of several Commonwealth organisations that lobbied Commonwealth governments over 10 years to adopt freedom of expression as a Commonwealth principle: it was adopted at the 2002 CHOGM.

Through the Small States Fund, we supported a Commonwealth Secretariat project to instill citizenship, human rights and values education in Trinidad and Tobago and Guyana. Following this project, they produced an action agenda for the Small States of the Commonwealth Caribbean. This agenda assists Commonwealth organisations in developing educational processes and disseminating good practice and is likely to be adopted by some of the other 32 small states within the Commonwealth.

4.4 The New Partnership for Africa's Development (NEPAD)

The New Partnership for Africa's Development (NEPAD) is a long-term strategy for Africa's sustainable growth and development. A small group of African leaders initially developed it and the OAU (now the African Union) endorsed it in 2001. NEPAD is African owned and led. It recognises the need for sound political and economic governance, conflict resolution and regional co-operation as preconditions for Africa's economic regeneration.

The UK strongly supports NEPAD and the G8 Africa Action Plan. We recognise that NEPAD has a long-term agenda requiring sustained engagement and political commitment. The UK played an active role in developing the G8 Africa Action Plan which sets out G8 commitments in a range of areas such as peace and security, governance, trade, health and education. During the past year the Prime Minister's personal representative, Baroness Amos, has met regularly with G8, international and African NEPAD partners to take forward work in the Africa Action Plan. At this year's G8 Summit the UK published a report detailing progress on its G8 Africa Action Plan commitments.

The UK's support to NEPAD is implemented through its wider bilateral development programme in Africa operated by DFID. DFID's planned bilateral assistance to sub-Saharan Africa for 2002–2003 is £655 million. This includes some £500,000 for the NEPAD secretariat to support capacity building in collaboration with the UNDP and some £800,000 to assist the secretariat develop work on governance, peace and security and outreach.

As NEPAD states: "Development is impossible in the absence of true democracy, respect for human rights, peace and good governance". That is why a major focus of the UK's bilateral development partnerships in African countries is to help strengthen their institutions and governance. The UK has concentrated an increasing volume of resources through direct budget and sector support, including for example, anti-corruption assistance in Sierra Leone, Malawi, Uganda and Nigeria. The UK has also made pledges of support totalling £15 million to the Africa Capacity Building Foundation, central to Africa's ability to manage its economic and social transformation.

The UK welcomes the development of an innovative element of NEPAD, the African Peer Review Mechanism (APRM). The APRM is a voluntary process to review and raise governance standards in Africa. As an information-sharing and learning exercise, the APRM will examine African commitments to political, corporate and economic governance and socio-economic development in a specific country. This will include an examination of human rights. Sixteen African countries have now signed up for Peer Review with the first reviews expected to start later in the autumn.

The UK's commitment to Africa remains unchanged. As part of this, UK bilateral development assistance is increasing to £1 billion by 2006.

4.5 ACHPR and African Court

The African Commission on Human and Peoples' Rights (ACHPR) was established in 1998 to promote and protect human and peoples' rights throughout Africa. It reports to the African Union (AU). The ACHPR considers and makes decisions on cases of human rights abuses inflicted by states. It also examines state reports on compliance to the African Charter on Human and Peoples' Rights.

The ACHPR has considerable potential and is beginning to make progress in fulfilling its mandate. However, it has significant capacity constraints and faces enormous challenges. During the past year the FCO has supported the ACHPR's initiatives to improve its efficiency and effectiveness. The NGO Interights and African consultants are working with the ACHPR and the AU to review procedures and consider ways, for example, to speed up the processing of cases, improve compliance with the Commission's decisions, ensure better communication and publicity for decisions, and improve guidelines and procedures for regular state reporting.

We further assist the ACHPR by supporting the NGO Penal Reform International's work in strengthening the role of the ACPHR's Special Rapporteur on Prisons. We support Article 19's work with the ACPHR and African NGOs to encourage the ACPHR to adopt a Declaration on Freedom of Expression, as the African Charter omits such language.

The African Court

The African Court will reinforce the protective functions of the ACHPR by interpreting and adjudicating on the African Charter. The UK and the AU wish to establish the African Court of Human and Peoples' Rights with minimal delay. This can happen once 15 African countries have ratified an AU Protocol to the African Charter in 1988. So far nine countries have ratified the protocol.

The UK has supported UK-based NGO Interights to work with the AU on encouraging and assisting countries to ratify the Protocol. This includes holding a regional conference in West Africa to explain the process and implications of ratification of the Court Protocol and establishment of the Court, and preparing and distributing ratification kits to make the legislative process easier. We are supporting a briefing seminar for AU ambassadors planned for later in the year.

HUMAN RIGHTS and conflict



An Indian border security force officer stands guard in Srinagar, Jammu and Kashmir, February 2003.

During 2002–2003 much of the world's attention was on the military action in Iraq. Across the globe, however, armed conflicts continued to endanger and disrupt the lives of millions. Few of today's conflicts involve standing armies and pitched battles. They are mostly the consequence of ethnic, religious, resource or territorial disputes within a single state. They may last for years and it can be difficult to distinguish between the various warring parties and to understand their goals and their motivation. This means that these conflicts often do not have a high profile in the outside world. Tragically, this does not reduce the effect of the conflict on those whom it touches. The worst violations of human rights often occur in internal conflicts, where the distinction between combatant and non-combatant is blurred. The on-going conflicts in the Democratic Republic of Congo (DRC), Nepal and Chechnya are examples of this.

Conflict creates an environment in which respect for human rights is often forgotten. Armed groups often think that they can murder, rape and loot with impunity. People in the conflict zones are forced to flee their homes and their land, becoming internally displaced or refugees abroad. And conflict has a serious negative effect on the enjoyment of economic, social and cultural rights including through disruption of hospitals, transport, policing, welfare systems and the economy. During conflict many schools are forced to close and children lose their right to an education. In many countries children's rights are further jeopardised when they are forcibly recruited as soldiers.

The wider effects of drawn out conflicts can destabilise entire regions. This is vividly illustrated in the Great Lakes region of Africa where conflict has engulfed Rwanda, Burundi and the DRC in the past decade. The on-going violence in Israel and the Occupied Territories has a serious effect on the stability and development of the whole of the Middle East.

The abuse of human rights is not only a consequence of conflict but often also a warning sign of conflict to come. An increase in attacks on minority groups, in the use of hate speech or in discriminatory laws not only indicates that a state may be on the edge of violence but can also directly contribute to conflict. The UK addresses these wider issues in its work to prevent conflict around the world. We are involved in nurturing civil society and delivering financial and diplomatic support to help build stable institutions and fairer legal systems. In particular, the FCO works strategically with the MOD and DFID to identify and act on areas of potential conflict. The Global Conflict Prevention Pool focuses resources on practical projects to diffuse tension including through building respect for human rights.

This year there have been further attempts to secure peace in Sri Lanka, Sudan and Burundi. There has been no fresh outbreak of violence in Angola or between Ethiopia and Eritrea. Strengthening the culture of human rights in all these countries will be vital in maintaining the peace. Last year, the UK worked in post-conflict situations around the world on projects that included building free and independent media in Afghanistan, training for human rights trainers for the districts of Rwanda and a radio series and regional training programme to help sustain the peace process in Burundi.

This chapter looks at some of the current conflicts of major concern, not already covered in Chapter One. It also details the work the UK does around the world to prevent conflict including its work to tackle the trade in conflict diamonds, small arms and drugs. The chapter also deals with refugees, including the recent changes to the UK's own asylum laws.

5.1 Conflict prevention

Conflict prevention pools

The FCO, the Department for International Development (DFID) and the Ministry of Defence (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 two 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".

DFID chairs the Africa Conflict Prevention Pool, which has £50 million for programmes in sub-Saharan Africa in 2003–2004. The FCO chairs the Global Conflict Prevention Pool with a budget of £74 million for 2003–2004 for programmes in a wide range of countries outside Africa, and for thematic strategies such as security sector reform which aim to improve our understanding of what types of intervention are successful and spread best practice.

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 include aspects of social exclusion and human rights abuses that are related to conflict. Our joined-up approach to conflict prevention is now becoming embedded within the three departments, bringing better focus and cohesion to the UK Government's response to changing situations around the world.

As the pools have developed, and more demands are being made on them, we have to be increasingly careful how we prioritise our work. In the global pool there are now 14 strategies covering conflict or potential conflict in Afghanistan, the Balkans, Belize/Guatemala, Central and Eastern Europe, the former Soviet Union, India and Pakistan, Indonesia/East Timor, the Middle East and North Africa, Nepal and Sri Lanka. There are thematic strategies dealing with security sector reform, small arms and light weapons, the UN's capacity to manage conflict and its peacekeeping operations and the OSCE's activities. We review these strategies annually and they are endorsed by ministers to make sure the funds are put to best use. Most of the programmes include human rights and governance projects, where these relate to the underlying cause of a particular conflict: improving these areas is vital in preventing or managing conflict and in post-conflict reconstruction. We have undertaken such projects in Afghanistan, the Balkans, Indonesia, the former Soviet Union and Nepal.

For example, our Balkans Conflict Prevention Strategy provides funds to GONG, a local NGO in **Croatia**, which encourages people to play an active part in the democratic process. GONG monitors elections and educates people about election laws and processes. It also runs a range of ongoing programmes, including the Open Parliament project, which gives citizens access to parliamentary sessions, and the Citizens' Hour project, which encourages regular communication between constituents and their elected representatives.

The **Nepal** Conflict Prevention Strategy helps fund work by the Nepali NGO the Centre for the Victims of Torture (CVICT), which trains medical professionals to recognise, record and treat victims of torture. CVICT has set up mobile clinics and a women-only treatment centre in Kathmandu, and is training lawyers to provide legal support to victims. The pool also funds the development of a community mediation programme in 11 districts across Nepal, and a series of small projects to help human rights organisations raise human rights awareness and increase accountability. These projects include capacity-building work for the National Human Rights Commission and support for the UN OHCHR to establish a presence in Nepal.

At times, additional demands are made on the pools at short notice and our co-operation with DFID and the MOD enables us to make quick decisions. For example, this year the Global Pool is likely to be asked to consider quick response projects in Iraq while a wider ranging strategy is drawn up, since human rights will undoubtedly play a role in post-conflict reconstruction.

We will employ an external evaluation in 2003 to review how well the two conflict prevention pools achieve their targets and

to what extent our inter-departmental co-operation is adding value to UK Government activity.

The Global Conflict Prevention Pool will publish a report later this year on its operation so far. The report describes the global pool strategies and the programmes they fund. Details are available on www.fco.gov.uk and the DFID and MOD websites (www.dfid.gov.uk and www.mod.uk) or by writing to the Conflict Prevention Unit in the FCO. (Full address in Annex Two.)

Strengthening the media in Afghanistan

A responsible and independent media, free from manipulation, is an essential part of democratisation. An independent media is vital for a nation to resolve conflict, to enable people to participate in politics, and for long-term peace and stability. But in the past two decades in **Afghanistan**, many journalists fled the country or were killed. Those who survived within the country did so by strictly censoring their own work. Within the Global Pool Strategy for Afghanistan, we support the Institute for War and Peace Reporting (IWPR) in running a successful training course for Afghan journalists, with the aim of establishing a responsible print media sector. New media ventures are emerging quickly in Afghanistan, but the basic principles of responsible reporting are still largely unknown. IWPR work is therefore helping to develop a free and democratic media in Afghanistan. (See page xx for more details on BBC work in media reconstruction.)

Conflict prevention in Africa

African leaders and institutions have taken a greater role in resolving conflict in the past 18 months. There has been solid progress in tackling some of Africa's big conflicts. In Angola, the civil war ended with the defeat of UNITA in 2002. Credible peace processes moved forward in Burundi and Sudan. Sierra Leone continued to consolidate peace. However, the African political environment has remained fragile and prone to conflict, as demonstrated in the outbreak of civil war in Côte d'Ivoire in September 2002, the continued violence in the DRC and the turmoil in Liberia.

The UK is concerned about all conflicts in Africa. We have sought to keep a spotlight on the problem of conflicts in Africa 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 the development of African capabilities to deploy peace support operations and on security sector reform.

We have 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 United Nations Charter. The plan identifies a number of building blocks that will help channel existing resources in support of the developing African vision and institutional framework for peace and security on the continent. Early building blocks, to be achieved by 2010, include: the establishment, equipping and training of coherent, multinational, multi-disciplinary standby brigade capabilities at the African Union (AU) and regional level 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.

Bilaterally, we have provided military training teams in South Africa, Ghana and Kenya to enhance regional peacekeeping capacity. Through the UK's Africa Conflict Prevention Pool, we have continued to fund the Conflict Management Centre at the African Union's Directorate of Peace and Security in Ethiopia.

The Africa Conflict Prevention Pool is now in its third year of operation (2003–2004). The pool is chaired by the Secretary of State for International Development Baroness Amos and drives UK policy on conflict prevention and resolution in Africa. It draws on diplomatic, military and developmental expertise and tools from across the FCO, the MOD and DFID. The UK will spend £50 million on conflict prevention programmes in 2003–2004 and has allocated a further £86 million for the same year for our contributions to peacekeeping missions in Africa – these are mostly UN operations.

In the Great Lakes, low-level conflict and serious human rights violations have continued in the **DRC** (see Chapter One), particularly in the east of the country. We have supported South Africa's diplomatic efforts and also sought to bolster the role of the UN peacekeeping mission, MONUC. The Africa Conflict Prevention Pool has also 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 been involved in planning post-conflict reconstruction for DRC, which includes rebuilding the DRC army.

In **Burundi**, we supported South African and Tanzanian diplomatic efforts to implement the peace agreement of August

2000 and we helped fund deployment of South African and Mozambican troops to help rebuild confidence. We have been involved in long-running diplomatic mediation efforts to ease tensions between **Rwanda** and **Uganda**. We have also worked in partnership with these two countries individually. In Uganda, we are developing a conflict reduction framework for Acholiland in the north and we supported a national defence review by the Ugandan government. In Rwanda, we have supported a police reform programme and a strategic defence review. We also appointed a regional conflict adviser for the Great Lakes to focus on some of the regional dimensions and interconnections of the conflicts in the region.

In West Africa, the Economic Community of West African States (ECOWAS) and France have been working on resolving the conflict in **Côte d'Ivoire**. We provided £3 million during the year to support the Ghanaian contingent of an ECOWAS monitoring force.

Creating a stable, post-conflict society has been the priority in **Sierra Leone** and we have supplied considerable resources to this end: half of the Conflict Pool's programme budget for 2003–2004 went to Sierra Leone. Our strategy includes reforming the security services; re-integrating ex-combatants; establishing a system to guarantee that the exploitation of diamond and other mineral resources benefit 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 EU, ECOWAS and the UN to stabilise the region, especially in **Guinea** and **Liberia**.

We have been working in three areas in **Nigeria** in the past year. We supported local efforts to improve conflict analysis and research; we supported community reconciliation efforts in Kaduna, a state badly hit by violence between Muslims and Christians; and we provided a British Defence Advisory Team to assist the Nigerian military in reforming their security sector.

In **Ghana**, the Africa Conflict Prevention Pool is funding the Kofi Annan International Peacekeeping Training Centre, which we hope will become a regional centre of excellence for training in conflict management. The Africa Conflict Pool continued to support peacekeeping training at the Ghana armed forces and staff college in Accra.

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 established a regional conflict adviser in Pretoria, funded by the pool. We continued to engage with the South African military on peacekeeping through a British Military Assistance and Training Team. We support South Africa's efforts to improve African management of peace and

security through the New Partnership for African Development and the African Union. (See pages 121 for more details.)

The war is over in **Angola** and the peace process has moved swiftly in the past 18 months, without much external involvement. Nonetheless, we have supported the process of disarming, demobilising and re-integrating former UNITA combatants. We also encouraged the government to pursue an inclusive political dialogue with the aim of reaching a settlement that addresses the underlying political and economic causes of the conflict.

There has been real momentum in the peace process in **Sudan** in the past 18–24 months. This has become an important priority for the Africa Conflict Pool. Together with the US and Norway, we helped to re-energise the peace process of the regional organisation IGAD (the Intergovernmental Authority on Development). We helped monitor a ceasefire in the Nuba Mountains and worked with the UN and others on plans for post-conflict reconstruction. We supported and encouraged mediation efforts between the Sudanese government and the Eritrean government. A British army general took up the post of force commander of the UN operation, UNMEE, which is monitoring implementation of the peace agreement along the border between **Ethiopia** and **Eritrea**. Looking ahead, we have started planning to help the Ethiopian government with security sector reform.

The continuing instability in **Somalia** remains a concern. Working through the Africa Conflict Pool, and with a new DFID officer for Somalia based in the region, the UK is developing a longer-term strategy for Somalia that takes into account the lessons of past failures. In particular, we are looking to build on and support local successes like Somaliland and to promote reconciliation at a grassroots level.

The Africa Pool is funding a significant programme in **Kenya** to develop regional peacekeeping skills. As in the Great Lakes, we appointed a regional conflict adviser for the Horn of Africa to help develop a conflict management strategy that addresses the regional dimensions and interconnections of the various conflicts in the region.

5.2 Small arms, conflict diamonds and drug trafficking

Small arms and light weapons

“The world is flooded with small arms and light weapons ... most of these are controlled by legal authorities, but when they fall into the hands of terrorists,

criminals and irregular forces, small arms bring devastation. They exacerbate conflict, spark refugee flows, undermine the rule of law, and spawn a culture of violence and impunity. In short, small arms are a threat to peace and development, to democracy and human rights.”

Kofi Annan, UN Secretary-General, July 2001, New York

According to UN estimates, there are over 600 million small arms and light weapons (SALW) in circulation worldwide: almost one for every 10 people on the planet. In the 1990s, 47 of the 49 major conflicts were waged with small arms. These weapons kill over half a million people every year, including 300,000 people who are killed in armed conflict, and many women and children. The trade in, easy access to, and use of small arms and light weapons destabilises regions, exacerbates conflicts, facilitates violent crime and terrorism, thwarts post-conflict reconstruction and undermines long-term sustainable development. Controls on small arms and light weapons can vary widely from state to state, which makes it difficult to manage their further spread around the world. Illicit trading in these weapons is also linked to trafficking in, for example, drugs and diamonds. This worldwide problem requires an orchestrated response at many levels: locally, nationally, regionally and globally.

The UK's strategy is to reduce the availability, supply, and demand for 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 £25 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; the implementation of existing regional agreements; national action plans; and programmes generally supporting civil society and NGOs. The UK has given £7.5 million to the UN Development Programme (UNDP) over the period 2001–2004 towards a global programme of weapons collection, stockpile management, capacity-building and destruction as part of disarmament, demobilisation, re-integration and community development. UNDP is active in many parts of Africa, Asia, Europe and Latin America. Programmes are currently operating in eight countries (Albania, El Salvador, Haiti, Kosovo, Niger, DRC, Sierra Leone and the Solomon Islands) and in two regions (Great Lakes and south-eastern Europe). Through the FCO's Small Arms Destruction Fund, we supplied destruction equipment to **Botswana** and **Kenya** and we contributed significantly to a weapons-for-development project in **Cambodia**.



A boy sets fire to rifles in Niksic, Montenegro, May 2003. Over 5,000 firearms were melted down following a campaign supported by the US government, the UN and local NGOs.

If we are to control the supply of SALW, we must develop common international standards on arms exports. The UK is leading international efforts to develop such standards and in December 2002 we were instrumental in securing *Best Practice Guidelines in the Exports of SALW* in the Wassenaar Arrangement – a group of 33 of the world's major arms exporters. In January 2003 we brought representatives of 49 arms exporting states to Lancaster House, London, to discuss and agree on tougher international controls on arms exports. We are taking forward an initiative within the UN and developing partnerships and alliances on the issue in all regions. At home, the July 2002 Export Control Act modernised the UK export control regime by introducing powers to control involvement in arms trafficking and brokering between overseas countries. (See page 77 for more details.)

The demand for SALW stems partly from economic and physical insecurity. We believe that by reducing poverty and encouraging sustainable development, we can counter people's

perceived needs for small arms. Thus we aim to integrate our work to reduce small arms and armed violence into wider development assistance programmes. To this end, we convened a workshop for development agencies in April 2003 to discuss ways of integrating SALW controls into development programmes and of increasing co-ordination between development agencies. The recommendations made at this meeting included ways to improve co-ordination and to conduct further research into links between SALW and development issues. A report of the meeting has been issued and the UK and other partners will take these issues forward. The report can be obtained through DFID on 020 7023 0000 or by email: enquiry@dfid.gov.uk.

Conflict diamonds

Diamonds underpin the economies of many developing countries. In **India**, 800,000 people are employed in the diamond industry. **Botswana**, whose economy thrives in comparison with some of its neighbours, would be far less

Tackling armed violence in Rio de Janeiro

Rio de Janeiro is seriously affected by urban violence, exacerbated by gang cultures and drug-related killings. It is estimated that 280,000 people were killed by firearms between 1990–1999, in the whole of Brazil while every year there are over 6,000 deaths as a result of firearms in Rio de Janeiro alone.

The UK is supporting the Brazilian NGO Viva Rio! to reduce small arms violence at local, national and regional levels through a multifaceted approach. The NGO is involved in legal and institutional reform; security sector reform, which includes contact with government decision-makers; modernising and training the police; stockpile management and weapons destruction; bringing civil society into decision-making on security issues; gathering information and research; and raising public awareness.

Viva Rio!'s novel approach has had considerable impact. Through community policing the number of homicides and shoot-outs in certain poor neighbourhoods in Rio de Janeiro has dropped to zero. Viva Rio!

is now helping to develop plans of action to replicate its approach in other violent neighbourhoods. Viva Rio! has also established conflict mediation centres that offer free legal advice. This encourages people to use legal rather than violent means to resolve disputes. The NGO has created training materials for the civilian and military police forces and the City Guards, and will reproduce some of this material for training programmes across Brazil.

Viva Rio! has also organised effective public campaigns, collecting 1.3 million signatures in the Rio, Put That Gun Down Campaign against the sale and possession of guns. This campaign resulted in a change in the law. The NGO's activities are published on its popular website (www.VivaFavela.com) and also broadcast on Radio Viva Rio!, which reaches those people most affected by urban violence and gangland warfare. In June 2001 Viva Rio!, in partnership with the Rio de Janeiro state government and the Brazilian army, organised the public destruction of 100,000 weapons. Weapons destruction ceremonies have now become an annual event

prosperous without its diamonds. But diamonds and the wealth they provide can sometimes be more of a curse than a blessing: in **Sierra Leone** and **Angola**, rebel forces have relied on illegal diamond mining to fund their activities and support conflict.

In the past two years there has been a huge international effort to choke off the flow of these so-called 'conflict diamonds', not only to protect the lives of those in areas affected by civil wars, but also to protect those employed in the legitimate diamond industry worldwide from the very real threat of a consumer boycott of all diamonds.

On 5 November 2002 at Interlaken in Switzerland, the governments of 52 diamond producing and trading nations endorsed the final Kimberley Process document, which constituted the blueprint for an international certification scheme to close the world's markets to conflict diamonds. The Interlaken Declaration is the culmination of two years of co-operation between governments, industry and civil society. It set a deadline of 1 January 2003 for governments and industry to implement the certification scheme.

EU member states and the European Commission began preparing the legislation to implement the certification scheme in the European Community. The FCO set up a new unit to operate the scheme in the UK. The Government Diamond Office is responsible for verifying that diamonds for export are conflict-free and for issuing export certificates. It has recruited a team of diamond experts who will carry out inspections of export consignments with FCO officials.

In the same vein of tripartite co-operation upon which the original Kimberley Process negotiations were based, industry and civil society representatives attended workshops organised by the FCO. The workshops developed working procedures that would place as light an administrative burden as possible on the industry, while maintaining the integrity of the scheme.

The Government Diamond Office, based in the FCO, is now up and running and its work extends far beyond the daily implementation of the certification scheme. It is working with NGOs to examine ways of making the scheme more robust by increasing monitoring and verification by individual governments. The office has held discussions with other government departments on adapting Kimberley principles to prevent the exploitation of other natural resources, the proceeds of which may also be used to fund conflict.

The peace in Sierra Leone, Angola and the DRC is fragile and we must not be complacent. Countries that produce and trade in diamonds are all responsible for ensuring that diamonds,

which are a legitimate source of prosperity for so many, are not tainted by armed conflict again.

Drug trafficking

The cultivation, production and trafficking of illicit drugs fuels disorder and instability in many parts of the world. In Afghanistan, where much of the world's heroin originates, the drugs trade has been a major factor in sustaining conflict. In Colombia, which produces around 80 per cent of the world's supply of cocaine, the drugs industry has intensified the internal conflict. Illegal armed groups fighting over lucrative trafficking routes have abused people's human rights and caused large numbers of people to flee the fighting, and thus become internally displaced. The consumption of drugs brings human suffering and social exclusion for addicts and their families both in the West and along trafficking routes in countries such as Iran, Pakistan and Turkey. In Jamaica, which is often used by traffickers as a transit route, levels of violence have increased. Drugs money and the proceeds of other international crime distort economies and threaten financial systems.

The UK tackles international drugs issues bilaterally and through multilateral fora such as the UN, EU and G8.

In December 2002 the UK Government published its *Updated Drug Strategy 2002*. This builds upon progress and lessons learned since the launch in 1998 of the ten-year strategy *Tackling Drugs to Build a Better Britain*. The strategy has four main strands: young people, communities, treatment and availability. The FCO focuses its activity on achieving the targets addressing the availability of drugs. The targets are:

- > to decrease the proportion of Class A drugs coming into the UK market;
- > to disrupt and dismantle criminal groups responsible for supplying substantial quantities of Class A drugs to the UK; and
- > to recover more drug-related assets.

We offer most of our overseas assistance to those countries and regions that pose a particular drug 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.

For example, in **Jamaica** we provided ion-sampling technology to the Jamaican airport police. This technology detects whether passengers have been in contact with cocaine and thus identifies human mules who traffic large quantities of sealed



1.



2.

1. Foreign Office Minister Bill Rammell visits a Mentor Colombia centre during his trip to Colombia, May 2003.

2. One hundred and ten kilos of cocaine base with an estimated street value of £6 million was seized in La Paz, Bolivia, on 18 February 2003. Bolivia is a high priority for UK overseas counter-narcotics assistance.

amounts of cocaine by swallowing it. The drugs traffickers often target particularly vulnerable people to carry the drugs for them. UK Customs and Excise officers provided a comprehensive training package for using the new equipment and overall this project has had a significant impact on this method of trafficking and the associated human misery. We supported a connected project, which supplied comic strip posters to warn people, especially women, of the dangers of carrying drugs.

In **Colombia**, we funded a programme to educate people about drugs and to reduce demand. The Mentor Foundation designed Mentor Colombia to suit the local cultural and social conditions, establishing a national office in Bogota in 2000. Since then Mentor Colombia has approached the FCO to request funding for various projects to reduce demand for drugs. We have funded schemes to develop a substance misuse prevention programme in primary schools, and a community-based approach to prevent substance abuse.

We helped to develop a successful crimestoppers programme in **Hungary**. The Hungarian authorities are now using their experiences to encourage neighbouring countries to develop similar schemes.

Following an FCO-funded needs assessment conducted by the University of the West Indies, UK NGO Drugscope ran a series of workshops in **Antigua**, Jamaica and **Trinidad**. The project provided training for demand-reduction practitioners and programme managers in local government and NGOs from across the Caribbean, to improve their evaluation and monitoring of services and projects.

Around 90 per cent of the heroin in the UK originates in **Afghanistan**. In addition, opiate addiction rates are rising in Afghanistan and neighbouring countries. The fall of the Taliban provided us with a unique opportunity to target the drugs trade in one of its main strongholds. We have pledged to help reduce opium cultivation in Afghanistan by 70 per cent

in five years – and completely eliminate it within 10 years. The Afghan government has signed up to these ambitious targets in its own national drug strategy and taken an admirably strong stance in opposing the drugs trade.

The UK is spending £25 million in 2003 to assist the Afghan government to implement its national drug control strategy. This includes supporting law enforcement, reducing demand, helping people find alternative livelihoods and building judicial capacity. The FCO Drugs and Crime Fund has supported counter-narcotics initiatives, such as counter-narcotics training courses for the Afghan police. Funded by the FCO, and provided by HM Customs and Excise, the training covers basic investigation and intelligence techniques, drugs recognition, evidence gathering, legislation and human rights.

The Drugs and Crime Fund supported UN projects to develop local capacity in controlling drugs and helping people find alternative livelihoods, and another UN project in **Iran** to raise drug awareness among Afghan refugees returning to Afghanistan. The programme presents information on the risks and consequences of cultivating drugs, processing, trafficking and abuse through radio, video and pamphlets.

Activities to address the source of opiates in Afghanistan are complemented by bilateral assistance to neighbouring states that are affected by trafficking into Europe. We have supported law enforcement capacity-building along the frontier with Iran, including a £400,000 contribution at the beginning of 2003 for the UN Office on Drugs and Crime's long-term programme to reduce supply. We have also provided logistical support for **Pakistan's** Anti-Narcotics Force (ANF) which leads on drug law enforcement. The ANF is also responsible for tackling addiction. FCO funding has allowed Pakistani NGOs to expand their activities to regional centres where addicts are rehabilitated and trained to take on sustainable livelihoods.

5.3 Refugees

A refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular 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...”

The 1951 Convention relating to the Status of Refugees

The UN High Commissioner for Refugees (UNHCR) currently cares for nearly 20 million uprooted and vulnerable people. Eighty per cent of the world's refugees are women and children. Flows of refugees and people who are displaced within their own countries are very often the result of conflicts and human rights abuses.

The UNHCR was 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 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 ensures 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.

However, many economic migrants misuse asylum laws in order to enter and work in developed countries. The widespread misuse of asylum systems is threatening to undermine the 1951 Geneva Convention, designed to protect people who are fleeing persecution for their beliefs or identity. We must differentiate refugees in need of international protection and economic

migrants, who are not entitled to legal asylum. When a person who has not been subject to persecution claims asylum, expensive procedures, designed to establish if a person is a refugee, are called into play. The resources used to process that claim could have helped a person who does have a genuine fear of persecution, such as those who have spoken out against a repressive regime in their home country. Economic migrants normally leave their country voluntarily to seek a better life.

Convention Plus

The UNHCR is strengthening the 1951 Refugee Convention with new proposals in Convention Plus. These proposals will make sure that the international protection regime protects those who are forced to flee conflict for their own well-being and challenges the ways some people are using the Refugee Convention for economic migration.

The UK was active in UNHCR's Global Consultations and the Agenda for Protection, in line with our commitment to the effective implementation of the Refugee Convention. We welcome UNHCR's proposals and will work with UNHCR to make Convention Plus produce practical solutions for refugees.

We also welcome UNHCR's recognition of the issues surrounding secondary movement, such as economic migration, and the need to protect people primarily in their region of origin. An international agreement setting out the roles and responsibilities of countries of origin, transit and destination would be a significant step forward in discouraging secondary movement. For these processes to succeed, we need an effective system of international co-operation. In an important step towards finding long-term solutions, the UK set out its commitments to durable solutions such as voluntary return, integration and resettlement in the Nationality Immigration and Asylum Act 2002, and is establishing a UK refugee resettlement scheme later in 2003.



A canoe full of Liberian refugees arrives on the Côte d'Ivoire bank of the Cavally River after paddling from the Liberian bank, seen in the background, May 2003.

Zones of Protection

"The European Union must develop a unified internal approach along with new global strategies if it is to effectively address the politically charged issues of asylum and migration."

Ruud Lubbers, UN High Commissioner for Refugees, 2003

The UK believes that the current system of protection for refugees is failing on several levels. Support for refugees is badly distributed and is failing to help the people who need it most. The asylum system usually requires people fleeing persecution to enter the West illegally, often by paying criminal organisations huge sums of money; and up to 70 per cent of those claiming asylum in Europe do not meet the criteria of full refugees.

It is essential to develop new international approaches to refugee protection. The UK has put forward proposals to set up 'zones of protection', which would aim to manage better the asylum process globally, reduce unfounded applications and provide more equitable protection for genuine refugees. More than 90 per cent of the world's refugees remain in developing countries. It cannot be right that only a tiny minority – not necessarily the most persecuted or the most vulnerable – benefit from the effective protection that developed states can provide. The remainder languish in often appalling conditions without any prospect of a durable solution to their plight.

Zones of protection complement the EU approach to asylum called for at a Summit of EU leaders at Tampere, Finland, in 1999; and also the work initiated at a meeting of EU leaders in Seville in June 2002 to tackle illegal immigration. We would like a system in which most migrants arrive in Europe through legal channels, such as refugee resettlement routes, rather than arriving illegally, possibly through criminal gangs, and then claiming asylum regardless of whether they are genuinely in need of protection.

The UK's proposals for 'zones' draw on the UNHCR's plans for modernising the international protection system in Convention Plus. This requires an international approach. Working with EU partners and the countries of the developing world, we will need to use diplomatic, economic and if necessary military resources to tackle the underdevelopment and conflict that blight so many lives.

In principle, better regional protection should discourage flows of irregular migrants into Europe. Within these zones, they would receive the protection and humanitarian support they are seeking until conditions were suitable for their return.

The UK will develop these proposals in line with its international obligations and in close collaboration with organisations such as UNHCR.

For the Zones of Protection to become credible and workable solutions, they must start from the premise of international co-operation and partnership between origin, transit and destination countries. NGOs also have important roles to play. These proposals are not about shifting the responsibility of refugee protection onto the already stretched resources of developing countries; rather they seek to make the international protection regime sustainable in the modern world.

Refugees around the world

We are concerned about internal conflicts in **Burma** and the safety and welfare of refugees and internally displaced people who are fleeing fighting and persecution. Many of them go to **Thailand**, where the Thai authorities have a long record of providing a safe haven. The border areas of Burma are too unstable to allow refugees to return home.

We have long supported the efforts of the UN and other NGOs in Thailand to protect and take care of Burmese refugees. DFID funds the work of the UNHCR, the International Committee of the Red Cross (ICRC) and the Burmese Border Consortium (BBC) on the Thai-Burma border. The BBC is a consortium of humanitarian agencies that provides basic food and relief supplies and, since 1984, BBC has taken the lead role in providing relief assistance to the registered refugees in Thailand. DFID is one of many agencies supporting the consortium's work. DFID funded UNHCR's work in 2002–2003 to promote the protection, safety and well-being of Burmese refugees in Thailand until the conditions are met for their safe, voluntary repatriation.

In **Cambodia**, the plight and resettlement of 900 Vietnamese (minority Montagnards from the Central Highlands) refugees came to a head in the wake of a US decision in 2002 to offer all of them resettlement in the US. The resettlement programme is underway, but a small group of fewer than 30 remains in Cambodia. The Cambodian government has indicated by its actions that it will no longer accept refugees crossing into Cambodia and has said that new arrivals will be considered as illegal migrants and will be deported. With the EU we continue to urge the Cambodian government to comply with its international refugee obligations, including co-operation with UNHCR.

In 2001, over 200,000 refugees from **Sierra Leone** and **Liberia** were living in camps in southern **Guinea**. The refugee crisis worsened in early 2003 following intensified fighting in Liberia and the rebellion in Côte d'Ivoire. Many of the new arrivals

spent long periods of time in the bush, walking long distances to arrive at the camps in a weakened state.

The N'Zérékoré region of southern Guinea is now home to some 64,000 registered refugees. Many others live in surrounding towns and villages. The UNHCR runs the main camps with support from Mèdècin Sans Frontières (MSF), the European Commission Humanitarian Aid Office (ECHO) and other NGOs in the region.

UNHCR began a repatriation programme for Sierra Leoneans in 2002. The arduous 10-day drive through Guinea was shortened when UNHCR constructed a more direct road from the camps to Sierra Leone, cutting the journey time down to three days. This has allowed the successful repatriation of most Sierra Leoneans, freeing space in camps to allow other refugees to be moved away from dangerous border areas.

However, the environmental impact in Guinea is considerable. Camps require large amounts of resources, especially firewood, water and, with World Food Programme assistance, food for up to 30,000 people. Often the conditions inside camps are better than in surrounding villages, creating tensions between the local population and refugees. The influx of people to the region has led to increased crime and the highest HIV/AIDS rates in the country. The extra drain on scarce resources has forced prices up in surrounding towns.

UNHCR has worked hard to improve conditions in the camps: working to prevent sexual violence, instigating rubbish collection, and using local people to work on building projects within the camp to aid integration and ensure some of the money generated goes into the community. Sensitisation programmes educate refugees to their situation and options for the future and on their responsibilities.

Refugees at sea

The UK continues to co-operate with other countries and international organisations to fight the exploitation of migrants by people smugglers who put lives at risk by using ships that are overcrowded and not seaworthy to transport them across the seas.

We helped draft and negotiate new international maritime and port facility security regulations in the International Maritime Organisation (IMO) culminating in the adoption in December 2002 of amendments to the Safety of Life at Sea Convention (SOLAS). These amendments will mean that by July 2004 there will be much tighter security controls at port facilities and on ships. One of the additional effects of these new regulations will, we hope, be tighter scrutiny on the movement of ships,

making it more difficult for people smugglers to arrange these potentially perilous journeys.

However, we recognise that these security measures will only stop the movement of some of these ships so we have looked at strengthening and clarifying the international rules on rescue at sea to ensure that people are rescued promptly and humanely. We have worked closely with international partners including the UNHCR and the IMO to deliver those people rescued at sea to a place of safety as soon as possible regardless of their national status, intentions or how they came to be in distress. Amendments to the Search and Rescue Convention and the Safety of Life at Sea Convention in respect of people rescued at sea have been agreed at the IMO and we hope they will be adopted later this year under two new resolutions. These amendments clarify and reinforce the traditional legal obligations, which we fully support, for ship masters to render appropriate assistance to those in distress at sea. The amendments also make clear the role of coastal states to provide, promptly, places of safety for those in distress. The safety and humane treatment of refugees is our highest priority.

We have also discussed with the UNHCR its overlapping role with the IMO in connection with those whom, once rescued from distress at sea, subsequently seek asylum. There is now an inter-agency UN task force to address this issue.

We shall continue to take every opportunity to raise awareness of the need to strengthen coastal state controls to prevent overloaded and unseaworthy ships embarking with illegal migrants and we shall work with international partners to address these issues further.

UK asylum policy

The UK Government is committed to fulfilling its obligations under the 1951 United Nations Convention relating to the Status of Refugees. It is right that those who are fleeing persecution should be given the protection they need. Each application for asylum is considered on its individual merits to determine whether the applicant has demonstrated a well-founded fear of persecution in his or her country of nationality for one of the reasons set out in the convention. These are reasons of race, religion, nationality, membership of a particular social group or political opinion.

However, the convention has increasingly been misused and exploited, and major receiving states spend billions operating elaborate processes to deal with asylum claims, many of which are not well-founded. We are determined to tackle the abuse of the system while continuing to offer a safe haven to those in genuine need.

On 7 November the Nationality Immigration and Asylum (NIA) Act 2002 received Royal Assent. A central aim of this legislation was to deter unfounded asylum claims and to discourage economic migrants who apply for asylum in the hope of spending months or years in the UK before being removed. Speeding up the process will not only deter unfounded claims but also enable those with genuine claims to be granted asylum more quickly.

Figures released in August 2003 show that the measures are already having a significant impact. Asylum applications are down by 34 per cent in the second quarter of this year compared to the previous quarter. The monthly rate has fallen from almost 9,000 in October 2002 to 3,610 in June.

The non-suspensive appeal process (NSA)

The non-suspensive appeal (NSA) process is a key element of the UK Government's strategy to reduce unfounded asylum claims.

Under the NIA Act, new provisions came into effect that amended the appeal rights previously available to a number of asylum/human rights 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 Act initially listed 10 EU accession states as designated countries: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. It 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). To add a country to the list the Home Secretary must be satisfied that there is, in general, no serious risk of persecution in that country and removal of a person to that country would not, in general, be a breach of the UK's obligations under the European Convention on Human Rights. In April, a further seven countries were added to the NSA list: Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia and Montenegro. In July seven more countries were added: Bangladesh, Bolivia, Brazil, Ecuador, South Africa, Sri Lanka and Ukraine.

A designated country is not assumed to be entirely safe for every national of that country. But such a country is safe for

Abduction and kidnapping of UN personnel

As they work in some of the most dangerous places in the world, UN personnel have always faced the threat of attack and abduction. However, the number of crimes against UN and allied humanitarian workers is growing. The Convention on the Safety and Security of United Nations and Associated Personnel is designed to prevent attacks occurring and to punish those who commit such crimes. So far, 62 states have become party to the convention, which the UK ratified in 1998. Since then, efforts have been made to increase the effectiveness of the convention. Secretary-General Kofi Annan published a report in 2001 that analysed the scope of the convention and made recommendations to strengthen its application and to extend its scope. Following this an ad hoc committee of the General Assembly was set up to consider the report's recommendations.

The General Assembly subsequently decided that in order for the convention to have the widest possible reach, even to countries who are not party to it, in future all agreements between a host country and the UN will have the terms of the convention built into them. These terms will mean that UN and associated personnel will always have the protection they need to carry out their tasks.

most of its people. We give individual consideration to the claims from residents of all the countries on the list of designated claims. We do not return people without looking at the content of their claim.

The majority of NSA cases are processed at Oakington. The applicant resides at Oakington while their claim is decided, usually for a period of 7-10 days.

5.4 Conflicts

(The conflicts in Colombia, the Occupied Territories, Côte d'Ivoire and the Great Lakes region are covered in more detail in Chapter One.)

The conflict in Chechnya has now entered its fourth year. The UK has always recognised Russia's territorial integrity and its right to defend its citizens from terrorism. But we have consistently stressed that Russian military operations must respect the rule of law and human rights. We have continued to monitor the human rights situation in the republic and note, with serious concern, further allegations of human rights abuses by both sides:

- > Russian forces are accused of summary executions, murder, rape, torture, extortion and looting. But controversial 'sweep operations', in which whole villages or towns have been sealed off for days at a time, appear to have reduced since the last Annual Report;

- > however, disappearances have reportedly increased. The latest figure for disappearances in the Republic, given by the Chechen interior minister, is 380 for the first seven months of 2003. Russian and international human rights organisations believe that Russian forces are responsible for the majority of these disappearances;
- > Chechen groups, particularly extremist elements associated with Al Qa'ida, have carried out terrorist attacks within Chechnya and elsewhere in Russia, including last year's theatre siege in Moscow and a wave of suicide bombings in Moscow, Chechnya and North Ossetia. The majority of those killed or injured in these attacks have been civilians.
- > Chechen militants have also murdered members of the civil administration, have maltreated and killed Russian prisoners and continue to use landmines indiscriminately.

We do not believe that either side is capable of achieving a decisive military victory and have therefore repeatedly called on the Russian government to seek a political solution to the conflict. We therefore welcomed, with our EU partners, the constitutional referendum in Chechnya, held on 23 March 2003, and hope that it will be the beginning of a long-term political process, involving all those who have renounced violence.

President Putin made a series of commitments to the Chechen people shortly before the referendum vote. He promised a broad degree of autonomy for Chechnya within the Russian Federation, presidential and parliamentary elections before the end of the year, amnesty for militants who had not committed serious offences, compensation payments for people whose homes had been destroyed in the fighting, and a reduction in the number of troops whose subsequent role would be to support the local Chechen police force.

These are welcome developments. But our experience in Northern Ireland has demonstrated that agreeing the framework of a political settlement is just the beginning of the process. The real challenge lies in its implementation.

Continued human rights violations remain a significant obstacle to a lasting political settlement. The failure to curb these abuses and to prosecute those responsible risks creating a climate of impunity in the republic, which in turn could bolster support for extremists such as those responsible for the recent wave of suicide attacks in Chechnya.

For the fourth year in succession, the UK supported an EU-sponsored Resolution on Chechnya at this year's session of the UN Commission on Human Rights. The UK worked hard in

Geneva and in capitals to secure the resolution's adoption but unfortunately the resolution was defeated by 21 votes to 15, with 17 abstentions.

In May 2002, Chechnya and the neighbouring Republic of Ingushetia agreed a 20-point plan to close down camps for internally displaced persons (IDP) in Ingushetia and to repatriate the residents to temporary shelters in Chechnya. However, many residents did not want to return to Chechnya, primarily because of the security situation in the republic and because the temporary shelters in Chechnya were inadequate. The Ingush government withdrew food, water and energy supplies to a number of camps in late summer and early autumn, presenting the residents with little choice but to move.

Sustained international pressure, in which the UK played a leading role within the EU, reminded the Russian government of their obligations under the 1951 UN Convention on Refugees and stressed that any movement by displaced persons must be strictly voluntary. In mid-December, President Putin publicly criticised the closure programme and ordered it to stop, until more suitable arrangements for handling IDPs could be found.

The UK also remains a major contributor to humanitarian aid programmes for Chechen IDPs. In the last financial year we gave £2.7 million to programmes run by the UN and the ICRC (International Committee of the Red Cross). We also contributed 19 per cent of the total budget of the ECHO (European Commission Humanitarian Organisation), which is the largest donor in the region.

The conflict between **Armenia** and **Azerbaijan** over Nagorno Karabakh has remained frozen since Russia brokered a ceasefire in 1994. The two countries have been involved in negotiations to resolve the conflict under the auspices of the OSCE Minsk Group, first established in 1992.

In January 2003 we extended the mandate of the UK Special Representative for Georgia, Sir Brian Fall, underlining our commitment to working with the international community to resolve the conflict. Sir Brian will play a key role in facilitating dialogue on the region's conflict issues. Sir Brian visited Armenia and Azerbaijan in May 2003 to pay introductory calls. He will return to the region during summer 2003. He will work with his interlocutors there, in other national capitals and in the international organisations most actively concerned.

Through the Global Conflict Prevention Pool (GCPP) (see page 124 for more details), the FCO, DFID and the MOD are financing a project to underpin the Nagorno Karabakh conflict resolution process. Under this project, a consultant will design

and implement a range of separate, but linked, activities to improve long-term social and economic development possibilities in the two countries and thereby improve the prospects for a permanent settlement of the Nagorno Karabakh conflict. The GCPP continues to fund the South Caucasus Parliamentary Initiative, a project facilitated by the UK NGO LINKS that brings together parliamentarians from Georgia, Armenia and Azerbaijan to discuss regional co-operation.

We continue to receive credible reports of human rights violations by **Indian** security forces operating in Kashmir, where we remain concerned about the human rights situation. We welcome the 'healing touch' approach of the new government of the state of Jammu and Kashmir. This is reflected in its common minimum programme, which includes a commitment to political reconciliation, economic development and an improvement in human rights in the state. Examples of this commitment can be seen in the review of cases of detainees held for long periods without trial; the release of those held on non-specific or less serious charges; the review of the special powers granted to the security forces; the investigation of all cases of custodial killings and other human rights violations; the strengthening of the Human Rights Commission; police reform; and measures to improve the administration's accountability. We urge the Indian government to investigate all abuses of human rights and bring the perpetrators to justice. We also encourage the Indian authorities to give international human rights organisations access to Kashmir, including UN special rapporteurs.

Militant violence in Kashmir is often indiscriminate, killing and injuring civilians. We condemn all such violence – it does nothing for the cause it claims to represent. The militants must renounce violence and pursue their objectives through peaceful, 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. We encourage India and Pakistan to resume dialogue on all the issues between them, including Kashmir.

The Maoist insurgency in **Nepal** continues to affect the country's stability. The Maoists, who have been operating an armed struggle since 1996, now effectively control half of Nepal. The conflict has pushed the economy deeper into trouble and efforts towards a peace process had, until recently, been further complicated by the suspension of the normal democratic institutions, including parliament.

The Nepalese government and the Maoists declared a ceasefire on 29 January 2003. It is too early to speculate on how this will develop, but it is the first real opportunity to kick-start a peace process since the last round of negotiations failed in November 2001. The signing of a ceasefire Code of Conduct on 13 March 2003 further boosted efforts towards a substantive peace process. The UK has urged all sides to observe and respect the Code of Conduct, and to understand that any violence, abduction, intimidation or extortion is not only a breach of the Code of Conduct, but also a violation of democratic standards and human rights.

Despite the ceasefire, the Nepalese people continue to face a human rights crisis and there are reports of human rights violations by both the Nepalese security forces and the Maoists. There is now undeniable proof that both sides committed numerous human rights abuses against civilians and combatants during the conflict. The Maoists were guilty of widespread torture and execution. The security forces were responsible for extensive and systematic illegal detentions, torture and summary executions. Reports of new cases have decreased since the ceasefire, but human rights violations continue and the halt in the conflict has brought to light previously unreported cases.

An inactive judiciary and civil society has compounded Nepal's human rights problems. Civil society's failure to monitor the situation effectively makes it difficult to assess the overall human rights picture and fear and intimidation puts pressure on the legal system. Lawyers continue to be wary of



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representing those who have been arrested on charges related to insurgency, for fear of being arrested themselves.

The UK continues to lead initiatives on co-ordinating the international community's response to the conflict. On 24 February 2003 we announced the appointment of Sir Jeffrey James as the UK Special Representative for Nepal. Sir Jeffrey impressed on the Nepalese authorities, through regular contact with senior Nepalese government and military officials, the need to address its human rights record and that failure to do so risks undermining the developing peace process.

We aim to strengthen state and non-state human rights mechanisms in Nepal. This involves changing official actions; enabling civil society to grow and develop its role in monitoring and advocacy; and co-ordinating international and domestic pressure for state institutional reform. We raise human rights violations regularly, at the highest levels. We have also provided support for human rights through the following programmes:

- > a British army team of human rights and legal experts visited representatives of the Royal Nepalese Army (RNA) to raise awareness of the operational aspects of human rights and to investigate strengthening the recently formed RNA human rights cell and increase accountability;
- > in September 2002, DFID-Nepal began a programme of police reform that has a strong human rights element. The programme will establish an independent police commission and support community policing;
- > the UK has provided £11,000 for the National Human Rights Commission and will provide an additional £30,000 this year;

- > partly as a result of strong UK lobbying, the Nepalese government signed a headquarters agreement with the International Committee of the Red Cross (ICRC) and gave the ICRC access to all detention facilities. DFID funds ICRC Nepal operations with £1.5 million annually;
- > the UK supported Advocacy Forum, a key human rights NGO, with £30,000 for its monitoring activities. We plan to fund other initiatives on child soldiers (£20,000) and violations of women's rights (£20,000); and
- > the UK is proposing to fund short investigations into the role of lawyers and the judiciary and the role of the media and journalists through support to international NGOs. These NGOs will identify a coalition of Nepalese NGO partners for longer-term work in civil society capacity-building.

DFID is currently funding (£340,000) the Centre for Victims of Torture (CVICT) over three years to establish community mediation fora, including groups to advocate for human rights and justice. DFID is also planning to extend the scope of an important conflict resolution programme, which includes a component for victims of torture.

In February 2002 the **Sri Lankan** government and the Liberation Tigers of Tamil Eelam (LTTE) signed a formal agreement to cease hostilities and begin peace talks to end the tragic internal conflict that has caused suffering in Sri Lanka for over 20 years. Five rounds of peace talks were held and at the third round of talks in December 2002 the parties agreed to explore a solution founded on the principle of self-determination for the Tamil people, based on a federal structure within a united Sri Lanka. The LTTE suspended participation in the peace talks on 21 April 2003 and did not attend a Donors Conference in Tokyo in June, citing poor implementation of development projects. However, the ceasefire remains in operation. The government has submitted proposals to the LTTE for an interim administration in which the LTTE will have a majority role within the region, with powers over



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1. A young supporter of the Jammu and Kashmir Realistic Front takes part in a peace march in Srinagar, Jammu and Kashmir, 4 June 2003.

2. Nepalese soldiers patrol the streets in Kathmandu, where an explosive device was defused near a government office on 22 October 2002.

3. Men digging graves for 13 people who were killed by Islamic insurgents in Oued Chorfa, Algeria, 2 October 2002. The victims included a five year-old child and an elderly woman.

administration and development. The LTTE is considering the proposals and is expected to respond by September.

We support the peace process, politically and practically. UK Ministers have had regular contact with the two Sri Lankan ministers leading the peace process and the Sri Lankan prime minister met Prime Minister Tony Blair when he visited the UK in June 2003. The UK is the second largest bilateral donor to Sri Lanka. At the Tokyo conference the UK pledged £43 million over a three-year period (2003–2005). We offer practical help that draws on our experiences in Northern Ireland and we are supporting a programme to transform the security sector, which includes policing in former conflict areas. We have provided technical assistance to the defence review committee and are following this up with continued support. We facilitated visits to Belfast and Edinburgh for both supporters and sceptics of the peace process to look at devolution models.

We funded the appointment of Ian Martin, former Secretary-General of Amnesty International, to advise the Sri Lankan government and the LTTE on human rights issues. At peace talks in Japan in March 2003 both sides made a commitment to work towards the adoption of a Declaration of Human Rights and Humanitarian Principles. This road-map included recommendations on substantive human rights activities and commitments to be implemented throughout the negotiation process; effective monitoring systems; training of LTTE cadres and Sri Lankan government police and prison officials in human rights; and a programme to strengthen the Human Rights Commission. However, this is on hold until the peace process resumes.

Our High Commission in Colombo is following developments on the Bindunuwewa report and the Udathalawinna case, both of which we mentioned in last year's Annual Report.

In the wake of the Bindunuwewa rehabilitation camp massacre of 25 October 2000, the international community and human rights organisations criticised the Sri Lankan government for

not providing adequate security to the detainees. A special presidential commission was set up to inquire into the incident while a prosecution also progressed separately under normal Sri Lankan law. The commission made recommendations to the president on how to prevent such incidents in the future and also identified the shortcomings on the part of the police which had failed to prevent the massacre. Following preliminary inquiries, the Sri Lankan attorney-general recommended that the case be taken up as a trial-at-bar (trial without jury, heard by three judges of the high court).

Initially, 41 suspects – 10 of whom were police officers and the rest of whom were villagers – were charged on 83 counts in relation to the attack on the 41 inmates of the camp. The charges included the murder of 27 inmates and the attempted murder of the other 14 as well as unlawful assembly. Twenty-three of those charged were released due to lack of evidence. The trial proceeded against the remaining 18 defendants.

The trial lasted for nearly 16 months ending at the beginning of July 2003. Out of the 18 defendants, 13 were cleared of all charges, and five, including two police officers, were sentenced to death. The five are expected to appeal.

On election day in December 2001 in Udathalawinna, supporters of General Anuruddha Ratwatte, a former deputy defence minister, allegedly killed 10 Muslim youths. The general, his two sons and 11 others were arrested and the case was committed for a trial-at-bar. The accused made several unsuccessful applications for bail. However, on 11 July 2003 the supreme court decided to grant the accused bail but directed them not to leave the country. The trial hearings continue.

During earlier rounds of peace talks, the LTTE made commitments to the Sri Lankan government and the international community to stop child recruitment: since the ceasefire, some 350 children have been returned to their families. The LTTE has developed an action plan with UNICEF



A Liberian refugee with her child at a camp near the city of Kenema in Sierra Leone, May 2003.

on children affected by war in the north and east and as part of this, a rehabilitation centre has recently opened. However, reports of child recruitment continue. We have expressed our strong concern to the LTTE about these abuses.

Reports of extortion by the LTTE continue. There have also been a number of assassinations of Tamil politicians opposed to the LTTE.

The strategy *UK Support for Peacebuilding and Reconciliation in Sri Lanka* informs much of our human rights work. In addition to our work on the security sector, the UK funds a human security project in the east (to develop an early warning mechanism to mitigate and prevent conflict), and an audit of existing peace work (to encourage co-operation and avoid overlap). We fund this work through the Global Conflict Prevention Pool. Another project is developing and funding the first year of a diploma in conflict resolution and peace preparedness for medium-level decision-makers in areas affected by conflict. Initial feedback on this project is excellent and it may be extended in coming years.

Social issues including human rights and education have also been identified as a main area for support under the High Commissioner's Small Grants Scheme for Sri Lanka, in addition to conflict management, consolidating peace building efforts, health, nutrition, water and sanitation. We will fund small-scale grassroots projects with priority given to those that promote a greater national interest in social issues that relate to women, children and youth, particularly in rural areas.

At least 100,000 civilians have died in the decade of insurgency by Islamic armed groups in **Algeria**. Despite a limited amnesty offered by the Algerian government which was in force up to 13 January 2000, two armed groups in particular are still active: the Groupe Salafiste pour la Predication et le Combat (GSPC) and the Groupe Islamique Armeé (GIA). As a result the conflict continues to claim around 100 lives a month and armed groups continue to commit horrific crimes against civilians.

As well as the terrorist violence committed by the Islamic armed groups, there are numerous documented cases of human rights abuses by the security forces and state-armed militias, including the enforced disappearances of at least 4,000 people, torture and extrajudicial killings. Although the overall level of human rights abuses has fallen over the last few years, it remains high.

Amnesty International visited Algeria in February 2003. This was the first time in two years that the Algerian government had allowed an Amnesty International delegation into the

country. Following the visit, Amnesty International "expressed concern that civilians continue to be killed, albeit at lower levels than in previous years" and highlighted "prevalent and systematic" torture and impunity. The delegation, despite its concerns, noted in its concluding press conference that there was more open space for public debate and engagement with human rights issues in the country. Amnesty International also issued a press release stating that the delegation was informed by the Algerian government that, "reforms were being gradually implemented ... at many levels with the aim of moving towards greater transparency and the rule of law." We believe that these are small, but welcome, human rights developments.

The UK regularly raises our concerns about human rights violations in Algeria with the Algerian government, most recently when Foreign Office Minister Mike O'Brien MP visited Algeria in May 2003. We continue to urge the Algerian government to comply fully with all its obligations under international human rights law, and to allow visits by the UN special rapporteurs on torture and on extrajudicial, summary or arbitrary executions.

With EU partners, we have raised individual cases with the Algerian government via the EU Presidency. There was a very limited response from the Algerian ministry of foreign affairs to some of the cases raised, and the EU is continuing to press for full answers. Once all the parties have ratified the Association Agreement between the EU and Algeria, the EU will be able to monitor adherence to the human rights principles laid out in the Agreement. It provides for dialogue through an EU-Algeria Association Council at ministerial level and through an Association Committee at senior official level.

The status of Western Sahara remains undetermined pending UN efforts to broker an agreement between **Morocco** and the Polisario Front (Frente Polisario). The UN Mission for the Referendum in Western Sahara (MINURSO) continues to work in the region monitoring the continuing ceasefire (among its various activities), but so far a solution has not been found. Within the UN Security Council we fully supported the efforts of the UN Secretary-General and his Personal Envoy James Baker to help resolve the situation in Western Sahara. The last substantive UN Security Council Resolution on Western Sahara (1429), passed in July 2002, stressed the council's determination to secure a just, lasting and mutually acceptable political solution to the dispute, which provides for the self-determination of the people of Western Sahara. Within this context, the council invited Mr Baker to continue his efforts.

We called upon the Morocco parties to deal with outstanding human rights issues. In February 2003, Mr O'Brien called upon the Polisario Front to release the remaining 1,160 Moroccan

prisoners of war who have been held for over 25 years, some of whom are suffering from physical and mental ill health. We joined EU partners in issuing a démarche covering the Moroccan prisoners of war and the cases of the Saharawi who 'disappeared' between the 1960s and early 1990s.

Burundi is Africa's second most densely populated country, with a population of 6,054,714 in an area of only 27,830 square kilometres. The Hutu tribe (Bantu) makes up the majority of the population (85 per cent) followed by the Tutsi (Hamitic; 14 per cent) and the Twa (Pygmy; one per cent).

There has been conflict in Burundi since 1993 due to the same Hutu-Tutsi tensions that led to the genocide in 1994 in Rwanda. Thousands of people have died in the civil war and thousands more have been internally displaced. After protracted efforts by different governments and the international community the Arusha Peace Accord, facilitated by former South African President Nelson Mandela, was signed by the Burundi government and most of the rebel groups in August 2000.

Pierre Buyoya (Tutsi) led the first 18-month phase of a three-year transitional government, supported by Domitien Ndayizeye (Hutu) as vice-president. The transitional government began on 1 November 2001. The second phase began on 1 May 2003: Mr Ndayizeye became president and the Group of 10 (G10) Tutsi political parties selected Alfonse Kadege as the new vice-president. Under Arusha, South Africa stationed 700 troops to act as VIP protection for returning opposition politicians.

The initial unwillingness of two of the rebel groups to participate in the peace process or to accept ceasefire proposals undermined hopes for long-term stability. On 2 December 2002 the main armed rebel Hutu group, the FDD (Nkurunziza), believed to be around 12,000 in number, signed a ceasefire, but violations continued into 2003 by both the rebels and the government. The key to the success of this ceasefire will be the deployment of an African-led peacekeeping mission (African Mission in Burundi) in June 2003. Of the other Hutu rebel groups, FDD (Ndayikengurukiye) and FNL (Mugabarabona) formally signed a ceasefire on 7 October 2002 and entered the Arusha peace process. The rebel group FNL (Rwasa) remained outside the ceasefire. We are funding organisations in the region to work with the rebels to help them develop a framework for further discussions. We also maintain close links with the Burundi government.

The human rights record in Burundi is poor with abuses occurring on both sides. FAB (Burundi military) have killed armed rebels and unarmed civilians, including women, children and the elderly.

In the past, rebel attacks on the military were often followed by FAB reprisals against civilians suspected of co-operating with the insurgents. Despite signing the ceasefire, the FDD continues to commit serious abuses against civilians, including killings, rapes, theft and forced labour. The FNL (Rwasa) also carries out serious abuses. The issue of impunity for those who commit serious human rights violations, and the lack of accountability of those who committed past abuses, remain key factors in the country's continuing instability. There are other issues that urgently need addressing: prison conditions remain dire; the justice system lacks independence and resources and suffers from systemic corruption and administrative disruption; and the indigenous Twa (Pygmy) people remain marginalised economically, socially and politically.

A DFID grant of nearly £100,000 enabled International Alert's project Human Rights Promotion in Burundi to increase respect for human rights by improving the ways Burundians promote human rights. The project team produced and disseminated human rights materials relevant to the Burundian context, in Kirundi and with clear illustrations – this was vital given the population's high illiteracy rate. In each province, the project identified human right promoters from a range of civil society groups. These people participated in workshops organised by the Burundi-based Centre for Human Rights and Prevention of Genocide (CPDHGP) to learn how to make the best use of human rights materials. The materials included 10,000 posters in 10 different designs, illustrating key principles from the Universal Declaration of Human Rights; 30,000 cartoon books in Kirundi for children; and 10,000 illustrated booklets in Kirundi for adults.

Liberia's internal conflict has endured for almost a quarter of a century. For over a decade, the country has been at the heart of instability in the Mano River Union, which comprises Guinea, Liberia and Sierra Leone. President Taylor's regime backed the brutal Revolutionary United Front (RUF) rebels in Sierra Leone, exploited instability in Côte d'Ivoire, and has resulted in hundreds of thousands of refugees, particularly into Guinea.

Since March 2003 fighting intensified between the government and the Liberians United for Reconciliation and Democracy (LURD) rebels. In April, a new rebel group emerged in the south of Liberia: the Movement for Democracy in Liberia (MODEL). LURD made several concerted attacks on the capital Monrovia and MODEL took the port city of Buchanan. These attacks displaced large numbers of civilians and brought panic to Monrovia, causing the international community to evacuate its nationals. We are deeply concerned about the plight of the Liberian people, particularly the 200,000 people who are now internally displaced in Monrovia. Food, water and power are in short supply and outbreaks of cholera have been reported.

Since March 2003, the UK has provided £2.75 million of emergency aid to the NGOs working in Liberia.

The rebel advances increased military pressure on the regime and, coupled with the renewal and extension of UN sanctions, forced all sides to negotiate under the auspices of the Economic Community of West African States (ECOWAS) at peace talks in Ghana in June 2003. The talks focused on negotiating a ceasefire and forming a transitional government. We have supported the on-going peace process and hope it develops an inclusive political roadmap leading to free and fair elections. On 4 June 2003, the Special Court for Sierra Leone announced its indictment of Taylor as one of those bearing the greatest responsibility for those war crimes, crimes against humanity and other serious violations of international humanitarian law that had occurred in Sierra Leone since 1996. President Taylor left Liberia on 11 August in return for political asylum in Nigeria. The international community accepted that the immediate need was for Taylor to leave Liberia in order for the peace process to have a chance. However, the UK does not support impunity. It remains to be seen whether Taylor will try to play a continuing role in Liberia.

The UN Security Council adopted Resolution 1478 (2003) on 6 May renewing and amending targeted sanctions against Liberia. These include a full arms embargo, applying to all groups within Liberia, a diamond embargo and a travel ban against senior members of the Liberian government, their immediate families and those in violation of the arms embargo, including members of the rebel groups. The resolution also imposed a ban on the import of all round logs and timber products originating in Liberia.

Sanctions target the funding sources for arms and those who break the arms embargo. In addition the UK has lobbied Liberia's neighbours to improve border security, stop arms flows to either side and to stay out of the conflict.

On 1 August 2003 the UN Security Council passed UN Resolution 1497 authorising a multinational force for Liberia. The force has a mandate to provide security and to create an environment which will permit the delivery of humanitarian assistance. The resolution mandated the UN Mission in Sierra Leone (UNAMSIL), to provide logistical support for the force and allows for the creation of a UN stabilisation force. On 4 August Nigerian troops deployed as part of the vanguard of the multinational force. We expect this force to be strengthened further by troops from other countries in the region. The UK has already committed £1 million to the peacekeeping operation in Liberia.

Last year we reported our hopes for progress towards peace in **Sudan**. Finally, in June 2002, war-weariness and international pressure brought the government of Sudan and the Sudan People's Liberation Movement (SPLM) back to the negotiating table. Despite some difficulties, including outbreaks of fighting, the peace talks continue to make progress.

On 15 October 2002 the parties signed a Memorandum of Understanding (MoU) on a cessation of hostilities and unimpeded humanitarian access. Foreign Secretary Jack Straw and the then Secretary of State for International Development Clare Short welcomed this MoU, which has helped reduce the number of human rights abuses related to the conflict. The MoU and its Addendum, signed on 4 February 2003, was extended until the end of June 2003 and then again until the end of September. We are pleased that the agreement on monitoring reports of attacks on civilians has also been extended until 31 March 2004. The parties have, among other things, reached agreement on aspects of human rights. We will continue to support both parties and their mediators in reaching a comprehensive peace agreement in 2003.

In February 2002 the Foreign Secretary announced the appointment of UK Special Representative for Sudan, Alan Goulty. In April 2002 the FCO and DFID established a joint Sudan Unit of officials from both departments, to help Mr Goulty in his work and to bring the work of the two departments under one roof.

Mr Goulty and his team have taken an active role in supporting the peace process brokered by the regional Intergovernmental Authority on Development (IGAD) and its special envoy, Kenyan General Lazaro Sumbeiywo. They have attended the talks as observers, offering support and advice as necessary. The UK has also provided specialists for different sessions of the talks. Mr Goulty has visited Sudan and the region many times to discuss the situation and explore ways of advancing the peace process.

There have been regular EU-Sudan dialogue meetings since 2001. An EU Troika visited Khartoum in December 2002 to assess progress on human rights, democracy and the peace process. EU Heads of Mission met with Dr Garang, chairman of the Sudan People's Liberation Movement/Army (SPLM/A), and the SPLM team in March 2003 to establish the EU-SPLM political dialogue.

With our EU partners, we continue to raise the issue of the death penalty bilaterally and as part of the EU-Sudan dialogue. The EU made a démarche and the EU Presidency issued a statement of condemnation when three men were executed in Nyala, west Sudan, on 8 January 2003. The Embassy in

Khartoum raises human rights issues such as cross amputation, which involves both the right hand and left foot being amputated. The Embassy has also supported projects designed to raise human rights awareness amongst Sudanese officials and institutions. These include training on penal reform and advice on administering prisons and human rights training for the Sudanese Police.

A boundary dispute in 1998 triggered a violent conflict between **Ethiopia** and **Eritrea**. The two governments signed a peace agreement in Algiers in December 2000 which mandated a boundary commission to decide the position of the border. They continued to express their commitment to the peace process throughout 2002. In April 2002 they accepted the boundary commission decision on the position of the border between the two countries and committed to releasing all their prisoners of war. The UN Mission to Ethiopia and Eritrea (UNMEE) deploys a 4,000-strong peacekeeping force in the temporary security zone between the two countries, led by British Force Commander Major General Gordon. Under the peace agreement, UNMEE will remain in place until the delimitation and demarcation of the border has been completed. The UN Security Council adopted Resolution 1466 (2003) on 14 March. This resolution extended UNMEE's mandate until 15 September 2003 and demarcation is due to begin before November 2003. Both sides submitted their comments to the boundary commission on certain aspects of the commission's decision, particularly in the central and western sectors. Ethiopia continues to raise its concerns with the boundary commission.

The international community has increased its efforts to keep the peace process on track. The US and EU have carried out démarches in Asmara and Addis Ababa, the capitals of Eritrea and Ethiopia, and Resolution 1466 calls for parties to co-operate fully and promptly with the boundary commission. We have emphasised to both countries that the boundary commission's decision is final and binding. Prime Minister Tony Blair raised the commission's decision when the Ethiopian Prime Minister Meles Zenawi visited the UK in February and July 2003. The UN Secretary-General also has a crucial role, as a bridge between the parties and also to the boundary commission.

HUMAN RIGHTS

Economic, social and cultural rights



An Indian tuberculosis patient, who has no money to purchase medicines, waits for examination at a hospital in Amritsar, India.

“Too often, the debate about human rights has been presented as a choice between civil and political rights on the one hand and economic, social and cultural rights on the other. This is a false choice. The two sets of rights are inextricably linked ... Civil and political rights and economic and social rights are mutually reinforcing and together provide the foundations for sustainable development. That is at the heart of what we mean by the right to development.”

Foreign Office Minister Bill Rammell, speaking to the 59th session of the UN Commission on Human Rights

The architecture of international human rights is built around the core UN human rights treaties (see Chapter Four). After the UN adopted the Universal Declaration of Human Rights (UDHR) in 1948, the intention was to draw up a single treaty covering all the human rights set out in the UDHR. But there soon emerged an ideological debate about the relative importance of civil and political rights on the one hand, and economic, social and cultural rights on the other. This situation resulted in the drawing up of two separate treaties: the International Covenants dealing with Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR) both of which were adopted in 1966. Throughout the Cold War the communist bloc emphasised and argued for the international prioritisation of the realisation of economic and social rights, which it saw as better suited to the communist vision of social organisation than more individualist civil and political rights. Many western states argued the opposite. With the end of the Cold War it became more possible to establish a more neutral and considered international consensus. In 1993 at the Vienna World Conference on Human Rights, the international community reasserted that all human rights were “universal, indivisible, interdependent and interrelated”. Since then, however, as international attention has rightly begun to focus more on the problems of poverty and underdevelopment in many parts of the world, some states have argued that development requires the prioritisation of economic and social rights over civil and political ones. Many developing states perceive developed countries as emphasising individual civil and political rights at the expense of economic development, which they see as dependent on the realisation of economic and social rights. Some states claim that underdevelopment is in itself a cause of human rights violations. They argue that being poor, they are not responsible for human rights violations in their countries, since they have insufficient capacity to address these without international assistance. A few states (often those with very bad human rights records) have even

argued that active suppression of civil and political rights may be necessary to allow economic development. This forms the backdrop to much of the current debate in multilateral fora such as the UN Commission on Human Rights.

The UK has never subscribed to these positions. As Bill Rammell told the UN Commission on Human Rights in March 2003 (see Annex 1 for the full text of his speech), the choice between economic, social and cultural rights and civil and political rights is a false one. It is clear to us that realisation of the rights set out in one treaty is the best guarantee of fulfilling the rights enshrined in the other. A country where the dignity of the individual, the rule of law and the right to freedom of opinion and expression are respected, is a country in which a society can reach its full economic and cultural potential. Conversely, unless people have adequate access to food, shelter and health care they will never be able to enjoy fully the full range of civil and political rights.

International assistance is an important factor in helping to achieve development, and the UK is both a major aid donor and a leading advocate of more and better international co-operation in the field of development and debt relief. But underdevelopment cannot be used as an excuse for human rights violations. Human rights are at the heart of the UK Government’s development work. The UK Government operates a rights-based approach to development that sees development as an outcome best achieved through the realisation of all human rights. Development, to be sustainable, must be locally owned: the beneficiaries must be involved in the decisions and processes that affect their lives. This is essential if we are to meet the Millennium Development Goals (see box on page 149 for more details). The promotion of human rights is an essential part of raising standards of development because human rights provide a means of empowering all people – including the poorest – to make effective decisions about their own lives.

This chapter looks at the progress and challenges over the last year in economic and social rights. It covers not only the work of the UK and other governments that promote the realisation of these rights but also that of international institutions and the private sector that influence the way such rights can be realised.

6.1 Economic, social and cultural rights in context

Some of the differences in attitude towards economic, social and cultural rights stem from the way in which the rights are expressed. When the International Covenant on Economic, Social and Cultural Rights was drafted, it was recognised that states would not all be able immediately to guarantee all

economic and social rights to the fullest extent in the same way that certain civil and political rights could be fulfilled. This reflected the fact that civil and political rights often applied negative obligations upon states, namely that the state should refrain from a certain activity. For example, to respect freedom from torture, the obligation is that states do not torture individuals, or allow others to do so. Positive obligations also stem from civil and political rights – for example the state must take affirmative action to ensure mechanisms are in place to protect people from torture. However, economic and social rights tend to require more widespread positive action by the state to protect, respect and fulfil them. They therefore carry very substantial budgetary implications. Such rights include the right to education, the right to the highest attainable standard of physical and mental health, and the right to an adequate standard of living – including the right to adequate food, housing and clothing.

In recognition of the extensive demand on governments' budgets, the Covenant therefore requires each state to "take steps ... to the maximum availability of resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." (Article 2 of the Covenant).

In practice, this progressive approach means that states are expected to improve enjoyment of these rights on a continuous basis. But it also recognises that they are starting from very different positions of national wealth and capacity. So, it allows states to comply with their legal obligations in a way that is commensurate with their resource capacity and in line with the social, economic and cultural character of their societies. Against this background, retrogression by the state in meeting these obligations could be seen as a violation of the Covenant. And certain elements of the Covenant, for example that states guarantee the rights will be exercised without discrimination, can be implemented immediately.

The Covenant does not require that it be incorporated directly into domestic law, or that all the rights be given direct legal effect. However, some NGOs argue that all the rights should be incorporated directly into UK law in the same way as the Human Rights Act has incorporated the civil and political rights guaranteed under the European Convention on Human Rights into domestic law. The UK Government disagrees with this view. It believes that the way in which economic and social rights are expressed in the Covenant does not lend itself easily to justiciable decision-making, meaning decisions with direct legal enforceability in UK courts. There are several reasons, which include:

- > the obligation on states is to take steps to improve the realisation of these rights, which are to be applied progressively. It is not clear how courts could judge whether there had been an absence of general progress in a particular case where an individual claimed that they had not fully enjoyed, for example, the right to education;
- > since the progressive realisation of these rights is achieved within the constraints of finite budgetary resources, a judicial decision to the effect that greater progress should have been made in one area such as health would amount to a judgement against a government's policy decision to prioritise investment in another, such as education. This would take decision-making on the basic policy agenda and priorities away from an elected government, counter to fundamental principles of democracy;



Children queuing for food at a food distribution centre in Kolkata, India, August 2002. The UK Government has worked with European partners to develop a coherent policy on the right to food.

- > decisions on the best means to realise progressively these rights are essentially policy choices which do not lend themselves to justiciable procedures. Some people may judge that the realisation of these rights requires targeted interventionist policies. Others may judge that the best chances for improvement come from allowing the market, and broader economic policies, to advance the economic environment within which people can achieve these rights. To illustrate the point, it is common sense that the right to adequate housing is not the right for everyone to have a house provided by the government. For some people it may mean being provided with access to shelter when they have no means to provide it for themselves. But for the majority of people it means the government providing an economic environment in which they can earn sufficient income to be able to afford accommodation. The measure of an individual's right to housing might therefore come down to a test of governmental economic policy at least as much as its application to the individual's circumstances; and
- > many of the rights are themselves not unambiguous standards. This would include the right to the 'highest attainable' standard of health, or to an 'adequate' standard of living. This raises questions about how courts could decide what in each individual's case is the 'adequate standard' or the 'highest attainable standard', given that these standards may well vary between individuals.

These concerns make it clear that not all economic, social and cultural rights lend themselves directly and suitably to justiciable decisions and procedures, as well as raising questions about what role the courts should play. While therefore some states have chosen to incorporate economic, social and cultural rights into their domestic law, the UK Government is not convinced that this can be done in a meaningful way within the British legal system. The UK Government's view is that there is little point in directly incorporating the Covenant if it is unclear that it will lead to meaningful and beneficial outcomes. The UK Government does not believe, however, that these concerns rule out entirely some degree of justiciability. Some economic and social rights can be incorporated into domestic law (for example, those related to trade union organisation and membership). The UK Government's policy has therefore been to take legislative measures within the scope of each right where these will meet its obligations under international human rights law and have practical and beneficial effect. For example, rather than have a single 'right to education', we have a number of policies, programmes and legislative measures – like the Education Act and Disability Discrimination Act – which are designed to help people enjoy that right.

Democracy, good governance and the rule of law therefore are important elements in ensuring the realisation of progressively implementable rights. Individuals are able to demand better policies in all fields from their governments when they are able to choose their representatives, and hold them to account for their actions and expenditure. Freedom of association and expression play a crucial role in this, as do many other rights. Participatory and accessible governance means that people are able to play a key role in decisions that affect their lives and deliver progressively the kind of outcomes that economic and social rights are meant to underline. The rule of law is an important element in making sure that democracy and good governance extends beyond merely holding elections, since it ensures that policymakers cannot ignore the laws they legislate. The UK's support for Partnership for Principle 10 (PP10 – see page 160) is an important element in promoting this kind of empowerment-based approach to environmental protection, as is, for example, the rights-based approach that underlies UK Official Development Assistance (ODA).

In mid-2002 the body which monitors states' compliance with the Covenant, the Committee on Economic, Social and Cultural Rights, issued a set of recommendations (Concluding Observations) following its consideration of the UK's fourth report to the committee. The committee welcomed measures such as the New Deal programme for employment, the introduction of a national minimum wage and measures taken to reduce homelessness, rough sleeping and exclusion from schools. It also welcomed the UK Government'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 (see page 73 for details). It also stated its concerns about a number of areas where it felt the UK could make improvements in its compliance with the Covenant. These included poverty, housing and labour rights. The committee also questioned the UK Government's lack of a national human rights plan and its failure to incorporate economic and social rights into domestic law.

Subsequently, a UK parliamentary select committee, the Joint Committee on Human Rights, has started an inquiry into the UK Government's handling of these recommendations. The Minister responsible for the UK's reporting obligations under human rights instruments, Bill Rammell, will appear before the Joint Committee in September 2003 to inform the inquiry. In the UK Government's initial report to the inquiry, Bill Rammell wrote that "the United Kingdom Government takes very seriously its obligations under international human rights law and values the views and recommendations of all the treaty monitoring bodies in their consideration of the UK's reports to

those bodies. The Government therefore welcomes this inquiry by the Joint Committee into the Government's response to the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights (CESCR). In particular, it gives the Government a further opportunity to highlight progress it is making on economic and social rights and to address issues raised in the Concluding Observations".

In the international sphere the FCO has increased its engagement on economic and social rights. The FCO, in co-operation with DFID and with other government departments, has played a determining role in developing the EU's human rights policy on the right to food. In June 2002, the World Food Summit: Five Years On established an Inter-Governmental Working Group (IGWG) to elaborate a set of voluntary guidelines on the progressive realisation of the right to adequate food. The UK Government believes that food security is an important element of wider poverty reduction strategies, and that a rights-based approach to both will lead to better outcomes for the poorest of the poor. The UK participated in the first meeting of the IGWG from 24-26 March 2003. The FCO, DFID and other departments have been actively contributing to the formulation of the EU's contribution to this process.

At the 59th Commission on Human Rights (CHR), the UK abstained on the Brazilian resolution on the right to health. The UK had previously supported this resolution but was unable to do so in 2003 because of the emphasis in the text on language relating to violence. While violence can have a seriously detrimental effect on health, the resolution included links between violence and health which the UK Government felt were ambiguous, particularly where it did not clearly distinguish between state violence which would be considered a human rights violation and violence perpetrated by non-state actors which, when perpetrated by individuals, would be dealt with under criminal law. The latter point is an important legal and political pillar of international human rights law: some states seek to justify repressive counter-insurgency policies and the evasion of their own human rights obligations by arguing that human rights violations are committed by non-state actors.

The UK continues to support the work of Professor Paul Hunt (from the University of Essex), the UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health.

At the 59th Commission on Human Rights, the UK played a central role in forging greater north-south consensus on the resolution on the right to development. Last year we voted against this resolution. This year, we were able to work with other Commission members on a series of compromises which

reduced traditional confrontation over the right to development and secured widespread agreement on a sensible way forward.

Some countries have implied that the right to development creates legal obligations on developed states to provide financial assistance to developing states. Some go still further to suggest that developing states have reduced responsibility for securing their citizens' human rights if they do not receive such assistance. 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 Government recognises that for all governments the availability of resources constrains the speed with which they can advance 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 by 2015. UK development aid aims to mainstream human rights within its programmes – ensuring conformity with, and the promotion of, human rights in recipient countries.

The CHR resolution on the right to development mandates the Sub-Commission on the Promotion and Protection of Human Rights to develop a number of options aimed at improving implementation of the right to development, including the feasibility of those options. Rather than focusing solely on efforts to secure a legally binding instrument on the right to development, the UK helped ensure that the sub-commission would also consider guidelines on how to realise the right to development, and principles for development partnerships, based on case studies of best practice.

The CHR resolution also calls for a high level seminar on the right to development. This will take forward these initiatives and review work on mainstreaming right to development policies within the policies and operational activities of the major international organisations and institutions. The seminar is likely to take place in early 2004.

6.2 Globalisation and human rights

"We must open up our world trade and that must include the developed world opening up its markets to the products of the developing world, especially for agriculture. It then means sustainable and fair development, globalisation with justice to ensure that the benefits are spread to every nation in the world."

Prime Minister Tony Blair, addressing the World Summit on Sustainable Development, September 2002

Globalisation is an imprecise term encompassing a series of economic, cultural, political and technological developments that cut across state borders. The process of globalisation impacts greatly on people's lives – changing the goods we buy, the information we receive, and the ways our children learn. We believe that globalisation will ultimately lead to higher growth in global output and an increase in average per capita incomes. Global markets mean more intense competition, better allocation of resources, greater stability in prices and rising productivity. By driving down costs for consumers, and opening markets for small and medium-sized enterprises, globalisation has the potential to raise living standards across the world. The UK is committed to making globalisation work for all, including the world's poorest. The benefits of globalisation should be more evenly distributed. And we believe that grasping the opportunities that globalisation presents offers the most effective path out of poverty. (See www.fco.gov.uk/globalisation for more details.)

Globalisation is a powerful mechanism to further human rights, whether civil and political, or social, economic and cultural and it is breaking down the barriers between countries and peoples. Free trade, tourism, and faster and cheaper communications mean that we can visit other countries with ever greater ease. The international news media allow us to follow events in other countries – often as they occur. In this increasingly open global environment, human rights violators can no longer rely on physical isolation to conceal their policies. Communications networks, and the Internet in particular, are helping more and more people to understand their human rights, and what they can do to stand up for them. At best, communications can allow civil society to scrutinise the activities of governments and international organisations in fostering such rights. But under all but the most oppressive regimes, people are now able to access uncensored information about developments within their own country, to project their voice and to promote their cause and the cause of human rights in general. It is no coincidence that some of the most repressive governments are also those

most worried by the spread of global information communications technology.

Globalisation can also help promote people's economic rights. Much of the growing economic prosperity across the world is a direct result of increased flows of trade and investment. Even in the poorest regions of the world, strong international economic connections can raise living standards and cut absolute poverty, helping people realise their right to an adequate standard of living. Foreign Direct Investment can play an important role in spreading new technologies, as well as best practice on workers' rights and environmental standards. The European Commission has estimated that cutting all trade tariffs in half would increase the income of developing countries by \$150 billion a year: this is around three times the annual amount of global aid. The UK is pushing for the EU to adopt a pro-development stance in World Trade Organisation (WTO) negotiations. As the Prime Minister told Parliament after the Evian G8 Summit in June 2003, "the wealthy nations of the world simply cannot any longer ask the developing world to stand on its own feet but shut out the very access to our markets necessary for them to do so. Reform of the EU's Common Agricultural Policy will be vital in this regard".

We recognise that many people have real concerns about the impact of globalisation on developing countries. We share many of those concerns. If not addressed, inequality, instability and exclusion all threaten to undermine the benefits to be derived from the breaking down of international barriers and the opening of markets. To date, the distribution of these benefits has been unequal. Too much of the increased trade and investment has bypassed the developing world. Not enough has benefited the world's poor. It is for this reason that the UK is pressing for the reduction of tariff and non-tariff barriers to developing country exports. The UK is committed to promoting equitable trade rules and an effective voice for developing countries within the international trading system. The UK Government has been in the lead in establishing the Heavily Indebted Poor Countries (HIPC) initiative to tackle the problem of high government debt burdens in 42 of the world's poorest countries.

Left untamed, economic instability can also jeopardise the gains of globalisation. Growing 'interconnectedness' means that events such as war, terrorism, poor governance and misfortune in one country can have a far more immediate and greater impact than before on other countries. The East Asian financial crisis of 1997 directly caused job losses in the UK. The spread of the Severe Acute Respiratory Syndrome (SARS) virus in the first half of 2003 demonstrated the speed with which increased air travel can produce serious health and economic impacts across distant parts of the globe.

Some of these consequences cannot be avoided. But for globalisation to benefit both the developing and developed world, it is vital to promote economic good governance. Appropriate microeconomic regulation helps developing countries to ensure that foreign investment works to their advantage and allows them to seize the opportunities of globalisation. Good macroeconomic governance, meanwhile, reduces the risk of volatility in capital flows and the possibility of financial crises affecting markets around the world. But good economic governance also needs to be married to good political governance and the rule of law at the national level. Otherwise it is difficult to ensure that the benefits of economic growth will be shared equitably and, ultimately, that it will lead to stronger, more stable and sustainable economies and societies. Participatory forms of governance also allow people to demand better economic governance and accountability from their rulers and is an important factor in, for example, combating corruption. The rule of law ensures that contracts and commitments will be honoured, making states more attractive targets for investment.

Lastly, but just as importantly, globalisation will not promote human rights so long as people are excluded from the process

itself. Many people in the developing world do not have access to the rapid technological advances that drive globalisation. In the UK, Prime Minister Tony Blair opened the 6,000th UKOnline centre at the e-Summit on 19 November 2002. These centres have opened in libraries as well as in new, dedicated UKOnline centres to increase people's access to the Internet. Yet there are many people, in many countries, who do not have access to such technologies. This is largely due to lack of infrastructure and the high costs of access. New technologies can help: mobile telephony provides an easier way to connect rural communities while community-based solutions can spread the cost.

New technology on its own is not enough. We also need appropriate content and to develop human resources so we can use the technology effectively. We are actively using the Internet as a tool to promote human rights by placing key documents such as the torture reporting guidelines on the FCO website (www.fco.gov.uk). In March 2003, the FCO led the second high level seminar on e-government in conjunction with the Office of the e-Envoy (which is responsible for ensuring that all UK Government services are available online by 2005), bringing together those people delivering e-government programmes in the Latin American and Caribbean regions. Such programmes

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 ratio.

> 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 progress towards these goals is monitored by the United Nations www.un.org/millenniumgoals.

increase the transparency of governments and encourage greater interaction between citizens and states, promoting democracy and human rights.

There has been much international activity in the past year to promote a more equitable information society across the world. The UK is involved in the preparations for the World Summit on the Information Society (WSIS) in Geneva in December 2003. In particular, we want freedom of expression to be an important aspect of the discussions and to make sure that the spread of information technologies does not stifle cultural diversity. The FCO's Freedom of Expression Panel set up a working group to help gather NGO comments on the draft declaration and action plan in advance of the December summit. (See page 192 for more details on the panel.)

Telemedicine in Tamil Nadu: community-based solutions in action

Villagers in the Indian state of Tamil Nadu can access services from the Aravind Eye Hospital in the city of Madurai through the Internet. Patients fill out an online questionnaire at an Internet kiosk in their village. Most significantly, they can also send pictures of their symptoms electronically using a webcam. The doctor then chats with the patient online, discussing symptoms in detail. The kiosks save time and provide an easy means for interaction between the hospital and patients in remote areas. An offshoot of the Madras Institute of Technology set up the kiosks which are run by local entrepreneurs. Making technology available in communities has proven an inexpensive and low risk way of increasing people's access to services that can have a dramatic effect on their quality of life.

6.3 International development

We are committed to the Millennium Development Goals (MDGs), and specifically the goal to halve the proportion of people living in extreme poverty by 2015 (for more details see box on previous page). The UK Government's second White Paper on International Development, published in December

2000, reaffirmed this commitment, focusing on how to manage the process of globalisation to benefit poor people. We concentrate on helping developing countries to promote economic and social rights.

The aim of official development assistance (ODA) is to assist developing countries in making best use of their own human and financial resources. ODA promotes sustainable development and people's welfare. The UK is committed to the UN target for ODA to be 0.7 per cent of a donor country's Gross National Income (GNI). We will increase UK ODA for 2003-2004 to £4.9 billion with the aim of reaching 0.40 per cent of GNI in 2005-2006. This is a £1.5 billion increase on 2002-2003 and is the largest ever increase in UK aid. DFID's annual budget, which accounts for the majority of ODA, will increase to nearly £4.6 billion by 2005-2006; this figure includes £1 billion for Africa.

As vital as these aid flows are, it is equally important that aid is effective. DFID believes that untying aid – that is, not making it dependent upon awarding contracts to specific companies or countries – could increase its effectiveness by 20 per cent. The UK began untying all its aid on 1 April 2001. We also believe that aid resources should be directed where they will be used most effectively. We will ensure that by 2005-2006, 90 per cent of our bilateral development resources go to low-income countries.

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 EU and US pledged significant increases in aid in March 2002 at the UN Financing for Development conference in Mexico, which could total \$12 billion by 2006 and will make an important contribution towards meeting the MDGs. However, these pledges still fall far short of what is required.



A girl carries drinking water to her home in the shanty town of Klipton, Johannesburg, South Africa, August 2002. World leaders discussed access to safe drinking water at the World Summit for Sustainable Development.

The International Finance Facility

To bridge the gap between what developed countries have pledged to meet the MDGs and what is still required, the Chancellor of the Exchequer Gordon Brown and the former Secretary of State for International Development Clare Short published a proposal in January 2003 for a new \$50 billion International Finance Facility (IFF). The IFF would be built on long-term commitments of aid from donors and, on this basis, would become a lever for additional financing from international capital markets. The additional aid would be dispensed mainly as grants,

including debt relief, with some highly concessional loans.

The UK is ready to make this clear and long-term commitment to developing countries. We believe it is urgently needed. However, full international co-operation is essential for it to succeed and we will build support for our proposed IFF around the world. The proposal document and supporting technical note set out the key features of the facility and outline the steps that the international community must take in order to achieve the MDGs.

and effectiveness of IMF surveillance. We support the IMF's efforts to complement its crisis prevention tools with stronger mechanisms for resolving financial crises once they have occurred. We are keen to see the development of a more orderly and transparent framework for facilitating a restructuring of sovereign debt.

The case for improving the Fund's crisis prevention and resolution mechanisms rests primarily on the need to:

- > promote social justice in the countries worst affected by crises and instability;
- > ensure that economic dislocation is minimised at times of instability;
- > ensure that private sector investors contribute responsibly to this outcome; and
- > ensure that governments get help to manage their economies in a way that promotes the interests of all their citizens.

Macroeconomic stability is an essential pre-condition of economic success for every country, rich or poor. Thus it is important that the IMF promotes macroeconomic stability, sound and transparent institutions and long-term sustainable growth as the foundation for development and prosperity.

The World Bank has helped millions of people realise economic and social rights by supporting primary education, health care and nutrition, sanitation and housing. The World Bank embraced the MDGs and has a well-developed strategy for achieving them. This strategy has two main strands: building the climate for investment, jobs, and sustainable growth; and investing in poor people, empowering them to participate in development and pursue a broader range of human rights.

6.4 The International Monetary Fund and the World Bank

The International Monetary Fund (IMF) and the World Bank fulfil important and complementary roles in maintaining international financial stability and improving living standards in the world's poorest countries. Through these roles, the IMF and World Bank contribute directly and indirectly towards people's realisation of many of their human rights.

Worldwide growth and poverty reduction depend on a well-functioning international financial system. The IMF works to increase stability and guard against vulnerabilities through its lending activities, surveillance process and promotion of codes and standards to encourage good practice in fiscal, monetary and financial policy-making.

The international financial system needs strengthening. This can be achieved by putting crisis prevention at the heart of the IMF's work and strengthening the transparency, independence



The International Monetary and Financial Committee of the Board of Governors meet on 12 April 2003, during the World Bank Group and the International Monetary Fund's spring meetings in Washington DC.

Developing countries constitute the overwhelming majority of IMF and World Bank members and are often profoundly affected by their decisions, yet their ability to influence these decisions is limited. They should have a stronger sense of ownership in their institutions and policies and must be allowed to develop a stronger voice in World Bank and IMF decision-making processes. We are considering proposals that address this issue of representation at three levels: in-country, within the two institutions and at the executive boards.

6.5 Corporate social responsibility

All companies, including multinationals, have a responsibility to carry out their business and production processes ethically. They should take into account people's human rights as well as the wider impact a company's operations may have on local communities and environment.

Corporate social responsibility (CSR) refers to the attention companies give to areas such as community development, environment-friendly products and processes and responsible employee relations. Human rights are an integral part of CSR and the private sector has a clear and important role in the promotion of human rights and can play an important part in their observance. Companies are responsible for not acting in a way that impairs the human rights of their employees or of those on whom their activities have an impact, and should act in a way that actively promotes their enjoyment of human rights. It is also often in the company's own interest to work actively on CSR. Child labour and exploitative wages can tarnish a global brand, reduce sales and harm a company's value. A company with a good human rights record is likely to attract quality employees and keep them motivated and to have a loyal customer base.

The UK's aim in promoting CSR is to see private and public sector organisations act in a way which takes into account their economic, social and environmental impact, both within their field of operations and more widely. The UK has taken an international lead in advocating CSR and was the first country to appoint a Minister for CSR in March 2000. The post is currently held by Stephen Timms. The Department of Trade and Industry (DTI) is responsible for leading on issues related to CSR. Internationally, the FCO promotes CSR worldwide as part of its objective of building a secure and prosperous world. We work with our Embassies and High Commissions and in multilateral fora such as the UN, EU, the Organisation for Economic Co-operation and Development (OECD), G8 and the Commonwealth.

Our posts promote CSR principles to governments, companies and civil society and explain their role in sustainable development and conflict prevention. A growing number of Embassies and High Commissions are incorporating CSR into their human rights strategies and into other areas of their commercial, political, economic, development and public diplomacy activities. FCO staff training is an important part of our strategy. We brief all our commercial staff on CSR before posting them overseas and we introduced a new CSR briefing session for Heads of Mission in 2002. CSR is also a core element of the FCO's human rights and environment training courses, which are widely undertaken by staff throughout the organisation. All our staff also have access to information about CSR on the FCO's internal and public websites. Further information on the FCO's role in CSR is available at: www.fco.gov.uk/globalisation.

The UN Global Compact was set up in 1999. It is based on nine core principles covering human rights, labour and the environment, which are derived from various UN declarations and instruments. It encourages companies to build these principles into their business strategies. By committing to the compact, a company undertakes to uphold the principles and to make an annual report on its performance. Many UK companies have signed up to the compact and many of the NGO and civil society groups who have been involved with the Global Compact are either based in or have strong links with the UK.

The UK supports the Global Compact and the FCO is helping to fund the compact's national learning networks for 2002 and 2003. These raise awareness of the compact and work with companies in developing countries to implement its principles, adapting them to local circumstances.

Together with the Department for Environment, Food and Rural Affairs and other Whitehall departments, the FCO promoted CSR at the World Summit on Sustainable Development (WSSD) in Johannesburg in August–September 2002. The Political Declaration and the Plan of Implementation resulting from the summit both stress the importance of CSR in achieving global sustainable development and set out an agenda for governments, the private sector and NGOs.

The FCO helped to prepare for the Prime Minister's launch of the Extractives Industry Transparency Initiative (EITI) at WSSD. The initiative aims for greater transparency over company payments and government revenues in the oil, gas and mining sectors. Since the launch, the UK Government has been developing a voluntary compact for host governments and companies to sign to indicate their commitment to provide annual data in a simple, standard template. DFID hosted an international workshop in London for governments, businesses,

NGOs, the World Bank, IMF, and other key stakeholders in February 2003 to develop the initiative further. The G8 at its Evian Summit in 2003 endorsed this initiative as a key element of its strategy to improve transparency and aid development.

Within the UK, the DTI promotes the OECD Guidelines for Multinational Enterprises as a comprehensive code of conduct for international business. The UK expects companies operating in the UK and British companies operating abroad to act in accordance with these guidelines, which reinforce private sector efforts to define and implement responsible business conduct. The guidelines establish non-legally binding principles on human rights, disclosure, employment and industrial relations, the environment, combating bribery, consumer relations and taxation. They have been endorsed by all 30 members of the OECD and by six other countries.

There is a DTI website on the OECD guidelines available at www.dti.gov.uk.

Voluntary Principles on Security and Human Rights

The UK and the US jointly launched the Voluntary Principles on Security and Human Rights for the Extractives Sector in Zones of Conflict in 2000. The principles provide practical guidance to companies on making sure that respect for human rights is central to their arrangements for protecting the security of their personnel and operations in areas of conflict.

The principles were developed in close consultation with oil and mining companies and NGOs working in human rights, labour and CSR. The original participants were from the US and the UK. UK participants are Shell, BP, Rio Tinto, Amnesty International and the Prince of Wales International Business Leaders Forum (IBLF). The Dutch and Norwegian governments joined the process in 2002–2003 along with several other companies and NGOs from the US, the Netherlands and Norway.

In the short term, the principles encourage companies to understand better the environment in which they operate, to improve relations with local communities through dialogue and to uphold the rule of law. Ultimately, the goal is to create a better environment for sustainable economic investment and ensure respect for human rights.

The principles are the first voluntary guidelines for the extractives sector on security and, as such, they are global and generic. They do not focus on a particular country nor do they present a one size fits all approach to preventing human rights violations. They offer guidelines that can be adapted to local operating environments.

So far, participants have concentrated on integrating and implementing the voluntary principles. Many companies have taken significant steps to integrate them into security practices at their headquarters and on the ground. Human rights and CSR groups have given presentations on human rights training, working with local NGOs and protecting personnel at risk.

In **Nigeria, Indonesia and Colombia** the combination of high levels of foreign investment in oil, gas and mining with domestic tensions has led in the past to the types of violent incidents that the voluntary principles are intended to address. The governments of these countries are now working with companies to implement the principles. During the last year, FCO and US state department officials made two visits to Colombia to discuss the voluntary principles with the Colombian government. Visits to Indonesia and Nigeria are planned for 2003–2004. There was a meeting of all participants in Washington in January 2003 where they discussed the issues surrounding implementation of the principles and the work plan for the coming year.

This process has demonstrated how governments can help to create a space for business and NGOs to work together in an atmosphere of trust. The voluntary principles are now increasingly seen as a global standard for codes on corporate social responsibility.

6.6 Labour rights

Labour rights are the rights of workers to fair conditions and standards in the workplace. They include the right to work, the right to fair wages, the right to safe and healthy working conditions and reasonable working hours. They are established in the Universal Declaration of Human Rights and International Covenant of Economic, Social and Cultural Rights and set out in greater detail in the Conventions of the International Labour Organisation (ILO), the foundations of which pre-date the UN framework.

The UK fully supports the ILO and participates in the ILO conference and governing body meetings, as well as the many sectoral and specialist meetings throughout the year. The UK has ratified all of the core ILO conventions which cover freedom of association and the right to collective bargaining; the elimination of forced and child labour; and ending discrimination in employment. We encourage all ILO member states to fulfil their obligations and work towards ratifying and meeting the provisions of these conventions. In 2002–2003 we pressed more countries to ratify the ILO Worst Forms of Child Labour Convention. In the 12 months from April 2002 there were 20 new ratifications, bringing the total number of countries that have ratified to 136 as at 1 April 2003. The

Conference Applications Committee is responsible for considering individual cases of countries that have not complied with ILO conventions and we support its calls for action to combat serious violations of workers' rights.

On 18 December 2002, Mr Straw made a speech to the TUC General Council reinforcing the FCO's commitment to work with trade unions in areas of common interest – good governance and democracy and raising awareness of human rights violations. He also wrote to Brendan Barber, General Secretary of the TUC and to secretaries general of its member unions informing them that the FCO's missions overseas are willing to assist visiting union delegations. On 18 June 2003 the Foreign Secretary Jack Straw announced the FCO's intention to establish closer links with the UK trade unions.

In June 2003, Foreign Office Minister Bill Rammell made a speech at Amnesty International's Trade Union Network reception in which he drew attention to the importance of trade unions to civil society as well as some of the difficulties faced by trade unions across the world.

In London we continue to brief union delegates before they travel abroad and we encourage our Ambassadors to meet with TUC and other union officials for briefings before taking up their appointments.

The UK encourages the private sector to go beyond general compliance with ILO core standards and to lead on issues such as improving employment conditions. We believe action is most effective when it is voluntary; when it builds on the existing framework of national and international regulations; and when action develops from a partnership between enterprises, governments and other stakeholders.

Businesses have long acknowledged that by taking a responsible attitude towards labour rights, they can improve their competitive advantage. Many companies see these rights as a necessary part of developing their global operations. Respect for labour rights not only contributes towards sustainable development, it can also enhance brand value. This improves public perception of companies as responsible operators, opens more doors and creates goodwill. Compliance with labour standards can help improve staff efficiency and morale through policies recognising equal opportunities and diversity, as well as creating a culture of lifelong learning and skills development. Companies which respect labour rights become more conscious of the environment in which they operate and are therefore better at risk management.

There are companies operating in countries where there are widespread violations of human rights or where local legislation

or legal structures do not adequately protect employees against inhumane working conditions, exploitative wages or child labour. This means that a company's operations might not meet the standards set by international law to protect employees and local communities.

We work in other fora to protect labour rights. At the 59th session of the UN Commission on Human Rights (CHR) the EU highlighted continuing violations of labour rights as a particularly troubling feature of **China's** human rights record. The EU tabled a resolution on **Turkmenistan** expressing grave concern at discrimination against minorities in employment.

At CHR we supported the chairperson's statement on the human rights situation in **Colombia**. The statement condemned attacks against trade union members and called for ILO recommendations to be implemented and measures to guarantee the right to life, physical integrity and the ability to function freely as set out in Article 8 of the International Covenant on Economic, Social and Cultural Rights. Bill Rammell, Foreign Office Minister responsible for human rights, emphasised these concerns to Colombian President Uribe and his ministers during his visit to Colombia in May 2003. Mr Rammell stressed that civil society should be seen as part of Colombia's solution, not the problem.

We are encouraged that the Colombian government has increased its spending on protecting trade unions and has reactivated the Inter-Institutional Commission for the Promotion and Protection of Workers' Human Rights. However, much remains to be done.

The FCO Human Rights Project Fund (HRPF) is supporting a two-year British Council project in **China** to improve women workers' rights in the Pearl River Delta. The project brings together the experience and skills of all those engaged in rights for women workers, and will improve information resources and develop new ways of working with women in enterprises.

The project's second phase began in April 2003. Drawing on lessons, experience and materials developed in the first phase, we are now making sure that a wider group of women achieve their employment rights. The project is expanding from Guangzhou into five cities in the Pearl River Delta with the support of the popular Radio Guangdong women's hour phone-in programme, a new hotline and materials such as video compact discs. Phase two includes setting up a mobile advice unit.

In the past year, we have supported the capacity-building of trade unions in **Kazakhstan**, where we are funding a two-year project run by the Centre for Employment Initiative and the

Confederation of Free Trade Unions of Kazakhstan (CFTUK). With our funding, CFTUK is building links between unions and communities – concentrating on the unemployed. Experts in labour market development work with regional CFTUK education centres to support unemployed people. The work includes publishing education work books on topics such as women at work; fair working conditions; communication skills; and women and poverty. The scheme has developed a network of workers' groups throughout Kazakhstan which are active in the fields of workers' rights, gender awareness and education issues and in encouraging local democratic processes. At a conference in Almaty in May 2000, CFTUK evolved into a more democratic institution when union members democratically elected a leader.

6.7 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 and most disgraceful examples of man's inhumanity to man. A definition of slavery first appeared in an international agreement in the League of Nations Slavery Convention of 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". Contemporary forms of slavery cover a wide range of human rights violations. 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, the exploitation of child labour, the use of children in armed conflicts, and the traffic in human beings. In many cases there are no clear distinctions between different forms of slavery. The same groups of people are often the victims of several kinds of contemporary forms of slavery such as bonded labour, forced labour, child labour or child prostitution. Extreme poverty often forms the backdrop to many cases of slavery today.

In June 2002, the ILO published the report *A Future Without Child Labour*, in which it estimates that 179 million children are working in the worst forms of child labour – prostitution, bonded labour, trafficking and hazardous work. For many of them, it is difficult to seek help as they have no birth certificates or other official documents and therefore do not officially exist.

The UK is committed to eradicating contemporary forms of slavery. The UK has 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 International Labour Organisation (ILO) Conventions 29 and 105 on Forced Labour, and 182 on the Worst Forms of Child Labour. The UK has also signed the UN Convention Against Transnational Organised Crime, and the two associated protocols against the facilitation of illegal immigration and for the prevention of trafficking in human beings, especially women and children. We plan to ratify these by the end of 2003. We urge all states to ratify and implement these instruments. There are no short-term solutions to slavery, but by working in partnership with organisations such as the ILO, UN agencies, NGOs and governments, we can work towards its elimination.

Our co-operation with the Committee for the Eradication of Abduction of Women and Children (CEAWC) in Sudan is a good example of such partnership. CEAWC, which was set up in 1999, works closely with UNICEF and Save the Children UK (SCUK) to identify, retrieve and resettle abducted women and children. Since CEAWC's inception, it has confirmed and documented 1,740 cases of people retrieved from slavery. Information on some of these people show that 244 are now reunited with relatives in north Sudan, 279 with relatives in south Sudan, 142 have been placed in foster care, 164 settled in camps for internally displaced people and 215 are in transit care centres. We are part financing SCUK's work and have committed another £500,000 in 2003–2004. We have also funded research by the Rift Valley Institute (RVI), an NGO based in Kenya and the UK, into the extent of slavery and abductions in Sudan. RVI's report *Documenting Slavery in Sudan: Ten Thousand Names* was released in May 2003. RVI has used this research to develop a database which gives humanitarian and human rights organisations an essential tool for tracing and reuniting abductees with family members. In May 2002, CEAWC facilitated the mission of the International Eminent Persons Group on Slavery, Abduction and Forced Servitude to Sudan. In March 2003, we sponsored a visit to the UK by Dr Al Mufti, Chairman of CEAWC, to demonstrate the strength of public feeling in the UK about slavery and abduction.

At the UN Commission on Human Rights in April 2002 the EU made a joint statement – initiated by the UK – 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.

As part of the Home Office initiative to build a national action plan to take forward UK commitments from the World Conference Against Racism, consultations have continued with a steering group of NGO representatives. At a conference for UK

NGOs in Manchester on 20 November 2002, supported by the Home Office, delegates discussed the outcome of Durban and the proposals for a national action plan. Conference workshops included one on contemporary and historical forms of slavery with speakers from NGOs such as Anti-Slavery International and the 1990 Trust.

Slavery and forced labour

Forced labour means forcing a person to work involuntarily, under the menace of penalties such as physical harm, constraint, being indebted to the employer or having identity documents taken away. Forced labour includes trafficking of women and children for sexual exploitation and labour. The coercive recruitment of forced labourers occurs 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.

In most cases today forced labour is no longer primarily exacted by states. The main perpetrators are now individuals, organisations and enterprises, feudal landlords and criminals, acting outside the law. Their governments have a clear responsibility to act to eliminate forced labour and punish those responsible.

Bonded labour

Many millions of people are held in bonded labour around the world. It is especially prevalent in South Asia. There are bonded labourers working in Pakistan's brick kilns and on farms in Nepal; there are young girls repaying loans to their parents by working in India's cottonseed fields.

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. The 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.

The practice of bonded labour is widespread in **India** with the figures for bonded labourers varying widely from five million to 40 million. This is despite the fact that the practice is illegal – bonded labour is outlawed under the Indian constitution and the Bonded Labour System (Abolition) Act 1976. Whatever the real figures are, it is clear that bonded labour is a serious problem that affects many people. Our High Commission in New Delhi monitors the issue closely and is in regular contact with the Indian National Human Rights Commission (NHRC). We are funding through the HRPF a three-year project with an Indian NGO, Volunteers for Social Justice. The aim of the project is to strengthen capacity among Indian NGOs to tackle bonded labour and to release and rehabilitate some of India's millions of bonded labourers.

The state of emergency and emerging conflict over the past year in **Nepal** hampered any previous progress by the Nepalese authorities in eradicating bonded labour. Despite this, 14,000 bonded labourers received land allocations last year and most of them have begun leading lives that are free of bondage. In

Forced labour in Burma

The ILO deemed the use of forced labour in **Burma** to be so serious that in December 2000 it implemented measures against an ILO member for the first time in its history. The UK was and remains at the forefront of those supporting the ILO's effort to eliminate forced labour in Burma.

However, action by the Burmese authorities to eradicate forced labour has been slow and insufficient. Despite appointing a full-time ILO liaison officer in October 2002, the Burmese regime has refused to agree an acceptable plan of action with the ILO. Most of the recommendations of the ILO High Level Team Report of September 2001 remain to be acted upon. The liaison officer noted in March 2003 that although forced labour in central parts of the country has probably decreased, it remains particularly prevalent in areas with a large military presence, especially border areas where forced labour is widespread and systemic. It is often accompanied by violence and demands for materials, provisions or cash. The Burmese army routinely uses forced labour as porters. There are reports that forced labour has

been used for clearing mines. Forced labourers are often taken away from their families for long periods of time, including at harvest time. There are also credible reports of homeless children and other civilians being forcibly recruited into the army.

Forced labour in Burma is linked to economic mismanagement, the disproportionate size of the Burmese armed forces and the lack of accountable government. The ILO has said that credible action on forced labour must take into account the need for wider national reconciliation and democracy in Burma. At the Governing Body meeting of the ILO in Geneva in March 2003, the Presidency of the EU, speaking on behalf of the UK and EU partners, said that it was the Burmese government's lack of political will that was responsible for forced labour continuing in Burma. We continue to press for the full implementation of the recommendations of the ILO High Level Team Report of 2001 and for the complete elimination of the use of forced labour.

January 2003 protests by ex-bonded labourers raised concerns over the size of the land grants; they consider these insufficient to produce a livelihood. The protesters also called for further identification of more groups of bonded labourers who were not identified in the first registration. The government has responded by organising another registration. Our Embassy in Kathmandu continued to support a community radio project (BASE), owned and run by ex-bonded labourers, that broadcasts information on the rights of ex-bonded labourers and how to claim these rights. The international NGO Anti-Slavery International presented BASE with the Anti-Slavery Award in 2002, in recognition of its work in this field.

Millions of **Pakistanis** remain bonded to employers through debts they can never clear – a decade after the official outlawing of bonded labour. Most bonded labourers work in agriculture, but also in brick kilns, carpet weaving workshops and the mining, fishing and service sectors. Inhumane conditions are rife. In Sindh and Punjab, bonded agricultural labourers and brick kiln workers claimed they were kept in shackles at night to reduce the risk of them fleeing.

Minority communities are particularly at risk of being subjected to bonded labour, and non-Muslim tribes in Sindh are the most vulnerable. It has been difficult for the authorities to implement the law. Human rights activists point out that the tenancy laws need reconciling with the law on the abolition of bonded labour. Their concern is that tenancy laws permit rent advances to tenants and some landlords use this to legitimise debt bondage of agricultural workers. We will continue to press the Pakistan government to implement fully the law outlawing bonded labour and to provide safeguards on all advances to tenants in order to ensure that employers cannot violate people's basic freedoms of movement and work.

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."

Internationally agreed definition of people trafficking as in Article 3(a) of the Supplementary Protocol to the UN Convention Against Transnational Organised Crime (UNTOC)

The UK was among the first countries to sign the UN Protocol on the Prevention and Suppression of Trafficking in People in December 2000, and encourages other countries to sign and ratify it. To date 117 countries have signed the Protocol, which sets out a framework for dealing with trafficking. This includes criminal sanctions against the traffickers and support and assistance for victims. In February 2002 we set out in the White Paper *Secure Borders, Safe Haven* a four-point strategy to fight trafficking, comprising:

- > legislation – new criminal offences of trafficking were included in the Nationality, Immigration and Asylum Act 2002, and in the Sexual Offences Bill 2003 (see next page);
- > enforcement – support for the work of the Reflex taskforce tackling the organised criminals who are behind trafficking;
- > victim support – making provision for the victims of trafficking to receive support so that they can escape their circumstances; and
- > international co-operation – working with international partners to tackle trafficking at sources and ensure effective action against this form of transnational organised crime.

British immigration liaison officers have been posted to central and southern European countries on the main smuggling routes and now cover 22 countries. Their main purpose is to exchange information between the UK authorities and local law enforcement agencies to identify traffickers and their methods. Other EU countries are making similar deployments and British officers co-ordinate locally with their EU counterparts as well as feeding intelligence into Europol, to which the UK has seconded a dedicated liaison officer. EU-wide law enforcement efforts against trafficking are co-ordinated via Europol and the European Police Chief's Task Force.

The trafficking of people is a serious and growing problem in **Kosovo**, which is both a destination and transit point for the trafficking of women and girls for prostitution. Implementation of law and order in Kosovo is a key objective and we support the work of the United Nations Administration Mission in Kosovo (UNMIK) to prohibit trafficking. Measures include adopting an UNMIK regulation with a penalty of 2-20 years imprisonment. A special unit of UNMIK police, the Trafficking and Prostitution Investigations Unit, has also been set up to deal with the issue. The UK currently second 132 UK police officers to UNMIK.

In **Bosnia**, the UK has contributed 58 police officers to the EU Policing Mission. This was the first EU operation carried out

under the European Security and Defence Policy (ESDP), an initiative launched by the Prime Minister Tony Blair and President Chirac in December 1998. The mission directs local police towards democratic, efficient policing and through this work it strongly influences the fight against organised crime, including the trafficking of women and children. By working hard to improve policing standards in Bosnia and by fighting crime at one of its sources, we are also undermining the ability of criminals to export their crime to the UK.

We took a major step last year in co-operating with **China** on law enforcement to tackle people trafficking and other serious crime. Following extensive negotiations with the Chinese authorities, Home Office Minister Beverley Hughes and the vice-minister of public security signed an inter-governmental memorandum of Understanding (MOU) on 21 October 2002. The MOU will strengthen exchange of information and co-operation in 11 key areas of serious crime. People trafficking has been listed as one of these areas. A joint Home Office/FCO expert team recently held talks in Beijing on illegal migration.

In the UK, the Sexual Offences Bill was introduced into the House of Lords on 28 January 2003. It includes proposals for new offences of trafficking for sexual exploitation to replace the stop-gap offence introduced by the Nationality, Immigration

Human rights and cultural diversity

Promoting and valuing cultural diversity is an important factor in maintaining peace, stability and prosperity around the world. It has been a cornerstone of international law since 1945 that the best way of managing the complex inter-relationships between cultures within states is through the realisation of universal human rights. The 1948 Universal Declaration of Human Rights (UDHR), the source of subsequent UN human rights law, affirmed for example that universal human rights were the foundation of "freedom, justice and peace in the world".

Neither human rights nor the structures and processes that oversee them are western inventions. People from all regions, and representing many political, economic, cultural and religious traditions, drafted the UDHR. As more and more non-western states have joined the UN, the UN as a whole has repeatedly reaffirmed and elaborated further the universal human rights set out in the UDHR. Much of today's international human rights machinery was initially proposed and championed by non-western states.

Inclusive and participatory systems of governance can be critical to promoting cultural diversity. At the same time, there is no single model of realising universal human rights or of establishing good governance. It is right that the policies and structures of a state should address the cultural, religious, ethnic and national characteristics and diversity of its people – but cultural differences are no excuse for human rights violations. The 1993 Vienna Declaration and Programme of Action affirmed that the universality of human

rights was "beyond question". People's basic human needs transcend cultural differences. Speaking in Iran in 1997, UN Secretary-General Kofi Annan said:

"When we talk of human rights being a western concept, doesn't the Iranian mother or the African mother cry when their son or daughter is tortured? Don't we all feel when one of our leaders is unjustly imprisoned? Don't we all suffer from the lack of the rule of law and from arbitrariness? What is foreign about that? What is western about that?"

Human rights advocates from Nelson Mandela to Aung San Suu Kyi have echoed Mr Annan's point. Whatever their cultural, religious, ethnic or national background, people all over the world want to realise their human rights and to enjoy participatory and representative government and the rule of law.

The universality of international human rights remains at the core of the UK's approach to promotion of human rights. We will continue to strengthen the wider implementation of universal human rights standards and work to this end in partnership with governments and civil society around the world. We will also play a leading role in promoting transparent and participatory government, freedom of religion and expression and access to justice – so that people from different cultural backgrounds can contribute to the peace, security, stability and prosperity of the societies in which they live.

and Asylum Act 2002 of trafficking in prostitution. These new offences tackle the movement of people into, within and out of the UK for sexual exploitation, and will carry maximum penalties of 14 years' imprisonment. The offence relating to trafficking within the UK applies equally to UK nationals trafficked from place to place in the UK and to foreign nationals brought here and then moved around the UK.

6.8 Human rights and the environment

"Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature."

Principle 1 of the Rio Declaration on Environment and Development

The UK firmly supports Principle 1 of the Rio Declaration on Environment and Development (1992) and we are exploring ways in which human rights can promote better environmental protection. We also support Principle 10 of the Rio Declaration on access to information, public participation in decision-making and access to justice in environmental matters.

The Aarhus Convention of the United Nations Economic Commission for Europe (UNECE), which came into force in October 2001, is related to Principle 10 of the Rio Declaration. It calls upon governments to provide access to environmental information and to justice in environmental matters and to enable people to participate in decision-making processes that affect the environment. The UK has taken a leading role in implementation of the convention.

The first meeting of parties to the Aarhus Convention was held in October 2002 in Lucca, Italy. The then Minister of State for the Environment Michael Meacher was a keynote speaker on the theme 'Making Aarhus Work'. The ensuing discussion addressed the practical issues of implementation. The Lucca meeting established new working practices within the

convention including a compliance mechanism, rules of procedure and funding proposals. Task forces on electronic information tools and access to justice were also set up. Other significant outcomes from the meeting included the adoption of guidelines on Genetically Modified Organisms and giving the go-ahead for the preparation of new protocols on pollutant release and transfer registers.

At home, we have been working steadily towards ratification of the Aarhus Convention. From July to October 2002 we undertook a public consultation on draft environmental information regulations to update the existing regulations which date back to 1992. We received over 100 responses, many welcoming the new proposals as a step towards greater transparency in government. We are now revising the draft to take on board the comments received and will further revise it in light of the EU's adoption of a new Directive on Public Access to Information.

Over 100 heads of government attended the World Summit on Sustainable Development (WSSD) in Johannesburg in August and September 2002 – the largest world summit ever held. Prime Minister Tony Blair led a strong UK delegation. Our interdepartmental team played an important role in the international preparations and negotiations for the summit, while the FCO's overseas posts engaged key partners to support UK aims for WSSD. The summit met most of the UK's ambitious goals, including new commitments on sanitation, fisheries and energy for the poor. For example, there is a new target to halve the proportion of people without access to basic sanitation by 2015, in support of the Millennium Development Goal to improve access to drinking water. The summit launched over 200 innovative sectoral partnerships between governments, business and NGOs.

The WSSD plan of implementation makes clear that respect for human rights and fundamental freedoms is essential for achieving sustainable development. The plan stresses the importance of action at a national level for successful



Prime Minister Tony Blair speaks to the plenary session of the World Summit on Sustainable Development in Johannesburg, South Africa, 2 September 2002.

development. Key components include good governance, the rule of law, gender equality and an overall commitment to a just and democratic society. Transparency, accountability and fair administrative and judicial institutions must be promoted if sound national policies are to be carried out. The plan also emphasises how important it is to promote public participation in environmental decision making, including measures that provide access to information regarding legislation, regulations, activities, policies and programmes. The plan states that women must be involved fully and equally at all levels of the environmental and developmental process, including those of policy formulation and decision-making.

The UK is a founding partner of Partnership for Principle 10 (PP10 – see www.pp10.org for more details), an initiative which complements the goals of the Aarhus Convention and builds on an international NGO network called the Access Initiative (www.accessinitiative.org). The partners to PP10 include the governments of Sweden, Uganda, Italy and Chile as well as NGOs, the UN Development Programme, the UN Environment Programme, the World Bank and the European Commission. The UK attended the first meeting of the partners, held in Lisbon in April 2003.

The aim of PP10 is to promote sound principles of environmental governance which can be one of the most direct routes to fairer and more sustainable use of natural resources. Good governance depends on more equitable, transparent, participatory and just environmental management.

PP10 works through its partners to find ways of allowing people better access to environmental information, the ability to participate in decision-making processes and access to justice. For example, this means that if people can find out where pollution affecting their communities is coming from, by having access to information, they can take action to reduce or prevent pollution. They can put pressure on polluting industries to take more responsibility for their impact on the environment, and on governments to enforce environmental laws. If these demands

are not met, they could find a legal solution through access to the courts. A partnership of this kind is an excellent way of promoting these issues since it brings together governments, business and civil society in pursuit of common goals.

The FCO has pledged £200,000 through its Environment Fund for PP10 and in 2003-2004 will fund five other projects which promote the goals of environmental democracy, amounting to £170 000.

6.9 Access to health and education

We are committed to achieving the internationally agreed Millennium Development Goals including basic health care provision and universal access to primary education by 2015, and the elimination of gender disparities in primary and secondary schooling, by 2005.

Access to health services

“The goal of realising human rights is fundamental to the global fight against AIDS.”

Peter Piot, UNAIDS Executive Director, speaking at the 59th Session of the UN Commission on Human Rights in spring 2003.

The Universal Declaration of Human Rights makes clear that everyone has the right to a standard of living adequate to their health and well-being. However, more than 25 per cent of the world's population do not enjoy this right. Poor health is both a consequence of poverty and a contributory factor. There is growing evidence to show that better health helps bring greater security, development and opportunities. Conversely, the HIV/AIDS epidemic in Africa has decimated workforces, has played a part in starting the famine in Southern Africa and is setting back development.

Greater national and international commitment, partnership and leadership in health-related issues will make a difference to the health of poor people. The World Bank, UN agencies and other donors must work together by providing the necessary resources to strengthen health systems in those developing



An English teacher in Ashgabat, Turkmenistan, uses the new name for January – Turkmenbashi – which is the preferred title of President Saparmurat Niyazov and means ‘father of all Turkmen’. The president uses the education system to disseminate government propaganda.

countries that have made credible policy commitments. Through DFID, the UK has provided over £1 billion since 1997 to help countries strengthen their health systems.

Communicable diseases are an overwhelming burden for most developing countries. HIV/AIDS, tuberculosis (TB) and malaria cause six million deaths every year. At the end of 2002, an estimated 42 million people were living with HIV/AIDS – two million more than at the end of 2001. Of these, 3.2 million are children under 15. The World Health Organisation (WHO) estimates that TB kills two million people every year and malaria between 1.1 and 2.7 million. Malaria kills an African child every 30 seconds. TB overwhelmingly affects people who are economically active while malaria fatalities are concentrated among young children, particularly those under five.

HIV/AIDS is the world's fourth biggest killer and is now the leading cause of death in sub-Saharan Africa. Millions of people know nothing or too little about HIV/AIDS to protect themselves against it. The fight against HIV/AIDS is a major priority and we have committed significant resources to support HIV/AIDS programmes, including nationally-led, inter-sectoral HIV/AIDS plans, particularly in Africa. The DFID Country Assistance Plan for Malawi, produced in April 2003, included funds for a National Strategic Framework on HIV/AIDS and a strategy to mainstream consideration of the epidemic in all policy areas. Bilaterally we provided over £206 million for HIV/AIDS related work in 2001-2002, and contributed to multilateral HIV/AIDS programmes run by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the UN Population Fund, UN Development Programme, WHO, European Commission and the World Bank.

The UK has committed \$200 million over five years to the Global Fund to Fight HIV/AIDS, TB and Malaria. This fund was set up following the UN Secretary General's call in April 2001 for the creation of a global fund to fight AIDS. The purpose of the fund is to attract, manage and disburse additional resources through a new public-private partnership. To date, more than US\$2.1 billion has been pledged to this fund.

Many diseases can be prevented with existing medicines but many people cannot obtain the treatments they need. For example, only one person in three with TB currently has access to treatment. We are determined to improve poor people's access to new and existing medicines in developing countries to enable them better to enjoy their right to health. The potential impact of such access to medicines is enormous.

The Prime Minister Tony Blair launched a Working Group on Access to Medicines at the G8 Summit in Genoa in 2001. The group's report outlines an ambitious agenda to facilitate

widespread, sustainable and predictable access to essential medicines for the world's poor. The framework is voluntary and flexible and was developed in partnership between north and south, and public and private sectors. The aim is to deliver cheaper drugs, while protecting intellectual property rights which are essential for research into new treatments. We are building on the momentum of the past year to take this initiative forward with international partners.

However, enormous challenges remain before these drugs, whatever their price and availability, can be used safely, effectively and equitably in poor countries. These include the lack of infrastructure for distribution of such drugs, the high prevalence of poverty among sufferers and the lack of expertise to ensure that they are administered correctly.

Access to education

Around the world, one adult in five is illiterate – most of them women. One hundred and thirteen million children, of whom two-thirds are girls, are not enrolled in school. Most of these children live in Asia, but the challenges are greatest and most complex in sub-Saharan Africa.

Everyone has a right to education. Education is an essential part of economic and social development. Improving levels of education is an important tool in helping to achieve sustainable development and eliminate poverty, preventing conflict and promoting good governance. Education gives people the means by which they can transform their own lives and society. It enables people to use and extend their skills, develop new skills and thereby improve their livelihoods. Equal access to education is critical to eliminating all forms of discrimination.

Poverty, conflict, the HIV/AIDS pandemic, gender discrimination and social exclusion are all barriers to achieving education for all. The Millennium Development Goals set the targets of universal access to primary education by 2015 and gender equality in primary and secondary schooling by 2005. To achieve these targets, governments must make a sustained commitment to sound, long-term policies that recognise the strategic contribution education makes to development. They must tackle the central issues of access, affordability, quality, inclusion and use of modern technology. Gender equality requires major cultural shifts. Often the financing of education is insufficient and inequitable, and the institutions responsible for reform and development are weak.

The World Bank launched an education fast-tracking initiative in May 2002 to provide a financing framework for achieving the goals of Education for All. At the last G8 Summit in June 2002, heads of government agreed to increase significantly

bilateral assistance for countries that have demonstrated a strong and credible policy and financial commitment to these goals. We are taking forward this agreement and urge other donor governments and the multilateral development banks to join our renewed effort to ensure that, by 2015, every child can go to school.

We want to support low-income Commonwealth countries in their efforts to enrol the poorest and most marginalised children, especially girls, in good quality primary education.

To this end, the Chancellor of the Exchequer Gordon Brown launched a Commonwealth Education Fund (CEF) in March 2002 with an initial £10 million grant to kick-start the fund. The UK will match pound for pound, including tax relief, contributions from UK business and Comic Relief's Sport Relief in 2002-2003. The fund is working in 17 countries in South Asia and sub-Saharan Africa helping some of the 70 million children in Commonwealth countries who are not receiving education.

The UN Development Programme's role in fighting HIV/AIDS

The UN Development Programme (UNDP) is one of eight organisations that supports the Joint UN Programme on HIV/AIDS (UNAIDS). The organisations (which include the World Bank and the World Health Organisation) take responsibility for particular areas. The UNDP's key areas are:

> Creating an enabling environment

- helping governments of developing countries meet the governance challenge posed by the epidemic; and
- building a truly multi-sector response to HIV/AIDS.

> Leadership and capacity development

- building national HIV/AIDS strategies to mobilise social and political leadership across all sectors of society; for example, in **Cambodia** UNDP has brought together senators, government officials, civil society leaders, local community groups, Buddhist monks and journalists to identify factors that help or hinder effective implementation of the country's HIV/AIDS national strategic plan.

> Strategic planning and implementation

- creating national HIV/AIDS councils and comprehensive strategic plans; and

- helping governments integrate, or mainstream, HIV/AIDS priorities into the budgets and planning of development programmes, debt relief initiatives and poverty reduction strategies; for example, in **Botswana** UNDP established a national AIDS co-ordinating agency and district multi-sectoral AIDS committees.

> Advocacy and communication campaigns

- designing communications strategies on issues ranging from physical relationships that make women and girls vulnerable to infection, to the re-allocation of public funding for AIDS prevention;
- supporting leadership roles for women and for people living with HIV/AIDS; and
- initiatives to fight stigma and discrimination and legislation to protect the rights of people living with HIV/AIDS.

In the **Middle East** and **North Africa**, UNDP brought representatives from 17 countries to Tunisia and Yemen in an initiative to break the silence surrounding the epidemic. The workshops included UNDP policy advisers, HIV/AIDS experts, civic groups, UNAIDS officials, national HIV/AIDS programme managers and people living with HIV/AIDS.

HUMAN RIGHTS and justice



The entrance to the death row cell block at Lieber Correctional Institution near Ridgeville, South Carolina, US. The UK regularly lobbies the US on its use of the death penalty.

This year has been marked by strong contrasts in the justice sector. On the positive side, the entry into force of the Rome Statute establishing the International Criminal Court (ICC), the election of judges to the court and the appointment of an ICC prosecutor were historic events giving life to an idea which even 10 years ago seemed hopelessly ambitious. The adoption of a new Optional Protocol to the Convention Against Torture also promises great advances in combating torture through improved international and domestic monitoring mechanisms of places of detention. And steady progress in the campaign to abolish the use of the death penalty globally took place in countries such as Turkey, Cyprus, Serbia and Montenegro, Fiji, Lithuania, Djibouti and South Africa.

But in many countries we continue to have serious concerns regarding the practice of torture, the existence of inhuman conditions in places of detention, challenges to judicial independence and the existence of a climate of impunity for perpetrators of serious human rights violations. We have spoken out against countries which perpetrate or condone such acts. At the UN Commission on Human Rights, together with EU partners, we drew attention to the practice of torture in many countries, including China, Equatorial Guinea, Iran and Uzbekistan. We co-sponsored resolutions on the abolition of the death penalty and the independence of the judiciary. But that is not all we do. As described in detail in this chapter, we provide support through the Human Rights Project Fund (HRPF) in countries from Russia to Guatemala, to partners working to implement reform on the ground. Two notable examples this year were HRPF publications designed to help put an end to torture. Both were launched by the Foreign Secretary. The first, *A Human Rights Approach to Prison Management*, produced by the International Centre for Prison Studies at King's College London, targets the vital issue of prison conditions. The second, *Combating Torture*, developed by the University of Essex, sets out the roles and responsibilities of judges and prosecutors in eradicating torture. There has been a tremendous call from NGOs as well as FCO posts for copies of both publications and plans are already in hand for them to be translated into Arabic, Spanish and Russian.

We believe that adherence to principles of justice internationally is not just desirable but also necessary. States which respect these principles, and which ensure that the most vulnerable can access justice and can be guaranteed fair and equal treatment, are states that ultimately will be more secure, peaceful and prosperous. This chapter maps our efforts in the course of the year to promote these principles globally.

7.1 International Criminal Court

The Statute of the International Criminal Court came into force on 1 July 2002, heralding a new era in international justice which will bring an end to impunity for people responsible for organising, encouraging and perpetrating the very worst crimes against humanity, including genocide. Where governments are unable or unwilling to take action, but have ratified or acceded to the statute, the ICC will be able to step in.

The court is now established in its interim home, an office building in The Hague which the Dutch government is adapting at its own expense. Since the statute came into force, the court has begun recruiting staff and developing its operational capacity. The UK has provided *ad hoc* advice on aspects such as secure archive facilities and the legal library. There is now a permanent site for the ICC, also in The Hague, and there will be an international architectural competition to design the future court building.

The Assembly of States Parties in New York put forward 43 candidates and the court's 18 judges were elected in February 2003. The UK's candidate, Mr Justice Adrian Fulford, an eminent barrister and English high court judge, was successfully elected. Mr Justice Fulford and his colleagues were sworn into office during the formal inauguration ceremony in The Hague on 11 March 2003. Mr Justice Fulford will continue his high court duties in the UK until he is called to serve permanently in The Hague.

In April 2003 Luis Moreno Ocampo of Argentina was elected unopposed as the ICC's first prosecutor. He was sworn into



Adrian Fulford, barrister and English High Court Judge, one of the 18 judges elected to the International Criminal Court in February 2003.

office in June 2003 and the court can now contemplate opening its first investigations.

In September 2003 the Assembly of States Parties will elect a five-member board of directors of the Victims' Trust Fund. The fund will, on instruction from the court, compensate the victims and families of those who have suffered at the hands of people convicted by the ICC. The fund will receive voluntary contributions from governments, organisations and individuals; it will also receive revenues from fines, reparations and forfeitures made against convicted criminals.

The ICC can only exercise its jurisdiction over events that have occurred since 1 July 2002. It can intervene if the event in question took place on the territory of a state party, or involved a national of a state party. Alternatively, the UN Security Council may refer a situation to the ICC which does not meet these criteria (except for the date of the crime) but which the council regards as a threat to international peace and security.

Ninety-one states have already ratified the ICC charter (known as the Rome Statute). This is already an impressive number. However, for the court to be truly successful, more states need to make their commitment. Our objective is to work for global ratification of the International Criminal Court (ICC) statute so that the court may enjoy the widest possible remit in its fight against impunity for the most serious crimes such as genocide, war crimes and crimes against humanity. Working with EU partners, we therefore undertake appropriate, targeted lobbying in support of this position. The EU made 38 démarches during the Greek Presidency in the first half of 2003. We also participate in educational seminars and provide training on the processes of ratification and the domestic legislation that states need in order to meet their obligations to the court.

At the same time, the UK Government recognises that not all states are supportive of the ICC. A number of states, most notably the US, have concerns that their citizens, particularly those involved in peacekeeping operations, could be subjected to politically-motivated "nuisance" cases. While we understand

these concerns, we do not share them since we are satisfied that the safeguards in the ICC statute would prevent such cases from being pursued by the court. Because of its concerns, the US pressed successfully for the passage of UN Security Council Resolution 1422 (in July 2002) which granted a 12-month exemption (under Article 16 of the ICC statute) from ICC investigation for UN peacekeepers from non-states parties. This resolution was renewed (as Security Council Resolution 1487) in June 2003.

In addition, the US is seeking to create a global network of bilateral non-surrender agreements which would prevent the hand-over of US citizens to the ICC. US efforts have been given an extra impetus by the entry into force of the American Serviceperson's Protection Act on 1 July 2003 which obliges the withdrawal of US military co-operation from states (except close allies) where the possibility exists of US service personnel being exposed to allegations of war crimes and surrender to the ICC. So far around 57 states have signed bilateral agreements. A significant proportion of these states are signatories parties to the ICC statute. The US has started putting into effect actions to withdraw military and other types of aid from states which have not signed these bilateral agreements.

Ricardo Cavallo extradited to Spain

In June 2003 Ricardo Cavallo was flown to Madrid to face charges of torture and murder. He had been awaiting extradition in Mexico, his country of residence, since 2000. Prosecutors in Spain allege that Cavallo was a prolific government torturer during the so called "dirty war" in his native Argentina, between 1976-1983. During this time, the military junta which ran the country was engaged in a violent struggle against the left-wing opposition and its

sympathisers. Thousands of the regime's political opponents were murdered and countless more subjected to kidnapping and torture. Spain's National Court will try Mr Cavallo for his role in the torture and murder of Spanish citizens. The Cavallo case marks another step towards a truly international justice; more so since he was arrested in a third country, Mexico. The UK supports action that makes it more difficult for criminals of this order to escape punishment by fleeing abroad.



A victim of the Argentine junta holds a banner outside the National Court in Madrid where the trial of the former Argentine military official Ricardo Cavallo is taking place. The banner reads: 'Universal justice for the victims of those responsible for genocide'.

While we obviously regret the withdrawal of military and other aid by the US, this is essentially a bilateral matter for the countries concerned. 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 providing they follow three basic principles:

- > they must have operative provisions to ensure persons who have committed crimes falling within the jurisdiction of the Court do not enjoy immunity;
- > they must only cover persons who are *not* nationals of a state party; and
- > they should cover only persons officially "sent" by the state in question on government business (including extradited persons); it cannot cover all that state's citizens.

Once the ICC is able to establish a responsible track record, and the safeguards against politically-motivated "nuisance" cases are seen to be working, we hope that those states currently opposed to the court will have their concerns allayed and will reconsider becoming a party to the ICC statute. But this is a longer-term goal. In the meantime we and EU partners will continue to lobby in support of ratification of the ICC statute where this is likely to be effective.

Further information on the ICC, the ICC Act and associated issues is available at www.fco.gov.uk/icc.

7.2 Cambodia Tribunals

The **Cambodian** government has said it will prosecute those who bear the greatest responsibility for the appalling atrocities perpetrated between 1975-1979 by the Khmer Rouge regime in Cambodia. On 6 June 2003, after several years of negotiation, Cambodia signed an agreement with the UN to establish the Extraordinary Chambers of the Cambodian Court. The operational arrangements of the chambers are being finalised, and they will be staffed by a mix of Cambodian

and international judges, prosecutors and investigators. The chambers will be funded in a similar way to the Special Court for Sierra Leone: they will receive voluntary contributions from states, rather than assessed contributions levied on the entire UN membership. It is anticipated that the chambers will complete their task in three years.

The Khmer Rouge tribunal will at last bring a measure of justice to the victims of the Khmer Rouge, and hopefully help to close a painful period of Cambodia's history.

7.3 International Criminal Tribunal for the former Yugoslavia

The International Criminal Tribunal for the former Yugoslavia (ICTY) is making progress in bringing to justice those responsible for violations of international humanitarian law. There are currently 50 accused in detention. Seven others have been provisionally released, pending trial. Eighteen publicly indicted individuals remain at large. The UK continues to press all countries in the region that may be harbouring these fugitives to comply with their responsibilities under international law and to transfer the indictees to the ICTY's jurisdiction.

As of the end of July 2003, 91 accused have appeared in proceedings before the tribunal. Thirty-one are at the pre-trial stage, four are in trial and nine are awaiting Trial Chamber judgement or sentencing. Thirty-seven of the accused have been tried, of whom 12 are now at appeal, five have been found not guilty and 20 have received their final sentences. Five indictments have been withdrawn and five indictees have died. The trial continues of ex-Yugoslav president Slobodan Milosevic, the first former head of state to be brought to trial for genocide, war crimes and crimes against humanity. The Chief Prosecutor at the ICTY, Carla del Ponte, said in her opening statement that the trial of Milosevic would be a powerful demonstration that "no one is above the law" or beyond the reach of justice. The prosecution is due to complete its case in late autumn 2003 after which the trial chamber will hear the defence, conducted by Milosevic himself.



Eight years after their deaths during the 1992-1995 Bosnian war, 282 Bosnian Muslim men are buried in Srebrenica at a ceremony attended by more than 20,000 people, 11 July 2003. Up to 8,000 Muslim men and boys were killed when Bosnian Serb troops captured the UN safe haven of Srebrenica on 11 July 1995.

We fully support the ICTY. In addition to our assessed contributions – payments made in line with an agreed contribution scale, which for 2003 equal £4.3 million – we have funded initiatives to complement the tribunal's work. These include the ICTY Witness Protection Programme and the Rules of the Road project, which advises the courts in Bosnia and Herzegovina on prosecuting such cases domestically while at the same time monitoring the quality and fairness of prosecutions there.

The principle underlying the ICTY is that people must take individual criminal responsibility, rather than seeking protection and immunity in a group. Acceptance of this principle is central to achieving reconciliation between different communities and all victims and perpetrators of violations of international humanitarian law must see that justice is being done. The ICTY's outreach programme informs people of the tribunal's work. We provided \$50,000 (£30,000) last year specifically for the outreach activities of ICTY's office in Belgrade. This included contacts with the media, circulating ICTY material and organising lectures and conferences for targeted audiences in the region.

US Judge Theodor Meron replaced French Judge Claude Jorda as President of ICTY in March 2003.

Further details are available on the ICTY website at www.un.org/icty.

Bosnia and Herzegovina

The former president of Republika Srpska, Biljana Plavsic, was sentenced to 11 years in prison at the ICTY in February 2003 for her role in the persecution of Bosnian Muslims and Croats during the 1992–1995 war. Passing sentence, Judge Richard May noted: "No sentence which the trial chamber passes can fully reflect the horror of what occurred or the terrible impact on thousands of victims".

Mrs Plavsic received some leniency due to her willingness publicly to accept guilt and show remorse for her crimes.

Nonetheless, her sentence demonstrates that war crimes are totally unacceptable and that those responsible will be punished. We hope it will also bring some comfort to the families of those who have been persecuted.

The UK Government works with international partners, the ICTY, the Stabilisation Force (SFOR) and the Bosnian authorities to trace and arrest other indicted war criminals. On 10 April 2003, SFOR seized Nasser Oric, former Commander of the Bosnian Muslim forces in Srebrenica, and transferred him to the ICTY. He was indicted for his role in war crimes (murder, torture, mutilation of bodies, robbery and destruction of property) committed between 1992–1993, including the destruction of at least 50 villages. On 21 April, Miroslav Radic, one of three former Serbian officers indicted over the killing of more than 200 civilians in the town of Vukovar in November 1991, surrendered himself to Serbian authorities. The authorities then transferred him to the ICTY.

The most important remaining targets are the Bosnian Serb wartime leaders, Radovan Karadzic and Ratko Mladic. The UK has been at the forefront of actions to weaken the networks providing financial and logistical support to these indictees. In March 2003, the international community's High Representative to Bosnia Lord Ashdown, in co-operation with the US government and SFOR, froze the assets of two people suspected of being part of Karadzic's support network. In April 2003 the EU adopted a Common Position, establishing a visa ban against people supporting ICTY indictees. The UK continues to make it clear that the continued freedom of indictees is incompatible with Bosnia's aspirations to join the EU.

Croatia

The Croatian government has failed to respect and honour its regional and international obligations to co-operate fully with the ICTY.

In September 2002, the Croatian government received an indictment against General Janko Bobetko, the former wartime



Former commander in the Serbian state security service, Franko Simatovic, at his first appearance before the International Criminal Tribunal for the former Yugoslavia, 2 June 2003. Simatovic was charged with responsibility for crimes against humanity and violations of the practice of war by targeting civilians in Croatia and Bosnia between 1991–1995.

chief of staff suspected of committing war crimes during an operation to retake Serb-held Croatian territory in 1993. The government refused to serve the indictment. Instead, it questioned the legitimacy of the indictment through the domestic court system and lodged two separate appeals, which were subsequently rejected. The EU, Council of Europe, OSCE and NATO all voiced their concern. Carla del Ponte, the ICTY Chief Prosecutor, reported to the UN Security Council that Croatia was failing to meet its international obligations. The Croatian government lodged another appeal on the grounds that Bobetko was too ill to stand trial. This appeal was upheld. In March 2003, the government finally served the indictment, following an order from the ICTY trial judge. Bobetko died on 29 April 2003.

By failing to co-operate fully with the ICTY, Croatia was in breach of one of the key conditions of the Stabilisation and Association Agreement (SAA) with the EU. In response to the Croatian government's behaviour, the UK suspended parliamentary ratification of the SAA. We are looking closely at Croatia's past and current record of overall co-operation with the ICTY – full co-operation is essential in order to resume the ratification process.

On 14 February 2003, Mrs del Ponte announced that she was still unhappy with the level of co-operation the Croatian government was providing. It had failed to serve the indictment on Bobetko; it had not caught General Gotovina, an ICTY indictee who is still on the run; and the authorities had not met requests for documentary evidence, which were originally made in 2001.

A welcome development was the arrest and subsequent extradition of Nica Rajic in April. Mr Rajic, a Bosnian Croat, had been on the run since 1995, when he was indicted for war crimes committed during the Bosnian War.

If Croatia wishes to show full respect for the rule of international law and highlight its commitment to European values and standards (particularly in light of its recent

EU membership application), the government must resume full co-operation as soon as possible.

Serbia and Montenegro

Like Croatia, the Serbia and Montenegro (SaM) government has failed to respect and honour its regional and international obligations to co-operate fully with the ICTY. We are working with EU partners to ensure that SaM allows the ICTY full access to documents and witnesses, and transfers all indictees on its territory to The Hague. We have continually urged the authorities in Belgrade, most notably in the visit of the Foreign Secretary Jack Straw in October 2002, to co-operate in the arrest of General Ratko Mladic and Radovan Karadzic.

The then Federal Republic of Yugoslavia (FRY) adopted a law on co-operation with the ICTY on 11 April 2002 and has so far arrested and transferred nine indictees to The Hague, including former FRY president Slobodan Milosevic. Twelve indictees have surrendered voluntarily but senior politicians have admitted that at least 12 more indictees are still on SaM territory.

There were three major developments for the ICTY in early 2003. The former president of Serbia Milan Milutinovic surrendered himself to The Hague on 20 January. He is the second-highest ranking politician to stand trial at the ICTY. On 24 February 2003 Vojislav Seselj, leader of the Serbian Radical Party, travelled voluntarily to The Hague, having been indicted on 14 February for war crimes. Yugoslav People's Army Colonel Veselin Sljivancanin was arrested in Belgrade on 13 June 2003 following a 10-hour operation by Serbian authorities. He was transferred to the ICTY on 1 July.

Macedonia

Macedonia was relatively peaceful and stable from its referendum and subsequent independence in 1991 until the inter-ethnic conflict of 2001. During the conflict both ethnic Albanians and Slav Macedonians were involved in activities that violated human rights. The ICTY formally asserted primacy (ie. it took over jurisdiction from the national courts) over five specific cases on 4 October 2002. These include an alleged mass execution at



The court room at Arusha, Tanzania, where the International Criminal Tribunal for Rwanda (ICTR) is being conducted. Prosecutor Carla del Ponte looks on as Judge Pavel Dolenc of Slovenia and Judge Lloyd Williams of St Kitts and Nevis enter the chamber.

Neprosteno; the killing of ethnic Albanians in Ljuboten; and the kidnap and torture of civilian roadworkers at Grupcin. Since 2001, although inter-ethnic tensions remain and there are sporadic incidents of violence, Macedonia has made progress under the Ohrid Framework Agreement, a document signed in August 2001 which brokered peace between the ethnic groups.

Kosovo

The first three Kosovar Albanians indicted by the ICTY were successfully detained by the Kosovo Force (KFOR) in Kosovo in February 2003 and from there transferred to The Hague. They are indicted for the alleged illegal kidnap, detention, torture and murder of 23 Serb and Kosovar Albanian prisoners in Llapushnik Prison Camp in June-July 1998. The Slovenian authorities also detained an indictee who they transferred to the ICTY's jurisdiction. One indictee has since been released: the tribunal accepted his plea that he was not the person referred to in the indictment.

These detentions demonstrate that the international community has not forgotten about the atrocities that occurred on both sides in Kosovo, and is determined that those responsible should be brought to justice. We believe that all those appearing before the tribunal in The Hague will receive a fair trial.

Pauline Nyiramasuhuko pleads guilty at the Butare trial

Pauline Nyiramasuhuko, Rwanda's former minister for family well-being and for the promotion of women (April 1992 – July 1994) was the first woman to appear before an International Criminal Tribunal charged with genocide, initially in 1997. Her trial started in earnest in June 2001.

Mrs Nyiramasuhuko is being tried jointly with five others in what has become known as the Butare trial. The other defendants are her son, Arsene Shalom Ntahobali; former Butare prefects Sylvain Nsabimana and Alphonse Nteziryayo; and the former mayors of Ngone, Joseph Kanyabashi and of Myanza, Elie Ndayambaje.

The indictment alleges Mrs Nyiramasuhuko is guilty of genocide, complicity to genocide, conspiracy to commit genocide,

crimes against humanity and serious violations of the Geneva Conventions and of Additional Protocol II. She was detained in Kenya in 1997. Prosecutors allege that with the help of soldiers and other accomplices, she identified, kidnapped and killed members of the Tutsi population. They argue that the former minister went several times to the local prefecture to kidnap and kill the Tutsis who had sought refuge there.

The tribunal aims to prosecute those who bear the greatest responsibility for the genocide in 1994, which claimed the lives of approximately 800,000 Tutsis and moderate Hutus.

7.4 The International Criminal Tribunal for Rwanda (ICTR)

The International Criminal Tribunal for Rwanda (ICTR) is entering a new phase. The election of 18 *ad litem* judges – part-time judges who can hear cases as and when requested by the president of the tribunal – is a significant step in allowing the ICTR to fulfil the mandate set out by UN Security Council Resolution 955 in 1994. The election of *ad litem*s took place within the UN General Assembly in June 2003. His Honour Kenneth Machin, a UK Judge with over 25 years experience at the Central Criminal Court (the Old Bailey), was one of those elected to the pool. The judges will take up their positions in autumn 2003.

Elizaphan and Gerard Ntakirutimana, father and son, were convicted for 10 and 25 years respectively in February 2003 for their role in genocide. The case illustrates the desperate plight of moderate Hutus and Tutsis during the genocide in 1994, in which 800,000 people were killed. As a pastor in the region, Elizaphan held a position of some importance and the local population looked to him for leadership and guidance in escaping from the Interhamwe militia which played a major role in the genocide. The summary of the judgement passed down by the tribunal included the statement that he: "conveyed attackers to Murambi Church and ordered the removal of the church roof so that it could no longer be used as a shelter for Tutsis seeking refuge".

The UK has strong concerns about the efficiency and cost of the ICTR. We are working with our UN partners to improve the tribunal's performance and share the concerns of many at the ICTR's slow progress. The *ad litem* judges will help to address this and we look forward to their arrival. The judiciary's increasing confidence in limiting witness testimonies and accepting written evidence is speeding up the trial process. The tribunal now has simultaneous translation in all trial chambers, saving approximately 25 per cent of trial time.

The tribunal's task is daunting. There are 18 on-going trials this year. There are currently 55 detainees in the UN detention facility in Arusha. Of those, 20 are involved in on-going trials and 31 are awaiting trial. Three detainees are pending appeal and one is awaiting transfer to continue serving their sentence. Thirteen trials have been completed resulting in 12 convictions; they include Jean Kambanda, the ex-prime minister of Rwanda. A pastor, doctor, a journalist and a prefect were also convicted.

7.5 The Special Court for Sierra Leone

The Special Court for Sierra Leone (SCSL) has now issued 12 indictments. Those indicted include the former president of Liberia, Charles Taylor, who remains at liberty. Seven of those indicted are in the custody of the Special Court, while two have allegedly been killed in Liberia. There are reports that Sam Bockarie, former senior commander of the Revolutionary United Front, was killed during fighting on the Liberian border and former Minister Jonny Paul Koroma was killed in early June 2003. Mr Koroma's death remains unsubstantiated.

All those in detention have attended pre-trial hearings, and prosecution and defence lawyers are assembling their cases for trial to start this autumn. The prosecutor has not limited his investigations to one particular group or party, but has ensured justice is in the process of being done for all those affected by one of the most brutal and vicious conflicts in contemporary history. The Office of the Registrar has also made progress. Two new permanent courthouses in Freetown should be ready by the end of 2003, providing a legacy for the people of Sierra Leone after the Special Court has completed its work.

The UK is a strong supporter of the SCSL. We are the third biggest financial contributor to the court, having provided £4.6 million to date. We have committed a further £2 million for the court's third year.

The SCSL differs from other international tribunals such as the International Criminal Tribunals for Rwanda and Yugoslavia (ICTR and ICTY), in that it was established by an agreement between the government of Sierra Leone and the UN, rather than under Chapter VII of the UN Charter. It has a three-year mandate to try "only those bearing the greatest responsibility" for violations of International Humanitarian Law that took place in Sierra Leone after 30 November 1996, and is entirely dependent on voluntary contributions to its budget, rather than assessed contributions.

The court further differs from the ICTR and ICTY in the make-up of its staff. The judiciary in the SCSL is a mixture of international and local judges. This is also the case within the Office of the Prosecutor. Alongside the Special Court, the FCO is funding a programme to provide a computer-based legal library and training facilities for local lawyers. This training, and the work of the court in general, is an essential part of the international community's effort to support Sierra Leone's recovery from the trauma and disruption of its 10-year civil war.

7.6 Torture

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

Article 5 of the Universal Declaration of Human Rights.

On 18 December 2002, the United Nations General Assembly (UNGA) adopted the Optional Protocol (OP) to the UN Convention against Torture. The OP is a significant victory in the fight against torture. This is the first international human rights legal instrument that has a truly preventive character and it will give people deprived of their liberty greater protection against torture. UNGA adopted the OP by a vote of 127 in favour, to four against. It establishes a system of regular visits by national and international independent monitoring committees to places of detention in signatory states. The UK Foreign Secretary Jack Straw welcomed the UN's decision:

"The UK is committed to promoting more intensive and concerted action to achieve the global eradication of torture. The adoption of the Optional Protocol to the UN Convention against Torture represents a crucial step forward. I am encouraged that the majority of UN member states voted in favour. The UK urges all states to ratify the Protocol at the earliest opportunity."

The UK believes the OP is the best means of strengthening effective international mechanisms to prevent torture. It will complement the work of the Council of Europe's Committee for the Prevention of Torture, a regional visiting mechanism that has worked to prevent torture for the past 15 years.

The OP will only come into force when 20 countries have ratified it. The UK has been an active supporter of the OP since negotiations began 11 years ago. We have worked closely with NGOs, such as Amnesty International and the Association for the Prevention of Torture, on the global lobbying campaign to get the Protocol adopted. Sustained lobbying by UK Embassies and EU missions made a significant contribution to support for the OP. The UK signed the OP on 26 June 2003, the UN International Day for Victims of Torture, one of the first countries in the world to do so. We plan to ratify before the end of 2003. We will then use every opportunity to urge other countries to ratify the OP and we expect it to take about two years before 20 countries have done so.

International action against torture is an FCO priority. The former Foreign Office Minister Peter Hain launched phase three of the UK anti-torture initiative on 26 June 2002. As part of phase three, we have been involved in an important bilateral

project with the Human Rights Centre at the University of Essex to produce a handbook to assist judges and prosecutors in combating torture more effectively. We published *Combating Torture – A Manual for Judges and Prosecutors* in May 2003 and the Foreign Secretary launched the handbook on 26 June, the UN International Day for Victims of Torture. This is the third publication we have produced in partnership with the University of Essex. The first was the *Torture Reporting Handbook* and the second *Extrajudicial Killings*. We have distributed copies of *Combating Torture* to all our Embassies and it is also available on the FCO website. It will be translated into key languages.

We have planned a number of new bilateral and multilateral projects for the next two years. They include:

- > publishing and distributing *Combating Torture* and follow-up work to the *Torture Reporting Handbook*. This is a practical guide for doctors, lawyers and human rights activists to identify, document and report on incidences of torture. We have distributed over 20,000 copies of the guide across the world, in seven languages. Local NGOs from Russia to the Philippines are using it, as are international NGOs such as Amnesty International and Human Rights Watch. We will increase the handbook's impact this year by linking it with *Combating Torture* and by arranging training workshops in key regions over the next two years;

- > support to the African Commission for the commission's eventual management and funding of its Special Rapporteur on Prisons. This will strengthen the commission's ability to prevent torture. In June 2003, we appointed a legal officer to support the Special Rapporteur. The legal officer's work involves initiating contacts with governments and arranging country visits; promoting the Rapporteur's visits; improving contact with African NGOs; participating in the missions and preparing reports; determining what measures governments have taken to implement the Rapporteur's recommendations; and encouraging governments to include information about prison conditions in their reports to the commission. This project includes preparing the *Special Rapporteur Handbook*, with guidelines on preparing for missions and writing reports;
- > a programme in the UK to improve the quality of forensic evidence. We will invite senior clinicians and administrators of organisations from countries where torture is widespread. The clinicians will visit key UK NGOs, including the Medical Foundation for Victims of Torture, Amnesty International and Redress;
- > a new worldwide lobbying campaign for universal ratification of the Convention against Torture (CAT). The campaign will focus on implementation as well as ratification. We will target all countries that have not yet signed or ratified the CAT and also encourage countries to fulfil their obligations under the CAT; and
- > continuing financial support to the UN Voluntary Fund for the victims of torture (£150,000 in 2003–2004); and support for the OSCE anti-torture programme (£25,000 in 2002–2003).

UK national mechanisms

The Optional Protocol to the Convention Against Torture will establish a mandatory system of international and national visits to places of detention. International visits will operate through a sub-committee of the UN Committee Against Torture. At the national level governments must set up, or maintain, national commissions. The UK has a variety of thematic national mechanisms covering all places of detention. The HM Inspectorate of Prisons covers public and private prisons; the Social Services Inspectorate deals with juvenile secure centres; the Department of

Health Commission for Care covers psychiatric hospitals; and there are police custody visitors for police cells. Some of these mechanisms come under government departments; they operate nationally and employ paid professionals. Others are regional, staffed by local volunteers such as doctors. The Optional Protocol requires all national mechanisms to be independent and professional. The UK mechanisms fulfil all these requirements. They can carry out their duties without interference, employ people with relevant skills and expertise and have rights of access to prisoners and places of detention.

It is important for the FCO to work with experts, NGOs and academics. To consolidate our efforts to combat torture over the past four years, we have set up a panel of experts to advise us on future strategy. Mr Hain announced the formation of the Anti-Torture Panel when he launched phase three of the anti-torture initiative last year. The panel comprises leading academics, NGO representatives and human rights lawyers with direct experience of international and regional human rights machinery and related issues such as penal reform and policing. The panel met for the first time on 26 February 2003.

We have continued to support projects and initiatives around the world that combat torture, and that provide support and care for the victims of torture. There are many allegations of torture throughout **Turkey**, where eliminating torture remains a UK and EU priority. The Turkish government recognises the need to eliminate torture and in November 2002 publicly announced 'zero tolerance' for torture. In the last year the

government passed significant legislative improvements to tackle violations during pre-trial detention, and to end impunity. A rising number of torture allegations within Turkey (coupled with the declining number of such cases brought to the ECtHR) suggests that people can make allegations more freely. At the same time, domestic human rights advocates and foreign observers have noted a gradual decrease in the practice of torture. Nonetheless, it still remains a significant problem. Decisions against perpetrators of torture are still sometimes contradictory and state efforts to punish perpetrators of torture remain sporadic. Reforms must be effectively implemented.

In the last year Turkey has supported the new Optional Protocol to the Convention Against Torture (CAT), reported to CAT for only the second time since 1990, facilitated two visits by the Committee for the Prevention of Torture (CPT), and openly published and responded to reports. Legislative amendments now ensure that torture and ill-treatment are no longer treated differently. The authorities have also taken significant steps to reduce the scope for torture and abolish incommunicado detention, to ensure the rights of detainees, to investigate allegations of torture and make sure that those convicted of torture are prosecuted and appropriately sentenced.

While the application of some of these measures remains inconsistent, there have been attempts to implement reform: non-commissioned police officers now receive two years (previously 10 months) training with increased emphasis on human rights. The Jandarma is a state policing agency which works mainly in rural and border areas. On 26 April 2003 the new Jandarma human rights centre was opened which will be open 24 hours a day to investigate allegations of human rights abuses. The judgement upholding the conviction of 10 police officers from Manisa was an important watershed (see page 93 for details). The speed with which recent cases are being brought to the courts is also encouraging. However, *de facto* impunity still remains a large part of the problem.

To assist the Turkish government, we have funded projects to provide forensic evidence training for the Jandarma to remove torture as a technique for securing confessions. At the same time, our Embassy in Ankara and Consulate-General in Istanbul raised our concerns over instances of torture with Turkish authorities at a variety of levels and attended trials whenever possible. This dialogue is not limited to high-profile cases. We also urged the Turkish authorities to take the necessary steps to ensure that all allegations of torture are subject to vigorous and systematic investigation in accordance with the new anti-torture legislative provisions.

We are challenging the culture of impunity that exists in **Sudan** by funding the Sudan Organisation Against Torture (SOAT) to manage a three-year project with the ultimate aim of encouraging the Sudan government to ratify key international covenants, including the Convention Against Torture and the Convention on the Elimination of all forms of Discrimination Against Women. SOAT will provide: legal aid to victims of torture, people facing the death penalty and displaced women; train Sudanese lawyers on challenging impunity and strategies for law reform; document human rights abuses; disseminate human rights information and training; and monitor and campaign on violations against freedom of expression and association.

The police and armed forces in the **Philippines** have been known to use torture in criminal investigations and in military actions against rebel groups, but until now judges have lacked the authority to investigate torture allegations. Our Embassy in Manila has supported training sessions, run by the Philippine Commission on Human Rights, for judges, prosecutors and defence lawyers, on strengthening the legal framework for the prevention of torture. We also supported local NGOs in the forthcoming publication of a manual on reporting torture.

In addition, the UK has funded regional training workshops for medical officers and prison wardens covering the Philippines' obligations under the UN Convention Against Torture. NGOs, medical personnel, lawyers and prison personnel expressed a high level of interest in the programme and initiated the Philippine Network Against Torture, a nation-wide group providing support and advice to individuals and organisations dealing with torture complaints. Our project partner, Medical Action Group, will spread the training further across the country.

The Free Legal Assistance Group (FLAG), working alongside the University of the Philippines, has completed twin studies on the practice of torture in the Philippines and Philippine law on torture. Funded by the UK, the studies will provide a framework for a campaign by NGOs (including Amnesty International) for effective legislation on torture prevention.

The Superintendent General of **China's** Ministry of Public Security, Zhu Chunlin, said in a speech on 19 June 2002 that Chinese police needed to be better supervised. He noted that: "vicious cases of extorting a confession by torture, of indiscriminate use of firearms and police equipment, and of indiscriminate use of coercive measures that have resulted in deaths, still occur sometimes". He also said that in the past five years over 7,500 police officers had faced disciplinary action. These cases probably represent a small percentage of systemic

abuse since supervision of police powers remains weak. This has helped foster a climate in which corruption, arbitrary arrests, detention and torture are widespread. The rights of criminal suspects and ordinary Chinese citizens are easily abused in such an environment. A police supervision department has operated under the auspices of the ministry of public security since 1998. The department co-ordinates with other agencies to prevent police misconduct and supervise the legality of police action and, with just 7,000 staff, faces enormous challenges. It is keen to improve its operation and training by learning from British practice.

Over the next three years, we are co-funding a project with this ministry through the Global Conflict Prevention Fund to prevent police misconduct. The British Council is implementing the project, which includes training in the UK for 45 senior police officers and similar training for 120 mid-level officers in China. These officers will then cascade their training to their subordinates. Other project activities include developing a mechanism to improve the detection and response to incidents of police misconduct, and translating and distributing UK training materials to China's 7,000 police supervision officers. In the short term, we aim to reduce police misconduct in China and enable the Chinese police to become self-sufficient in their training. In the longer term, we aim to improve the quality of policing in China.

The British Council is managing another Human Rights Project Fund (HRPF) project to prevent torture. Chinese authors produced a monograph on torture issues during the first year of the project. The second year includes a workshop for the authors to discuss key issues with UK specialists on international human rights law.

The **Russian** NGO Nizhny Novgorod Regional Committee Against Torture has received 96 complaints of torture since it was established last year. We are continuing our support for the NGO's anti-torture project in which it has investigated 33 of these cases. One of the first results was the successful prosecution and imprisonment of two police officers. More prosecutions are in the pipeline. The NGO has made excellent use of the *Torture Reporting Handbook* in documenting incidences of torture.

The prosecutions have generated a lot of local media coverage including television coverage of one of the trials. A Moscow newspaper recently agreed to carry a series of articles on the NGO's work. Torture continues because of a climate of impunity. Press coverage of this kind helps to show Russians that they do not have to tolerate such treatment. The result is a big increase in the number of claims of ill-treatment to the NGO. To build on its success, the NGO has restructured its website, included

links to Amnesty International and the UN and published standard information for making victims' reports. This year the NGO is taking its first case to the European Court of Human Rights and its work is starting to influence regional and local officials. The NGO has developed a good working relationship with the ministry of interior dealing with abuse of power by the police. The UK is funding a project this year to develop a database cataloguing the different types of human rights violations. We have also given new funding to the Nizhny Novgorod committee to expand its regional network. The committee will use our funds to identify partners in five other cities including Yekaterinburg and Krasnoyarsk.

We continue to have concerns about **India's** delay in ratifying the Convention Against Torture (CAT). Foreign Office Minister Mike O'Brien discussed India's position with Mr I D Swami, the Indian Minister of State for Home Affairs, on 17 October 2002 during his visit to India. We understand that India is planning to start the process of ratifying CAT, although a Bill has not yet been brought before the Indian Parliament. We continue to encourage India to ratify CAT.

EU guidelines on torture

Since 2001 there has been very limited action taken by the EU on torture. The Danish presidency sought to reinvigorate the EU efforts in this area. EU partners at the Copenhagen Summit on 10 December 2002 took an important step in combating torture at the multilateral level by adopting a working paper on implementing the EU guidelines on torture in third countries – which were adopted on 9 April 2001. These guidelines give the EU an operational tool to use with third countries to strengthen efforts to prevent and eradicate torture and ill-treatment in all parts of the world.

The periodic EU Heads of Mission reports are central to a concerted policy on eradicating torture. The Heads of Mission are required to produce reports which analyse the occurrence of torture and ill-treatment in their countries, the measures the governments take to combat it and suggestions for EU action. The EU human rights working group COHOM uses the reports to identify persistent patterns of torture and agree further action, such as technical assistance via the European Initiative for Democracy and Human Rights. So far the Heads of Mission have produced about 50 reports. Most of the reports confirm the fact that police carry out most incidents of torture within 48 hours of detention. In some cases, the police use torture to degrade or punish. Usually, the police who use torture routinely are poorly trained and low-paid. Other factors that contribute to the use of torture are weak and ineffective judiciary, over-reliance on the use of confessions in criminal proceedings, poor prison conditions and police impunity.

7.7 Death penalty

"The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process."

Kofi Annan, Secretary-General of the UN

The UK Government is opposed to the death penalty in all circumstances. The UK removed the death penalty from the UK statute books in 1998. Promoting the universal abolition of the death penalty has become one of the most important elements of the UK's human rights policy. We work closely with our EU partners to achieve this aim. On 22 September 2002, the UK completed the process of abolishing the death penalty in its Overseas Territories by abolishing the death penalty for treason and piracy in Turks and Caicos Islands. In recent years, the UK has:

- abolished the death penalty for all crimes through the Crime and Disorder Act and Human Rights Act (both passed in 1998);
- ratified the Second Optional Protocol to the UN International Covenant on Civil and Political Rights, which bans the use of capital punishment;
- ratified Protocol 6 of the European Convention on Human Rights which abolishes the death penalty in most circumstances; and
- signed Protocol 13 of the ECHR, which bans the use of the death penalty in all circumstances, including time of war. We expect to ratify the Protocol in autumn 2003.

In 1998, the then Foreign Secretary Robin Cook established a Death Penalty Panel made up of academic, legal and NGO experts on death penalty issues. This FCO panel helps the UK Government draw up strategies for the worldwide abolition of the death penalty. The panel met twice in 2003. In February it discussed developments in the use of the death penalty in Africa and reviewed EU démarches to African governments. In July, it discussed developments in Asia.

Through the HRPF, the FCO supports projects aimed at promoting debate about the death penalty in various countries, including the **Caribbean** and the **US**. In **Jamaica**, we are funding UK barristers to assist Jamaican lawyers defending in death row cases. The UK volunteers help to prepare cases and assist at court during the presentation of the case. The project incorporates seminars on human rights and advocacy training for universities, law schools and the local Bar.

In **Pakistan** there are currently estimated to be over 5,400 prisoners under sentence of death. Around 40 people are executed each year by hanging. Condemned prisoners may spend long years in prison waiting for their sentences to be confirmed or quashed, with facilities that are considerably inferior to those available for people facing a simple prison sentence. Social discrimination is rife: well-connected and rich defendants are most likely to get their sentences quashed on appeal, to achieve acquittal or to bargain with the relatives of their victim. There is no national campaign against the death penalty: this is partly because of the strength of the religious lobby. We are funding the International Human Rights Law Group to heighten awareness about the death penalty and to help socially disadvantaged prisoners on death row challenge their sentences.

China is believed to execute more people than all of the other countries in the world combined. We can only estimate the numbers in the absence of official figures although many executions are reported in the press. There was an increase in the number of executions immediately prior to the 16th Party Congress in November 2002. There are more executions during anti-crime 'Strike Hard' campaigns – one recently ended in April 2003. During these campaigns, there is greater political pressure than usual on the police and courts to secure convictions. This pressure adversely affects proper criminal procedure.

Xiao Yang, President of China's Supreme People's Court, said in March that in the past five years 819,000 people had been sentenced to death (including suspended death sentences), to life imprisonment or to prison terms of over five years. This is a 25 per cent increase over official figures for the previous five years. Abolition of the death penalty remains a long way off. Lethal injections are to replace firing squads as the recommended means of execution for death sentence victims. For example, the province of Yunnan has deployed a fleet of 18 vehicles to administer the lethal injections.

We are co-funding a project by the European Initiative for Democracy and Human Rights and the Great Britain-China Centre to reduce the use of the death penalty by strengthening the capacity and role of defence lawyers in capital crime cases. The project will compile a document to clarify how far China's implementation of the death penalty falls short of the minimum standards set out in Article 6 of the ICCPR (International Convention on Civil and Political Rights). We are further working to reduce executions in China by funding the British Council to manage a project encouraging amendment of the 1997 Criminal Law. This aims to narrow the 'most serious crimes' category and thus reduce the number of non-violent capital crimes.

Death penalty around the world

The global trend is undoubtedly towards abolition. But exact statistics on the use of the death penalty vary.

The UN Secretary-General Kofi Annan submitted a report on the question of the death penalty to the 2003 session of the Commission on Human Rights. According to this report, 77 countries and territories had completely abolished the death penalty and 14 had abolished it for ordinary crimes (they retained it for crimes under military law or crimes committed in exceptional circumstances, such as wartime). The report considered 33 countries *de facto* abolitionist, on the basis that they retain the death penalty but have not used it for at least 10 years. Seventy-one countries retained the death penalty.

Amnesty International, a leading campaigner for abolition of the death penalty, classifies a country or territory 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 has reported that, as of August 2003, 76 countries or territories had abolished the death penalty for all crimes and 15 had abolished it for ordinary crimes. Twenty-one countries were *de facto* abolitionist. Eighty-three countries retained the death penalty.

According to Amnesty International, there were at least 1,526 confirmed executions in 31 countries during 2002. At least 3,248 people were sentenced to death in 67 countries. The true figures are certainly much higher, given the difficulty in compiling statistics on the use of the death penalty in many countries. Eighty-one per cent of all known executions took place in **China**, **Iran** and the **US**.

Recent developments

Russia has maintained the moratorium on death sentences, bolstered by a constitutional court ruling in 1999 that the death penalty could not be applied until all Russian regions have instituted trial by jury by 2007. The government has commuted the sentences of prisoners previously sentenced to death. There has been no progress towards ratifying Protocol 6 to the European Convention. In February 2002, the State Duma passed a resolution against early ratification of the Protocol. We continue to push for ratification.

In **Sri Lanka** over the past year, we have raised with the government our concerns about the death penalty and torture in custody. The EU has also lobbied the Sri Lankan government against using the death penalty. On 7 February 2003 the interior minister announced that the government was considering resuming executions in response to the rising crime rate. A parliamentary debate was held on 5 June at which the

majority of MPs who spoke from both parties were against the death penalty both on moral grounds and because they felt it would not have an effect on the crime rate. No vote was taken and there will be no change in legislation. The president would need to personally approve any execution, and it is believed she would have religious concerns over doing so. The prospect of resumption therefore remains minimal.

- > In **Cyprus**, the government amended the Military Criminal Code in 2002 to remove the death penalty for military offences (treason and piracy), thus making Cyprus wholly abolitionist. The government had abolished the death penalty for murder in 1983. The last execution was in 1962.
- > **Turkey** adopted in August 2002 a law abolishing the death penalty except in time of "war or imminent threat of war". The new law replaced the death penalty with life imprisonment, with no possibility of release for certain prisoners.
- > In June 2002, the then **Federal Republic of Yugoslavia** fully abolished the death penalty when the Montenegrin Assembly adopted changes to the Criminal Code removing the penalty from the laws of Montenegro, the only part of the country where it still existed.
- > In the **Philippines**, President Gloria Macapagal-Arroyo has suspended all executions while the Philippine Congress debates a Bill abolishing the death penalty. (There is currently one British national on death row.)
- > On 11 March 2002, the **Fiji** government removed the death penalty from the penal code via the Penal Code (Amendment) Act No. 5 of 2002.
- > The president of **Kyrgyzstan** announced in January 2003 that he was extending the country's moratorium on executions for another year.

During 2002, **Djibouti**, **Lithuania** and **South Africa** ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), bringing the number of state parties to 49. In addition, **Andorra** signed the Protocol, bringing to 31 the number of countries that have signed the Protocol but not yet ratified it.

As of July 2003, 26 European countries had signed Protocol 13 to the European Convention on Human Rights, which abolished the death penalty in all circumstances, including wartime. Fifteen countries have ratified it. The Protocol came into force on 1 July 2003.

The death penalty in the Caribbean

Over the past year, the death penalty has been much debated in the Caribbean, where 11 countries retain capital punishment.

In the Caribbean as elsewhere, the death penalty issue has to be considered within the overall criminal justice system. The UK fully appreciates concerns in the Caribbean about rising crime. But we do not believe that the death penalty is the answer. The FCO is helping various Commonwealth Caribbean governments with projects to reduce crime and improve police training and the administration of justice, including prison conditions. In April 2003 we appointed a law enforcement adviser for the Caribbean, based in the FCO, to co-ordinate our efforts in the region.

The Judicial Committee of the Privy Council (JCPC) is the final court of appeal in death penalty cases in all Commonwealth Caribbean countries except Guyana, which has its own supreme court. Many states chose to retain the JCPC as their final court of appeal upon independence as they believed this would preserve the highest standards of justice at relatively little cost. Where the JCPC makes judgements on the death penalty, it does so in accordance with the domestic law of the country concerned and not English law. There has been some speculation about the possibility of the UK withdrawing the facility of the JCPC as the supreme appellate authority for Commonwealth Caribbean states. The UK Government recently announced it would establish a supreme court. There will be a process of consultation on the supreme court but the current thinking is that the judicial committee's Commonwealth jurisdiction (including the Overseas Territories and the Crown Dependencies) should remain undisturbed and available to those states who wish to continue using it. However, the Caribbean Community (CARICOM), an economic and political grouping of Caribbean states, is in the process of setting up a Caribbean Court of Justice (CCJ), which will take over the JCPC's role. In 2002, CARICOM took the final steps to agree a treaty. 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 be established before the end of 2003. The Caribbean Development Bank is considering the court's funding as it needs to be functioning for the operation of the Caribbean single market economy due to start in 2005. Barbados has already notified the JCPC of its intention to abolish appeals from the supreme court of Barbados to the privy council once the CCJ is functioning. Some countries still need to amend domestic legislation or, in the case of Antigua and Barbuda, hold a referendum before they can become part of the CCJ. Three countries, St Vincent, Dominica and the Bahamas have not signed or ratified the treaty.

While these issues are being resolved, the JCPC remains in effect the supreme court for Commonwealth Caribbean death penalty cases. In March 2002 the JCPC passed a landmark ruling that the mandatory death sentence in the Eastern Caribbean was unconstitutional. While not outlawing the death sentence, this decision allows for mitigating evidence to be taken into consideration before a defendant is sentenced. This is a welcome development.

In 2002, Barbados and Belize proposed amendments to their constitutions. The EU, concerned that the amendments conflicted with international standards on the imposition of the death penalty, raised its concerns with both countries. In November 2002, the Inter-American Commission on Human Rights found that the constitutional amendments contravened international obligations. The parliament of Barbados has ratified the amendments. Belize subsequently withdrew the amendments to its constitution.

EU and the death penalty

In 1998, under the UK Presidency, the EU drew up guidelines on its death penalty policy. These include criteria for making démarches (or representations) to countries that retain the death penalty. Under these guidelines, the EU will make representations:

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 rates are highest in southern states where most executions occur.

"Murderers deserve no mercy"

All people are entitled to full protection before the law and full observance of their human rights. Governments must bring criminals to justice. But there are other means of doing this. And with the death penalty miscarriages of justice are irreversible. 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 so. In 2002, a majority of countries had ended capital punishment in law or practice. Many more had moratoria on its use. The international consensus is moving towards abolition.

"Most people want the death penalty"

Poll after poll finds that the more people know about the death penalty — and possible alternatives to execution — so their support for the death penalty drops. That is why the UK encourages more debate about the death penalty in countries which retain it.

- > 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 Burma, the Palestinian Authority, Kuwait, the Philippines, Japan, Nigeria, Tajikistan, DRC, the US, Uganda, Sudan, Indonesia, Qatar, Belize, Barbados, China, Laos, Sri Lanka, Iran, India, Lebanon and Uzbekistan. The EU also raised the issue in its human rights dialogues and troika meetings with countries such as the US, China, Japan and Iran.

The EU tables a resolution on the death penalty at each session of the UN Commission on Human Rights in Geneva. The 2003 session of the Commission adopted a resolution calling on all states to abolish the death penalty or impose a moratorium on its use; and also urging those states that retain the death penalty to comply with the minimum standards that the UN's Economic and Social Council established in 1984. The resolution attracted a record number of co-sponsors (75).

On 30 September 2002, EU foreign ministers issued a declaration condemning the use of stoning and other cruel means of execution and calling for an immediate end to such forms of capital punishment.

Action on the death penalty in the US

The UK Government opposes the death penalty and its use on British nationals everywhere. The UK and the US share many of the same objectives for human rights and democracy around the world, but we fundamentally disagree over the use of the death penalty. The UK makes representations against the death penalty, at whatever stage we judge the most appropriate and effective, on behalf of British nationals on death row or those facing a possible death sentence, and in cases where we believe that the use of the death penalty falls short of UN minimum standards.

The State of Maryland put in place a moratorium against the use of the death penalty on 9 May 2002. However, Governor Bob Ehrlich reinstated the use of capital punishment when he came to office in January 2003. The state senate defeated a Bill to halt executions to provide time for further study of the fairness of Maryland's death penalty on 18 March 2003 by a narrow margin: 24-23. Even if the Bill had passed the senate

and the house of delegates, Governor Ehrlich had pledged to veto it. Overall, 38 states, the federal government and the military still have capital punishment on the statute books.

In Illinois, Governor George Ryan commuted the death sentences of all 167 death row inmates to life imprisonment on 11 January 2003. The move followed a moratorium announced in January 2000. We welcome the commutation of these death sentences and will continue to press for moratoria in the remaining retentionist states.

We make our views clear through frequent bilateral representations of our specific concerns to the US state authorities.

Action on behalf of British nationals:

- > **August 2002:** Baroness Amos (the then Foreign Office Minister with responsibility for consular matters) wrote to the US District Attorney in New York State urging him not to seek the death penalty in the case of Adrian Cole and Rockefeller Johnson.
- > **September 2002:** Baroness Amos wrote to the Hamilton County District Attorney and the Executive Assistant District Attorney urging them not to seek the death penalty in the case of Peter Billington.
- > **January 2003:** Baroness Amos wrote to the Chairman of the Texas Board of Pardons and Paroles, the District Attorney for Travis County and the Travis County Sheriff on behalf of Jackie Elliott.
- > **January 2003:** the Foreign Secretary Jack Straw wrote to the Governor of Texas and telephoned the Chair of the Texas Pardons and Parole Board and the Governor's Office on behalf of Jackie Elliott. (See page 81 for more details.)

EU action

Under the EU guidelines, with our EU partners, we make regular representations to raise cases of prisoners facing the death penalty. Full details are available at www.eurunion.org.

As well as lobbying, the UK gives financial support to practical projects that may in the long run reduce the incidence of capital punishment in the US. The UK-based charity Amicus assists those practising in the field of capital defence in the US. The project supports the UK's policy of opposing the death penalty worldwide. Amicus arranges placements for UK lawyers and postgraduates in the US and provides training and financial assistance for interns. Amicus assists US attorneys

Amina Lawal

In last year's Annual Report we gave details of the case of Amina Lawal, whose appeal was still pending when we went to press. The Funtua lower Sharia court, Katsina State, **Nigeria**, convicted Mrs Lawal of adultery in March 2002, on the evidence of her pregnancy and resulting child, and sentenced her to be stoned to death. The court deferred the sentence until she had weaned her child (January 2004). She appealed unsuccessfully to the upper Sharia court in Funtua in August 2002. Her defence team then appealed to the Katsina State Sharia court of appeal; the appeal should have been heard on 24 March 2003 but – in the absence of one of the judges – the court deferred the hearing until 3 June. On 3 June, however, two judges failed to appear, and the court rescheduled the appeal for 25 August 2003. If that appeal fails, there is the option of appealing to the federal court of appeal in Kaduna. Failing that, Mrs Lawal can appeal to

the federal supreme court in Abuja. Mrs Lawal's case has generated considerable public concern in Nigeria, as did the case of Safiyatu Hussaini, who was acquitted in March 2002 after being sentenced to death by stoning for adultery. A number of Miss World 2002 contestants withdrew from the pageant, scheduled to be held in Nigeria in December 2002, in protest at the handling of Mrs Lawal's case. The federal government has made its opposition to the stoning and other inhumane sentences clear. It has declared them discriminatory (Muslims are bound by the Sharia penal code, Christians have a choice) and detrimental to Nigeria's international standing. Exercise of the Sharia penal code is, however, entirely under the control of the relevant states. The federal justice system only comes into play if the defendant appeals to the federal appeal courts having first exhausted the state level Sharia appeal courts.

with legal work from the UK, such as *amicus curiae* briefs, research and international applications and by providing trained trial observers.

The UK also funds the International Justice Project in the US. The project, administered by a human rights advocate, works towards greater use of international law and human rights standards in US capital punishment cases. The project's activities include:

- > providing technical assistance and co-ordinating efforts to promote international law and human rights standards;
- > liaising between foreign governments and legal counsel to provide comprehensive, accurate and timely information;
- > guiding political and legal strategy when intervention by foreign governments is being considered;

- > collating information, experience and expertise and sharing technical legal knowledge and legislative strategy with lawyers, students, international entities and organisations;
- > publishing resources in paperback format and for downloading from its website: www.internationaljusticeproject.org ;
- > organising conferences and workshops on international law relating to the death penalty, enabling discussion between international and domestic communities; and
- > establishing an internship programme, bringing students of human rights and international law, especially from countries that use the death penalty, to work with the project. Students study general principles of international law and the relationship between international and domestic law.

7.8 Judicial reform

Rule of law is the concept of a state governed by law and according to fundamental legal principles related to the administration of justice. These principles include the independence and impartiality of the judiciary and the universal applicability of law. Countries that respect human rights and the rule of law at home tend also to do so in their dealings with the rest of the world. They make more stable and predictable partners for us to travel to, invest in and trade and co-operate with. There is also a clear link between human rights and prosperity. Open societies that are adaptable, creative and in which information is accessible are also prosperous societies. Conversely, authoritarian government breeds corruption, arbitrary rule and human rights abuses. The rule of law flourishes in open societies with governments that are accountable.

The FCO has three main priorities concerning the rule of law:

- > **we support the development and implementation of international human rights instruments and standards on law enforcement (judiciary, lawyers and enforcement agencies) and prison conditions;**
- > **we support the independence of judges and lawyers and their professional associations; and**
- > **we work to combat torture and ill-treatment by law enforcement agencies.**

We work with the Department for International Development (DFID), the Department for Constitutional Affairs (DCA) and the British Council to encourage governments to take on these

priorities and therefore extend the rule of law worldwide. We launched a rule of law action programme in February 2003. A key element of the programme is the UK Government Justice Sector Consultative Forum, which will increase co-operation between government departments and enhance strategic co-ordination in the UK's work in the rule of law. We are planning to establish a justice sector NGO panel to bring together the leading justice sector NGOs and professional associations to discuss rule of law issues. We fund many individual projects in countries around the world through the Human Rights Project Fund (HRPF) and by working with DFID and DCA. We also support projects connected with governance and the rule of law that are managed through international organisations such as the UN and the EU.

In response to a request from the chief justice in **Indonesia** for human rights training for the judiciary, the University of Birmingham designed and carried out an intensive training course for five Indonesian judges. We are supporting another course in November 2003.

The Judicial Studies Board has worked with the **Lithuanian** Judicial Training Centre on a three-day human rights training course for Lithuanian judges. The course concentrated on articles of the European Convention on Human Rights (ECHR) most relevant to Lithuanian judges, drawing examples from Lithuanian ECHR cases. We received very positive feedback on the course from the judicial training centre staff and participants.

The DCA, the British Council and the Polish government co-funded a seminar in Warsaw on human rights and EU accession: Learning Together, for judges and officials from Poland, the Czech Republic, Slovakia, Latvia, Lithuania, Estonia, Belarus and Ukraine. The Lord Slynn of Hadley Foundation ran the seminar, and the former Foreign Office Minister Baroness Scotland gave a speech on the economic case for human rights.

While we address issues that are specific to individual countries' legal and judicial systems, we are also keen to get a broader overview of some of the issues facing the world's judiciary and legal services. Thus HRPF is funding a report on the independence of judges and lawyers around the world. The International Commission of Jurists (ICJ) will manage the two-year project, using its international network of legal experts and building on its previous reporting. The ICJ will publish 75 new or updated country reports on the Internet in the first year and 25 more in the second year. The reports address harassment and persecution of judges and lawyers, interference with the discharge of their professional functions, freedom of association, judicial impartiality, corruption and accountability. They will provide an authoritative reference for judges, bar

associations and other lawyers, governments, NGOs and the UN. The online format allows country entries to be created and updated regularly.

We work with the British Council in many countries to support the rule of law. To make sure that **Georgia's** new code of criminal procedure reflects human rights standards, the British Council in Georgia organised a seminar on international criminal justice systems, in partnership with the American Bar Association (ABA) and the Association for Public and Legal Education, chaired by Dr Richard Vogler from the University of Sussex. Participants included MPs, leaders of major parliamentary factions, the chair and other representatives of the supreme court, national and international NGOs, lawyers and experts from the Council of Europe. The seminar encouraged dialogue between governmental and non-governmental sectors and provided information about the justice systems and human rights safeguards of EU member states and the US. Before the seminar, the British Council had organised workshops for NGOs, human rights lawyers and independent experts to elaborate basic principles for the new criminal justice system. These principles have been incorporated into the reform concept paper produced by the Criminal Justice Reform Commission.

Russia's legal system is gradually moving from an inquisitorial to an adversarial based system. The Russian authorities have made significant progress towards judicial reform in the past year, with amendments to the country's criminal, civil and commercial procedure codes and a commitment to introduce jury trials in 70 regions in 2003, in 88 regions by 2004, and finally in Chechnya in 2007. Other key measures include establishing the presumption of innocence; making judges more accountable and less corruptible; requiring a court order for search and arrest warrants; and abolishing the practice of sending back cases for further investigation.

The new Criminal Procedure Code, the centrepiece of Russia's judicial reform package, came into force on 1 July 2002. Some positive statistics came out of its first few months of operation: the number of criminal cases initiated fell by 22 per cent; the number of accused people who were granted bail increased by 150 per cent; and the number of accused being acquitted, doubled (albeit from a low base). It is crucial that the code is effectively implemented and we will continue to monitor its progress.

We are funding a project to strengthen human rights law within the **Belarusian** legal community by increasing theoretical and practical expertise and developing links with the regional and international legal community. The British East-West Centre (BEWC), which is running this HRPF project, has created a

unique training programme over the last two years in international human rights law and strengthening local capacity for young lawyers and law students in Belarus. The training involves newly-created ECHR material delivered as a combination of lecture notes and practical case studies (including mock trials) dealing with different articles of the convention. The project provides training in international human rights law for 30 trainers and 60 practitioners and will give six Belarusian trainers first-hand experience of the European Court of Human Rights in Strasbourg. BEWC will publish an international human rights law training manual in Russian and English and set up a website with the full training course and an national and international networking facility for lawyers.

In **Thailand**, the government has restructured the ministry of justice. The ministry has a new forensic science institute, an agency independent from the police for the first time. We worked with the institute to improve forensic investigation standards. Thailand has also implemented legislation to rehabilitate drug users rather than incarcerate them. We saw further progress in a British Council project that worked with local partners on a training package for officials involved in implementing new child protection laws. With UNICEF support, the training package is being rolled out nation-wide.

The lack of experience in advocacy is a huge weakness for **Cambodian** NGOs. With the Asia Foundation, we are co-funding a project to help Cambodia create its first Advocacy Training Unit. The unit will train NGO staff in designing, implementing, managing and evaluating advocacy campaigns. In **Vanuatu**, we are working with Voluntary Service Overseas (VSO) to support an adviser on international law to the government. Vanuatu has only ratified two of the principal international human rights treaties: the Convention on the Elimination of all forms of Discrimination Against Women and the Convention on the Rights of the Child. The government is in favour of ratifying other conventions, but lacks the necessary structural and human resources to do so. The adviser will work with the government to increase the number of international treaties and conventions Vanuatu signs up to.

Many Chinese legal professionals consider the UK a centre of legal excellence and a valuable point of comparison in developing their own systems. We are active in several areas in **China** to improve respect for good governance, the rule of law and human rights generally. In partnership with the British Council and the Great Britain China Centre, we are funding a two-year project on the pre-trial right of the criminal defence lawyer to be present during questioning by police and prosecutors and to interview the suspect independently of police and prosecutors. Neither of these is currently provided

for in Chinese law. Furthermore, hundreds of thousands of people are detained arbitrarily and without trial through a system of administrative detention known as 're-education through labour'. Chinese criminal defence lawyers encounter many difficulties in protecting the interests of their clients. Although the 1996 Criminal Procedure Law contained many welcome amendments in terms of suspects' access to a defence lawyer, there remain several articles which unfairly restrict defence lawyers' rights and, by extension, those of their clients. This project will strengthen the right of criminal defence lawyers to collect evidence without the need for prior approval from the court system and procuratorate and strengthen criminal defence lawyers' right to impunity when challenging state evidence. This work will bring China closer to the standards relating to fair trial elaborated in Article 14 (3) of the International Convention on Civil and Political Rights. The project supports further reform by providing legal expertise in the UK criminal defence system.

Strengthening people's voices and promoting an administrative affairs public hearing system is a priority in China. By working in this area, we can make it more difficult for administrative authorities to violate citizens' rights and we can increase government accountability. We are financing a project that will promote new legislation on administrative affairs public hearing procedures. The project has an interesting background. Public hearing procedures were first formally introduced into Chinese law to complement the Price Law. On 1 October 2001, the State Development Planning Commission published draft regulations on public hearings during the government's decision-making process on prices. On 12 January 2002, the State Development Planning Commission held the first public hearing in Beijing on train ticket prices. The subject was of concern to tens of millions of Chinese people and the hearing was hailed as a milestone in the development of China's rule of law process. China Central Television made a three-hour live nationwide broadcast of the hearing. This event set an important precedent as it was the Chinese government's first attempt to open some of its functions to public scrutiny and account. It also led to a marginal decrease in ticket prices.

As yet, there are no procedural rules in China for people presiding over a public hearing. Consequently, different parties may not get a fair opportunity to put their case and people's right to information concerning government activity may be impeded. The project team, led by Jiang Bixin, a Vice-President of the Supreme People's Court of China, will produce draft regulations on administrative affairs public hearing procedures and forward them to the legal affairs office (LAO) of the state council. Two British experts will visit China to comment on the draft and share experiences of effective public hearing mechanisms. The LAO is empowered to turn the draft into

administrative regulations, affecting all administrative authorities. Ultimately, this could be the source of future national legislation.

The Tibet Autonomous Region is the least populous province in China – there are only 2.4 million ethnic Tibetans in the area (half of China's ethnic Tibetan population). Xinjiang Uyghur Autonomous Region has 11 million ethnic Uyghurs. Both regions are among the most undeveloped in China and both ethnic groups suffer from low legal awareness. The China Law Society is running an HRPF project to promote the legal awareness of members of the Tibetan and Uyghur ethnic minority groups and encourage them to protect their rights through legal means. The project also promotes legal awareness among local government officials. The project will achieve its aim primarily by publishing 80,000 copies of *Peasants' Rights Protection* and *Case Collection* in the Uyghur and Tibetan languages. Chinese legal experts will visit minority regions to lecture on the issue.

We plan to bring together a generation of Saudi lawyers, with academics, legal practitioners, regulators, human rights journalists and diplomats from the Arab world and the West for a three-day legal conference in December 2003. The aim is to produce an agreed agenda on how **Saudi Arabia** can implement some of the UN's recommendations over the next 12 months. The EU, UN and British Embassy in Riyadh have organised the conference to train Saudi lawyers on international human rights and judicial standards. The conference should encourage a more open discussion between the Saudi legal profession, authorities and international experts on how to identify and improve problems. Another objective is to engage with the Saudis on the new Code of Criminal Practice and encourage them to implement it fully, as soon as possible. We also want to encourage the Saudis to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as implement fully the conventions they have already signed up to.

Legislative change is vital for many governments if they are to make real progress in good governance and the rule of law. We are empowering **Egyptian** civil society by funding a campaign for legislative change to the emergency laws. The emergency laws are major obstacles to progress on human rights in Egypt and reforming these laws has not yet been publicly discussed. This two-year project will create a network of 160 young lawyers and human rights activists to examine the laws and will include policy makers and the media in creating practical solutions to legal difficulties.

There is a great need and demand for legal and human rights education in **Sudan**, especially in slums and rural areas.

However, the Sudanese government is particularly sensitive to debate and training on human rights issues. Last year we funded Christian Aid's Mutawinat project, to take its human rights and legal awareness programme outside Khartoum. This programme was completed ahead of schedule and Mutawinat (a Sudanese women's group) is keen to build on its work by strengthening local legal and human rights education and developing its paralegal (legal assistant) training programme for trainers in northern Sudan. We are now funding a new two-year project for Christian Aid and Mutawinat to extend these activities to six new towns. Community leaders and workers will receive training in basic legal, human rights and gender awareness; six communities will get direct access to legal services through paralegals; and we will create a pool of 60 trainers to promote legal literacy. The programme will involve many women, thus also improving women's rights. In another FCO-funded project in Sudan last year, the British Council worked with the law faculty of the University of Khartoum to develop human rights curricula, create a cadre of in-house training experts through a workshop for trainers, and provide resource materials. The British consultant in the project was Professor Alan Miller from the University of Strathclyde. Eventually, the University of Khartoum aims to house a human rights centre.

We employ a wide range of techniques to spread information about good governance and the rule of law. Drama performances in **Zimbabwe** are making rural people more aware of their legal rights. The Legal Resources Foundation (LRF) selected 10 districts for dramatic performances that teach people to question violations of their rights and to take legal action where appropriate. An important outcome of this project will be enhancing the skills of LRF's paralegals to deal with issues of inheritance, maintenance, birth certificates, domestic violence and sexual offences. In a joint FCO-British Council project in **Ethiopia**, we are working towards a more efficient and fairer judicial system by co-ordinating delivery of criminal justice in all regions and at federal level and by linking it to a national strategy. There will be three seminars, each for 100 representatives from civil society, the police, prosecutors, regional administrations, the judiciary and the prisons. The project will develop a detailed needs analysis of the unique challenges of delivering joined-up justice in the Somali region.

We have a number of projects running in South America this year. In **Argentina**, we are funding the Centre for Legal and Social Studies to run the project Human Rights and Democratic Justice. The scheme aims to influence the work and organisation of the judiciary, make it more transparent and accessible, and substantially improve the way in which the

judiciary protects human rights. By starting a national debate on the lack of judicial independence we can encourage the judiciary to implement good practices that will safeguard its independence. The project is also working on judicial control of security forces.

If national reconciliation is to succeed the perpetrators of human rights atrocities during **Guatemala's** 36-year internal conflict need to be brought to justice. The Coordinadora de Asuntos Legales en Derechos Humanos (CALDH) is managing an HRPF project to promote justice for victims of genocide, crimes against humanity, war-crimes and other human rights violations. CALDH is a leading Guatemalan human rights NGO which, since 1994, has promoted and defended fundamental rights in the construction of peace and the rule of law in Guatemala. It offers assistance and free legal representation to victims of human rights abuses during the Guatemalan civil conflict (1960–1996). Project staff work with individual and community victims to investigate and prosecute cases. The project is strengthening the justice system through innovative training courses and technical support for prosecutors, police and judges.

A critical issue in **Ecuador** is the failure of the police and security officials to provide adequate protection to detainees. A cluster of rights known as the 'Miranda rights', after the law in which they were enacted, provide basic protection such as the right or access to a lawyer and the right against self-incrimination. However, the principles are often not applied. We are financing a project to improve the application of the Miranda Rights and to increase people's knowledge about this constitutional provision.

We are also funding a project to improve access to justice for marginalised groups through alternative dispute resolution based on community mediation and justices of the peace. According to the Ecuadorian law of arbitration and mediation, communities can create community mediation centres and can elect and register community mediators at the national judicial council. In practice, this right has been limited by lack of resources and know-how. As a result, communities have taken the law into their own hands, resorting to lynch law, including public burning alive. The Centre on Law and Society is implementing the project to co-ordinate indigenous and customary law with the national judicial system and national regulations. The project works in two ways: by training community mediators on alternative methods of conflict resolution, human rights, gender and the rule of law; and by helping community mediators to register at the national judicial council so they have powers to resolve disputes. We expect this project to improve access to justice for 10,000 people from urban and rural communities.

7.9 Penal reform

"The way a country treats its prisoners is a good test of its wider approach to human rights."

UK Home Office Prisons Minister Hilary Benn, speaking at the launch of the FCO Handbook *A Human Rights Approach to Prison Management* on 20 November 2002

In many countries offenders who are sent to prison are punished twice: first by being deprived of their liberty and then by the cruel and degrading treatment they receive within that prison. In some cases prisoners are the victims of deliberate mistreatment. In others they suffer from neglect. Both are breaches of international human rights commitments. For its part, the FCO is committed to improving the condition of prisons worldwide through the adoption and implementation of internationally agreed minimum standards for the treatment of prisoners as agreed by the UN General Assembly.

On 20 November 2002 the Foreign Secretary Jack Straw launched *A Human Rights Approach to Prison Management*. The handbook is a practical guide for those working in prisons. It was written by the International Centre for Prison Studies (ICPS) and was fully funded by the FCO's HRPF. It takes internationally agreed principles and makes practical recommendations on how to implement them in order to improve the day-to-day running of prisons. We have translated the handbook into Russian, Spanish and Turkish and have distributed it throughout the world. It is also available on the Internet at www.prisonstudies.org.

At the launch Mr Straw said: "There has never been such a global consensus in favour of human rights. Yet in too many parts of the world rhetoric does not match reality. If we are to bridge this gap, the implementation of human rights standards must have practical application in the everyday work of government. The best way of ensuring efficient, well-run prisons is to follow human rights. If the standards of care this handbook sets out are implemented, we will have taken another important step towards the universal application of human rights."

We make prison reform a priority. This year we increased our funding through HRPF for international prison reform projects from £599,000 in 2002–2003 to £666,000 in 2003–2004. We have supported a wide range of projects addressing a variety of problems and conditions, some of which are described below.

Tensions remain in many of **Turkey's** prisons and some hunger strikes persist. However, the protection of the rights of detainees has improved as the Turkish government takes measures to align prison reform with the Council of Europe's Committee for the Prevention of Torture recommendations. Reform packages have also facilitated the prosecution of those who impede lawyers, while the authorities have run successful independent prison monitoring projects and training programmes for prison management.

In the past year we have funded a number of prison reform projects in partnership with the Turkish ministry of justice. The British Council is implementing the projects, drawing on the expertise of ICPS and the Turkish institute of public administration. A recent project offered training for public prosecutors responsible for making sure that prison governors within their areas comply with the law. Our Ambassador in Turkey will soon launch the Turkish translation of *A Human Rights Approach to Prison Management* in Ankara.

We worked with the British Council in **Sudan** last year on two penal reform projects, in collaboration with the ministry of interior and a consultant from the UK police training department, Centrex. One project involved training prison staff and ministry of interior officials on penal reform and prison administration. The Chief Inspector for Prisons in England and Wales and the head of the NGO Penal Reform International (PRI) visited Sudan as part of the project. This was followed by a round table on prison policy bringing together high-level decision-makers, participants from the prison service, the police, the judiciary and civil society representatives who are involved in prison work. There was a follow-up workshop for those who we expect to implement the agreed policy. The second project provided human rights training for the Sudanese police. In March the British Council in co-operation with the British Embassy Khartoum organised a return visit to the UK for Major General Mohiedeen Awad, the then Head of Prisons. The visit gave him an overview of UK Government policy on prisons and how it fits into the wider criminal justice system, penal reform and human rights issues

The NGO Prison Reform International (PRI) is involved in prison monitoring in many countries and we are supporting a PRI project in **Kazakhstan** this year where the high rate of imprisonment (540 prisoners per 100,000 people) has a major impact on prison conditions. Kazakhstan has no legislation to allow regular public monitoring of places of detention and ensure that the authorities abide by rules such as those set by the UN Standard Minimum Rules for the Treatment of Prisoners. This project will strengthen regional NGOs by developing their skills on prison monitoring and making the prison system more transparent. An important aspect of the project is

disseminating information on prison monitoring, international standards and monitoring instruments. In the long term, the scheme will promote legislative amendments and mobilise public support for prison monitoring through newspapers and television programmes.

We are improving prison conditions in **Azerbaijan** by funding human rights training and legal advice activities in the notorious, high security Gobustan prison. The Azerbaijan Foundation for Democracy will implement this project and also a smaller-scale scheme to teach human rights and provide legal assistance to the prisoners. Through better monitoring, training and human rights literature, we hope to improve the treatment of prisoners and the conditions in which they are held. Our work has a broader objective as we expect this project to help us gain access to other prisons in Azerbaijan by building trust between the NGO, government and local authorities.

We are helping to reform criminal justice in **Kyrgyzstan**. Kyrgyzstan is one of the poorest countries of Central Asia and its prison system lacks resources. The prison population is comparatively high – 315 per 100,000 people. The transfer of the prison system to the ministry of justice means there are some promising developments and opportunities for prison reform. In particular there is a new law on reducing the prison population, a concept paper for prison reform and an understanding of the need to reform and willingness to co-operate with PRI. We are funding PRI to run a two-year project to promote a fundamental change of the prison system and advocate for legislative change that will allow greater use of alternatives to prison imprisonment. The project has four components: reducing the number of prisoners through alternative measures to imprisonment; incorporating international human rights standards in the national strategy for prison reform; and monitoring prison conditions through independent monitoring committees.

In **Africa** we are working with the Special Rapporteur on Prisons appointed by the African Commission on Human and Peoples Rights. Until now, the Special Rapporteur has been supported by PRI. Through PRI, we are funding a full-time assistant for the Special Rapporteur. The assistants' role will involve initiating contact with governments and arranging country visits; promoting the Special Rapporteurs visits; improving contact with African NGOs; participating in the missions and preparing reports; following up work to determine what measures have been taken to implement the Special Rapporteur's recommendations; and encouraging governments to include information about prison conditions in their reports to the commission. This project also includes preparing the *Special Rapporteur Handbook*, with guidelines on preparing for missions and writing reports.

We aim to improve prison conditions and the rehabilitation of prisoners in **Libya** by financing a visit to Libya by two representatives of the ICPS. The Qadhafi Foundation Human Rights Association (QFHRA) will host the visit, which includes prison visits, meetings with officials and prison authorities and training sessions. QFHRA will co-ordinate a follow-up programme with the ministry for justice and public security. An important aspect of this project is for us to assess what opportunities there may be for future work in Libya.

Moroccan law provides a set of complaint mechanisms to prisoners, but fear of retaliation often prevents them from lodging any complaints. L'Observatoire Marocain des Prisons (OMP), the only specialised NGO in the field, has made 52 visits to prisons and established a working relationship with the central prison administration (CPA) senior officials. During 2002, OMP received more than 10 complaint letters a week from prisoners. Shortly after taking office, the new justice minister asked the OMP for proposals to improve prisoners' living conditions and suggested that OMP activists become part of the regional commissions that visit prisons. One of OMP's proposals was to set up an independent centre to handle prisoners' complaints. We are funding this centre and the publication of its annual report and recommendations. Other project activities include: eight one-day workshops for 60 prison warders and governors and 10 public prosecutors on international human rights mechanisms and the new complaint centre; and distributing 20,000 copies of a legal guide for prisoners' complaints. Ultimately, we aim to reduce tension in prisons and prevent incidents due to negligence and bad management.

Conditions in **Brazil's** prison system feature regularly in reports from organisations such as Amnesty International and Human Rights Watch. The Human Rights Commission of Brazil's chamber of deputies has consistently highlighted the situation in Brazilian prisons where human rights abuses are common. We have co-funded highly successful prison reform in Sao Paulo state. There are several implementing organisations for the project: the British Embassy; the British Council; ICPS; 4Cj (Centre for Comparative Criminology and Criminal Justice, University of Wales); the department of prisons, Brazilian ministry of justice; and the department of prison administration, state of Sao Paulo. Project activities included a training workshop for staff from four prisons, from the state and federal prison administrations, from the state prison training school and from local NGOs. They studied international human rights standards and their practical application; prison management; preparation for prison evaluation visits; and project management. In March 2003, the workshop participants made evaluation visits to prisons in Sao Paulo. The initial impetus for this project came from the state

secretary for prisons in Sao Paulo and both the state and federal authorities threw their full support behind the project. This was crucial to the project's success. The project achieved immediate and long-term improvement in the respect for human rights within the Sao Paulo prison system. It has also become a model for prisons throughout the country.

We are strengthening respect for the rights of pre-trial detainees and conditions of detention in jails and penitentiary institutions in **Hungary** by funding the Hungarian Helsinki Committee to monitor human rights and produce a comprehensive report on the conditions. The committee will also publish information leaflets in five major foreign languages for detainees on the rights and obligations of pre-trial detainees, which will help foreign detainees to exercise their rights.

We contributed to a three-year project with the European Commission to reduce torture and other cruel and degrading treatment in **Moldovan** prisons. The NGO Consortium against Torture was able to fund 100 radio broadcasts, seven TV programmes and four bulletins in Romanian and Russian. It also developed and piloted a new human rights curriculum for the penitentiary department. In addition, we sponsored a visit by the department's director general and two others to Russia to share best practice developed in the framework of a DFID-funded project in Moscow's pre-trial detention centres.

Conditions in **Russian** prisons remain extremely poor. They are overcrowded, with poor sanitation, nutrition and standards of health. The incidence of tuberculosis is particularly high. However, the Russian prisons administration has said that it is committed to improving prison conditions and there have been some positive trends. The new Criminal Procedural Code, introduced on 1 July 2002, reduced overcrowding in prisons and in pre-trial detention centres. For example, by November 2002 the number of arrests had fallen from 23,000 to 15,000 a month. Changes in sentencing policy and the continuing amnesties of prisoners convicted of less serious crimes have also helped. The government has improved funding and some new facilities have been constructed.

The Prison Partnership Project between DFID and the Russian ministry of justice has successfully tackled some poor conditions, such as removing shutters from windows in remand institutions and introduced policy changes. To build on this work we are funding a school for public inspectors of prisons. In co-operation with the British Boards of Visitors (BoV) the school's trainers will attend seminars and training courses at the BoV training centre. They will then train 50 public inspectors of prisons for Moscow and the Russian regions. The ministry of justice has also distributed a Russian-language version of *A Human Rights Approach to Prison Management* to

prison staff at all the adult and juvenile correctional colonies and the five regional prison training centres.

The UK Government has a duty to ensure human rights are adhered to in the Overseas Territories. The 4,000 people of **St Helena** are now full British citizens, following the Overseas Territories Act 2002. As such they should be confident that their prison system is of a similar standard to that in the UK. The St Helena police, who currently take responsibility for the prison service, have recognised shortcomings in their prison system. The working arrangements of the prison service need reviewing in order to comply with *A Human Rights Approach to Prison Management*.

HM Prison, Jamestown, is the only secure lock-up. It has two sections. One section is for convicted inmates, with male and female wings; the other section is for holding adult men. There are no holding cells for women: they are lodged in the female convict wing. There are no separate facilities for arrested children: they are lodged in either the adult cells or in the staff day room. The number of offenders is small but growing and it is necessary to ensure best practice in policies and procedures, especially with regard to children, through structural changes, adequate provision of equipment and staff training. We are funding the St Helena government to manage a project that will reform their prison service by reducing the number of juveniles lodged in adult cells; reducing prisoner recalls; reducing prisoner re-offending rates; and ensuring that discipline matters are dealt with in the service.

7.10 Security forces and the police

Governments have a dual responsibility in terms of law and order. On the one hand they must ensure the safety and prosperity of all citizens by preventing crime and punishing offenders. This needs an adequately staffed and well-equipped police force. At the same time, the government needs to regulate the police force itself to avoid abuse of power. These two responsibilities are not in opposition – as is often claimed by those who defend violent and heavy-handed policing – but are mutually reinforcing. A well-disciplined and well-respected police force is a better guarantee of security than one which is known to be brutal, corrupt and unaccountable.

Ethiopia's security forces over-reacted to riots and demonstrations on several occasions, with disastrous consequences. In March 2002, police in Tepi (Southern Region) shot at demonstrators who were expressing their discontent with the organisation of local elections. The police killed at least 100 civilians and detained many hundreds more. In May 2002, soldiers used machine guns mounted on an armoured car to shoot into a crowd of unarmed farmers who were

protesting against a change in the administrative status of the city of Awassa, capital of Southern Region.

The Ethiopian government is still investigating these shocking incidents in Tepi and Awassa. The EU remains concerned at the lack of transparency during investigations and the impression of judicial impunity for those suspected of being involved, for whom there are internal party sanctions rather than judicial prosecution. The Ethiopian government has asked the UK to provide training for police and security forces to assist democratisation and increase respect for human rights. A joint MOD, DFID and FCO mission visited Ethiopia in March 2003 as a first response to this request.

In a bid to tackle the deteriorating law and order situation, the **Bangladesh** government deployed approximately 26,000 troops across the country in October 2002. Over 11,000 people, including 2,500 listed criminals, were arrested in Operation Clean Heart and some 2,000 firearms recovered. People generally welcomed the move and the operation may have helped combat problems of law and order in Bangladesh.

However, during the operation at least 42 people were reported to have died. We are concerned by reports of detainees being mistreated. Many were allegedly tortured, which included beatings and electric shock treatment. Bangladesh is a signatory of the Convention Against Torture, but there are still widespread allegations of torture being used. The operation concluded on 9 January 2003 and on the same day the government promulgated the Joint Drive Indemnity Ordinance 2003, which indemnified all actions by the forces involved in Operation Clean Heart and by those issuing the orders. The ordinance was passed as an act by parliament on 23 February 2003, with an amendment allowing security forces to take internal action to punish their members for wrongdoing during the operation. We understand from the government that action has been taken against two people.

The Bangladesh government has done little to address long-term law and order problems, despite Operation Clean Heart. The operation and its countermeasures had little long term impact in combating problems of law and order problem in Bangladesh.

Sally Keeble, former Parliamentary Under Secretary of State at DFID, took up these concerns with the Bangladesh Home Minister Atlatf Hossain Chowdhury during her visit to Bangladesh in December 2002, as did the Foreign Secretary Jack Straw when he met the Bangladesh Foreign Minister Morshed Khan on 21 May 2003. In addition, our High Commissioner in Dhaka has discussed both Operation Clean Heart and the Joint Indemnity Act with the Bangladesh

government. He stressed the need to follow the due process of law in all cases; that the action of security forces must comply with internationally agreed minimum standards; and that the government must bring the perpetrators of human rights abuses to justice.

In **Jamaica** on 14 March 2001, police officers with Jamaica's constabulary force (JCF) killed seven men at a house in Braeton, Kingston. The police claimed the men fired upon 60 officers who had arrived at the house and asked them to surrender. In October 2002 a coroner's court jury in Jamaica ruled that no one should be held criminally responsible for the deaths. Amnesty International published a report in March 2003 concluding that the Jamaican government's investigation into the Braeton shootings was fundamentally flawed. The Jamaican government reacted negatively when Amnesty presented the report in March 2003.

The JCF has often been criticised for its record on human rights and, in particular, for extrajudicial killings. We remain seriously concerned about extrajudicial killings such as the Braeton affair. However, there are signs that the situation has improved over the last two years. The UK is working with the Jamaican police on several projects. A large-scale DFID project is reforming the JCF through training, organisation, recruitment, intelligence, crime recording and equipment. The aim is to develop an accountable and professional force that provides good quality services that respond to community needs.

Prime Minister Tony Blair initiated the Meacher project in 2001, based on recommendations from Molly Meacher, Head of the UK Police Complaints Authority. This on-going project tackles issues at the heart of the JCF's human rights record. For instance, it trains officers in using firearms safely and properly. This involves preserving lives in incidents involving firearms and also preserving scenes of crime in order to make full forensic investigations. The project seeks to strengthen the Jamaican police complaints authority and speed up investigations into allegations of improper conduct. The JCF has co-operated fully with us in addressing these concerns.

In **Venezuela** local NGOs reported increased numbers of extrajudicial killings by the security forces in 2002. The local NGO PROVEA believes that state police forces are responsible for 66 per cent of the 175 extrajudicial killings. PROVEA also reports a 60 per cent increase in cases of torture and cruel, inhuman or degrading treatment – bringing the number to 1,064.

There has been an underlying political and social tension in Venezuela, and particularly in Caracas, since the unsuccessful coup attempt in April 2002. There have been marches, strikes

South African Truth and Reconciliation Commission

South Africa's Truth and Reconciliation Commission (TRC) concluded its business, seven years to the day after its first evidence hearing, when it tabled its final report on 15 April 2003.

The TRC was set up in 1996, with Archbishop Desmond Tutu at its head, in a time of tremendous nervousness and in a country with a very uncertain future. The aim was to heal the wounds of 46 years of apartheid rule and to provide an outlet for people's grief and anger that they might otherwise have channelled into revenge and violence.

It is a fitting tribute to its success and the determination of those behind it that South Africa's TRC has provided a model that has since been used across the world in post-conflict situations. With the conclusion of the TRC, the South African parliament has established a special committee to speed up the process of paying reparations to the victims of apartheid who testified to the TRC's hearing.

and allegations of human rights abuses. A two-month national general strike, starting on 2 December 2002 and sponsored by the opposition, exacerbated the situation, which remains tense between the two sides.

Throughout 2002 both government and opposition supporters were demonstrating and complaining of actions taken by their opponents. Government supporters claim that the opposition wishes to remove the president through undemocratic means and return to the old political system in which the country's institutions were run by, and for the benefit of, the privileged few. Opposition supporters claim that the current government is autocratic, incompetent and anti-democratic.

There are pressing human rights issues in the continuing political and social crisis, which originate in institutional weaknesses and a lack of respect for the rule of law. Weak, politicised state institutions further undermine the rule of law and encourage impunity. Insecurity and arbitrary violence have increased: we have received reports of random attacks by political extremists. Violent crimes against people and property have increased – especially in Caracas.

The behaviour of the police is under intense scrutiny. The actions of some forces seem at times to be politically motivated. Police officers are accused of human rights violations and partiality in their handling of political demonstrations.

We are funding a training project with Amnesty International to promote good policing methods among the Caracas



1.



2.

1. Inmates at Kandahar city prison, Afghanistan, July 2002. Conditions in prisons across Afghanistan are poor and the UK is funding a Penal Reform International project to improve practices. For more details, see Chapter One.

2. A civilian killed by gunfire lies on the ground at the end of an opposition-led Labour Day march in Caracas, Venezuela, May 1 2003.

municipality police forces. To date, we have trained 25 senior police officers who will in turn share their knowledge with subordinates. The course has broken down barriers and facilitated informal contacts between the different municipal forces – a positive step in a polarised society. A further 280 police officers will receive training by October 2003.

Last year, the Portuguesa State Police were allegedly responsible for 40 per cent of all extrajudicial and summary killings by state police forces. We are working with a local NGO (Red de Apoyo) on another project to provide practical and relevant human rights training for police officers in this force, which includes trying to establish a culture of respect for human rights. Local human rights ombudsmen and state prosecutors have also attended the training sessions. One result is that local communities are now developing stronger relations with the police. The project runs until December 2003.

In **Peru**, we are supporting the Peruvian government's efforts to reform the police and improve its human rights record by funding a project to establish a police ombudsman and open two offices, in Lima and Arequipa. The British Council is running the scheme, which includes an education programme for 1,500 police officers and a communication system to promote and make viable the services of the police ombudsman within the organisation.

The **Sri Lankan** government has made human rights training for the armed forces a priority. We support the government with training for the army's trainers and senior officers. An independent evaluation found that our training is having a positive effect and praised the army's human rights directorate for its commitment to human rights education, monitoring abuses and safeguarding human rights. We also funded a visit to the UK by the senior deputy inspector general of police to look at police assessment centres, police performance appraisal procedures, complaints procedures and community policing. We will develop capacity in this area further by working with NGOs, journalists, parliament and other members of civil

society. Our High Commission in Colombo is planning a policing programme under the UK's Peace Support Strategy for Sri Lanka. The aim is to reduce communal tensions through greater adherence to international human rights standards. This programme takes into account the Police Service of Northern Ireland's report on policing in the north and east of Sri Lanka and a separate report produced by an independent consultant on policing in Sri Lanka as a whole.

In the security sector, the High Commission has been working closely with Kings College London and a joint defence advisory team to provide technical assistance to the Sri Lankan defence review committee.

The Prime Minister of **Thailand** Dr Thaksin Shinawatra, launched a campaign on 1 February 2003 against drug producers and traffickers in the country. Reports soon followed of the violent deaths of many who were involved in the drugs trade; international NGOs have said that those killed also included the elderly and children as young as 16 months. Most of these deaths were the result of internecine fighting. The first phase of the campaign ended on 30 April and official figures recorded the deaths of 2,624 people including 42 killed by the police and 10 police officers. Phase two of the campaign is now underway, focusing on major drugs traffickers and seizing assets. While recognising the serious and urgent nature of the drugs problem in Thailand, we are concerned at the high numbers of deaths in the context of this crackdown and by reports of extrajudicial killings and human rights abuses. We have raised our concerns with the Thai authorities. The Thai government emphasised that enforcement authorities are under strict instructions to act within the law and that they do not condone vigilante killings. They are conducting official investigations into the drugs-related killings. Over 600 people have been arrested and are now awaiting trial in connection with the deaths. We will monitor the situation and press the Thai authorities to comply with human rights standards.

Our Embassy has used Global Conflict Prevention Pool (GCPP) funding to provide English language training (ELT) for 100 Royal Thai Police officers. The Royal Thai Police have been unable to fill their allocation of UN peacekeeping slots, as the officers did not possess the English language skills to pass the UN pre-deployment English test. With our training, more officers are now eligible for peacekeeping duties. We are also working through the NGO Forum Asia to make the training for the Royal Thai Police more professional. This means modifying training courses on community policing; handling victims of crime; conflict intervention; domestic violence; rape and sexual assault; and child sexual abuse.

We are also helping Thai armed forces to play a larger role in peacekeeping efforts in south east Asia and beyond. Through the GCPP our Embassy commissioned Bell International School to provide ELT for 300 Thai military officers deploying to East Timor and Afghanistan so they can communicate with the international forces deployed alongside them. Through GCPP, our Embassy also paid for 16 officers to attend the International Peace Support Briefing Programme (IPSBP) held at Warminster, giving the officers an insight into how the UK performs peacekeeping operations.

Rules of engagement are hugely important in any operational situation but especially in peacekeeping operations. Civilians and other military personnel often become victims because people do not fully understand the rules of engagement. Over the past 24 months, we have funded two visits to Thailand by MOD experts on rules of engagement and briefed over 500 Royal Thai Army personnel at all levels on the importance of the rules in theatre.

7.11 National human rights institutions

We encourage the work of organisations that can monitor governments' respect for human rights. In the **Philippines**, we supported the Commission on Human Rights by funding workshops for representatives from government departments and NGOs on using UN mechanisms to report human rights abuses. The workshops improved people's understanding of complaints mechanisms and treaty bodies and encouraged better collection of evidence and reporting of abuses. We helped to publish a manual for NGOs, *Making Country Reports under Human Rights Conventions*, which gives guidelines for better reporting practices.

In **Thailand** we are helping the National Human Rights Commission in its attempts to disseminate a deeper understanding of human rights in government ministries and agencies and among the general public. We funded the translation of UN instruments into Thai and Thai reports on the

UK police training Sierra Leone forces

Sierra Leone is in a transition phase and the Sierra Leone police must assume full responsibility for maintaining the country's security and stability once UN forces withdraw. Foreign Office Minister Bill Rammell announced the deployment on 9 June of 10 British police officers to assist in training the Sierra Leone police. He said:

"These police will play an essential role in training and mentoring the Sierra Leone police over the coming year. They are experienced trainers and will aim to train around 600 officers in local policing skills. The Sierra Leone army is gradually being empowered to take over the role of UN troops. It is vital for the long-term security of Sierra Leone

that this transition phase is successful."

The 10 police officers, eight male and two female, have all served in UN operations before and are experienced trainers. They will work with UN civilian police and a Commonwealth police training team on a programme set up by Sierra Leone police called 'local policing needs'. They will provide training in investigation techniques, report writing, questioning witnesses and taking accurate statements. When the officers first arrived in Freetown, they spent time with the Sierra Leone police to become familiar with local policing needs and cultural differences. The British officers are expected to stay in Sierra Leone for one year.

implementation of UN instruments into English. This work has created a wider understanding of international human rights standards within Thailand and a greater appreciation of Thailand's efforts to meet these standards internationally. We are also funding the NHRC to build its capacity to investigate and report human rights violations.

The **Mongolian** government established the National Human Rights Commission of Mongolia (NHRCM) by act of parliament in December 2000. The commission started work in January 2001. Although it receives government funding, the commission and its members are guaranteed political and legal independence and freedom of operation. The Mongolian parliament mandated the NHRCM to promote and protect human rights and to monitor the implementation of human rights provisions in the constitution and those international treaties to which Mongolia is a state party.

The commission's goal is: "to champion the sacred cause of promoting and protecting human rights to create the realistic implementation of the human rights of everyone in Mongolia". It raises public and official awareness of human rights and enhances human rights capacity in NGOs and civil society through training schemes and partnerships. In the past year, the commission has issued statements critical of the conditions in detention and detoxification centres (alcoholism is a major

problem); participated in NGO-funded human rights training for the media, central and local government; researched human rights abuses; and introduced human rights education programmes in schools and universities. The commission conducted a nation-wide audit of what Mongolians thought about their individual human rights and what improvements were necessary. The commission also investigated (in 2002) 40 complaints of human rights violations by members of the public. The NHRCH is underfunded and short on experience and staff. However, it is well regarded with people perceiving it as an independent organisation. The commission issued its first annual report in December 2002.

Despite the constraints of a deeply sensitive internal political situation the **Iranian** Islamic Human Rights Commission carries out its duties energetically. It is not shy to criticise the authorities in private and in public and plays a reasonably high-profile role in the national human rights debate, lobbying the Majles (parliament) on legislative change. However, the commission cannot operate outside the confines of the Iranian constitution – which at times causes human rights abuses.

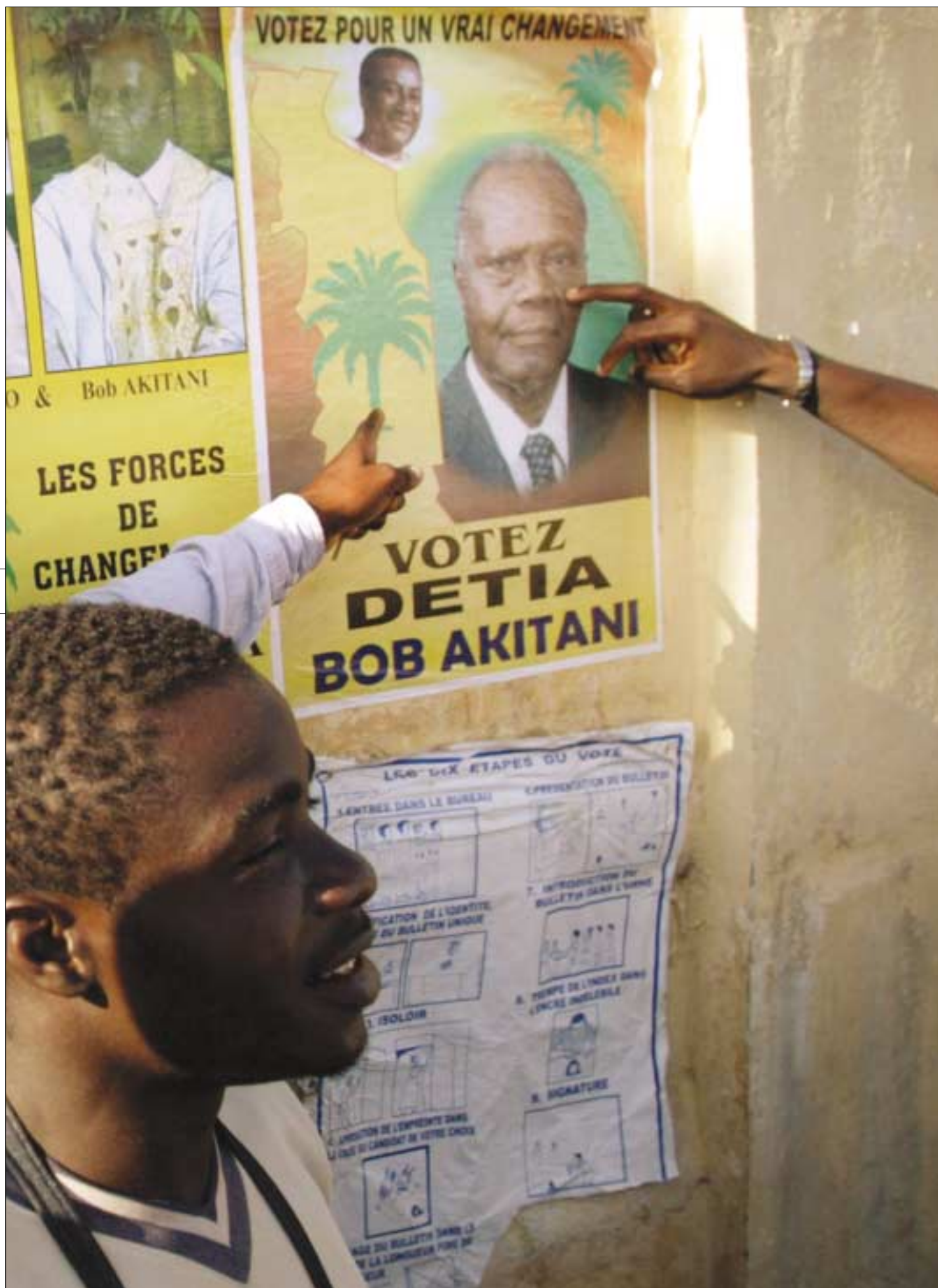
The Iranian authorities had recognised a need in Iran for an organisation to monitor human rights issues, that was independent of the Majles. Under pressure from the Majles it established the Islamic Human Rights Commission at the end of 1996 supervised by the then head of judiciary. According to its constitution, the commission is an independent institution. The commission's charter describes its role as to define, educate and promote human rights from Islamic and international points of view; to supervise human rights in Iran; to recommend actions against violations of human rights, particularly when against Muslims; to follow up violations presented to the commission; to co-operate with national and international human rights organisations, especially those relating to Iran; and to examine Iran's situation with the international conventions on human rights.

The commission has concentrated on building links with foreign partner organisations. It signed a Memorandum of Understanding with the Danish Commission on Human Rights and is forging relationships in Australia, Sweden, Mexico, India and Uganda. It is active in the recently created Iran/EU human rights dialogue and is also trying to build links with NGOs in Europe.

Within Iran, the commission has branches in most major provincial cities and is completing a formal network of human rights defenders across the country. Its members are involved in research and lobbying in Iran and abroad. They are researching the rights of religious minorities in Iran and women's rights, among other things, and have presented drafts

or contributed towards draft bills for human rights-related activity in the Majles.

Peru experienced unprecedented internal conflict during the 1980s and 1990s. Between 40,000-60,000 people died in violence that left over 7,500 people missing and almost 600,000 displaced. The UK Government welcomed the establishment of a Truth and Reconciliation Commission in Peru in June 2001 to investigate, analyse and ascribe responsibility for human rights abuses during the internal conflict. Since its inception we have provided practical support for the commission through two projects. We contributed £61,800 to a project designed to build capacity in the commission by aiding the national co-ordinator for human rights to participate effectively in its work. We also gave £35,000 to help train young leaders from the regions most affected by the past abuses so they can contribute to the activities of the commission. The commission will present its final report to the Peruvian government in August 2003. We continue to follow the process of reconciliation in Peru. For the period 2003–2005 we are supporting a Peruvian NGO in publicising the magnitude of the problem of missing people and their relatives. The project complements the work of the Truth and Reconciliation Commission which was unable to review all cases of disappearance. Lack of information due to reluctance and fear on the part of those affected has undermined the investigation process. The NGO will collect more information about missing people to try to solve as many cases as possible.



Opposition supporters outside the offices of the United Force for Change party in the Togolese capital, Lome. The incumbent President, General Gnassingbe Eyadema, was returned with 57.22 per cent of the vote on 1 June 2003, although there was international concern about the conduct of elections.

HUMAN RIGHTS

Freedom, democracy and discrimination

The last chapter looked at the ways in which the international community works to bring to justice those who abuse other people's human rights. But we cannot content ourselves only with reacting to violations of human rights after they take place. To enable people to realise their human rights fully, we need to provide an environment in which all citizens can enjoy the basic freedoms of thought, conscience, religion, association and expression, and can participate in democratic institutions. Governments have a duty to act for the good of all their citizens and to do so in a manner that is transparent, impartial and accountable.

We cannot view human rights in isolation. The FCO has responded to the growing awareness that human rights are part of a nexus of issues that includes democracy and good governance by expanding the work of the Human Rights Policy Department (HRPD). We now have a new section within HRPD that deals specifically with democracy and political governance. At the same time, under the new Global Opportunities Fund (see Annex 2 for more details) the main strands of our work will include not only human rights and democracy but also political and economic good governance.

Since the last Annual Report we have seen some encouraging signs in these areas but also some worrying regression. The December 2002 elections in Kenya represented a major step forward for democracy. In the Middle East, we have seen further evidence of the slow growth of popular participation in Bahrain, Qatar and Oman. But elections in Zimbabwe and Armenia failed to meet international standards and in Zimbabwe and Iran intimidation has continued against elected members of parliament. Totalitarian regimes in Burma and North Korea failed to make any significant progress towards democracy.

For democracy to flourish, people must be able to hear and articulate differing opinions and they must have unhindered access to information on which they can base their political views. We continued to support freedom of expression projects throughout the world and to lobby those governments that seek to suppress it. In the last year there has been a particularly worrying trend towards further control of the media in Central Asia. Here and elsewhere we have acted either bilaterally or in co-ordination with EU partners to lobby for an end to restrictions and the release of journalists imprisoned for their work. We have continued to support the BBC World Service Trust in redeveloping Afghanistan's media and we funded an initial study by international NGOs into developing a free media in Iraq.

Freedom from all forms of discrimination – racial, sexual, religious or based on disability – is essential for people to participate in democracy. The UK combats these forms of prejudice through the FCO's Human Rights Project Fund (HRPF). We are supporting projects this year that promote equal rights and opportunities for disabled people in Argentina, Macedonia, the Occupied Territories, Ukraine, India and Tajikistan. In Egypt we are providing legal assistance to religious minorities, and in Pakistan we are helping in the fight against religious intolerance and excessive use of blasphemy laws. We work in India, Bangladesh and Peru to protect the rights of sexual minorities. We have a strong focus on racial discrimination in our projects. We are combating racism and xenophobia in Russia; we are educating indigenous people in China on their legal rights; we are supporting the rights of Roma in Eastern Europe; and we are supporting the NGO Minority Rights Group International in monitoring the implementation of the Council of Europe's Framework

Convention for the Protection of National Minorities. More widely, we are delivering on commitments given at the UN World Conference Against Racism and we are participating in UN discussions on a possible new convention to protect and promote the rights of disabled people.

8.1 Freedom of expression

Governments have a duty to eliminate barriers to freedom of expression and information, and to create an environment in which free speech and free media flourish. Media professionals should be able to work freely without fear of intimidation, violence or imprisonment. Sadly, there are still many countries around the world in which governments stifle dissent and criticism or fail to prevent other groups from targeting the media. A free and independent media requires governments to provide a fair and transparent regulatory environment, an equitable distribution of broadcasting frequencies and opportunities for all sections of society to access and contribute to the media. The UK lobbies for freedom of expression throughout the world and supports a wide range of projects to protect and develop free media.

Last year's Annual Report included details on the new FCO Freedom of Expression Panel. The panel, which is chaired by the Foreign Office Minister Bill Rammell, met for the second time in December 2002 and again in June 2003. At the meeting in June, the OSCE Special Representative on Freedom of the Media, Dr Freimut Duve, addressed the panel on 'Freedom of the Media Post-9/11'. The panel has been looking at practical ways of encouraging freedom of expression around the world through its working groups on hate speech, public service broadcasting, imprisoned journalists and obsolete laws. The panel has had some notable achievements:

- > each panel meeting agreed a list of journalists for whose release the FCO would lobby in co-ordination with EU partners and NGOs. At the June 2003 meeting, Foreign Office Minister Bill Rammell reported that our overseas posts had acted on all of the 29 cases on the lists agreed in July and November 2002. Nine of the journalists (in Nepal, Bangladesh, Russia and DRC) on these two lists have been released;
- > the working group on hate speech worked with BBC Monitoring in Caversham to produce a series of six Hate Speech Round-Ups that gave examples of hate speech in areas of tension around the world. BBC Monitoring agreed to run a three-month programme starting in July 2003 to monitor full-time the use of hate speech in the Balkans, the Great Lakes region, West Africa and the Middle East;

- > in June 2003, the panel set up a new working group on safety of journalists in conflict zones. This group will build on work by the Institute of War and Peace Reporting (IWPR) in producing a safety handbook for journalists and setting up a journalist emergency security fund. The HRPF supports both the handbook and the fund. The new working group will also look at the wider issue of deliberate targeting of media personnel and infrastructure during conflict.

Through HRPF we also funded the international free expression NGO Article 19 in strengthening the work by the African Commission on Human and People's Rights on freedom of expression. We are supporting more work by Article 19 to develop a free media in the **South Caucasus**. Activities include training young journalists, lawyers, judges and public officials; monitoring and auditing public access to official information; supporting Caucasian civil society; and advancing legal reform. We are further supporting Article 19 by co-funding the NGO to produce a second edition of the *Freedom of Expression Handbook*, which will be updated and more analytical than the first edition, as well as a fully interactive virtual handbook on CD-ROM and the Internet. In another project we are training 80 women journalists across eight African countries in human rights issues. The goal is for the journalists to work together to produce *Africawoman*, a monthly web-based newspaper offering an independent women's news agenda for and about Africa. By developing links with women's activists and community broadcasters, *Africawoman* will reach many thousands of women.

Self-censorship is a growing trend in **Russia**, despite the fact that over the past year Russians have enjoyed access to a range of different sources of information and points of view, especially in the big cities. This came particularly from the printed media where ownership is relatively diversified. However, the electronic media showed signs of growing state influence and was noticeably more conformist.

The siege of the Dubrovka theatre by Chechen terrorists in October 2002 partly explained this restrictive atmosphere. One hundred and twenty-nine people died in the siege. In the immediate aftermath, the Duma proposed wide-ranging restrictions on press coverage of anti-terrorist operations. President Putin vetoed these restrictions. However, in April 2003, the Media Industrial Committee (MIC), a lobby group made up of powerful media interests, drew up an Anti-Terrorist Convention which proposed restrictive self-regulation of media coverage of anti-terrorist operations. The Duma is currently considering amendments to the law on the media that would restrict media coverage of elections. With the government's support, the MIC is drafting an entirely new law on the media that many commentators fear will impose new restrictions.

In this atmosphere, the printed and electronic media have increasingly been practising self-censorship.

NGOs have expressed concern at these developments. In 2003, Freedom House, in its annual survey of press freedom worldwide, rated Russia as 'not free' for the first time because of growing state influence over public and private media and attacks on journalists. According to the Committee to Protect Journalists, two Russian journalists were killed in Russia in 2002 because of their professional activities. They were:

- > Natalya Skryl, a reporter from *Nashe Vremya* newspaper in Rostov-on-Don. She died from head injuries. Colleagues believe that her death was linked to investigations she was conducting into the ownership of a local metallurgical plant; and
- > Valery Ivanov, editor-in-chief of *Tolyatinskoye Obozreniye* in Togliatti. He was shot and killed, apparently because his paper carried stories on organised crime, drug trafficking, and official corruption.

This year, Dmitriy Shvets, deputy director-general of the Murmansk television company TV 21 was shot and killed. His murder has been linked to his station's critical coverage of the local authorities.

Other journalists in Russia are being harassed and harmed as a result of their work. In many cases the attacks are probably related to investigations the journalists had been pursuing, although it can be difficult to establish the specific reasons for attacks and intimidation. In 2003 these journalists so far include:

- > Zamid Ayubov, a Chechen journalist for the local pro-Russian administration's *Vozrozhdeniye Chechni*. He was beaten and detained by interior ministry forces in the Chechen capital of Grozny;
- > Aleksandr Krutov, a journalist with the independent weekly newspaper *Bogatei* in Saratov. He was violently attacked, apparently in connection with a story questioning the validity of the regional prosecutor's case against Sergei Shuvalov, the chairman of the Saratov Regional Duma; and
- > Olga Kobzeva, a journalist with GTRK Don-TR television, a local branch of the All Russian State Television and Radio Broadcasting Company in Rostov-on-Don. She was cut in the face with a broken bottle, apparently in relation to a story on illegal privatisations in the city.

In addition, there are many cases of non-physical harassment, such as financial pressure, or where authorities may take legal action against a journalist on flimsy grounds.

There is little objective and reliable reporting of the on-going conflict in Chechnya. Neither side encourages fair and free reporting. Journalists already face the risk of violence and kidnapping in the region, and those who have filed reports critical of Russian operations in Chechnya have found it increasingly difficult to obtain accreditation from the military authorities.

It is clear that the authorities in **Ukraine** maintain tight control and influence over both state and private media. If this continues, we seriously doubt that the presidential elections in 2004 will be either fully free or fair.

Our Embassy in Kiev has supported a number of projects promoting freedom of speech and access to information. DFID launched a three-year project in June 2002, worth £800,000, to strengthen media independence in Ukraine. In addition, we supported a local NGO to develop a code of ethics for journalists; we helped to establish an independent news service, producing news and factual programmes for Ukraine's regions; and we funded a legal advice centre for journalists facing litigation due to their work. In a project which ran from April 2002 to March 2003, we supported Ukraine's only broadsheet independent newspaper *Zerkalo Nedeli* in a way which should help it to withstand hostile take-over bids. We sponsored the editor of the paper to visit the UK to see how similar publications operate in a highly competitive commercial environment. A consultant from the UK visited the office of the paper in Kiev and advised staff how they could improve their business practices and competitiveness. Through local NGOs, we funded training for commercial staff at radio stations so they can make their radio stations viable businesses, and be better equipped to withstand bids from those wishing to influence the media.

The notorious and brutal murders of journalists Georgiy Gongadze (2000) and Ihor Aleksandrov (2001) remain unsolved, with no substantial progress in either case. In September 2001, police announced that a homeless man had confessed to Mr Aleksandrov's murder. The man's account was inconsistent and contradictory. He was acquitted in May 2002 and subsequently died of heart failure in July 2002. This death is now also under investigation. Following the investigation into Mr Aleksandrov's case, the Donetsk regional prosecutor has been reprimanded and the deputy prosecutor who was in charge of the journalist's case has been discharged.

A new prosecutor general was appointed in July 2002 and formed an investigation group to take forward Mr Gongadze's case. Although a local prosecutor was arrested for obstruction of justice, there has been no apparent progress in finding Mr Gongadze's murderer. The Ukrainian government's investigations into these murders have been widely criticised. Ukrainian political figures, NGOs, independent media and international human rights and media freedom groups have condemned the investigation's sluggish pace, lack of transparency, and lack of results.

The UK continues to raise both cases at a senior level. In August 2002, the Foreign Office Minister Mike O'Brien met the General Secretary of the National Union of Journalists, Jeremy Dear, to discuss the Gongadze case. Rabinder Singh QC, the UK's independent visa monitor and specialist in human rights law, raised the cases with the prosecutor general and ombudsman and with Foreign Minister Anatoliy Zlenko when he visited Kiev in September 2002. The Prime Minister's foreign policy adviser also raised the cases with his counterpart in the Ukrainian presidential administration.

Media freedom remains a serious problem in **Belarus**. Independent newspapers face censorship; they have their equipment taken away; they suffer unwarranted and aggressive investigation by the tax authorities; the office of the prosecutor general and KGB interfere with the way they operate; and some papers have been closed.

We are concerned by the lack of access to information in Belarus. We are particularly alarmed by the on-going use of criminal defamation laws to prosecute journalists. In June 2002, Nikolai Markevich and Pavel Mazheiko were respectively sentenced to 24 and 30 months' 'restricted freedom' for libelling President Lukashenko. Mr Mazheiko was released on parole in March 2003. Viktor Ivashkevich, editor-in-chief of the Minsk-based newspaper *Rabochy*, was sentenced in September 2002. British Embassy staff attended both trials (although access was restricted). Some of those involved in the trials

believe that the sentences would have been harsher if the international community had not monitored the trials.

The situation in **Vietnam** deteriorated in 2002. Although print media in Vietnam has developed significantly in recent years, journalists, both local and international, face severe restrictions on their activities. Some Vietnamese journalists had their press cards revoked because of their investigative reporting. The Internet is also severely controlled in Vietnam. The government continues to use a narrow band-width which slows access, and firewalls block access to politically sensitive sites. A decision issued by the Vietnamese ministry of culture and information in October 2002 requires all websites in Vietnam to be registered and their contents vetted before being posted. Two people were imprisoned in 2002 after publishing reports on the Internet. The EU made representations to the Vietnamese government on behalf of both of them. The EU also raises freedom of expression issues in its human rights dialogue with the government.

A report from Harvard Law School described **China's** Internet censorship as the most extensive in the world. Several Internet dissidents have been sentenced to prison terms. Huang Qi, who is on the UK and the EU list of special concern, was sentenced to five years imprisonment for "inciting the subversion of state power" in May. Four others – Xu Wei, Yang Zili, Jin Haikang and Zhang Honghai – received sentences of between eight and 10 years on the same charge. They had posted Internet articles critical of China's system, and formed an organisation called the New Youth Society to explore reform issues.

The jamming of the BBC World Service Mandarin service and BBC website remains in place. China has also blocked transmission of the BBC Uzbek language radio service since September 2002. State censorship of the media, both through the official censors and through self-censorship practised by editorial staff and journalists, is endemic in China.



Pavel Mazheiko, a Belarusian journalist sentenced to 30 months 'restricted freedom' for libelling President Lukashenko. He was released on parole in March 2003.

Ngawang Sangdrol

In last year's report we highlighted the case of Ngawang Sangdrol, a 26 year old nun who had been imprisoned since she was 15. She was serving the longest prison sentence of any female political prisoner in Tibet.

We had serious concerns about her health and have raised her case regularly at the UK-China human rights dialogue. Last year the Chinese confirmed that her sentence had been reduced and that her new release date was 3 November 2011.

We are pleased to report that following negotiations by John

Kamm, of the US-based Dui Hua Foundation, she was released on medical parole in October 2002. In March 2003, after further intervention by Mr Kamm, she was given permission by the Chinese government to travel to the US for medical treatment. Since then she has been receiving treatment in both the US and Switzerland. In June she visited London and met with Foreign Office Minister Bill Rammell. She has said: "It is very clear to me that I have been released and allowed to come out to the free world for medical treatment and to enjoy my freedom because of international concern".



Tibetan nun Ngawang Sangdrol holds aloft a picture of the Dalai Lama. She was released in October 2002 after serving ten years in prison for taking part in a peaceful demonstration against Chinese rule in Tibet.

Government pressure on the independent and opposition media in **Azerbaijan** steadily increased in late 2002 and the first half of 2003. The authorities and serving (or former) government officials brought a large number of libel cases against journalists and newspapers critical of the government. The expense of defending these cases threatens the future commercial viability of the newspapers. In addition, the authorities have used administrative measures to restrict media activities, including the temporary banning of opposition and independent newspapers in metro stations and harassment of their distributors. The British Embassy in Baku, the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) have expressed their serious concern about this pressure on the independent media.

Monitor, a Russian-language socio-political magazine critical of the government and with a reputation for exposing official corruption, has been taken to court 13 times in its five-year history. Officials claim its criticism is needlessly aggressive and groundless, and in 2003 they forced the journal to cease publication for the third time.

The government passed the General Law on TV and Radio on 22 June 2002. Other television and radio laws are still pending. The UK welcomes Azerbaijan's co-operation with the Council of Europe in media legislation. However, we are concerned that the TV and Radio Council, which regulates and grants licences to private sector broadcasters, will not be truly independent. Regional television stations in particular find it difficult to get licences and they offer the only competition for the nation-wide state-run television station AZ-TV outside Baku. We shall continue to work closely with the Council of Europe and the OSCE to bring future media legislation fully in line with the Council of Europe's standards.

A new definition of 'state secrets' may mean that Azeris will no longer be able to discuss subjects that are currently widely and publicly debated, such as the structure of the Azeri armed forces and the country's military co-operation with other states. In September 2002, the UK joined the Parliamentary Assembly of the Council of Europe in expressing concern at the 24 August 2002 presidential decree on disclosure of state secrets in the mass media. This decree set up new rules for consulting with a national commission before releasing information.

Some Azeri journalists formed a new self-regulating Media Council on 15 March 2003. One of the council's functions is to settle conflicts between journalists and citizens out of court. One hundred and seventy-five organisations have subscribed and pay an annual fee to fund its activities. Decisions are taken by a simple majority. There have been mixed reactions to the council and some journalists remain sceptical. British Embassy staff met Aflaton Amashov, the Chairman of the Council, on 28 March 2003. We will monitor the council's development and consider appropriate assistance.

Iran's conservative-dominated judiciary continues to attack the independent media and has closed over 90 publications in the past three years. Individual journalists also faced prosecution and prison sentences in the past year. In November 2002 Abbas Abdi, the director of an opinion polling firm who was also on the editorial staff of a number of reformist newspapers, was arrested for "receiving money from the American polling firm Gallup, or from a foreign embassy". His arrest seemed connected to an opinion poll published in September 2002, which indicated that "74.4 per cent of Iranians favoured a resumption of ties with Washington". The cartoonist Alireza Eshraghi was detained in January 2003 in connection with a caricature that appeared in the publication *Hayat-e-No*, which was shut down at the same time. Mr Eshraghi was released on bail in March. In May this year, seven journalists received prison sentences of 4–13 years from the Tehran Revolutionary Court for "seeking to promote a conspiracy against the Islamic

regime". The FCO Freedom of Expression Panel included two Iranian journalists, Siamak Pourzand and Akhbar Ganji, on its list of journalists for whom it would lobby.

Mr Pourzand is 71 years old and was sentenced for 11 years. He was convicted in May 2002 of undermining state security through his links with monarchists and counter-revolutionaries. Mr Ganji is the author of the best-selling book *Dungeon of Ghosts*, which implicates the former president Akbar Hashemi Rafsanjani and other leading conservative figures in the serial murders of dissidents in 1998. The book allegedly seriously damaged Mr Rafsanjani's reputation, and contributed to his failure in the 2000 parliamentary elections. The Tehran revolutionary court sentenced Mr Ganji in November 2000 to 10 years in prison. His sentence was reduced on appeal to six months, then over-ruled and increased to six years. He has spent most of his detention in solitary confinement and has protested by going on hunger strike. His health is reported to be poor.

In **Kuwait** the press has considerable licence to comment on current affairs, though there is censorship of pictures and texts deemed to be contrary to Muslim conventions of modesty – or against Islam, the Amir or senior members of the ruling family. Over the past year the FCO sponsored an introductory management course, a one-week media course to equip Kuwaiti radio and television managers with essential managerial skills. The Thomson Foundation designed the course, which covered resource management, programme planning, knowing the audience and the ethics of broadcasting. The Thomson Foundation ran a similar programme in **Bahrain**, and in **Yemen** we paid for a consultant to produce an analysis of training needs. These programmes are designed to improve local media skills and reporting in the Gulf, to promote freedom of expression and balanced reporting of current affairs – all key FCO objectives. The King of Bahrain, Hamad Bin Isa Al-Khalifa, has made significant advances in reform and democratisation in his country and Bahrain is becoming increasingly liberal and democratic. His reforms have included the media, which is now relatively free.

There have been some changes in the press code in **Tunisia** since 2001. However critics have suggested that while these changes appear to be a liberalisation, the authorities use the broad provisions prohibiting subversion and defamation to prosecute people who express dissenting opinions. Independent and opposition newspapers and magazines exist, but printers and publishers must provide copies of all publications to the Tunisian authorities before distribution; the authorities have sometimes seized opposition publications at the printers or prevented them from reaching bookstalls. We have funded the British Council, in partnership with the National Institute of Press and Information (IPSI), the Tunisian Radio and Television

Establishment (ERTT) and the Tunisian Press Agency (TAP), to manage a three-year project to establish a pool of young media professionals who can produce news stories on contemporary issues, including human rights and civil society. Our UK partners are the Arabic Service of the BBC World Service, the University of Westminster and the Thomson Foundation.

Following substantial internal criticism of government policy after the end of the 1998–2000 war with Ethiopia, President Isaias of **Eritrea** ordered the arrest of 11 reform-minded members of the ruling party central committee and closed down the entire independent media. Dozens of journalists fled the country or were detained. The Committee to Protect Journalists (CPJ) named Eritrea one of its 10 worst places in the world to be a journalist. The Eritrean government has justified the continued imprisonment of 18 journalists, arrested since September 2001, in terms of national security, but has brought no charges. Last year, 10 of the detained journalists went on hunger strike against the failure to bring them before a court. They were promptly moved and nothing more has been heard of them. The FCO's Freedom of Expression Panel has placed three Eritrean journalists, Simret Seyoum, Medhanie Haile and Fesshaye Johannes, on its list of journalists for whom it would lobby. They were chosen to represent all journalists in Eritrea. Our Ambassador in Asmara has raised the detainees regularly with the president's office. Baroness Amos, the former Minister for Africa, raised the detainees with both the Eritrean ambassador and the ruling party's head of political affairs on 19 March 2003. Most recently, officials in London raised their cases with the Eritrean ambassador on 21 May 2003.

Ethiopia is in the process of drafting a new press law and we are working with the Ethiopian government to help ensure that the law conforms to best international practice. Our Ambassador in Addis Ababa has met with officials from the Ethiopian ministry of information on several occasions to offer advice on the draft law. He has also given the Ethiopians detailed comments on the draft law, prepared by the NGO Article 19. The newspaper *Addis Tribune* published these comments. DFID is helping to develop freedom of information legislation and the new press law in Ethiopia, concentrating on coherency and consistency, and on following best practice. The Ethiopian journalist Tewodros Cassa, former editor-in-chief of the magazine *Ethiop*, was sentenced to two years in prison in July 2002. The authorities had accused him of publishing three articles containing "false information that could incite people to political violence" and for having "harmed the reputation" of a businessman he said had been murdered by state security forces for being a member of an anti-government group. The FCO's Freedom of Expression Panel placed Tewodros Cassa on its list in June 2003 as a result of which we will lobby the authorities on his behalf.

We are committed to developing investigative, uncensored journalism in **Bangladesh** to make people more aware of human rights violations and what their own human rights are. Through our High Commission's programme budget, we funded a local governance NGO Democracywatch to run workshops throughout the year, training 100 young journalists from Dhaka and the regions in reporting human rights. Democracywatch's monitoring of newspapers shows that journalists are becoming more productive and investigative in stories related to domestic violence, human rights violations and especially torture of women and children. In one month alone the journalists involved in the project wrote over 160 such stories.

Rosalind Marsden, then Foreign Office Director for Asia Pacific, addressed a session at a training workshop on International Human Rights Day, reinforcing the UK's commitment to reducing human rights abuses in Bangladesh. We plan to run this project for a second year, focusing on journalists who work on regional newspapers outside Dhaka where there are fewer reports on human rights violations.

In **Guatemala**, 12 armed intruders posing as police and public prosecutors went to the family home of Ruben Zamora, the editor of *El Periodico*, and beat up and threatened him and his wife and children on 24 June 2003. They warned Mr Zamora "on instructions" not to keep "prying". Mr Zamora and his team of investigative journalists had uncovered and reported serious corruption within the government and those involved in organised crime. The attack increased fears among civil society and human rights activists about the rising level of violence during the general election campaign and of the influence exerted by clandestine groups, the so-called "parallel powers",

within Guatemala. EU Heads of Mission in Guatemala immediately issued a joint statement condemning the attack and urged the Guatemalan government to investigate the case and bring those responsible to justice. The police and prosecution service have vowed to conduct a thorough investigation. The authorities also announced that this attack would be added to 70 other cases to be investigated by a new Guatemalan Commission against Organized Crime – *La Comision Investigadora de Cuerpos Ilegales y Aparatos de Seguridad Clandestinos (CICIACS)* – with the support of the UN.

Media freedom and the role the media can play in protecting human rights are the main goals of our human rights strategy in **Peru**. The Information for Democracy project successfully supported the passing of a Freedom of Information Act in 2002 and we have shifted our focus to publicising the public's right to access to information. We held training sessions with the armed forces and regional journalists to make them aware of the implications of the new legislation.

The Peruvian government strictly controlled most television stations and the press during ex-President Fujimori's regime when people were commonly denied the right to freedom of information. After the collapse of Fujimori's government in November 2000, civil society realised there was no Peruvian legislation on the media. People had no right to information and were often misinformed and manipulated. We are helping to rectify this situation by supporting a three-year project: Building a Free Media. The British Council is managing this project, which aims to establish national standards within the media and provide input into new media legislation. So far, the project has run national working groups for politicians,

Sergei Duvanov

The Kazakh journalist Sergei Duvanov was sentenced, on appeal, on 11 March 2003 to three-and-a-half years in prison for the alleged rape of a minor after an investigation and trial where there was a number of minor and a few serious procedural violations. The Kazakh authorities prevented international observers from attending the hearing.

Mr Duvanov, chief editor of *Bulletin*—a magazine published by the Kazakhstan International Bureau of Human Rights, had his sentence confirmed by the regional court of Taldy-Korgan, 350 km from Almaty. He was arrested on 28 October last year and accused of raping a 14-year-old girl. He had been due to fly the next day to the US to present a report on democracy and human rights in Kazakhstan. At a press conference at the European Conference in Brussels (29 November) President Nursultan Nazarbayev said Mr Duvanov's guilt had been proved.

At the trial which opened on 24 December. Mr Duvanov's lawyers were not allowed to examine the entire case file; there were inconsistencies in the testimonies of witnesses; and Mr Duvanov's right to consult with his lawyers was restricted. He is one of the Kazakh government's most

outspoken critics and regularly denounced the harassment of the independent media and opposition. He is also being prosecuted for "affront to the honour and dignity" of President Nazarbayev.

The EU had expressed concern about incidents in Kazakhstan involving Mr Duvanov and had called on the appeals court to review carefully the alleged procedural violations and accusations against him. The European Parliament passed a resolution on 13 February demanding Mr Duvanov's immediate release. The OSCE also voiced its concern and agreed with the Kazakh government that two Dutch legal experts should examine the proceedings of the case against Duvanov on behalf of the OSCE. Their report was delivered on 29 May 2003 to OSCE participating states, the Office for Democratic Institutions and Human Rights (ODIHR) and the Special Representative on the Freedom of the Media.

Following the report, the Permanent Council of the EU issued a statement on 5 June calling on the Kazakh authorities to ensure any appeals from Duvanov are heard in free, fair and transparent conditions.

Andrew Meldrum

Andrew Meldrum, the Zimbabwe correspondent for the British newspapers *The Observer*, *The Guardian* and *The Economist*, was forcibly expelled from the country on 16 May 2003 in defiance of three Harare high court orders to have him presented in court so legal proceedings could be followed.

The FCO condemned Mr Meldrum's expulsion and Foreign Secretary Jack Straw expressed his grave concern: "Petty and vindictive actions like this simply expose the Zimbabwe regime for what it is". Mr Meldrum was put on a plane to London even as his lawyer was coming to the airport with a court order to stay the process. Only the Zimbabwean flag carrier would allow him on board under these circumstances — other airlines refused to be party to this illegal expulsion. Ten days before his deportation, Mr Meldrum had received an intimidating visit at night by men in plain clothes who arrived in four vehicles and claimed to be immigration officials. Mr Meldrum had been arrested in 2002 under Section 80 of the Access to Information and Protection of Privacy Act (AIPPA). This provision, which set a two-year jail sentence for 'publishing a falsehood' was ruled unconstitutional by the supreme court of Zimbabwe on 7 May.

The AIPPA also requires all journalists to register with a media commission appointed by the government. The AIPPA has been used by the government to try and stifle scrutiny and criticism of its actions. According to the Media Institute of Southern Africa (Zimbabwe), at least 33 journalists from independent and private media were arrested in 2002 under AIPPA or the Public Order and Security Act (POSA). Many other journalists have been threatened or harassed, the great majority working for the independent media. Despite draconian legislation, intimidation and arrests a number of independent local newspapers continue to provide harsh criticism of President Robert Mugabe's regime.

Mr Meldrum, a US citizen who has lived in Zimbabwe for 23 years, was one of the last international journalists reporting from the country. Three other journalists have been expelled from Zimbabwe in the past two years and only a few foreign journalists have been granted visas to enter the country. While these cases justifiably receive international headlines, it would be wrong to ignore the brave workers of the independent Zimbabwean media who operate under the most difficult of circumstances but do not receive the international recognition they deserve.



Andrew Meldrum during a confrontation with police officers in Harare, Zimbabwe, 16 May 2003. Mr Meldrum was forcibly expelled from the country as part of a concerted effort by President Robert Mugabe's regime to stifle independent criticism.

legislators, public officials, scholars, NGO officials, business people, advertisers and media owners. The groups will provide information to the Congressional Commission for the new legislation. There are education and publicity campaigns in Lima and the provinces, and workshops and seminars for activists and freedom of information campaigners. The first year of the project saw draft media legislation presented to congress.

We have used separate funds to support other projects on freedom of speech and the media. The head of Article 19's law programme, Toby Mendel, travelled to Lima to attend a congressional seminar on telecommunications law. At the same time there was a workshop on telecommunications law for congressmen, civil society and the national ombudsman's office. We supported Julia Zapata's (Director of BBC Mundo.com) participation at the Fourth Iberian American Congress of Journalism on the Internet at the Universidad Catolica, Lima. There were workshops for local journalists and other interested parties on the role of the Internet for obtaining and publishing information.

A three-year project with Radio Voz de la Selva, a radio station transmitting from the city of Iquitos in the Amazonian jungle, ended this year. Participants produced radio programmes in Spanish and native Amazonian languages and ran workshops to encourage indigenous and non-indigenous communities in the Loreto region to value indigenous ethnic and cultural identities and to strengthen indigenous community organisations and inter-community dialogue.

BBC World Service

The BBC World Service is 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 source of information is state-controlled media. The FCO funds the BBC World Service through a grant-in-aid, and in 2002–2003 this amounted to £201 million. However, the BBC World Service has complete editorial independence from the UK 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 online users around the world.

Central Asia

There are media restrictions across Central Asia and the situation has deteriorated over the past year. Media activity is most tightly controlled in **Turkmenistan** and **Uzbekistan**. Turkmenistan's constitution protects freedom of speech and the media, but the reality is very different. There is no outlet for domestic press criticism and the tight restrictions on access to the country by foreign journalists effectively block the ability of the foreign press to comment. In April 2003, the OSCE's Representative on Freedom of the Media, Dr Freimut Duve, condemned Turkmenistan for "absolute lack of any freedom of expression".

Uzbekistan's constitution expressly forbids censorship. However, the government only removed the official censor in 2002 and the effects of this change have been minimal. It is not apparent to anyone watching, listening to or reading the media that there has been any significant increase of critical comment or analysis of central government policy. Journalists are harassed and some have been imprisoned. Jusuf Ruzimuradov, imprisoned since 1999, remains in prison despite our lobbying. The authorities explained that Mr Ruzimuradov was eligible for a December 2002 amnesty, but in order to qualify he would need to ask for the president's forgiveness.

Our Ambassador in Tashkent has lobbied on behalf of all four of the Uzbek journalists who are on the Freedom of Expression Panel's lists. The journalists are Madzhid Abduraimov, Muhammad Bekzhon, Mamadali Makhmudov and Jusuf Ruzimuradov. So far, none of them has been released. The President of the Union of Independent Journalists of Uzbekistan, Ruslan Sharipov, was arrested on 26 May in Tashkent with two colleagues on suspicion of having committed homosexual acts. Mr Sharipov has been a critic of the Uzbek government for many years and had written articles on alleged corruption in the police force. He has been physically attacked on several occasions. He complained to his lawyer that during his most recent detention, police officers beat him and threatened to rape him with a bottle. We raised Mr Sharipov's case with the Uzbek authorities in June 2003.

There have been some important series in English throughout the past year. Human trafficking was the subject of *The Body Trade*. To mark the UN International Year of Fresh Water, the BBC World Service broadcast programmes in the *Water* season over three months. The forthcoming series *Whose Justice?* looks at the International Criminal Court and debates whether war crimes trials raise expectations of justice which cannot be met, while glossing over the political and social forces which lead to crimes against humanity.

BBC World Service Trust

The BBC World Service Trust is an independent charity that 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 and local NGOs and broadcasters. Its projects cover health, education, good governance and journalism training, both on the ground – developing local capacity – and by using the programme formats of radio and television to deliver

We have also lobbied the Uzbek authorities to restore BBC World Service re-broadcasting on medium wave from within Uzbekistan and to renew the registration for the NGO, the Institute of War and Peace Reporting.

Freedom House's survey 'Freedom of the Press 2003' rated **Kyrgyzstan's** press as 'not free' and indeed freedom of the media is increasingly threatened in Kyrgyzstan. Over the past year, President Askar Akayev took steps to curb criticism of his administration. Evidence suggests that the Kyrgyz authorities are encouraging civil lawsuits against journalists and independent newspapers in order to force them to close. On 11 June 2003 Alexander Kim, editor-in-chief of the independent Kyrgyz newspaper 'Moya Stolitsa-Novosti', announced that the paper was bankrupt and would be closing due to over 30 lawsuits filed against the paper in the previous 18 months. The paper had been ordered to pay over \$100,000 in fines for articles alleging corruption in the Kyrgyz government. Other independent newspapers such as 'Obshestveni Reiting' and 'Delo Nomer' have also had government-initiated lawsuits and face bankruptcy. Freedom of the media, including the closing of 'Moya Stolitsa-Novosti' was raised at the 5th Meeting of the EU-Kyrgyz Republic Co-operation Council on 22 July in Brussels.

Although **Kazakhstan** has traditionally boasted a freer press than the rest of Central Asia, it too has seen setbacks in the past year. There have been attacks on the premises of a number of publications critical of the Kazakh government, including the newspapers 'SolDat' and 'Delovoye Obozreniye Respublika'. The editor of the opposition newspaper 'Rabat', Maxim Yeroshin, was beaten near his home on 16 April 2003, and suffered multiple head injuries. The attack came a few days after he had written an article denouncing corruption by President Nursultan Nazarbayev. Our Ambassador in Almaty regularly raises the importance we place on respect for human rights, justice and freedom of expression with key government interlocutors.

educational messages to mass audiences and provide a focus for human rights reporting.

In **Burma**, people will learn about democracy and good governance and receive information about health and basic life skills through a twice-weekly popular radio soap opera in Burmese. In September 2002, HRPD funded a feasibility study on the potential for such a programme. The BBC World Service Trust has since agreed a one-year pilot project with DFID and the broadcast will begin later this year. Burmese actors and writers will develop the soap opera, supported by BBC staff. The programmes will be collated and edited in Thailand and broadcast on the BBC's Burmese Service.

In November 2002, the BBC World Service Trust held a human rights seminar in London to explore the tensions between human rights and the war on terrorism. Journalists, NGOs, academics and those in government working for human rights joined the seminar and ensuing debate.

The BBC World Service Trust co-operates with other organisations to spread awareness of human rights. 'Millennium Milestones' is a project to raise awareness and chart the progress of the Millennium Development Goals (to halve the number of people living in poverty by 2015 – see page 149 for more details). This project is co-funded by BBC World Service, UN Development Programme (UNDP), World Health Organisation (WHO), UN Population Fund (UNFPA), and UN Children's Fund (UNICEF). The broadcasts are produced in English, Vietnamese, French for Africa, English for Africa and

Portuguese for Africa. Corporate social responsibility in Latin America is the subject of 'Who Cares?', funded by Ford Foundation Mexico. The series is produced in Spanish and Portuguese for Brazil, with online pages to support the project. The International Labour Organisation funds 'Workwise', a project to raise awareness of the Declaration on Fundamental Principles and Rights at Work. The programmes are produced in Bengali, Brazilian Portuguese and Indonesian. The DFID-funded project Digital Dimensions raises awareness among key decision-makers of the effectiveness of using information and

'I have a right to ...'

'I have a right to ...' ended in 2003 and was the FCO's largest human rights project. The Human Rights Project Fund (HRPF) has provided £989,000 to the BBC World Service Trust over three years for radio programmes which up to 125 million people worldwide are expected to hear. It became an effective means of tracking progress and change in human rights; raising questions and promoting debate around human rights issues; and communicating the experiences, challenges and success of individuals, communities and organisations working to guarantee human rights.

For people in countries such as Burma and Somalia, the BBC is the only source of reliable information. In the third phase of 'I have a right to ...', programmes were broadcast to many areas where people are not free to discuss human rights openly.

During the year, BBC producers from 12 language services travelled to target countries. They made programmes in Bengali, Burmese, Indonesian, Sinhala, Tamil, Persian, Pashto, Uzbek, French for Africa, Portuguese for Africa, Somali and Portuguese for Brazil. The emphasis was on personal testimonies from people around the world on how they have overcome obstacles and achieved progress. Although of differing scales, these achievements represent significant steps for particular individuals and larger communities.

This year, some programmes have been updated due to popular demand. In **Mexico** the BBC World Service Trust repeated the Spanish series 'Fronteras de la Dignidad' in March 2003; distributed it to partner stations in December 2002; and transmitted the series throughout Latin America. The trust prepared four courses in Mexico in April 2003 on the themes of human rights and BBC editorial values. Experienced BBC journalists ran the courses for journalism students at Mexico's largest private university and also for journalists working in all of the BBC's partner radio stations in Mexico.

Also for Mexico, the BBC World Service Trust is preparing a special Internet site to cover BBC editorial values. The site will include special sections on human rights and elections, with an interactive learning element. The site's human rights focus is on Mexico but as it is produced in English, Spanish and Portuguese, it can be used more widely throughout Latin America.

In response to the 11 September attacks in the US, the final phase of 'I have a right to ...' included a three-part series on human rights in a changed world. The series explored issues such as the human rights

of the prisoners at Guantanamo Bay in **Cuba**, and **South Africa's** incorporation of social and economic rights into the constitution. Four educational programmes ran alongside the series, explaining the institutions and international law that has developed around the Universal Declaration of Human Rights.

The 'I have a right to ...' website is a guide to information about human rights. The site was updated and relaunched in September 2002. It simplifies the text of the Universal Declaration of Human Rights and offers a simple guide to the major international human rights treaties. The web address is: www.bbc.co.uk/worldservice/humanrights.

'Talking Point' is the Sony award-winning BBC current affairs programme in which listeners can join a live multimedia phone-in and put questions to invited guests. The programme included live debates with President Obasanjo of Nigeria; former UN secretary-general Boutros Boutros Ghali and Sergio Vieira de Mello, the then UN High Commissioner for Human Rights.

In **Nigeria**, the second phase of 'I have a right to ...' stimulated a variety of in-country events and partnerships. From these, DFID Nigeria is funding a three-year project, Voices, which uses drama to explore governance and rights issues on broadcasts on the BBC World Service's English for Africa and Hausa services. The project will also develop the skills of Nigerian broadcasters and academic institutions throughout the country. It will begin broadcasting later this year.

'I have a right to ...' featured in the FCO Open Day 'My rights, your rights, human rights' on 10 December 2002. The Open Day promoted the FCO's work on human rights, showing the general public why human rights matter, how they are promoted, with whom the FCO works and what the challenges are. (See page 64 for more details on the Open Day.)

To mark International Human Rights Day and the completion of 'I have a right to ...', the BBC World Service Trust organised a lecture in conjunction with the London School of Economics. Hina Jilani, UN Special Representative for Human Rights Defenders, spoke on protecting human rights in an anti-terrorist world.

communication technologies to reduce poverty. In **Vietnam**, the BBC Vietnamese Service ran a series of interviews with the country's most prominent dissidents.

Every year the BBC World Service Trust works with BBC World Service Training, in partnership with the UK Government, charities and international organisations, to run training programmes for journalists around the world. In **Macedonia**, the FCO funded an eight-week project on reporting conflict and diversity. The FCO hoped the training would help Macedonia counter a pronounced trend towards more nationalistic/ethnic and political broadcasting since the country's ethnic-related crisis in 2001. The workshops mixed the public and private sectors, as well as those broadcasting in Macedonian minority languages. The project trained over 70 journalists. The first three workshops, held at the Macedonian Institute for Media in Skopje, and the fourth in Tetovo, focused on national and local stations. Another held in Ohrid was focused locally. There were two more workshops at the state broadcaster Macedonian Radio and Television. The training team also held a one-day seminar for 45 editors, owners or directors of radio and television stations.

The European Agency for Reconstruction manages the main EU assistance programmes in Serbia and Montenegro and Macedonia. It is funding the BBC training project in Podgorica, **Montenegro**, to provide consultancy services to the state broadcaster in finance, human resources, journalism and news management. The purpose of this project is to provide expert advice, coaching and training to transfer knowledge and best practice to support the transformation of Radio Television Montenegro into a public service broadcaster.

The Dutch government is funding a BBC project at the European Centre for Broadcast Journalism in Belgrade to improve the skills of journalists from across **Serbia**, Montenegro and **Kosovo**. Most recently the centre ran a ten-week course in documentary film production with three teams producing three 20-minute films to the highest professional standard. The centre has been co-operating with the OSCE on a project to help train staff from the Kosovo Mreza – a network of Serb stations in Kosovo – to make accurate, objective and impartial news programmes.

At the Sarajevo Media Centre, over 300 young media professionals from across **Bosnia and Herzegovina** have attended BBC-run courses since 1996. The centre has now become fully sustainable. An independent consultant compiled a report in April 2002 based on interviews with 50 former trainees, describing the school's impact as "extremely powerful". It concluded that graduates had made significant changes by

implementing their new-found knowledge and that audiences had responded "highly positively".

The trust has continued to provide training to **Afghan** journalists. The FCO, UNESCO and DFID funded a study visit for Afghan government ministers to study media regulation, and a trip for senior editors to learn about news management in the UK. The Swiss Development Agency funded the BBC World Service Trust's Afghan Education Project to train journalists in constitutional and parliamentary reporting. This is crucial while the form and content of the new constitution is being drafted and discussed by a constitutional commission. This project is helping Afghan journalists report this process to the people and express their views on the constitutional development process.

DFID funded the trust to do a comprehensive pre-election training programme in **Nigeria**. The project worked across the different regions of the country with courses for news managers and editors; basic journalism training; on-site consultancy and media encounters; bringing together stakeholders from local and regional government; and journalism and business to discuss how to cover the election fairly and accurately.

The British Council funded a BBC journalism training manual in **Indonesian**. The manual is a comprehensive companion to best practice in journalism covering radio, TV, print and online mediums. It has separate chapters to help journalists with conflict reporting and writing educational features. The manual will help journalists across Indonesia write better copy and consider ethical codes of conduct.

BBC World Service Trust: reconstruction of Afghanistan's media

For the past 18 months, the BBC World Service Trust has been working with the Afghan authorities and journalists to provide expertise, experience and technical know-how to redevelop **Afghanistan's** media. Funded by DFID, the World Service Trust developed and implemented a project to address technical rehabilitation, regulatory frameworks, training and educational programming in Afghanistan. The trust aims to build on these early achievements over the next year with a special emphasis on education around the new constitution and the planned elections in 2004.

More than 400 Afghans are now regularly using the new Media Resource Centre, which opened with a network of six personal computers with digital editing software for audio in both Persian and Pashto. The centre provides on-going training in IT and editing techniques to Radio and TV Afghanistan, Bakhtar News Agency and the University of Kabul.

The BBC World Service Trust has provided Radio and TV Afghanistan with two medium-sized studios, the first digital studios in the country, and installed an FM transmitter for the Kabul area. The trust has supplied over 300 journalists with equipment to record and edit their programme material. It is supplying a further 100 reporting units to working journalists to give them the basic tools of their trade.

A BBC strategic adviser worked throughout 2002 with the Afghan ministry of information and culture to develop a set of policy directions. The work included a commitment from the government to take steps to change Radio and TV Afghanistan into a public service broadcaster and make Bakhtar News Agency an independent entity. The government aims to make significant progress by 2004, before the planned national elections.

As part of the rapid media redevelopment, the trust produced two series of radio programmes which were broadcasted on the BBC's Persian and Pashto services. The first was on the role of the Loya Jirga – traditionally a council which sought the views of Afghan people on the future of their country. The programme explored accountability and political processes and looked at the relevance of the Loya Jirga by, for example, the representation and balance of women and regions. These educational programmes provided in-depth coverage, historical context and debates.

The 'Afghan Lifeline' series, funded by DFID, targeted Afghans who became refugees or displaced people following the military campaign in 2001. The programmes included contributions about refugee life in Iran as well as Pakistan, and were broadcast seven days a week: four days a week for adults and three days a week for children. They helped people cope with immediate survival needs such as shelter, first aid and staying healthy. For example, the programmes gave information on refugee camps, how to prevent disease, and landmine awareness. These programmes have now been developed into a new series with funding from UNHCR, called 'Returnee', which provides information, testimonies and advice on resettling in Afghanistan.

Afghan education project

The BBC has been working with the Afghan authorities and journalists to provide expertise, experience and technical know-how. The Afghan Education Project began with a series of programmes in 2001 for refugees and internally displaced people. The project has now relocated to Kabul (from Peshawar, Pakistan) and is at the forefront of educational and developmental media in the country. With more than 100 skilled Afghan programme makers, the project is now taking the lead in the trust's work on training and redevelopment.

Afghan women's empowerment project

The Afghan Women's Month in Kabul, organised by the BBC World Service Trust and sponsored by the FCO, launched a series of activities to empower Afghan women and girls. The project encouraged women to form their own journalism associations and also encouraged women working in the media to mentor female journalism students.

The project also provided a forum for BBC World Service language services to make their own programming on the empowerment of women. It has strengthened the role of the BBC World Service Trust Media Resource Centre, which involves women journalists and journalism students in the centre's activities.

More information on the work of the BBC World Service Trust is available at www.bbc.co.uk/worldservice/trust.

8.2 Freedom of association

The right of association refers to the right of individuals to form or participate in groups in order to promote political, cultural, social, economic or religious aims.

Freedom of association is the lifeblood of any democracy since the ability of any individual to promote his or her views is considerably enhanced if they are able to do so through association with others in a group. Trade unions, NGOs, community-based organisations, faith-based organisations, professional associations and political parties are just some examples of organisations for which freedom of association is fundamental. Since freedom of association is concerned with the individual's ability to promote his or her views in association with others there are close links between freedom of association, freedom of assembly and freedom of expression.

The reform process has stalled in **Syria**. Arbitrary arrests, torture, unfair trials and the detention of political prisoners as well as limits on freedom of expression, assembly and association all continue. The Syrian authorities restrict the activities of pro-democracy civil society groups that developed after President Bashar Al-Assad's succession in July 2000. Some groups continued their activities; this led to high-profile arrests of two members of parliament and eight other prominent opposition figures and civil society activists. All 10 have since been tried and sentenced to terms of imprisonment of between two and a half to ten years. We welcomed the subsequent release of one of the ten (Riyadh Al-Turk) in November 2002, under a presidential amnesty for humanitarian reasons.

Two of the lawyers involved in the defence of these cases, Anwar Al-Bunni and Haytham Al-Malih, were banned on 5 June

2002 from practising law for one and three years respectively. Mr Al-Malih, a founding member of the Human Rights Association in Syria, went on trial in a military court on 13 March 2003. He was accused of trying to change the constitution by illegal means, working for an illegal organisation and distributing false information. To date, the Syrian authorities have allowed the EU access to court proceedings.

Protests to the Syrian government have had little impact and there have been more high-profile arrests. In December 2002 the journalist and *Al-Hayat* bureau chief, Ibrahim Hamidi, was arrested on charges of disseminating false information and held without trial until 25 May 2003. Though they have now released him, the authorities have not yet dropped their charges against him.

With EU partners, we raise these and other human rights issues with the Syrian government whenever possible. On 5 March 2003 Foreign Office Minister Mike O'Brien raised Mr Hamidi's case and the detention of political prisoners generally with President Al-Assad. Also in March the EU Presidency requested permission to monitor Mr Al-Malih's trial. The EU has made *démarches* to the Syrian authorities on the detention of political prisoners, most recently on 23 January on Mr Hamidi's case.

We have seen no improvement in **Eritrea's** human rights record. Although the 1997 constitution allowed for the formation of political parties, democratisation was postponed during the 1998–2000 war. The government has not set a date for the formation of political parties other than the ruling People's Front for Democracy and Justice (PFDJ) or for elections to the National Assembly. Nor has it allowed an independent civil society to develop outside the PFDJ or its affiliated organisations. It bans independent national NGOs that might be critical of the government. We raise these issues whenever possible, and in the framework of the political dialogue between Eritrea and the EU under Article 8 of the Cotonou Agreement. (See page 98 for more details on the Cotonou Agreement.)

Democracy activists in **China** including Zhao Changqing, Fang Jue and He Depu signed or gathered signatures for a petition to the 16th Party Congress in November 2002 demanding more democracy and a review of the judgements on the armed suppression of student protests in June 1989. They were placed under strict police surveillance in the run up to, and during, the 16th Party Congress and the National People's Congress in March 2003. Most were later released, although He Depu has been charged with "inciting the overthrow of state power". Representatives of workers groups

and free trade union organisers faced arrest and imprisonment (see page 34 for more details).

This is a critical year for **Rwanda**. There was a national referendum on a new constitution on 26 May 2003. Presidential and parliamentary elections are due to take place later in the year.

Rwanda's recent history means that the government treads a careful path between its commitment to good governance, democratisation and accountability and the need to ensure that prospective political parties and the media do not incite racial hatred or division. Radio, in particular, played a pivotal role in inciting the 1994 genocide. So while the government publicly espouses and promotes fundamental democratic principles (for example, it has passed a new media law which should pave the way for independent broadcasting), it must also monitor civil society activities and the media. There has been erratic progress in making space for political opponents. We were alarmed about the government's commitment to democracy when the former President Pasteur Bizimungu was arrested on charges of forming an illegal political party. He is now awaiting trial. We expressed similar concerns to the Rwandan government when it banned the opposition Mouvement Democratique Republicaine (MDR).

Critics of the new constitution argue that its mechanisms will allow the Rwandese Patriotic Front (RPF) to stay in power. The constitution advocates a system that will not allow a 'first past the post' democracy. Given Rwanda's history, this is perhaps understandable. However, the critics fear that tight control by the Forum of Political Parties; reserved seat allocations; the second chamber that is largely appointed by the president; and the fact that the majority party need make up only 40 per cent of the government, will all primarily benefit the RPF.

8.3 Freedom of religion

According to the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion. Reality is all too often very different. The UN Special Rapporteur on Religious Intolerance Abdelfattah Amor noted: "It is clear that no religion or belief is sheltered from violations and that no state or category of states, no religion or belief has a monopoly on intolerance".

The UK takes violations of religious freedom very seriously. During a debate on religious freedom in the House of Commons in June 2003, Chris Mullin, the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, stated: "It goes without saying that the Government condemns the persecution of individuals or groups because of their

religion. Article 18 of the Universal Declaration of Human Rights gives everyone the right to freedom of thought, conscience and religion, and it is important that it should be upheld everywhere. Our diplomatic missions throughout the world monitor cases in which freedom of thought, conscience and religion are denied. We are in constant dialogue with governments who offend against those principles and we regularly make appropriate representations."

The FCO Religious Freedom Panel is an important forum for the consideration of international religious freedom issues. The most recent meeting of the panel was in February 2003. Foreign Office Minister Bill Rammell welcomed some 50 representatives of NGOs, religious groups and academics to the FCO to hear Professor Eileen Barker and Andrew Clark discuss a proposed draft voluntary code of conduct for faith-based or belief communities. Professor Barker is Professor of Sociology with special reference to the study of religion at the London School of Economics and founder of INFORM, a non-profit organisation which researches cults, sects and other minority religions. Andrew Clark is General Secretary of the International Association for Religious Freedom (IARF), based in Oxford. Participants discussed issues of concern such as the treatment of apostates throughout the world and the Belarus draft religion law. The panel's next meeting is scheduled for this autumn.

We cannot take up every concern expressed to us about freedom of religion – but we do what we can, where we can. In this section, we look at those countries in which we are particularly concerned about freedom of thought, conscience and belief.

In most countries, religious organisations are required by law to register. Registration means they can maintain a bank account, rent property and act as a legal entity. The registration process can be lengthy, complicated and difficult. In many cases, it is frustrating. Recent laws on religions in **Turkey** have removed some obstacles to registration and aided the acquisition of real estate but subsequent regulations have hampered the implementation of this reform. These must be addressed. The recently passed sixth package of EU-related reforms, which facilitates the opening of places of religious worship, goes some way to addressing other concerns of minority religious groups. However, restrictions still remain – for instance, on the teaching, appointment and training of clergy. The authorities need to introduce further reforms to address these.

Prejudice against non-traditional religious groups remains common in **Russia**. In 1997 the Russian Federation adopted a law which in effect discriminated against 'non-traditional faiths' by requiring them to have been established in Russia for 15 years. Under this law all religious organisations had to re-register by 31 December 2000. Whether religious

organisations managed to re-register varied considerably, depending on the local office of the ministry of justice. Some religious minority denominations and NGOs report that the ministry has disbanded a number of groups, despite repeated attempts to re-register. For example, despite successfully registering at the federal level, the Salvation Army and the Jehovah's Witnesses found that the local Moscow authorities would not register their local organisation.

On 1 August 2002 the Moscow city court finally annulled an earlier court ruling that the Salvation Army should cease its operations in Moscow, and the Salvation Army has now registered in Moscow as a branch of its federal organisation. The Jehovah's Witnesses, however, have still not been allowed to register in Moscow, and have been subjected to an eight-year investigation by the courts. In February 2001 the Jehovah's Witnesses won their case against being wound up in Moscow, but the city prosecutor's office successfully appealed and the case was sent back for re-trial. On 22 May 2003 the Golovinsky district court in Moscow ordered yet another expert study of their literature.

Relations between the Russian Orthodox Church and the Catholic Church remain poor. The Catholic Church has cited a number of cases where priests have been excluded or expelled for reasons that are unclear. The Russian foreign ministry claims that these decisions are related to the activities of particular individuals, and not to the Catholic Church as a whole. As in previous years, some Protestant missionaries and clergy have also experienced difficulties.

On 2 June the ministry of internal affairs accepted the supreme court's ruling which respects Muslim beliefs and allows women to wear headscarves when having their passport photo taken. The supreme court's appeal board upheld a suit filed in January 2002 by 10 Muslim women from Tartastan, which challenged a 1997 interior ministry directive prohibiting head coverings in ID photos. In accepting the judgement, Boris Gryzlov, the Interior Minister, said that: "Russia's further development as a multi-faith country, and the construction of a state based on the rule of law and a civil society require human rights to be fully observed, in this case freedom of religious beliefs".

In **Georgia**, the rights of members of 'non-traditional' religious minority groups are often restricted and violated, despite the fact that the Georgian constitution provides for freedom of religion. Georgia's draft law (On Freedom of Conscience and Religious Entities) has not yet been laid before parliament. The law has been in preparation for almost a year and aims to set out the legal status, rights and obligations of Georgia's various faiths and churches. There has been wide consultation over the law with NGOs and non-Orthodox churches.

In last year's Annual Report, we reported on the violent activities of the defrocked priest, Basil Mkalavishvili, who is leader of an extremist movement. Mkalavishvili has continued to harass and attack other religious groups. On 24 January 2003, Mkalavishvili and his supporters violently disrupted a general prayer service for all faiths at the Baptist Church of Georgia in Tbilisi. EU Ambassadors (including the British Ambassador) strongly condemned this action and called on Georgia's ministry of foreign affairs to voice their concern about the harassment of religious minorities and the authorities' failure to prosecute the perpetrators. In a statement on 15 February 2003, following the EU démarche, President Shevardnadze said that Mkalavishvili's actions had damaged Georgia's reputation in Europe. Since then the district court in Tbilisi has sentenced him to three months preliminary detention.

The inter-faith prayer service was held eventually on 14 March 2003, attended by President Shevardnadze. The president made a plea for reconciliation not just among Christian faiths in Georgia, and he appealed for tolerance between all faiths. However, a Baptist Church in Akhalsopeli was destroyed by arson on 15 June. No one has yet been arrested. We are monitoring the situation and use every opportunity to remind our interlocutors of their constitutional and international (UN, Council of Europe, OSCE) obligations. We are in touch with local NGO representatives such as Human Rights Watch and the Liberty Institute, as well as Jehovah's Witnesses, and we supported the creation of national and regional public defender's offices (ombudsman). Our Embassy in Tbilisi is also providing assistance to a prison and military chaplaincy project. We urge the Georgian government to uphold the right to religious freedom and to prosecute those people who perpetrate violence and harassment against religious minorities.

Most people in **Armenia** belong, at least nominally, to the Armenian Apostolic Church. Current law entitles the church to preferential treatment; for instance the church signed an agreement with the ministry of education in 2002 to teach the history of the church in schools. The law sets out a registration procedure, rights and obligations for religious groups that bans any proselytising activity. The Jehovah's Witnesses are not registered, so are not bound by the law, but they are more vulnerable to prosecution. This goes against Armenia's commitments as a member of the Council of Europe to permit such groups to practise without discrimination. Jehovah's Witnesses have been trying to register as a religion and a legal organisation in Armenia since 1991. There are two official grounds for refusing the group registration. Firstly, the Jehovah's Witnesses are accused of proselytising activity. Secondly, since Armenia does not yet allow conscientious

objectors an alternative to military service, their refusal to serve in the military breaks the law. The OSCE office continues to advise the Armenian government on a draft law on alternative service.

Islam is the dominant religion in Central Asia and minority religious groups across the region are restricted by laws that affect their registration. In **Turkmenistan** the government severely restricts the religious activity of all groups except for Sunni Muslims and Russian Orthodox Christians, although the constitution provides for freedom of religion and does not establish a state religion. The Turkmen authorities take advantage of the discriminatory application of registration procedures to harass members of independent groups of faith. People who object to compulsory military service on religious grounds, such as Jehovah's Witnesses, have received heavy prison sentences.

In **Uzbekistan** there are approximately 7,000 religious and political prisoners. No particular religion or denomination has been singled out, but we are particularly concerned about the treatment of large numbers of Muslims who are often unfairly convicted of being extremists. We have pointed out to the Uzbek government that falsely accusing citizens of extremist activity is likely to create radicalism where it might not otherwise have existed. Many people imprisoned have seen the courts dismiss their allegations that their confessions of sympathy with radical or extremist Islamic causes were, in fact, extracted under torture. Leafleting on behalf of Hizb-ut-Tahrir, an organisation which employs extremist rhetoric to advocate the establishment of an Islamic caliphate by non-violent means, is punished with disproportionately long sentences. The government does not adequately distinguish between Muslims who advocate violence and those who peacefully express their religious beliefs. Our Ambassador has criticised the repressive treatment of independent Muslims publicly, most notably in a speech in Tashkent in October 2002. (See Annex 1.)

The Uzbek constitution guarantees protection of religious groups. However, gatherings of all faiths need to be approved by the state. The registration process can be slow and complicated, leading some groups to flout the law. Jehovah's Witnesses are permitted to meet in some cities but not in others. They have been harassed, fined and detained for attempting to practise their faith. We paid close attention last year to the case of Marat Mudarisov, a 26-year-old Jehovah's Witness who was convicted on charges of inciting religious hatred under Article 156 of the Criminal Code. We believe our attention was a significant factor in securing him a suspended sentence.

In **Azerbaijan**, some religious organisations find it difficult to register and we have raised the issue with the Azeri state committee for religious affairs. In July 2002, Embassy officials discussed the problems experienced by one group of Jehovah's Witnesses. Since then, the branch has registered; however the authorities continue to deny Jehovah's Witnesses conscientious objection to military service. Problems continue for the Love Baptist Church, as reported in last year's Annual Report. Courts closed down the church in May 2002, a decision subsequently upheld by the supreme court. We raised the case with the Azeri authorities, who maintain that the church was closed for fostering intolerance of other religions in its sermons and audio tapes.

Foreigners in Azerbaijan are prohibited by law from disseminating religious propaganda. The Azeris claim this helps to ensure stability and is aimed at evangelical Christianity and radical Islam, but their stance contravenes Azerbaijan's Council of Europe commitments on freedom of religion. The authorities have proved at least willing to discuss their position and in October 2002, with the OSCE and ODIHR, held a conference on the Role of Religion and Conviction in Democratic Societies: the search for ways to prevent terrorism and extremism. The conference addressed issues such as foreign financing and support for religious associations and the wearing of headscarves on passport photographs.

The situation in **Belarus** for all religious groups remained poor, with blatant state interference such as raids on Protestant services and Hindu meditation meetings taking place on a frequent basis. President Lukashenko signed a restrictive religion law in October 2002. The EU condemned the law as a possible basis for censorship and discrimination against religious communities. In June 2003 the Orthodox Church and the state signed a concordat, which, it is feared, will give the church extensive influence in state bodies. In Grodno local authorities began excavating a Jewish cemetery to extend the local football stadium on the site. The EU issued a statement on 1 July 2003 condemning the action and calling on the authorities to suspend work at the site. Our Ambassador raised the matter with the Belarusian foreign minister, and wrote to the governor of Grodno expressing concern. At the time of completing this report, excavation work was continuing.

The right to freedom of religion is enshrined in **India's** constitution and the country has been seen as a model of a successful and religiously diverse democracy for many years. Although the majority of the population are Hindus, people of all faiths live together, largely peacefully. India has signed and ratified the International Covenant on Civil and Political Rights, which provides for the right to freedom of religion. But religious

intolerance remains a problem in many parts of India, and abuses have been well documented. The Indian state of Gujarat last year saw the worst outbreak of religious-related violence in India for 10 years. The official death toll is over 1,000 people, although we understand the true figure to be much higher, the vast majority Muslims. We provided immediate relief assistance last year to victims of the violence. We are also now funding some project work in Gujarat under the Human Rights Project Fund to bring reconciliation to some of the communities worst affected.

We welcome the Indian government's assurances that they will take action to bring to justice all the perpetrators of the attacks in Gujarat. We are concerned that, to date, there have been very few prosecutions and that many of those arrested have been released on bail. Our High Commission in New Delhi continues to monitor the situation closely and we will continue to urge that the perpetrators be brought to justice.

The Gujarat state government recently passed a law on freedom of religion, which outlaws conversions "by force or allurement or by fraudulent means". We are concerned that this legislation might in practice discourage Gujarati citizens from adopting the religion of their choice. Our High Commission in New Delhi has discussed this with EU partners, and is closely monitoring the implementation of this law by the Gujarati authorities.

The constitution of **Pakistan** guarantees every citizen the freedom to profess, practise and propagate their religion. However, in practice freedom of religion, along with freedom of expression, is seriously curtailed. We are concerned that the restrictions of freedom are partly sanctioned by law, because laws that are widely acknowledged to be unsafe, discriminatory and open to abuse, remain on the statute book. In particular, Section 295C of the Pakistan Penal Code is open to misuse, as it imposes a mandatory death sentence for the offence of blasphemy defined as: "by imputation or innuendo, directly or indirectly ... showing disrespect to the Prophet Mohammad". The EU delivered démarches to the Pakistani authorities on 7 February 2003 and 23 June 2003 drawing their attention to our collective concerns, and citing specific cases where Muslims and non-Muslims have been victimised through the blasphemy law.

We reported our concern about the misuse of the blasphemy law in last year's Annual Report. Between 1999 and 2003, at least 134 cases were lodged under the various blasphemy laws. These included 17 cases against non-Muslim minorities and 117 against Muslims. We have made available assistance for victims of the blasphemy laws to ensure their protection within Pakistan.

Although the blasphemy law is the most prominent law restricting freedom of conscience, the parts that are most frequently invoked to suppress religious freedom are those specific to the Ahmadi minority. The Ahmadis consider themselves Muslims but have been declared a non-Muslim minority under Section 298C of the Pakistan Penal Code. This provision is open to misuse, and it imposes a three-year jail sentence for any member of the Ahmadi sect “who directly poses himself as a Muslim ... or preaches or propagates his faith”. Extremist religious groups frequently invoke this legislation.

Although there is widespread awareness of human rights abuses, there is no coherent national campaign to reform these laws or mitigate the damage that they do. We are funding the British Council to co-ordinate an initiative to promote religious tolerance, by linking NGOs and opinion-formers who are concerned about the suppression of religious freedoms in Pakistan. The project documents and publicises cases of discrimination and infringement of religious freedoms, with a particular focus on cases of misuse of the blasphemy laws.

Discriminatory laws represent only one aspect of the curtailment of religious freedom in Pakistan. We are concerned more generally by the authorities’ failure to act decisively when vigilante groups and extremists take the law into their own hands and intimidate or attack members of religious minorities and Muslims. For example, on 21 January 2003 in Mingora, Swat, Fazl Wahab was gunned down, along with two companions. The authorities took no action when religious activists obtained a fatwa that condemned a book Mr Wahab had written on the role of mullahs and incited the faithful to kill him. Likewise, during 2002 there were four major terrorist incidents against the local Christian community in Pakistan, in which 20 people died. With EU partners, we urge the Pakistani authorities to fulfil their obligations to promote religious tolerance through the law and state practice, and to provide due protection to all those who are vulnerable to religious discrimination, intimidation and assault.

In London in January 2003, the FCO raised the persecution of Christians in **Laos** with Sayakane Sisouvong, the ASEAN Director General at the Lao ministry of foreign affairs. The FCO Director for Asia Pacific, Nigel Cox, did the same again in May with Soutsakhone Pathammavong, the non-resident Lao Ambassador to London. However, more generally the situation of Christians in Laos, a predominantly Buddhist country, appears to be improving. They can worship openly in much of the country, including five of the most populous provinces. Churches in Vientiane and elsewhere conduct their business without interference. Recent institutional changes within Laos, including a decree on religions, indicate a more positive attitude and an easing of restrictions on religious activity provided that: it is conducted within the limits set by the authorities; there is minimal foreign involvement; and it adopts a responsible attitude towards Lao culture and sensitivities. Unfortunately, local authority implementation of central decrees is variable.

Severe violations of religious freedom in **China** over the past twelve months include: three Catholic priests loyal to the Vatican rather than the state-controlled Patriotic Catholic Church sentenced to three years in a labour camp; a bishop loyal to the Vatican arrested in September; and five leaders of the South China Church sentenced to terms of imprisonment between 15 years to life. Pastor Gong Shenliang, Xu Fuming and Hu Yong, who had been sentenced to death for rape and deliberately injuring people, had their sentences commuted to life imprisonment after a retrial. The retrial followed international protests, including from the UK. The Chinese authorities arrested 176 members of two millenarian Protestant cults in January.

While the freedom for most **Vietnamese** citizens to practice their religion has increased significantly, concerns remain. Although Vietnam’s constitution guarantees freedom of religion, in practice people are only allowed to worship in six officially recognised religions. Those caught practising non-recognised religions often continue to be subject to state-



Pakistani Christians, their eyes and mouths covered as a symbol of mourning, take to the streets of Lahore in protest at the attacks on their community. In 2002 terrorists killed a number of people in attacks on a Christian school in Muree, a Christian hospital in Taxila and a church in Daska.

sponsored harassment or imprisonment. The activities of the six official religions are also severely proscribed, particularly with regard to training and appointing religious leaders. The treatment of members of non-recognised Protestant groups in the Central and North-West Highlands of Vietnam was an ongoing concern in the period covered by this report. The Vietnamese authorities have prevented the groups affiliating themselves with the officially recognised Protestant churches, while strictly enforcing the laws with regard to unofficial religions. Freedom of religion and the situation in the Central Highlands are among the issues that have been raised in the EU's human rights dialogue with the Vietnamese government (December 2002 and June 2003). Our Embassy in Vietnam has also participated in EU visits to the Central Highlands to highlight our concern about the harassment of Protestants in that region. On a positive note, however, there was some dialogue between the Vietnamese government and the non-recognised Unified Buddhist Church of Vietnam. Its two most senior leaders Thich Huyen Quang and Thich Quang Do were under some form of detention for most of the past 20 years, but in April 2003 the conditions of Thich Huyen Quang's house arrest were relaxed, and Thich Quang Do was released in June 2003.

There are reports in **Indonesia** that Ahmadi Muslims face violence and discrimination and we have written to the Indonesian government to seek further information. Religious freedom in Indonesia is protected by the constitution and respected on a practical basis. Although religious differences apparently sparked violence in Sulawesi and Maluku in the past, underlying economic factors were also important, such as land ownership and the arrival of economic migrants. The Indonesian government has brokered two accords to end inter-faction fighting. The Malino I Accord, signed in December 2001, addresses the problems in Central Sulawesi, although violent clashes still occur; the Malino II Accord, signed in February 2002, addresses Maluku.

In **Saudi Arabia**, the public profession of any religion other than Islam is strictly forbidden. Apostasy from Islam carries

the death penalty (see Chapter One for more details on Saudi Arabia).

There is a general climate of intolerance towards religious minorities in **Iran**. One of the specific concerns we have raised with the Iranian authorities is the continued discrimination against Baha'is (see Chapter One for more details).

The **Egyptian** government made the Coptic Christmas (7 January) an official holiday in 2003 for the first time and in general non-Muslim minorities, such as the Copts, are able to worship freely. The Egyptian constitution provides for equal public rights and duties without discrimination on the basis of religion or creed. However, there are certain restrictions on freedom of religion. For example, Baha'i institutions remain banned under Law 263, and religious conversion is a sensitive subject. In London and Cairo, we emphasise publicly the importance of tolerance and mutual respect between religions and we maintain contacts with organisations working towards religious freedom and tolerance in Egypt.

We are further encouraging religious freedom in Egypt by co-funding a project over the next year that will promote religious freedom for all faiths by training four lawyers in human rights and religious liberty. The project will enable the lawyers to open 24 new court cases over 12 months and develop a religious liberty guidebook. More lawyers mean more legal representation for people who have been discriminated against. Ultimately, such litigation can promote reform in Egyptian law and greater adherence to international human rights instruments.

Eritrea, a secular state, is generally tolerant of the more mainstream religious groups, Orthodox Tewahedo, Catholic, and Mekane Yesus (Evangelical Lutheran) Christian churches and Islam, though not of smaller sects. However, the government has recently become less tolerant of minority religious groups, who have been subject to considerable pressure. By autumn 2002 most religious facilities belonging to smaller sects and churches are understood to have closed following the May



Thich Quang Do, a senior leader in the Unified Buddhist Church of Vietnam and Nobel Peace Prize nominee, was released in June 2003 after 20 years of detention.

2002 order by the ministry of information that all minority religious groups were to register or cease all activities. The outcome of the re-registration process is still not clear. Since then the government has used a standing law against gatherings of more than five people to prevent religious meetings. It is not clear how far this has been implemented but a number of Christian sects have reported actions against their members in early 2003. Jehovah's Witnesses continued to face discrimination due to their conscientious objection to military service and following the withdrawal of their citizenship in 1994 by presidential decree after they refused to participate in the referendum on independence. They are regularly refused jobs and a number are in detention. At various times members of smaller sects, both Christian and Muslim, were arrested and detained for lengthy periods. As with Jehovah's Witnesses, charges are seldom if ever made and those arrested do not usually appear before any court.

In **Nigeria** inter-religious and ethnic violence continued. Serious inter-communal violence between Muslims and Christians occurred in Kaduna in November 2002 in the run-up to the Miss World contest, which was due to take place in Abuja. An article in *This Day* newspaper which suggested that the Prophet Mohammed would have approved of the contest and might have chosen one of the contestants as a wife caused outrage and sparked days of violence in which over 200 were killed. The deputy governor of Zamfara State issued a fatwa against the journalist, who immediately left the country. The contest eventually took place in London.

The implementation of the Sharia penal code in 12 northern Nigerian states continues to be a significant concern. Individuals such as Amina Lawal (see page 178), and Fatima Usman and Ahmadu Ibrahim (known as the Nigerian "Romeo and Juliet") remained under sentence of death. There was, however, cause for optimism. The Sokoto state upper Sharia court overturned Safiyatu Hussaini's death sentence (covered in last year's report) and acquitted her of adultery. Baroness Amos raised the question of harsh punishments under the Sharia penal codes in her meeting with President Obasanjo in Nigeria on 4 September 2002. The president replied that the constitutionality of such sentences would be tested when a case reached the supreme court. We also made clear our concerns about Sharia punishments, and their incompatibility with international human rights norms, at the first UK-Nigeria bilateral dialogue on human rights in January 2003.

8.4 Democracy and good governance

The spread of democracy is one of the key achievements of the 20th century. A clear majority of sovereign nations are now governed by democratically elected governments.

There is no universally accepted definition of democracy within international conventions or agreements. But there is broad consensus that democracy involves participation and accountability, and includes all members of a society in choosing its government. Article 21 of the Universal Declaration of Human Rights commits signatories to ensuring citizens' participation in government, either directly or through freely chosen representatives, and to holding periodic and genuine elections.

Democratically elected governments are more likely to guarantee minorities', children's and women's rights. They are more likely to have a transparent judiciary and observe rule of law and freedom of expression. Through democratisation, governments can bring prosperity and stability to their citizens. The right to participate in choosing one's government should be a fundamental human right. For this reason, and to promote these concepts, in 2003 the FCO set up a Democracy and Good Governance Section as part of the Human Rights Policy Department.

As defined in Article 9 of the EU Cotonou Agreement, good governance refers to a government's oversight of public decision-making, accountability and transparency. Countries achieve and deliver good governance by maintaining high standards in parliamentary practice, local government, public bodies, corporate social responsibility and economic practice. The UK is fully committed to promoting democracy and good governance worldwide.

We will support the efforts of any country to adopt formal democratic institutions so that all people, including the poor, have effective representation. We have supported the development of better formal political institutions, electoral processes, parliaments, civil society, media and political parties on a non-partisan basis. Much of our work in this area is through international organisations such as the Commonwealth and independent bodies such as the Westminster Foundation for Democracy (See pages 67 for more details).

On 27 December 2002 Mwai Kibaki became President of **Kenya**. This was a remarkable event: for the first time since independence in 1963, Kenyans chose a new leader and voted in free and fair elections.

Former President Moi had held office since Kenya's first leader, Jomo Kenyatta, died in 1978. From 1978–1992 Kenya became a one-party state dominated by the Kenya African National Union (KANU). Multi-party democracy was restored in 1992, but the Kenyan political environment remained turbulent with undercurrents of intimidation of opposition leaders and massive

corruption. KANU's political dominance in the 1992 and 1997 general elections ensured victory against a divided opposition. However, in the run-up to the 2002 general elections the opposition managed to unite and won a convincing victory. President Kibaki won over 60 per cent of the vote in the presidential race and his National Rainbow Coalition (NARC) secured a majority in the national assembly.

The transition from KANU to National Rainbow Coalition (NARC) governments was smoother and more peaceful than anyone could have hoped. The government has a strong parliamentary majority and wide public backing: the people want, and expect, change which will turn around the country's social and economic fortunes. President Kibaki has created a balanced and inclusive cabinet and, to a degree, reduced the size of government. The World Bank and International Monetary Fund have both delivered positive assessments.

President Kibaki and his cabinet have announced some key policies and drafted a package of new legislation. This included a Corruption and Economic Crimes Bill; a Bill to amend the constitution to establish a constitutional basis for the anti-corruption commission; and a Public Officer Ethics Bill to prevent public figures and senior civil servants from abusing their positions. The Kenyan people are eager for real reform and will watch carefully the implementation and impact of these key pieces of legislation.

Through our High Commission in Nairobi, we played a valued and valuable role in making sure that the elections were free and fair on the day. This was the culmination of three months of dedicated work by our staff before the elections. On polling day we fielded 53 people in 21 monitoring teams that covered every province, major town and a spread of rural areas. Only the US and EU observer missions mounted larger operations. Kenyans welcomed the UK deployment and many felt our presence helped to deter major abuses. Many other countries had contributed to international pre-election efforts in educating people of their democratic rights. The Kenya Domestic Observer Programme Chairman personally thanked the High Commissioner for our support for the domestic observation exercise.

President Eyadéma of **Togo** has clung to power since 1967, making him Africa's longest-serving leader. Following pro-democracy demonstrations within Togo and international pressure, President Eyadéma agreed to legalise opposition parties in 1991. However, the opposition boycotted Togo's first presidential elections in 1993 after the exclusion of the president's main rival, Gilchrist Olympio. At the 1998 presidential elections there was serious electoral fraud.

When the vote count pointed to a victory for Mr Olympio, the Togolese authorities suspended the election process and the army seized the ballot boxes. The head of the national electoral commission resigned in protest and her successor proclaimed President Eyadéma the victor.

There were signs of progress when President Eyadéma subsequently offered to talk with opposition leaders. EU facilitators supported the dialogue, which led to Eyadéma publicly declaring that he would not stand for a third term as president in the 2003 elections. However, the Togolese authorities continued to harass the independent media and opposition activists and, in December 2002, the national assembly approved changes to the constitution which allowed Eyadéma to stand for a third term. In the run-up to the presidential elections on 1 June 2003, Olympio was excluded on a technicality. Togolese officials did not co-operate with an EU exploratory mission, forcing the EU to cancel plans for election observers.

The official election results showed Eyadéma returned as president with 57.22 per cent of the vote. However, along with others, we are seriously concerned about the credibility of these elections. In addition to the harassment and censorship of the opposition, we received reports of denying people the right to register as a voter; the authorities denying access to the voting cards that allowed them to vote; and irregularities on the polling day itself including the stuffing of ballot boxes with false voting cards.

Since the election, a number of opposition activists have been arbitrarily detained and local journalists have been arrested and allegedly tortured for publishing "false information". The UK has taken an active role in ensuring that EU policy takes full account of our concerns. The EU issued a statement on 5 July which highlighted serious concerns about the conduct of the elections and subsequent events, and also called on the Togolese government to commit itself to an effective inter-Togolese political dialogue.

There has been more welcome progress towards democracy in parts of the Middle East. The Amir of **Qatar**, Sheikh Hamad bin Khalifa Al-Thani, recently said that freedom of expression and a sense of belonging could only be realised through popular participation in decision-making processes. Qatar continues to become more democratic. The Amir held a regional conference on democracy in 2002 and again in 2003. Qatar's first elections to the municipal council were in 1999; the second municipal elections were in April 2003. Suffrage is universal in the country. Qatar adopted a new constitution in April 2003 following a successful national referendum in which 96.6 per



Qatari students who live in Oman cast their votes in a referendum on a written constitution at the Qatari embassy, 27 April 2003.

cent of those who voted cast their vote in favour of the new constitution. This paves the way for elections in late 2003 or early 2004 for a 45-member legislative council. Two-thirds of the council will be elected and the Amir will appoint the remainder. On 9 November 2002, the Amir appointed the first woman to hold ministerial rank in Qatar. His sister, Sheikha Hessa, has a portfolio that includes promoting women's rights, protecting the rights of the child and promoting family welfare. In April 2003, the Amir appointed Sheikha Al-Mahmoud as the new minister of education, the first woman to be in charge of a front-line ministry and the first to hold a cabinet position.

The chairman of the constitutional committee, Dr Abdullah Al-Khulaifi, visited the UK on two separate FCO-sponsored visits when preparing the new constitution. The Amir has now set up an electoral committee and our Embassy is exploring ways in which we can assist.

Bahrain has continued making significant progress towards democracy. Reforms throughout last year culminated in parliamentary elections in October 2002. Prior to that, on 4 July 2002 the government announced that the lower house (the chamber of deputies) of the new parliament or national assembly would consist of 40 members, elected for a four-year term. The upper house (the Shura or consultative council) would consist of 40 members appointed by the King, also for four years.

The Bahrain government created an independent financial watchdog on 3 July 2002 as part of the constitutional reforms. Its mandate includes monitoring state expenditure. In an attempt to stamp out corruption, it has the power to investigate cases of embezzlement, negligence and financial violations.

The parliamentary elections took place on 24 October, with a run-off one week later. The turnout was a respectable 53.4 per cent in the first round and 43 per cent in the second round, despite a boycott by the main Shia opposition party. Sunni

Islamists won the majority of the 40 seats contested. The country's reforms had included greater inclusion for women in public life, and they were able both to vote and stand as candidates. Despite strong participation by female voters no women were elected to the new parliament. But women, and a member of the Jewish community, were appointed to the nominated consultative council.

We have supported the reform process through visits, journalist training and human rights projects. We have promoted citizenship education in Bahrain schools through some projects run by the Embassy and British Council, including co-ordinating training of curriculum specialists and senior teachers in strategies and planning for the integration of citizenship education into state school curricula. With the British Council, we also supported an art and a poetry competition to help raise awareness of the value of citizenship education

There has also been progress in **Oman** where more people are becoming eligible to vote. In November 2002 the government announced that, as of 1 January 2003, all Omanis aged 21 and over would be eligible to vote in elections for the lower house of the country's political system – the Majlis al Shura. The next elections are in October 2003. In the three previous elections, only five, 10 and 25 per cent of the population were allowed to vote – and even this was by invitation only. In the case of the October elections, it is likely that a committee from the ministry of interior will initially screen all Majlis candidates.

Violence and intimidation have in the past marred local and national elections in **Bangladesh**. Nowadays it is usual for the government to deploy either the military or the police to reduce the risk of trouble but intimidation and corruption still exist. However, the government has welcomed domestic and international observers. During the local elections in January–March 2003, over 60,000 people participated as observers, including staff from our High Commission in Dhaka. Although there were reports of clashes between political groups



An election poster for Faeza Al-Zayani, a candidate in Bahrain's parliamentary elections. The elections on 24 October 2003 followed significant democratic reform over the previous year.

and some deaths during the Union Parishad elections – a Union Parishad is the fundamental unit of local government in Bangladesh – independent observers concluded that the elections were generally free and fair.

The Bangladesh parliament is a relatively young institution, still developing its procedures and practices. There is a history of the main parties, when in opposition, periodically boycotting parliamentary proceedings. To aid the development of parliamentary systems, DFID and the UN Development Programme are funding a four-year project – Strengthening Parliamentary Democracy. This covers all aspects of parliamentary work, including security, information services, rules of procedure and the functions of parliamentary committees. We are concerned about delays over the establishment of parliamentary committees. Under the previous administration (1992–2001) there was an 18-month delay in setting these up, meaning the committees could not, during that time, perform their vital role of overseeing the government or scrutinise new legislation. There has been a similar delay under the present government. The government set up five functional committees following the October 2001 election and a further 11 committees in May 2003. The final 34 were set up on the last day of parliament in July. The opposition Awami League did not attend; two seats have been left vacant for them on each committee, but they have not been offered the chair of any committee. Donors (collectively and separately) have frequently lobbied the government to set up the committees, and have also lobbied the opposition to participate in them.

Murder is commonplace in **Jamaica**. Last year 1,045 people were murdered there – an appalling number by any standards even though it was an improvement on the previous year. The nature of Jamaica's 'garrison politics' has inspired tremendous violence at general elections over the past two decades. In 1980 there were 2,500 murders during the election campaign. The violence stems from the strengths of the two major political

parties – the ruling People's National Party (PNP) and the Jamaican Labour Party (JLP). In parts of inner-city Kingston curbstones are painted in the colours of the favoured party and there have been cases of people being shot for walking on the wrong side of the street.

Jamaica went to the polls on 16 October 2002. Fearing a repetition of violence our High Commissioner, with his Canadian and US colleagues, made well-publicised appeals to the leaders of the two main parties. In most cases, people and parties received the appeal well. In the end, the PNP won a fourth consecutive term in office. Jamaican observers considered the election campaign the most peaceful since before 1980. International and local election observers (from the Carter Centre led by former US president Carter and from a Jamaican group Citizens' Action for Free and Fair Elections CAFFE – who assembled some 2,500 volunteers) expressed general satisfaction with the conduct of the election. The police and defence force monitored and controlled any outbreaks of violence. The final murder toll – 11 on the day – was lower than in previous elections.

8.5 Election monitoring

Election observation plays a major role in developing democracy as it verifies that governments are meeting the basic conditions for free and fair elections. An election observation mission aims to discourage fraud, prevent voter intimidation and increase the confidence of the electorate in the process. However, election observation needs to be carried out with care. If a mission does not detect, or ignores, significant flaws in an electoral process it can give the elections a false legitimacy. The credibility of an election monitoring process requires complete access and sufficient resources. The election observers verify that all parties have equal access to the press and can communicate their messages without fear of intimidation. They also confirm that voters have free access to polling stations, understand the choices available and can vote in private without the threat of violence. Election observation

is not restricted to the period immediately before voting. Observers look at conditions during the campaign, in the conduct of voting and in the counting and post-election period. Only when they have assessed the whole process can they decide whether an election is free and fair.

Although there have been no written objections to the introduction of observation teams, there have been cases of states refusing entry to election observers by indirect means such as not providing visas. For example, during the 2000 parliamentary and presidential elections in the former Federal Republic of Yugoslavia (now **Serbia and Montenegro**), which marked the end of President Milosevic's regime, the Yugoslav authorities refused to admit observers from countries that took part in NATO's humanitarian intervention against ethnic cleansing in Kosovo in 1999. The presidential elections in **Belarus** in 2001 were a similar case. The Belarusian authorities delayed issuing an invitation and visas until three weeks before the election took place. The monitoring team could therefore only send a limited observation team.

The UK often participates in international observation efforts organised by the EU, the OSCE, 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. We aim to provide 10 per cent of the members of election observation missions organised by the Office for Democratic Institutions and Human Rights (ODIHR) in the OSCE region (see page 106 for more details).

Between July 2002–June 2003 the UK supported election observation in 15 different countries, by providing international observers as set out in the table on the following page. In some cases, concerns about security meant that it was necessary for the EU, NATO, OSCE and the Council of Europe to work together, most notably in **Macedonia**. The presence of a large number of international and domestic non-partisan observers increased public confidence in the important post-conflict elections and helped them to pass fairly and peacefully. Both

Serbia and Montenegro struggled to reach a result in their presidential elections in the winter of 2002. The UK continued to support the additional International Election Observation Missions during this important period. One of the reasons these elections failed was a problem with the electoral legislation. Based on recommendations from the ODIHR, the Montenegrin government passed new legislation and the third re-run presidential elections in Montenegro in May produced a result. The UK has also funded a project specifically looking at electoral legislation in the region.

In addition to, or sometimes in place of, international monitoring missions, our staff at Embassies and High Commissions may carry out their own election observations. For example, at the **Bahrain** elections on 24 October 2002, in the absence of an official EU presence, the Embassy sent a small election observation team to monitor the process. In 1998 the FCO and DFID jointly produced the booklet *Elections and the Electoral Process: a guide to assistance* to help posts and election monitoring teams decide whether to offer assistance to a government running an election, and what sort of mission to offer. The booklet is currently being updated and is available from the DFID website at: www.dfid.gov.uk.

When invited to do so, the EU sends observer missions to elections outside Europe – to Africa, Asia and Latin America. British election observers are usually volunteers from a range of backgrounds and many have long experience of observation missions.

The 2003 elections were very significant for **Nigeria** as they marked the transition from a military to a civilian administration. The UK sent four short-term and three long-term observers to the EU Observation Mission (EOM), to attend the national assembly elections on 12 April, the gubernatorial and presidential elections on 19 April and the national assembly elections on 3 May. The EOM supported the elections with €6.5 million from the European Development Fund. Nigeria is also a focus country for support under the European



Women of the Yoruba tribe examine the lengthy ballot papers as they queue to vote in the presidential elections in the Ogun state of Nigeria, 19 April 2003.

Election observation missions

Date	Country	Election	UK Observers	Mission
September 2002	Macedonia	Parliament	1 Core, 3 LTOs, 2 MTOs, 75 STOs	ODIHR
September 2002	Serbia	Presidential (and for second round)	2 Core, 2 LTOs, 20 STOs	ODIHR
October 2002	Bosnia	General	2 Core, 2 LTOs, 20 STOs	ODIHR
October 2002	Ecuador	Presidential/Legislative	LTO & STO	EU
October 2002	Pakistan	General/National/Provincial	LTO & STO	EU
October 2002	Kosovo	Municipal	1 LTO, 90 Supervisors 12 STOs	CoE OSCE
October 2002	Montenegro	Parliament	1 Core, 1 LTO, 10 STOs	ODIHR
October 2002	Armenia	Local	1 Core	ODIHR
December 2002	Serbia	Presidential	1 Core, 1 LTO, 10 STOs	ODIHR
December 2002	Montenegro	Presidential (and for re-run in February)	1 Core, 1 LTO, 5 STOs	ODIHR
December 2002	Zimbabwe	General/Presidential	LTO & STO	EU
December 2002	Madagascar	Presidential/Parliament	LTO & STO	EU
December 2002	Kenya	General/Presidential	LTO & STO	EU
February 2003	Armenia	Presidential (and for second Round)	1 Core, 2 LTOs (+2 in second round) 25 STOs	ODIHR
March 2003	Belarus	Local	1 Core	ODIHR
April 2003	Nigeria	State /Federal	2 LTOs 4 STOs	EU
May 2003	Moldova	Presidential	1 Core, 2 LTOs, 20 STOs	ODIHR
May 2003	Armenia	Parliament	1 Core, 2 LTOs, 25 STOs	ODIHR
May 2003	Rwanda	Constitutional Referendum	2 LTOs 2 STOs	EU priority
May 2003	Montenegro	Presidential (second re-run)	1 Core, 1 LTO, 5 STOs	ODIHR
Key: STOs – short-term observers LTOs – long-term observers MTOs – medium-term observers Core – core team member				

Presidential elections in Armenia

The UK sent election observers to **Armenia** in spring 2003. ODIHR provides an initial statement the day after an election and then a more detailed report a month later. The report provides recommendations on how to overcome barriers to democratic elections and concluded that:

“The February and March 2003 presidential election in the Republic of Armenia fell short of international standards for democratic elections. While the election involved a vigorous country-wide campaign, the overall process failed to provide equal conditions for the candidates. Voting, counting and tabulation showed serious irregularities, including widespread ballot box stuffing.

The newly amended Electoral Code provided a basis for the conduct of elections in compliance with international standards. However, the Code was not implemented with sufficient political determination to meet OSCE commitments for democratic elections.

The field of nine candidates provided voters with a genuine choice, and opposition candidates did not hesitate to criticise the incumbent. However, the political atmosphere was charged and marred by intimidation, isolated disruption of campaign events and one serious violent incident. Public resources were widely used in support of the incumbent.

The second round was clouded by the administrative detentions of over 200 opposition supporters, in contravention of OSCE commitments and a resolution of the Parliamentary Assembly of the Council of Europe. Over 80 people were sentenced to up to 15 days in jail, often in closed hearings and without the benefit of legal counsel. Some opposition leaders made intemperate statements, including calls for unconstitutional action, although the opposition candidate in the second round called on his supporters to take only action in accordance with the law. Rallies and demonstrations remained largely peaceful.

Voting and counting were generally calm but severely flawed. Although the majority of polling stations visited were well-run, international observers confirmed widespread irregularities of many types, notably ballot box stuffing, around the country. There were significant discrepancies and implausible figures in the tabulated results for a large number of polling stations. A positive development was the presence of a large number of domestic observers.

The failure of the 2003 presidential election to meet international standards lay not in technical or procedural lapses, but in a lack of sufficient political determination by the authorities to ensure a fair and honest process. Restoring confidence in the election process will require prompt and vigorous action by the authorities, including a clear assumption of responsibility and holding accountable those who violated the law, particularly those in official positions who did so.”

Initiative for Democracy and Human Rights (EIDHR – see page 95 for more details).

The elections in Nigeria were not perfect. The EOM's final report found that observers had witnessed some instances of fraud in the electoral process and that the media had shown some bias. However, it declared that the elections were broadly free and fair and made some recommendations for the future. These include strengthening the independent national electoral commission of Nigeria and setting up a permanent system of voter registration.

Despite the flaws, it was important that the EU supported the attempt by Africa's most populous country to make the difficult transition to civilian rule, after decades of military juntas.

8.6 Equality

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

International Covenant on Civil and Political Rights

The UK has strong legislation on race, sex, gender and disability discrimination. The legislation is reinforced by the Human Rights Act, which requires all legislation to be interpreted compatibly with the European Convention on Human Rights. This includes Article 14 of the Convention, which prohibits discrimination on grounds such as sex, race, colour, language, religion and, following a 1999 decision of the European Court of Human Rights, sexual orientation.

We are proud of our record on race equality. The UK 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 submitted its 16th and 17th reports to the Committee on the Elimination of Racial Discrimination in November 2002.

The follow-up to the 2001 UN World Conference Against Racism (WCAR) held in Durban, South Africa, continues. At the UN Third Committee in February 2002, the UK and EU partners endorsed the Declaration and Action Plan agreed at Durban. All EU member states also reached consensus at the UN General Assembly in November 2002 to adopt a resolution on the fight against racism, racial discrimination, xenophobia and related intolerance and comprehensive implementation of and follow-up to the World Conference Against Racism. However, at the Commission on Human Rights in April 2002 and the Economic and Social Council in July 2002, the EU voted against the resolutions on WCAR follow-up because they misquoted agreed texts and went beyond the Durban agreements, establishing new mechanisms and funds. Some progress was made towards agreement on these issues at the Commission on Human Rights in 2003, although the EU abstained on the resolution on WCAR follow-up. We believe that national and regional action will be the most effective way of tackling contemporary racism and promoting a fair and inclusive society. It is also important to prevent existing international standards, such as CERD, being undermined.

Consultations on a National Action Plan on racism have continued between the Home Office, the devolved administrations and a steering group of NGO representatives. These include the Commission for Racial Equality, the UN Association, the Board of Deputies of British Jews, the Sikh Human Rights Group, the National Council of Hindu Temples, Minorities of Europe, the 1990 Trust, the Equality Commission for Northern Ireland, the Northern Ireland Council for Ethnic Minorities, Runnymede Trust, the Trade Unions Congress (TUC), the Women's National Commission, the Chinese in Britain Forum, the National Black Youth Forum, the Muslim Council of Britain, the Council for Ethnic Minority Voluntary Organisations, Save the Children, the Churches' Commission for Racial Justice, the Scottish Council for Voluntary Organisations, the West Indian Standing Conference, the Northern Ireland Human Rights Commission, and the UK Race and Europe Network.

The steering group initiated a conference of UK NGOs in Manchester on 20 November 2002, supported by the Home Office, to discuss WCAR and proposals for a national action plan. This followed a series of smaller consultative seminars on specific themes held around the UK in September and October 2002. The following themes are in the UK framework for a national action plan: legislation; international commitments; faith communities; employment; education; health; housing; criminal justice; immigration and asylum; participation in public life; and raising awareness and remembering the past.

The UK also works with the EU and the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance. The UK is currently the Chair of both the European Commission Against Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia (EUMC). These roles highlight our support for European action against racism and better co-operation between civil society in the UK and the rest of Europe.

We fund a variety of projects in other countries to promote equality. We are particularly concerned about the spread of racism and xenophobia in **Russia**, where inter-ethnic relations have deteriorated dramatically since 1991. The NGOs representing the interests of national minorities are badly resourced and have little idea about an NGO's function or about the international standards that exist to protect minority rights. In 2002, the Russian NGO Centre for Inter-ethnic Co-operation (CIEC) established a network of NGOs representing ethnic minorities and set up an Internet site and ran training sessions for leaders of ethnic groups and local authority officials. We are now funding CIEC to develop this network further, through a national conference on countering racism and xenophobia; three regional training sessions; a website; information and publicity material; and a closing conference to co-ordinate efforts to combat racism and xenophobia in Russia. The conference will include 35 representatives of ethnic communities, covering 20 Russian regions.

Indigenous people

The UK supports efforts to protect and promote the human rights of indigenous people throughout the world. We participate fully in discussions on indigenous people within the UN, including the Working Group on the Draft Declaration on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues. In 2002, the FCO's Human Rights Project Fund financed a Minority Rights Group project to help minority and indigenous groups participate effectively at the UN. We also supported a project to empower indigenous people in the Philippines, using the Embassy in Manila's devolved funds. The UK supports and contributes to the European Initiative

for Democracy and Human Rights (EIDHR) which has provided extensive funding for project work with indigenous communities that promotes their views and voices, exchanges information and improves communication. In 2002, EIDHR provided funding to Novosibirsk State University in Russia for a project to enable Siberia's indigenous people to access higher education. In the same year, EIDHR funded the Centre for the Study of Global Ethics at the University of Birmingham in the UK for its project on Releasing Indigenous Multiculturalism through Education (RIME).

The international community is becoming more aware of the need to consider the rights of indigenous people. The UK participated in discussions on the Draft UN Declaration on the Rights of Indigenous Peoples. We also took part in the opening session of the two-week Permanent Forum on Indigenous Issues on 10 May 2002. The forum held sessions on economic and social development, the environment, health, education and culture and human rights. It made recommendations for future work, such as creating a secretariat unit. The UN General Assembly subsequently adopted some of these recommendations.

The UN Commission on Human Rights in April and the UN General Assembly in December 2002 agreed all resolutions on indigenous issues by consensus. The UK co-sponsored all three resolutions on indigenous issues at the Commission on Human Rights and two of the three resolutions at the UN General Assembly. Details of these resolutions are available on the UN website at www.un.org.

On 22 November 2002, the FCO held a round table to discuss proposals for collective rights for indigenous people and their impact on international human rights law. FCO and DFID officials attended the meeting with representatives from Minority Rights Group International; Commonwealth Policy Studies Unit, University of London; Saami Council; Foundation for Aboriginal and Islander Research Action; Forest Peoples Programme; and the Commonwealth Secretariat. A second round table was held on 11 June 2003, involving Minority Rights Group International; Commonwealth Policy Studies Unit, University of London; Foundation for Aboriginal and Islander Research Action; Forest Peoples Programme, Survival, Indigenous Peoples Links and Tebtebba Foundation, and a representative of the University of Essex. A significant difference of opinion exists between the UK Government and these NGO representatives. With the exception of the right of self-determination, the UK does not accept that collective human rights (human rights belonging to *groups* of people) exist within the core international human rights treaties because human rights are calls upon states to treat *individuals* in accordance with international standards. Of course, certain rights belonging

to individuals are often exercised collectively; an example is the right to education in one's mother tongue or a collective title to land. The NGOs present at the round tables disagree, citing international jurisprudence which they believe has interpreted human rights law to protect collective rights. The FCO will continue to consult civil society and others on this issue.

Minority rights

Protecting people belonging to minorities is an important part of UK policy on human rights. The UK is party to the Council of Europe's Framework Convention for the Protection of National Minorities. The convention states that a genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions for them to express, preserve and develop this identity.

Throughout 2002, we supported the work of the OSCE's High Commissioner for National Minorities, Rolf Ekeus. In 2002–2003, we contributed £70,000 to his work to identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between participating OSCE states. Our funding went towards a teacher-training project in **Moldova** to increase the integration of minorities in Moldovan society and improve their access to rights and opportunities, and a media project in **Kyrgyzstan** which created a press agency and published two newspapers in Kyrgyz and Uzbek. The aim of the project was to encourage the press to be more independent as well as to promote inter-ethnic harmony between ethnic Uzbeks and Kyrgyz. We also contribute to the European Initiative for Democracy and Human Rights (EIDHR), which made combating racism and xenophobia, and discrimination against minorities, a funding priority for 2002–2004. Through EIDHR we supported the Council of Europe's assistance to the governments of **Bosnia and Herzegovina, Croatia and Macedonia** for designing and implementing policies that will improve the situation of the Roma.

Through HRPF, we support domestic and international NGOs to promote and protect minority rights. Projects funded in 2002–2003 include work by Minority Rights Group to strengthen grass roots organisations working with the UN on the rights of people belonging to minority groups. We are also promoting a multi-ethnic society in **Ukraine** that is tolerant of different ethnic groups and religions by training 50 journalists, NGO activists and education professionals.

The Roma have long suffered discrimination (see page 90 for more details). Around 45,000 Roma living in **Serbia and Montenegro** (SaM) are routinely discriminated against in employment, education, health care and administrative services.

Litigation is one of the main methods used in the struggle for Roma rights since the mid-1990s. By taking cases to court, it is possible to get redress for victims of abuse and also to secure favourable legal rulings that better protect the rights of Roma and indeed of all citizens. Such litigation also draws wider attention to abuses that had previously gone unreported.

Police and racist violence against Roma has been a major area for litigation over the past six to eight years. There have been some significant successes in Eastern Europe but progress in SaM has been more limited. One major success has just been achieved with the ruling of the UN Committee Against Torture in a case of community violence against Roma in Danilovgrad (Montenegro). The committee found SaM to be in breach of its obligation to prevent and suppress human rights violations between private individuals. But more needs to be done to break the climate of impunity. We are funding the European Roma Rights Centre in Budapest, and the Humanitarian Law Centre and the Minority Rights Centre in Belgrade, to implement a project that is based on the concept of public interest law. Legal staff will identify suitable cases and elaborate litigation strategies based on domestic and international law to challenge violence and racial discrimination. We hope to secure favourable rulings that provide better protection against violence and discrimination. The project has a strong training and dissemination element, giving local lawyers practical experience in this field of law. It will also highlight areas in which domestic law does not comply with international standards.

School segregation is one of the most serious problems facing Roma communities in Europe. Roma children are often separated in Roma-only schools which are overcrowded, have poor facilities and unmotivated teaching staff, and generally deliver a poor standard of education. The curriculum is often less advanced than that followed in other schools. Roma children are also massively over-represented in special schools, which are for children with learning and social difficulties and where the academic standards are even lower. This is the result of an allocation system that uses flawed, culturally-biased assessment tests that under-report Roma students' ability. As a result, most Roma children fall behind their contemporaries in other schools and their future educational and employment opportunities are severely restricted. The answer lies in ending segregation and there have been two positive developments in **Bulgaria** over the last two years. With international support and working with the local Roma community, a pilot desegregation project began in Vidin in 2000–2001, followed by similar projects in six other Bulgarian cities. The success is evident in the Roma children's academic grades. In addition, the ministry of education and science, in its Instruction for Integration of Minority Children and Pupils (9 September 2002)

demanding an end to placing children in segregated schools in Roma neighbourhoods. It is now a priority to put the ministry's instructions into effect. We are funding a project using test litigation to challenge segregation practices by schools and municipalities. The project, which is implemented by the European Roma Rights Centre in Budapest and the Romani Baht Foundation in Sofia, aims to contribute towards wider desegregation initiatives that are being undertaken by Roma NGOs, and also by the Bulgarian government.

We are further encouraging desegregated schooling in Central and Eastern Europe in another programme managed by the European Roma Rights Centre to train Roma activists in Bulgaria, Serbia and Montenegro, **Hungary** and **Slovakia**. The activists will go on to train members within their own communities, thereby raising awareness of the issue of educational segregation and establishing new local desegregation initiatives.

New regulations in **Turkey** in 2002 allowed broadcasting and private teaching in Kurdish. In practise, this is extremely limited and the application and tolerance of the new laws is inconsistent. It is crucial that Turkey implements the reforms fully. We also urge Turkey to sign the Council of Europe Framework Convention on the Protection of National Minorities. Despite the lifting of the state of emergency in the four provinces in south east Turkey, economic, social and cultural problems remain, particularly for displaced people. However, we note that the Representative of the UN Secretary General on Internally Displaced Persons in his November 2002 report found that Turkey was addressing the problem.

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. But Dalits continue to be viewed by many as below the caste system, and are among the most disadvantaged and vulnerable of Indians. They often have little access to many 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 Dalit rights organisations to end caste discrimination. Foreign Office Minister Mike O'Brien discussed Dalit welfare in New Delhi with Mr I.D. Swami, the Indian Minister of State for Home Affairs, on 17 October last year, as well as with Justice Anand, Chair of the Indian National Human Rights Commission, in London on 14 July.

DFID is working towards a better understanding of social exclusion across Asia, so that it might support its partner governments in tackling persistent poverty and the lack of access to essential services among those excluded for reasons of caste, gender, ethnicity and religion. The lessons learned from this work will be integrated throughout DFID's approach in Asia, including India.

We remain concerned about the continuing allegations of human rights abuses against minority communities in **Bangladesh**. The High Commission raised the matter on several occasions during the past year with the Bangladesh government, encouraging full investigation of all allegations and for the perpetrators to be brought to justice.

Sexual orientation

The UK is committed to working for an end to discrimination on the grounds of sexual orientation. Such discrimination is prohibited by international human rights law. Article 26 of the International Covenant on Civil and Political Rights prohibits discrimination "on any ground". 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.

The UK closely monitors reports of discrimination on the grounds of sexual orientation, particularly where this involves harassment of the gay community. We raise our concerns with the authorities as appropriate, for example with the **Egyptian** authorities in the Queen Boat case.

The Queen Boat case began in May 2001, when 52 gay men were arrested at a social event in Cairo and charged under the 'Habitual practice of debauchery (prostitution)' law. The case came to trial in November 2001 and resulted in 29 acquittals and 23 convictions. The UK, with our EU partners, raised this case with the Egyptian authorities at ministerial level, focusing on concerns about the state's continued interference in private, consensual, adult relationships. We also made clear our disappointment at the irregular nature of the court proceedings and stressed the importance of a full and fair appeal. In the event 16 of the 23 convicted lodged an appeal and the hearings were held on 4 June and 9 July. We welcome the resulting reduction of the sentences of the 14 who attended the appeal hearings and we hope that the other defendants in this case will be allowed a full and fair appeal if they request it.

In 2003, we funded projects in Peru, India, and Bangladesh to help protect the rights of gays and lesbians. The project in

Peru will strengthen the capacity of local NGOs to promote the rights of sexual minorities. Activities include presenting a draft law on equal opportunities for gays and lesbians in work, partnership, parenting and education, and an information campaign about the rights of sexual minorities. In **India** and **Bangladesh**, the project aims to change legal, judicial and social policy in regard to the sexual health of gay men. Activities include advocacy training for staff working at sexual health projects and seminars involving HIV/AIDS organisations, policy makers and parliamentarians. The project will also monitor harassment of staff and clients who are involved in male-to-male sexual health projects.

The UK fully supported the **Brazilian**-tabled draft resolution on sexual orientation and human rights at the Commission on Human Rights in 2003. The resolution reaffirmed the universal principle that all human beings are equal in dignity and rights and that everyone is entitled to the rights and freedoms set out in the Universal Declaration of Human Rights, without any distinctions. Although the vote on the resolution was postponed until next year in the UK, along with all 15 EU partners, co-sponsored the resolution. The EU Presidency made a statement of support for the draft resolution, which said that the EU looked forward to following up the resolution next year.

Disability rights

The UN estimates that more than half a billion people in the world are disabled through mental, physical or sensory impairment. Approximately 80 per cent of disabled people live in developing countries. All too often, physical and social barriers limit their lives; they are discriminated against because of prejudice and ignorance; and they are unable to access essential services.

This year is the European Year of Disabled People (EYDP). The European Commission provided €12 million to support the Year, which was officially launched under the Greek Presidency in Athens on 26 January 2003. The UK Department for Work and Pensions (DWP) leads on disability issues within the UK and is co-ordinating a domestic programme of activities to mark the Year. (See page 78 for more details about EYDP activities in the UK.) More details are available on the UK Government's new disability website, www.disability.gov.uk.

The UK is working towards a fully inclusive society and has set some of the most demanding standards in the world for protecting the rights of disabled people. Draft Regulations laid before Parliament on 8 May 2003 will make significant changes to the employment provisions of the Disability Discrimination Act (DDA). The regulations, which implement a European Union Directive, bring one million small employers, around seven million additional jobs and 600,000 disabled

people within the scope of the DDA. If approved by Parliament, the regulations will come into force on 1 October 2004.

There is growing support around the world for an international convention to promote and protect the rights and dignity of disabled people. The UN Ad Hoc Committee was established to consider proposals for an International Convention on the Protection of the Rights and Dignity of People with Disabilities and held its second session in New York on 16-27 June.

While last year's session had not been able to agree even if a convention was necessary, this year's session saw tacit agreement on this point and began considering the process necessary to achieve it. Much of the first week was devoted to statements and panel discussions on the substance of the convention. Intense negotiations during week two focused on a joint EU/Mexico/New Zealand proposal to establish a working group of member states and NGOs. The working group has been tasked with "preparing and presenting a draft text which would be the basis for negotiation, by member states and observers at the Ad Hoc Committee, of the draft convention". The working group, scheduled to meet for two weeks starting on 5 January 2004, will comprise 27 governmental representatives, 12 representatives of NGOs and a single representative from national human rights institutions.

The UK, as part of the EU, took a positive role in this year's Ad Hoc Committee and member states and NGOs welcomed our contribution. The agreement to draft a convention is an important initiative which the UK Government hopes will influence international opinion on disabled peoples' rights over coming years.

The UK Government continues to explore ways in which NGOs can participate effectively in developing UK policy. FCO and DWP officials regularly meet with NGOs to exchange ideas on the future UN convention. The UK's delegation to the Ad Hoc Committee in New York included Richard Light, Director of the DAART Centre for Disability and Human Rights.

We also need to engage disabled people and statutory agencies around the world in developing the proposed convention. In August 2001, the UN Committee on Social, Economic and Cultural Rights expressed concern at the deterioration in the health of the most vulnerable groups in **Ukraine** and about the large numbers of children with disabilities who are abandoned or deprived of a family environment. The committee recommended that Ukraine "make efforts ... consistent with safeguarding the economic, social and cultural rights of the most vulnerable segments of society". The *UNDP Human Development Report (2001)* for Ukraine states that there

were 2.4 million disabled people in the country, including approximately 143,000 children. Access and employment opportunities for disabled people are inadequate and special education systems are outdated.

To address these issues, the FCO's Human Rights Project Fund (HRPF) is co-funding a project to secure stronger guarantees and create opportunities for disabled people in **Ukraine, Belarus, Moldova, Poland and Russia**. We want to empower disabled people to advocate on their own behalf; to make statutory agencies more aware of the needs and rights of disabled people; to have international human rights law designed *by* disabled people, *for* disabled people; and to increase public awareness of the rights of disabled people. We are working with the British Council, which has considerable experience of working with authorities and NGOs on disability issues in Ukraine, Russia and Poland. The British Council will identify people, statutory agencies and NGOs in each country to participate in the project. The initiative includes two seminars in each country to clarify existing guarantees and make proposals for improvements; a regional conference in Ukraine to formulate a common position; and developing an agreed resolution to submit to the UN Ad Hoc Committee on the Convention.

There is a clear need in **Macedonia** for a free legal service for disabled people on labour issues, medical malpractice, non-material damage and discrimination. We are extending our funding of the Community Law Practice (CLP) by six months, until it receives its first fees from winning cases and can become fully sustainable. The CLP, which we described in last year's Annual Report, has had some dramatic successes in protecting disabled people's legal and human rights. The post-polio support group Polio Plus is running the centre, which offers professional legal advice and seeks compliance with UN Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. The project will also help disabled people to access health care, employment and education – rights that are covered in international human rights agreements such as the International Covenant on Economic Social and Cultural Rights and International Labour Organisation core conventions.

The World Health Organisation (WHO) estimates that over 3.5 million people in **Argentina** suffer from some form of disability and over 60 per cent of them live below the poverty line. The social and economic situation is made worse because very few people know about the little legislation that does guarantee certain rights to disabled people. This legislation is often contradictory and not implemented. Thus disabled people suffer widespread discrimination in both the workplace and in the social environment. We are funding an Argentine

NGO, Fundacion Par, to conduct the first complete study to determine the true extent of the situation. The study will provide background for formal proposals for change, to raise awareness of the issues and to encourage disabled people and their families to take a leading role as responsible citizens.

We are providing around £300,000 to a three-year project in **India** that will empower disabled people to take advantage of their rights as provided by India's Disability Act 1995. With our funding, the National Centre for Promotion of Employment for Disabled People will create a specialised Disability Law Unit and extend its reach across India through Regional Disability Law Units. On a practical level, the units will increase people's awareness about the law; make specialised legal aid more available; and introduce policies friendly to disabled people. The project will run publicity campaigns, set up self-help groups and form a disability rights law network. Activities such as translating the Disability Act into regional languages and formats that are easy to understand will go a long way towards informing people of their rights.

Richard Light Director, DAART Centre

In 2001 a resolution, tabled by Mexico and passed by the UN General Assembly, brought disabled people's human rights back onto the international political agenda by asking the UN to consider measures to promote the human rights of disabled people. Richard Light, director of the disability NGO DAART, was invited to help prepare the UK Government's position on such a convention and to be a part of the official UK delegation that attended the two Ad Hoc Committees in New York that discussed proposals for a UN convention on promoting the rights and dignities of disabled people. Mr Light said:

"Disabled people have spent over two decades striving to ensure that international legal instruments apply – without discrimination – to our community, thereby finally guaranteeing our equal enjoyment of human rights and fundamental freedoms. Too often, that effort has been pursued against a background of disinterest or barely concealed opposition from governmental and non-governmental organisations alike; disability was – and in some cases continues to be – viewed exclusively as a health or a welfare issue.

In the face of ambivalence from the non-disabled community, a growing body of evidence suggested that the human rights of disabled people were frequently denied and abused. Indeed, many of us within this community came to believe that acknowledgement of our very humanity was being denied.

Despite my being an outspoken advocate for the civil and human rights of disabled people, the FCO welcomed my inclusion as an adviser to the UK delegation to the Ad Hoc Committee; more importantly, they ensured that my role was more than merely emblematic.

I was very pleased that the UK Government wholeheartedly supported and facilitated the elaboration of a UN Convention to ensure equal access to human rights for disabled people. With 80 per cent of the disabled population living in developing countries, the FCO's valuable assistance has benefited not just the estimated 11 million disabled people who live in the UK, but a global population of over 600 million, who are at particular risk of abuse.

There is little doubt that there will be further challenges and 'frank exchanges of views' before this process is concluded, but my experience over the past two years shows, all too clearly, what can be achieved when activists and government collaborate to achieve common goals. Long may it continue!"



Street children in Kathmandu take part in a rally to mark World Day against Child Labour, 12 June 2003. A report by the International Labour Organisation estimates that there are 2,600,000 child workers in Nepal.

HUMAN RIGHTS

Women's rights and
child rights

"Women's rights are human rights."

The then UN High Commissioner for Human Rights, Sergio Vieira de Mello, speaking on International Women's Day, 8 March 2003

In many countries it is by no means clear that men and women are equal and that they enjoy the same rights and freedoms. Human rights should apply equally to all people – men, women and children. However, women are often denied the basic rights that form part of everyday life such as freedom of movement, access to education and participation in decision-making processes. There are many barriers to equality between the sexes. Important factors include gender stereotyping, violence against women, social and cultural attitudes, and discriminatory laws and practices.

Children have acknowledged rights too, but their access to these rights may not always be easy or guaranteed, full or free. Children's rights are enshrined in the most widely ratified of the UN core human rights treaties: the Convention on the Rights of the Child. The high level of ratification of the convention demonstrates the political will around the world for the promotion of the rights of children. Our work in this field forms part of a global effort among governments as well as intergovernmental organisations and NGOs. The convention provides a framework for guaranteeing that all children everywhere, without discrimination, have the right to survival, to develop to the fullest, to protection from harmful influences, abuse and exploitation, and to participate fully in family, cultural and social life.

The UK is committed to protecting children worldwide and combating disparities between the genders. Chapter Nine

looks at some of the work the UK engages in to promote human rights for women and children everywhere.

9.1 Women's rights

Women throughout the world live in fear and conditions of deprivation very often for the simple reason that they are women. Violations of women's rights are systematic and widespread and sometimes even condoned. In conflicts such as those in Rwanda, Sierra Leone, Liberia, Democratic Republic of Congo, Nepal and Colombia, women are attacked and raped by combatants with impunity. Indeed, terrorising women is sometimes a deliberate weapon of war.

Some governments regularly turn a blind eye or apply laws to protect women inconsistently. Inequality allows criminal groups to traffick women and children as prostitutes or exploit their labour in other ways. Again, many governments are letting women down badly by not enforcing the rule of law and catching and punishing the traffickers. All too often women do not have control over their own bodies – as witnessed by the growing number of forced marriages (see page 82 for more details). Physical violence and rape bring increased risk of HIV/AIDS infection. In some countries women are punished, sometimes unbelievably grotesquely and harshly, for having sex outside marriage.

Discrimination is rife. Women are frequently barred from the workplace altogether. For those who do get jobs, they are often paid less than men and they regularly receive different and inferior conditions of employment. Women in countries such as Saudi Arabia are subject to systematic discrimination including severe restrictions on their freedom of movement and the positions they hold in society.

The UK promotes women's enjoyment of human rights and freedoms by negotiating resolutions and other documents in international fora, such as the UN Commission on the Status of Women (CSW), the UN Economic and Social Council and the Commission on Human Rights (CHR). The Women and Equality Unit (WEU), as part of the Department of Trade and Industry, supports the Ministers for Women in promoting gender equality throughout government policy. The unit liaises across Whitehall on international policy matters relating to gender equality and helps to co-ordinate, negotiate and present UK positions on women's issues.

Promoting women's rights at the EU level

The WEU participated in the working group on the Future of Europe, which is part of the European Advisory Committee on Equal Opportunities for Women and Men. The aim is to ensure that a gender perspective is included in the debate relating to the Convention on the Future of Europe. In October 2002 the group drafted its Opinion on the Gender Dimension of the Convention on the Future of Europe. WEU also participates in the EU-wide high level group on gender mainstreaming which meets twice a year to consider and advise how to mainstream gender issues within the EU.

The WEU is involved in the EU-wide annual reviews of the Beijing Platform for Action (1995) – an important tool for promoting women's rights. The reviews assess progress on implementing the commitments of the Beijing Platform for Action and develop indicators to monitor and evaluate such progress. The 2002 review was on violence against women. The Spanish Presidency (January–June 2002) survey on domestic violence, sexual violence and workplace violence identified progress across EU member states; the Danish Presidency (July– December 2002) followed up this theme by developing indicators. The UK is participating in this year's review on women in economic decision-making under the Greek (January–June 2003) and Italian (July–December 2003) Presidencies.

Promoting women's rights at the international level

The UK is an elected member of the UN Commission on the Status of Women (CSW), which meets annually in New York. CSW is a functional commission of the UN Economic and Social Council (ECOSOC) that promotes women's rights and plays a catalytic role in mainstreaming a gender perspective in policies and programmes within the UN system. CSW prepares reports and recommendations for ECOSOC on promoting women's rights.

The WEU led the UK delegation at the CSW's 47th session in March 2003, which included FCO officials and representatives of the Women's National Commission. The themes this year were women's human rights and the elimination of all forms of violence against women and girls; and women's participation in, and access to, the media and information and communication technology (ICTs) – their impact on and use as an instrument for the advancement and empowerment of women. For the latter, the CSW concluded that the media and ICTs offer tools to empower women and promote gender equality. CSW's conclusions also recognise that ICTs can be used negatively and that it is essential to keep a focus on gender-related issues of ICTs in order to prevent and combat any negative impact they may have on gender equality. Equally, it is necessary to be alert to the use of ICTs as well as traditional media in spreading existing inequalities and discrimination, including sexual exploitation. These conclusions form the CSW's contribution to mainstreaming gender issues into the work of the UN World Summit on the Information Society (WSIS) in Geneva, Switzerland, December 2003). The Government is participating in the preparations for WSIS, ensuring that gender is taken into account.

The CSW adopted resolutions on the situation of women and girls in Afghanistan; the situation of Palestinian women; and women, the girl child and HIV/AIDS. It also adopted a UK-led resolution on mainstreaming a gender perspective into all policies and programmes in the UN system. The resolution highlighted progress in gender mainstreaming in the UN



The Commission on the Status of Women in session at UN headquarters in New York, March 2003.

Women and children make up 80 per cent of the world's refugees.

According to the United Nations High Commission for Refugees (UNHCR), there are approximately 50 million uprooted people around the world. Armed conflict, political violence and human rights violations have forced millions of these people to leave their homes and seek safety in another country as refugees. Many millions of others remain within their own countries as 'internally displaced' people. Women are more likely to be displaced than men, who may have already been killed in the conflict or recruited by fighting forces. When women are forced

from their homes or flee violent conflict they then have to search for security for themselves and their children elsewhere. Displaced women become increasingly vulnerable: not only are they homeless but they may have additional responsibility as the sole caretaker for their children. Most displaced women live in the least developed countries that even in peacetime have a poor record of appreciating and observing women's rights; as displaced people their human rights are even less likely to be observed. Moreover, within refugee camps women are often exposed to physical and sexual violence as well as unfair treatment in their access to relief supplies.

UNHCR has several programmes addressing such violence against women and the UN women's fund UNIFEM has given funds to local groups working in refugee camps. Through the Human Rights Project Fund (HRPF), we are funding a project that UNHCR is running in **Colombia**. Our aim is to help displaced women get the state services and assistance through programmes that are better tailored to their needs. The project is co-ordinated by a team of experts in gender,

displacement and public policy who have extensive fieldwork experience in different regions of Colombia. The team will identify the needs and violated rights of women and adolescents and make recommendations for policies and programmes that take into account their gender, age and ethnic origin. Thus by making women more aware of their rights and empowering them to defend those rights, we hope ultimately to contribute to stronger protection and assistance policies.



A Congolese woman waits to be registered at a refugee camp outside the UN compound in Bunia, DRC, June 2003.

system in the previous 12 months. It invited UN bodies to identify and address the remaining gaps and encouraged monitoring and evaluation, with a view to maintaining momentum towards ECOSOC's review of its 1997 agreed conclusions on gender mainstreaming due by 2005. The CSW thanked the UK for introducing this resolution as an important tool for achieving the commitments set out in the Beijing Platform for Action and the outcome document of the 23rd special session of the General Assembly, Women 2000: Gender equality, development and peace for the 21st century. (More details are available at www.un.org)

ECOSOC's annual substantive session in July 2002 adopted the UK-sponsored resolution on gender mainstreaming in the UN system by consensus. The resolution represents an important step towards an effective gender mainstreaming strategy across the UN.

At the 57th session of the UN General Assembly in September–December 2002, the Third Committee adopted resolutions promoting the rights of women. The UK participated through the EU in negotiating the resolution on eliminating crimes against women committed in the name of honour. The number of co-sponsors increased significantly, up from 67 in 2000 to 89 in 2002. The resolution was adopted by consensus. This represents welcome progress on a resolution that has proved difficult to negotiate in its short history. The UK also helped to negotiate

other adopted resolutions, including those on trafficking women and girls; the follow-up to the Fourth World Conference on Women; and improvement of the status of women in the UN.

WEU is a member of the Council of Europe's Steering Committee for Equality between Women and Men (CDEG), an intergovernmental body that promotes gender equality, including women's rights. The UK has participated in the debates and negotiations on recommendations about violence against women and balanced participation in decision-making.

Convention on the Elimination of all forms of Discrimination Against Women

The UK signed the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1981 and ratified it in April 1986. In accordance with Article 18 of the convention, the UK undertakes to submit reports to the committee on the Elimination of Discrimination against Women every four years, on the measures adopted to give effect to the Convention. In August 2003, the UK submitted its fifth periodic report to the committee. The report outlines the legislative, judicial and administrative measures that the UK Government has adopted (between 1999 and 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 periodic reports. WEU led in the compilation of the report, with inputs from other UK

Government departments and devolved administrations. Women's NGOs, through the Women's National Commission, as well as the Equal Opportunities Commission, the Equality Commission in Northern Ireland and the Northern Ireland Human Rights Commission were extensively consulted during the drafting phase of the report. The report is available at www.womenandequalityunit.gov.uk.

The FCO works in many countries to promote women's human rights and to raise women's awareness of their rights through educational programmes and by encouraging governments to observe and enforce these rights. The situation of women varies widely but, wherever they live, it is always vital to include women in the political processes that govern their lives.

Arab women in **Israel** suffer inequalities on two levels. They are under-represented and discriminated against as part of the Arab minority in Israel – and they are also under-represented and discriminated against as women within their own communities. Women make up 52 per cent of Israel's one million Arab citizens. They are governed through 67 local Arab municipalities, which make decisions on local budgets that directly affect women's rights and their access to services and employment. The 10 Arab party members of Knesset are principally concerned with the representation of the overall Arab minority within Israel as well as challenging Israeli policies in the Palestinian Authority. The Arab community therefore has no real representation in central government and disproportionately low representation in the civil service. There are only four women among the 950 local Arab councillors.

We are funding a project to correct this democratic imbalance and to help Arab women in Israel win equal rights. The project is part of an integrated programme by Sikkuy, a Jewish-Arab advocacy NGO, to develop and empower 30 Arab women with leadership abilities and prepare them for candidacy for local councillors. The idea is that they will also become role models for future women candidates. The British Council is helping to run this project, which provides a six-month course

on leadership skills, identity, local governance, media and campaign skills, delivered through the University of Haifa with the professional guidance of a UK expert in women's political campaigning.

The British Embassy and British Council in **Kuwait** organised a week of workshops in January 2003 on lobbying and communication skills for 50 Kuwaiti women from across Kuwait's political and social spectra. The Kuwait Economic Society hosted the FCO-funded workshops, which covered human rights subjects including the position of unskilled Asian expatriate labourers; personal effectiveness; leadership; lobbying and communication; and strategic planning. The aim was to help a variety of organisations achieve their various goals. We worked with independents, the Liberal Women's Cultural and Social Society, the Sunni Islamist Social Reform Society, the Shia Women's Group and the Lawyer's Society. Local media were positive about the project, generating much interest among Kuwaiti women and other embassies.

Considerable work needs to be done in **Yemen** before women can play a full role in the political life of this emerging democracy. We supported three projects to encourage women's participation in the Yemeni parliamentary elections in April 2003. With the help of local artists we produced a CD to encourage women to register in the elections. The music was played on buses and taxis throughout Yemen and contributed to a massive increase in the number of women registering to vote. We also funded a local NGO to work with communities in those constituencies that had the lowest turnout of women in past elections. Again we managed to help turn around the level of women's participation significantly. We supported a project on campaigning skills, based on the premise that nearly 100 women would stand in the 301 Yemeni constituencies. In the end, there were only 11 women candidates and only one woman was elected. However, we are optimistic that the women who participated in our project will use their new skills in future local elections.



Kuwaiti women register their names to vote in a mock election in Kuwait City, 5 July 2003. The Kuwaiti Journalists Association organised the day to draw attention to the fact that only men are allowed to vote in Kuwait's 2003 National Assembly elections.

In co-operation with the women's national committee we supported the production of a film on Yemeni women called *The Queens of Yemen*. The committee will use this film to raise awareness of women's rights throughout Yemen. The film tells the story of four very different Yemeni women who in their individual ways have overcome discrimination to become breadwinners. The film reflects on the importance of changing the opinions of men in allowing women to play a full role in society. The film's première was held in Yemen on 13 July.

We are also working in **Egypt** to empower women legally and socially and to protect their interests under the new personal status law as it is likely there will be a national debate on discrimination in the application of this law. We are supporting a two-year project in three governorates, including Cairo, in which the Association for the Development and Enhancement of Women (ADEW) will monitor the implementation of the new law. Other activities include advocacy workshops, seminars and a conference to make decision-makers aware of discrimination against women and ultimately change the legislation where necessary.

We are helping to create a new generation of women political leaders in Egypt by increasing the number of women in political parties. We funded the Egyptian Centre for Women's Rights (ECWR) to manage the recently completed one-year project, Cadre School Programme: Preparing New Women Political Party Leaders. The project proved highly successful. The Egyptian Centre trained 100 women from a cross-section of political parties, combining the teaching with three months of activities on lobbying, communication and negotiation skills, and political work in the field. Ninety-seven of the women were elected in local elections in April 2002, thus greatly increasing women's representation in local councils. ECWR has now expanded its work and is training those elected on how to be a good councillor with the condition that they in turn help other women to be elected, thus ensuring the continuing success of the project.

We are working with the British Council on two wide-ranging projects in Africa. In East and Central Africa, the British Council collaborated with local researchers on extensive research to find out what people thought about their MPs and leaders. The results clearly showed a mismatch of expectations between leaders and citizens about the role of a political leader.

In response to these findings, we are now supporting an exchange scheme between women MPs from seven countries of East and Central Africa and British woman MPs. The seven countries are **Eritrea, Ethiopia, Kenya, Tanzania, Uganda, Malawi and Zambia**. The women shadow each other at work in their constituencies, learning from each other's experiences

in bringing about change for the people they represent. The British MPs participating in the scheme are Harriet Harman, Oona King, Julie Morgan, Valerie Davey, Patsy Calton, Margaret Moran, Joan Ruddock, Cheryl Gillan, Julie Kirkbride, Joan Ryan, Sue Doughty, Sandra Osbourne, Jane Griffiths, Helen Jackson and Chris McCafferty. They will all make reciprocal visits to their shadows in Africa.

The African MPs will meet at the beginning and end of the exchanges to present their experiences at a regional conference and disseminate their learning and recommendations for political leaders. The British Council will publish a report summarising the programme's outcomes with a video featuring the African MPs explaining their participation in the programme and how they hope to raise the profile of women politicians in their countries.

In the second project with the British Council, we are financing another broad-reaching initiative that will produce a sustainable and women-led news service addressing human rights in Africa. We are funding training for 80 women journalists across eight African countries in human rights issues to work together to produce *Africawoman*, a monthly web-based newspaper offering an independent women's news agenda for and about Africa. The NGO *Africawoman* is managing the project and will develop links between women's activists and community broadcasters to reach many thousands of women and gather their opinions on topics that are important to them. The African countries involved in the project are **Ghana, Kenya, Malawi, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe**.

Violence against women

We support programmes around the world to combat violence against women, in all its forms. Sexual crimes and domestic violence are key problems in **Ecuador**. They are the fourth most common reason for imprisonment, but rates of impunity are 94 per cent for sexual crimes and 100 per cent for domestic violence.

With UK support, a local NGO (CEIME – The Ecuadorian Centre of Studies and Multidisciplinary Investigations) is combating gender violence through a project on human rights, education and justice, which started in May 2002. The NGO is training professionals and trainers within the justice and health system and helping to design curricula for local universities. This two-year project aims to introduce new working practices in justice and health, enabling professionals to deal more effectively with cases of sexual and domestic violence. Once the curricula reform in local universities comes into force, we hope that the higher education council will go on to approve a postgraduate course in sexual-legal medicine.



A woman raises a placard denouncing violence during a rally to mark International Women's Day, 8 March 2003, in Dhaka, Bangladesh.

Over the past seven years a UK-funded police training programme in the **Philippines** has focused on violence against women. The British police had previously trained Philippine police officers who were already working with child and women victims, and in 2002 they trained police trainers at the Philippine Public Safety College. The college then developed a training module for new recruits, with UK support, to enhance their awareness and skills in handling sensitive cases involving women and children. Alongside this work, we have supported training for volunteer and NGO staff working at community crisis centres. This training, complemented by work by the Philippine government and NGOs such as the Philippine Child Protection Network, will help to protect vulnerable women and we expect it to lead to more prosecutions of those responsible for violence against women.

In **Venezuela**, violence against women and children is commonplace. Women face the additional burden of institutional and societal prejudice. We are helping women and children in underprivileged areas to achieve justice by supporting the local NGO Fundación Escuela and municipalities to set up two networks of legal advice centres. We also provide funds to another local NGO, Exhupro, to train women in two Caracas *barrios* (marginal areas). Most of the women were victims of domestic violence. Experienced social psychologists ran the workshops, teaching the women how to manage domestic conflict, prevent violence, develop a harmonious atmosphere at home and raise their self-esteem.

Female genital mutilation

One of the most horrific forms of violence against women is female genital mutilation (FGM). FGM is the partial or total removal of a woman's external female genitalia or any other injury to her genital organs. It is an extremely painful and dangerous procedure: it can lead to infection, problems during childbirth, infertility and death. Supporters of the practice say it guarantees the chastity and virginity of a new bride; that FGM is an initiation ceremony into womanhood; or that it is part of their religious belief.

The World Health Organization (WHO) estimates that two million girls are at risk of FGM every year and that there are 100-140 million women and girls who have been subjected to the practice. FGM mostly occurs in the countries in sub-Saharan Africa.

In the UK, Ann Clwyd MP introduced the Female Genital Mutilation Bill on 11 December 2002 to strengthen the UK's position on FGM. The Bill (which repeals and re-enacts the Prohibition of Female Circumcision Act 1985) gives extraterritorial effect to the existing provisions. This means that any of the prohibited acts done outside the UK by a UK national or permanent UK resident will be an offence under domestic law and can be tried in the courts of England, Wales and Northern Ireland. (The Bill does not extend to Scotland). The Bill also increases the maximum penalty for FGM from five to 14 years' imprisonment.

The FCO's Human Rights Policy Department (HRPD) is examining ways of increasing our efforts in the UK. We are working more closely with the Community Liaison Team in Consular Directorate as the cases it deals with sometimes involve FGM. We also hope to address FGM by building on the work of MPs and NGOs. For example, HRPD representatives met with Marion Roe MP to discuss her work on FGM with the Inter-Parliamentary Union. We have invited Mrs Roe to talk to other members of the FCO at an open meeting and we will build on this meeting by raising awareness of FGM within geographical departments and developing links with relevant NGOs.

Around the world, DFID is addressing the complex causes and consequences of FGM by working bilaterally and with multilateral organisations, including the WHO, the UN Fund for Women (UNIFEM) and UNICEF, to persuade governments to treat FGM as a serious public health concern. DFID seeks to reduce FGM by raising public awareness worldwide, funding research, and supporting activities designed to change behaviour in the long term. For example, DFID has supported community-based advocacy and political debate through

organisations such as Rainbo and the Inter-African Committee on Traditional Practices which assist African women to increase awareness and highlight adverse consequences. Current projects include support to the NGO WOMANKIND Worldwide to reduce discrimination against women in East Africa, particularly in relation to FGM and early marriage, and for World Vision International's work in advocating for FGM eradication in Tanzania through education.

Condemnation of FGM is growing across the world. For example, in **Benin** – a country where (according to WHO reports) traditionally FGM has been practised on up to 50 per cent of women and girls – the government recently passed a law banning FGM. Anyone found guilty now faces a sentence of six months to three years and a fine of approximately £100,000–£2 million. If the victim dies, the sentences increase to 7–20 years with hard labour and a fine between £3–5 million.

In response to Benin's initial report to the UN Committee on Economic, Social and Cultural Rights in May 2002, the committee noted the prevalence of certain traditions, customs and cultural practices which lead to "substantial discrimination" against women and children in Benin. The principle areas of concern for women included: widespread discrimination especially in employment, land and credit and inheritance rights; a high number of illegal abortions (which also explains the high maternal mortality rate); and a higher illiteracy rate among women than men – 17 per cent of women are literate, compared to 40 per cent of men, due largely to a cultural preference for educating male children. Although women in the south of the country may occupy key trading positions, they are not prominent in other areas. In the 2002 municipal elections, only eight per cent of candidates were women.

Honour crimes

Women around the world are regularly murdered, assaulted, beaten, stoned, mutilated and have acid thrown at them – all in the name of 'honour'.

Unlike spontaneous crimes of passion, honour crimes are premeditated attacks carried out by family members as punishment for deeds they believe have dishonoured the family name. The victims of these crimes are overwhelmingly female. There are many hundreds of cases of honour crimes every year. It is difficult to obtain accurate data on the worldwide numbers of victims of honour crimes. According to figures from Pakistan's Human Rights Commission, there were over 460 recorded cases in 2002 in Pakistan alone.

Honour crimes occur in many parts of the world. They are not associated with any one geographical area or religious group.

Honour crimes are committed in Latin America, Europe, Asia and Africa. In her 2003 report to the Commission on Human Rights, Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women, reviewed the developments in violence against women during her period in office (1994–2003). She highlighted several countries where honour crimes represent a particularly serious problem, including Pakistan, Jordan and Israel.

The UK condemns the notion that these crimes can be justified in the name of religion or defending the family honour. We made a strong contribution to the negotiations of the honour crimes resolution 'working towards the elimination of crimes against women committed in the name of honour' at the UN General Assembly, both in 2000 and 2002.

Since 2000, the UN's focus has sharpened on this important issue. Increased public support and political will brought a much higher level of support for this resolution among UN member states. In fact the resolution in 2002 was adopted without a vote, unlike in 2000. Most member states supported the resolution, demonstrating clearly that the international community regards honour crime as real and that its practice is indefensible.

The UN resolution emphasises that it is the state's responsibility to act to prevent violence against women in public and private life. Failure to do so is a violation of the rights of women as set out in core UN human rights instruments.

DFID is currently funding several projects which aim to strengthen women's protection from violence. It is assisting the **Pakistan** government to design a comprehensive national strategy to address violence against women that includes action on honour crimes. Other projects in Pakistan address the issues of protection from violence and access to justice. In **Jordan**, DFID runs a family protection project which includes protecting women and girls who are under threat of honour crimes and capacity-building within local organisations to develop and implement an integrated strategy towards domestic violence. Additionally, DFID funds NGOs in **Bangladesh** that work on the issue of violence against women by providing legal support and counselling for victims.

In Bangladesh, the horrendous act of acid throwing is increasing. Last year, we reported 341 cases in 2001; the number rose to 485 in 2002. This increase may in part be due to wider monitoring and more attacks being reported. However, it also suggests that if the monitoring and reporting covered the whole country, the number of reports would be far greater.

Our High Commission in Dhaka is a strong supporter of the Acid Survivors Foundation (ASF), a local NGO. A delegation called on Cherie Blair during her visit to Bangladesh in January 2002. ASF protects, supports and rehabilitates victims of acid throwing. With funding from the FCO Programme Budgets, ASF has supplied reconstructive surgery for 42 patients. These cases were the most severe and required the skill of visiting surgeon John P Gowar, a consultant plastic surgeon from the UK, who along with other visiting surgeons, often volunteers his time to train local surgeons. By passing on his skills to others, Mr Gowar adds considerably to the long-term benefit of his trips.

The Bangladesh government announced new measures in February 2002 to combat acid throwing, including restrictions on the purchase of sulphuric or hydrochloric acid. The new law contains guidelines for police on how to treat the victims of acid attacks, but there appears to be little awareness of these among the police.

The High Commission is supporting a pilot 24-hour helpline offering advice and counselling for women and children who are victims of human rights abuses. Our NGO partners run the helpline, which also offers a walk-in service.

9.2 Child rights

Children in every part of the world are at risk of being harmed, taken advantage of or simply ignored. The risks to children are greatest in those countries where governments lack the resources or the will to deal with the problems faced by society's most vulnerable group. The international community must make a concerted effort to tackle all abuses of children's rights including slavery, poverty, the impact of armed conflict, lack of education and sexual abuse. We work bilaterally and through multilateral organisations to target aid for children effectively. Through the HRPF we support a number of smaller initiatives helping to make a difference for some of the most threatened groups of children – for example, disabled children and street children. Including children in the decision-making processes can be an effective way of making sure we properly address their needs and many of our projects reflect this philosophy.

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

China – one child policy

China's family planning programme, often referred to as the one child policy, has had a profound impact on Chinese society. In urban areas multiple-child families are now a rarity. In rural areas the authorities have implemented the policy more unevenly and multiple-child families are the norm rather than the exception. In the last two decades the proportion of female births has declined. A recent census shows that nation-wide there are 20 per cent more boys than girls up to the age of four. There are a number of reasons for this, including the family planning policy and the way in which it is funded and managed.

The UK Government has never questioned China's right or need to implement family planning policies, but has made it clear we feel they should be based on the principles of the International Conference on Population and Development (ICPD): that is, on consent, not coercion. We have been concerned about reports of human rights abuses associated with the family planning policy, for example enforced sterilisations and abortions, and the selective abortion of female foetuses or abandonment of baby girls. In May 2002 the Chinese minister for state family planning told the UK Government that rights abuses did still occur, particularly in remote and poor regions. But there are now fewer reports of coerced abortions and positive signs that the medical and family planning staff are focusing less on enforcing the policy and more on providing family planning support.

China's one child policy was only given a legislative basis in September 2002, with the enactment of the Population and Family Planning Law. The new law represents an important step forward and enshrines in law the rights and responsibilities of the government

and citizens in reproductive health and family planning. It bans discrimination against, and maltreatment and abandonment of, female infants; provides that family planning workers may be punished for infringing citizens' personal rights, abusing their power, and seeking or accepting bribes; and makes family planning the responsibility of husbands as well as wives.

The law also creates a system of financial incentives and disincentives, rewarding parents who have one child, while imposing financial penalties on those who have more children than regulations permit. (Officially recognised ethnic minority groups can apply to have more than one child without incurring a penalty.) Although the potential for conflict between reproductive choice and the direct use of financial incentives still exists, the separation between the collection and use of revenues generated through the system may reduce incentives for official abuse.

The Department for International Development (DFID) supports and monitors UN Population Fund (UNFPA) and the International Planned Parenthood Federation (IPPF) programmes in China. These programmes seek to encourage China towards full acceptance of the ICPD principles. The focus of UNFPA support is to improve the quality of medical care and increasing equity of access to family planning services. Although DFID's bilateral programme has not had a specific objective or programme of activities on the promotion of ICPD, it continues to engage with relevant ministries, particularly through their programme of work on HIV/AIDS (for more details see the DFID website: www.dfid.gov.uk).

individual children, but imposes obligations on states to bring their rights into national law. In the 14 years of its existence the CRC has become the most widely adopted human rights instrument with 192 states parties. The UK ratified it in December 1991.

The CRC builds on the Universal Declaration of Human Rights, which 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.

The CRC can only succeed if states implement it fully. 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'.

The UK's second report to the Committee on the Rights of the Child

The Department of Health submitted the UK's second report under the CRC in 1999 for the committee to consider in autumn 2002. (The report is available at www.doh.gov.uk). Given the time that had elapsed and the important changes in the UK since then, the Children and Young People's Unit (CYPU), which now leads on the implementation of the CRC in the UK, submitted a brief update on progress since 1999. The CYPU was established in November 2000 as a body which would help co-ordinate UK Government policy relating to children.

The update covered all areas relating to the rights of children and young people throughout the UK, including co-ordination, education, health and welfare, the criminal justice system, care and protection, and civil rights and freedoms. The Director of CYPU, Althea Efunshile, led the UK delegation which appeared before the UN committee in Geneva on 19 September 2002. Senior officials from five government departments and the devolved administrations answered the Committee's questions on child rights in the UK. Two young people from the Youth Advisory Forum accompanied the UK delegation to observe the examination process.

The observations summarised the committee's consideration of the UK's written and oral evidence, and highlighted both

positive points and areas of concern. The committee welcomed a number of UK initiatives – notably new legislation such as the Human Rights Act and the Adoption and Children Bill; youth participation; the forthcoming overarching strategy for children and young people; and strategies on child poverty and teenage pregnancy. The observations focused on a lack of effective co-ordination, recommending that the UK introduce a proper co-ordination strategy. The committee highlighted weaknesses in the UK's arrangements for communicating and disseminating the convention to the general public.

The UK takes the observations seriously and the committee will look during its next examination (expected in 2009) for evidence that we considered the 2002 observations when developing our agenda for children.

CYPU is working with other Government departments and the devolved administrations on incorporating the committee's comments into work leading to the UK's next report to the UN in 2007–2008. In some areas our views are different to those of the committee, for example in our approach to policy on smacking children. The UK Government is finalising its overarching strategy for children and young people that will become a strategic framework for policy-making.

Article 12 of the Convention on the Rights of the Child (CRC) states: "Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child". Around the world, governments and

Children in Kyrgyzstan

In August 2000, the Committee on the Rights of the Child published its Concluding Observations on Kyrgyzstan. In this country, the transition to a market economy since the end of the Soviet era has brought with it problems as well as benefits. Unemployment and poverty have risen, threatening vulnerable groups, including children. The committee highlighted the need for the Kyrgyzstan government to take concerted action to implement the CRC, involving civil society and children's groups. This year, the FCO is funding Save the Children UK to work with children and youth groups in Naryn and Osh oblasts (regions) to include them in implementing CRC

nationwide. The aim is to get children from existing youth clubs to help set up 11 more clubs in Naryn and Osh. These clubs will then carry out awareness campaigns reaching 10,000 children in the region. Four hundred youth club members will receive training on the CRC and campaigning, leadership and negotiation skills to make them better able to communicate with the general public and adult decision-makers. Children at the clubs will learn how to identify neglected, abandoned and disabled children and to organise activities that encourage them to think about ways to realise and fulfil their rights.



A girl rests at a rehabilitation home for children abducted by the Lord's Resistance Army in the town of Gulu, Uganda, February 2003. Estimates of the number of children taken by the rebel group since it began its operations 15 years ago range from 12,000–18,000.

NGOs are increasingly involving children in their efforts to push children's rights up the agenda. In **Kenya**, sweeping government reform, including a new draft constitution, followed the first true multi-party elections since independence in 1963. We are supporting the Alliance for the Advancement of Children's Rights (KAACR), an umbrella organisation for NGOs and their affiliations, in raising awareness of rights that are included in this new draft constitution. The draft contains provisions on the rights of children in the Bill of Rights, including the rights to:

- > a name and nationality from birth, and to have their birth registered;
- > parental care, or appropriate alternative care;
- > free basic and compulsory education;
- > protection from discrimination, harmful cultural rites and practices, exploitation, neglect or abuse; and
- > protection from all forms of exploitation and any work that is likely to be hazardous or adverse to the child's welfare.

KAACR will raise public awareness through conferences with children and fora on the constitutional rights of children to educate members of the area committees set up by the Children's Act. KAACR also plans to disseminate simplified copies of the constitution and run a radio and television campaign.

With Save the Children UK (SCUK), we are creating a coalition of child rights NGOs and children's working groups in **Tajikistan** that can monitor the implementation of the CRC. The project supports a child rights information and resource centre and will help at least 10 child-led groups to lobby for their rights. We will fund NGOs to research child abuse and

exploitation, institutional care, access to basic services, the children of ethnic minorities and child labour. The NGOs will then make recommendations to the Tajik authorities.

Children and conflict

There is widespread horror and revulsion over the use of young children by militias, and sometimes government forces, engaged in conflicts. The CRC prohibits armed forces from recruiting children under 15. In the years since the CRC was drafted, there has been increasing pressure, primarily in developed countries, to raise the age limit and ban the deployment of any personnel under the age of 18.

Rebel groups and other military factions often press-gang children into joining their cause, believing they are under no obligation to respect international agreements. In **Uganda**, an organisation known as the Lord's Resistance Army (LRA), which aims to overthrow the government and establish theocratic rule, has been using child soldiers in its operations in the north of the country for 15 years. Since 1988 the LRA has conscripted

Optional Protocol to the Convention on the Rights of the Child on the minimum age for recruitment and participation in hostilities

The UN Commission on Human Rights (UNCHR) in 1994 set up a working group to draft an Optional Protocol (OP) to the CRC raising the minimum age for both recruitment and participation in hostilities. The UK was fully involved with the final drafting of the OP, which was agreed in Geneva in January 2000.

The UK signed the OP in September 2000, signifying our commitment to its stronger line on recruitment and deployment of under-18s into our Armed Forces. Upon signature, the UK lodged an interpretative declaration setting out the UK understanding of Article 1 of the OP. This outlines exceptional circumstances where we may deploy those who are under 18. The UK takes the OP seriously and the MOD has been working on detailed procedures and administrative guidelines for under 18s. As part of the pre-ratification process, the UK put an Explanatory Memorandum before Parliament



Young members of the Union of Congolese Patriots patrol the streets of Bunia, DRC, June 2003.

12,000 children and a further 6,000 are unaccounted for. Children across Uganda remain at risk for as long as the LRA's activities continue. Most observers agree that a military response by the Ugandan government would not help. In our dialogue with the Ugandan government we have, along with others, urged it to look for alternative methods of ending the conflict. The UK supports Ugandan groups working for peace, including the religious and traditional leaders and we also support agencies working with former child abductees and their communities.

Uganda also faces accusations that its official armed forces are recruiting children. The country ratified the OP to the CRC on 6 May 2002. The Ugandan government is committed to ensuring that all its soldiers are over 18 and has tightened recruitment procedures in an attempt to screen out underage recruits. However, there are still problems in the auxiliary forces, particularly in the home guards and local defence forces in northern Uganda. The Uganda Human Rights Commission and UNICEF have identified specific examples of underage

recruitment and the Ugandan government has assured our High Commission that it is working with UNICEF to find and demobilise the recruits. UNICEF reports that the army has co-operated on specific cases but we continue to monitor the situation.

The involvement of children in armed conflicts is also a serious concern in **Burundi** and the **Democratic Republic of Congo** (DRC). In a report to the Security Council in December 2002, Kofi Annan included the two countries in a list of states in which child soldiers were being used. The report named the governments of Burundi and DRC as well as the two main Burundian rebel groups and a number of armed factions in DRC as recruiters. The reason for the large numbers of child soldiers in these countries is complex. In DRC, for example, diseases including HIV/AIDS, the collapse of effective government and the displacement of people has resulted in large numbers of homeless or abandoned children. These are easy prey for rebels who may promise them money and other benefits if they join up. Burundi faces many of the same problems. The UK is

explaining the significance of the protocol and the steps taken to meet our commitment to it.

The UK ratified the OP on 24 June 2003 with an accompanying declaration. The OP requires each state party to deposit a binding declaration on ratification that sets out the minimum age at which it will permit voluntary recruitment into its armed forces. The OP also requires a description of the safeguards the state party adopts to ensure that recruitment is not forced or coerced.

All members of the UK Armed Forces are volunteers; there is no compulsory recruitment. The minimum age for entry is 16 years which reflects the normal minimum school leaving age, although they may apply to join from the age of 15 years and nine months, reflecting the statutory minimum school leaving ages in the UK's constituent regions.

All applicants must make a declaration of their age, backed by authoritative, objective proof such as their birth certificate, at the

beginning of the recruitment process. There are special procedures for all volunteers who are under 18. These include involving their parents or legal guardians; clearly explaining the duties involved in military service to both the applicant and their parents or legal guardians; establishing that the applicant is a genuine volunteer; and establishing that the parents or guardians freely consent to the individual's entry into the Armed Forces and will countersign the application or other recruitment forms.

The UK also reaffirmed the declaration it made upon signature in September 2000. This declaration is a statement which clarifies the UK's understanding of the obligations in Article 1 of the OP. It in no way undermines the UK Government's understanding of the obligations in Article 1 of the OP but identifies the type of exceptional circumstances in which it might not be feasible to prevent the direct involvement of under 18s in hostilities. The UK considers that the possibility of such exceptional situations arising, despite the fact that it has taken all measures to avoid them, is not inconsistent with the obligations set out in the OP.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Articles 34 and 35 of the UN Convention on the Rights of the Child (CRC) address the protection of children from all forms of sexual exploitation and sexual abuse. This includes taking measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitation of children in prostitution or other unlawful sexual practices; and the exploitation of children in pornographic performances and materials. Furthermore, the CRC stipulates that States should take steps to prevent the abduction, sale or traffic of children for any purpose.

In May 2000, the Optional Protocol (OP) on the Sale of Children, Child Prostitution and Child Pornography was opened for signature. This new standard strengthened the provisions of the CRC in protecting children from sexual exploitation and abuse. The UK signed the OP at the UN Millennium Summit in September 2000. The OP came into force on 18 January 2002, three months after the tenth member state had ratified it.

The UK is committed to stronger legislative measures to penalise the sexual exploitation of children. In September 2001, the UK Government published the National Plan for Safeguarding Children from Commercial Sexual Exploitation, in preparation for the Second World Congress on Child Sexual Exploitation in Yokohama, Japan. The national plan contains a commitment that it will be reviewed annually and updated regularly so that it continues to focus on priorities for action. A steering group, chaired by DFES officials and with a wide membership from across the professional and voluntary sectors, has recently completed the first annual review.

One of the key areas for future action in the national plan is to ensure the effective implementation of the UK Government's safeguarding children involved in prostitution guidance, which was published in May 2000. The Department of Health commissioned a study to review how the guidance is being implemented across the country, and its impact. The findings of the study were presented to a national conference for Area Child Protection Committees in London in November 2001.

involved in efforts to stabilise the situation in the Great Lakes region and is working with the international community to address the issues that underlie the terrible conditions faced by many children there. Through DFID we have pledged \$25 million (£15.5 million) to the World Bank Multi-Country Demobilization and Reintegration Programme (MDRP), intended to promote the demobilisation and reintegration of combatants, including child soldiers, in the region.

The war in **Sierra Leone** affected the lives of thousands of children through displacement, abduction and abuse. Many were mutilated, lost family members and had their basic human rights violated. According to the Sierra Leone national recovery strategy, 10,000 children were separated from their families, including some 5,000 who were abducted and conscripted into the armed forces. Ninety-one per cent of the 6,845 children released by fighting forces at the end of the war have been reunited with their families.

The Special Representative of the UN Secretary-General for Children and Armed Conflict, Olara Otunnu, visited Sierra Leone in February 2003 and noted the country's dramatic transformation since peace was declared in January 2001. Mr Otunnu drew particular attention to the plight and vulnerability of girls, many of whom have been ostracised by their families and communities because of the nature of the abuse they suffered during the war.

The Special Court for Sierra Leone and the Truth and Reconciliation Commission (TRC) are paying particular attention to children's experiences during the conflict. The Special Court is the first international war crimes tribunal to address the abuse of children in war. The Chief Prosecutor of the court, David Crane, has confirmed that the court will not prosecute the children for their enforced role in the war; instead, it will champion children's rights to live in peace by establishing crimes against children as war crimes. We have contributed £6.6 million (2002–2004) to the Special Court and £600,000 to set up the TRC and support its operating costs.

A network of child protection agencies assists children affected by the conflict. There is a concerted effort to get children learning again and last year there was a 20 per cent increase in primary school enrolment. The recently established national commission for war-affected children will translate their concerns into national policy, priority setting and resource allocation. Initiatives such as the Voice of Children – radio programming for and by children – aim to include children in the national discourse. The UN peacekeeping force, UNAMSIL, employs child-protection advisers and trains peacekeepers in child rights and child protection.

The youth of Sierra Leone are its future; over half the population is estimated to be under 15. The best way to protect children is to give them a peaceful and stable environment. To help build a safer and more prosperous nation the UK has committed £120 million in bilateral aid to Sierra Leone over the next three years.

Abuse, exploitation and neglect

The abuse of children takes many forms and occurs all around the world. Sometimes it is systematic, with organised gangs abducting children to use as labourers, or death squads carrying out summary executions of street children in the name of social cleansing. Child abuse is also casual, unsystematic and difficult to detect, as with domestic violence or sexual abuse by family members or carers.

The UK is concerned about all children and about all infringements of children's rights. We work bilaterally, through international organisations and by supporting NGOs to stamp out abuse wherever possible.

Sexual abuse

The rapid growth of foreign tourism to **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.

Our Embassy in Havana is helping to develop Cuba's child protection capacity. A retired British police officer is running the pilot project to provide a video evidence suite where victims of abuse can give evidence in a secure environment to trained professionals without the trauma of testifying in court. The project, which is now in its second year, is also training Cuban officers and organising a task force to co-ordinate and motivate action across the agencies involved. Overall, this work will help Cuba meet its CRC obligations (CRC Article 8 urges protection for children testifying against someone accused of using or supplying child prostitutes). It will also lessen the likelihood of foreign paedophiles using Cuba as a sex tourism destination.

The UK and the **Philippines** have been working on joint child welfare initiatives since 1998. In March 2003, we co-sponsored a conference that involved EU and South East Asian countries on strengthening judicial protection of children who have been victims of abuse, neglect and exploitation. At the conference,

delegates shared best practice on how child victims can participate in the justice system.

We brought experts from the Northumberland Police and National Society for the Prevention of Cruelty to Children to **Thailand** to improve child protection and support within the youth justice system by providing child protection equipment and training the Thai public welfare department. To stop people using the Internet to exploit children, we funded the translation of the NGO ECPAT's *Guide to Protecting Children Online* for Thailand, the Philippines, **Indonesia** and **Japan**. We arranged for two officers from the UK National High Tech Crime Unit (NHTCU) to provide computer hardware and software to combat child abuse online and train officers from the Royal Thai Police. We also paid for three officers and an official from the attorney-general's office to attend a Wilton Park conference on combating child abuse on the Internet.

In **Cambodia** we are working closely with the government and NGOs to improve awareness and reduce the sexual exploitation of women and children including through trafficking. With the Cambodian police, we are detecting and disrupting paedophile activity and helping NGOs to influence change in a way that is sustainable.

Child abuse is only one of **Moldova's** many problems. In 2002, we funded an NGO, the National Centre for Child Abuse Prevention, to work with the government to reduce abuse in three regions. The NGO trained 58 volunteers to work in schools; held more than 100 seminars for nearly 3,500 younger children, using lectures and drama to explain the risks and possible responses; conducted more than 50 seminars for 1,500 teenagers; and held a further 70 seminars for parents and teachers. We also supported related events in Chisinau and in rural communities. The extensive radio and television coverage of these events included a speech by the then Deputy Head of Mission in Chisinau, Helen Arbon, in support of the project.



A 13 year-old boy fixes an electrical motor at a workshop in Lahore, Pakistan, June 2003.

Child labour

There are 600 million children living in poverty around the world, making up half the world's poorest people. Two hundred and forty six million children work and of these, 179 million are involved in the worst forms of child labour. The International Labour Organisation (ILO) defines these as all forms of slavery; child prostitution; the use of children for the production and trafficking of drugs; and any work that is likely to harm the health, safety or morals of children. There are millions of children working in terrible circumstances such as mining, selling drugs, toiling in fields, scavenging on rubbish tips and performing gruelling domestic work.

The UK has made a significant contribution to tackling child labour worldwide through our work with the ILO (see page 153 for more details on the ILO). The ILO Conventions 138 (on the minimum age for employment) and 182 (on eliminating the worst forms of child labour) are two of the eight ILO core conventions which form the basis of the 1998 ILO Declaration on Fundamental Principles and Rights at Work. Under the declaration, all member states are obliged to respect, promote and realise these principles and rights, whether or not they have ratified the related conventions. There has been good progress since the ILO's 1999 annual conference adopted Convention 182: nearly 140 countries have now ratified the Convention. In total, 120 countries have ratified Convention 138. The UK has ratified both the ILO child labour conventions and we work to combat child labour through a combination of legislation, monitoring, awareness raising, consultation and education.

Trafficking children in order to exploit them for their labour is an abhorrent abuse of children and brings many of them into the sex industry. A recent UK Government initiative specifically targets people trafficking through a multi-agency approach, Project Reflex, which brings together the police and customs officers. The UK Government has also issued a trafficking 'tool-kit' to help identify and support people who are trafficked.

We contribute to the International Programme for the Elimination of Child Labour (IPEC) under the £15 million DFID/ILO Partnership Framework Agreement. Our funding for IPEC supports the development of country-based networks which contribute to national initiatives to combat child labour. Work is also being done on gender issues in child labour, identifying good practices and mainstreaming them into IPEC's work.

We work with the ILO, other governments and NGOs to address child labour in specific countries. For example, DFID is supporting an ILO programme in **India** to address child labour in Andhra Pradesh. By raising awareness and mobilising partners

Camel jockeys

Camel racing is a traditional sport in the Gulf region.

The racing season takes place from October to April. Up to 70 camels take part in a race, covering distances from 4–10 kilometres.

It is clearly a racing advantage to use jockeys who are as light in weight as possible. Human rights groups have criticised the **United Arab Emirates (UAE)** in the past for using young boys, some reportedly only four years old, as camel jockeys. The camels travel at high speeds – up to 35 kilometres per hour – making the sport extremely dangerous, especially for such young children. The camel racers recruit boy jockeys from South Asia and in particular from Bangladesh. Apparently, organised traffickers recruit many of the boys against their will in their home countries.

In July 2002 the UAE Minister of State of Foreign Affairs Sheikh Hamdan bin

Zayed Al Nahyan announced a ban on the use of camel jockeys under the age of 15 or under 45 kg in weight. Reports suggest that the legislation is not always rigorously enforced. We welcomed this announcement and will continue to press the UAE authorities to implement the ban fully.

We want to strengthen action to combat the trafficking of children to the Gulf States for use as camel jockeys. We are funding a project by Anti-Slavery International to exert pressure in those countries where camel racing takes place and also to help NGOs in countries the children come from to co-ordinate their lobbying against the practice. The project will also seek the adoption and proper enforcement of legislation prohibiting the use of under 18s as camel jockeys in the Gulf States, including **Qatar**.



A ten year-old boy, who was used as a camel jockey in the United Arab Emirates, shows a scar on his hand from a camel bite, August 2002. The boy now lives at a shelter in Dhaka, Bangladesh, with other former camel jockeys.

such as trade unions, media, employers' associations and other civil society organisations, we can influence government policy and programmes that will eliminate child labour in the state. DFID is also providing £2.9 million for a programme for trafficked women and children in the Greater Mekong region. As well as trying to prevent the practice, the scheme protects and rehabilitates those who have been trafficked. Our support for Anti-Slavery International's work in **West Africa** focuses on developing the capacity and commitment of local NGOs to end trafficking and abuse of child domestic workers.



A homeless child outside the offices of the NGO Casa Alianza in Tegucigalpa, Honduras. Casa Alianza maintains pressure on the Honduran government to bring those responsible for killing street children to justice.

The UK funds the Ethical Trading Initiative (ETI), an alliance of well-known UK companies, trade unions and NGOs, that is committed to improving labour standards in companies' supply chains. Where the chains contravene child labour standards, the ETI encourages companies to take responsible actions to tackle the issues.

Street children

The sexual abuse, exploitation and deaths of street children in **Central America** are widespread and increasing, despite its countries having ratified the Convention on the Rights of the Child (CRC). The problem is exacerbated by the fact that every year many thousands of births go unregistered. Without a birth certificate, families and individuals cannot access health, welfare and education services and thereby become more vulnerable.

We decided to look at the current system of child birth and death registrations and to provide project funds to help set up a system that records all child births and deaths. The first step was to clarify what mechanism for birth registration already exists in each state. In the second phase, a team of consultants will visit the region and then involve partners in deciding how best to implement, manage and follow up the scheme. In time, we hope to establish a stronger and better-regulated mechanism of birth registration in each Central American country.

More than 1,350 children and youths have been murdered in **Honduras** since January 1998. People suspect that organised death squads, with links to the security services, may be responsible for some of the killings. The Minister of Public Security Oscar Alvarez announced in 2002 that he would set up a special unit for child deaths comprising five detectives from the general directorate of criminal investigation (DGIC). These detectives will work closely with the NGO Casa Alianza in Central America and other human rights organisations to tackle street crime and investigate unsolved deaths. Our Embassy is in regular contact with the ministry for security, Casa Alianza and

other civil society groups to monitor progress in bringing those responsible to justice.

In 1990, **Mongolia** embarked on a peaceful transition from communism to a parliamentary democracy with a free market economy. Although political and economic changes have brought many benefits, it has been a difficult time. Real incomes have fallen, unemployment has risen and the gap between rich and poor has widened. Four successive harsh winters (including 2002–2003), with temperatures falling below minus 25 degrees Celsius, have greatly affected the traditional herding way of life and caused mass migration from the countryside to the cities.

Over 36 per cent of the population is classified as poor or very poor. Forty-eight per cent of all children live in unemployed or poor families. Poverty and unemployment have heightened people's sense of insecurity and contributed to alcoholism, family breakdown, domestic violence and homelessness. Parents struggling to make a living often spend long periods away from home. Children, and particularly adolescents, suffer from loneliness, lack of confidence and a sense of isolation. There are approximately 3,700 unsupervised children in Mongolian cities, with more and more spending time on the streets to escape intolerable home conditions or to make money to survive. To survive the harsh winters they live in doorways or in the cities' sewers and turn to prostitution or petty crime.

The Mongolian government is committed to improving living standards for all its people, but the country is donor-dependent and has large debts outstanding to Russia from the Soviet period. The government, UNICEF and international NGOs including Save the Children UK (SCUK) – funded by annual grants of £175,000 from the British Embassy's Small Grants Scheme – work hard to assist the children through shelters and service centres. But funding is still not sufficient to meet the basic needs of the increasing numbers of children caught in these circumstances.

The UN estimates that in the **Democratic Republic of Congo** (DRC) there are 70,000 children who have been separated from their families or otherwise abandoned. Many of them head to the cities in the hope of finding some means of subsistence. In the capital Kinshasa the number of street children has reached alarming levels. Contributing to this homeless population are many who have been named as 'witches'. If a family is short of food, parents may denounce one of the children unable to earn a living as a child witch and cast them out. They often end up living on the streets, surviving through begging or prostitution. The DRC government is unable to deal effectively with the problem of street children while the effects of the conflict continue. (For more details of UK assistance to DRC, see page 53).

Juvenile justice

To make sure children are treated fairly, we must give them the same minimum standards of welfare as adults at all stages of the criminal justice process. In many countries, this does not happen and arbitrary justice and detention are commonplace. The UK promotes an enlightened attitude to juvenile justice by funding projects around the world.

The FCO has funded Save the Children UK in a scheme to review and reform juvenile justice in **Tajikistan**. A working group consisting of members of the government, NGOs and academics will look at current legislation and practice. At the same time, there will be a pilot programme of alternative, non-custodial approaches to juvenile justice in the district of Dushanbe. Over 100 officials, including police officers, judges and prosecutors, will receive training in international norms and the administration of non-custodial systems. The project will culminate in a national conference on juvenile justice to discuss the results of the pilot project.

Children in **Bangladesh** often end up in adult jails because the police do not attempt to determine their true age. In August 2002, 42 children were detained – mostly without trial – at Dhaka central jail, despite space being available at juvenile correction centres in neighbouring areas. If the magistrate fails to order an investigation to establish a child detainee's age, he or she is likely to go to an adult jail. Detention without trial often exceeds five years, particularly for the poor who cannot afford legal representation. When children are released, many return immediately to street gangs or resort to prostitution.

The High Commission in Dhaka is funding a project that will reinstate jail monitoring visits by former senior civil servants, members of community organisations and former MPs. Our hope is that greater monitoring will improve conditions for prisoners. The High Commission is also funding a project on access to justice, which uses art competitions and exhibitions

to increase awareness of the right to security at home, juvenile justice, exploitation, abuse and human trafficking. The project is reaching a wide audience in communities, schools and within the police service.

Our Embassy in Manila is organising several projects in the **Philippines**, on children's rights such as assistance for young offenders in detention. We helped fund the production of Commission on Human Rights' publicity material on the rights of juveniles in custody and supplied training for police officers on interviewing child victims.

A project to introduce a nation-wide system of juvenile justice by 2006 is now well under way in **Laos**. The project, which started as a pilot in 2000, began full implementation in 2001. The ministry of justice is managing the initiative, with technical support from SCUK and financial support from the FCO Human Rights Project Fund (HRPF). The project delivers training to judges, prosecutors, police officers and local officials on principles of children's rights and juvenile justice. The idea behind the project is to reform the local justice system by diverting children from the formal justice system, promoting non-custodial sentencing, establishing specialist youth courts and resolving cases through village mediation that uses principles of restorative justice. So far, the project has reached half of all provinces in the country and trained more than 2,500 officials.

Although **China's** Criminal Procedure Law allows for bail, in practice it is seldom granted. Young people who are accused of crimes may face long periods in custody. Our Embassy is supporting work to improve the protection of juvenile suspects' rights by developing a bail system. The scheme brings together criminal law experts, government officials and practitioners to improve practices in the run-up to trial. At a policy workshop and working groups, participants will address three critical aspects for reform: bail information, decision-making and support for juveniles on bail. At a second workshop they will review the proposed system, design a pilot scheme and establish training needs. Finally, project workers will submit a report on the proposed pilot scheme to the government for approval.

Education

The right to education is enshrined in Article 28 of the Convention on the Rights of the Child (CRC). For many children who would otherwise be condemned to a life of exploitation and poverty, this basic right is their greatest hope. Many countries lack the essential resources to make primary education free and compulsory. To help these countries provide children with the right to education, the international community has a duty to give priority to support educational

infrastructures and vulnerable groups such as child labourers, children in rural areas and disabled children.

In **Bangladesh**, DFID supports the government's Primary Education Development Programme through the Effective School Through Enhanced Education Management (ESTEEM) project. ESTEEM improves the quality of primary education by strengthening its management functions. DFID also supports government programmes in adult literacy and skills training, as well as basic education for children engaged in hazardous and exploitative work. In addition, DFID helps fund several NGO initiatives in non-formal basic education, literacy, vocational training for working children and empowering women and girls.

The UK funds short and long-term activities to support education in **Sri Lanka**. Through a programme managed by UNICEF, we co-fund the joint Sri Lankan government/UN strategy to help internally displaced people (IDPs) catch up with education they have missed. In addition, through UNICEF's Children Affected by Armed Conflict (CAAC) programme, the UK funds activities to mitigate the impact of armed conflict on children and women, improve their immediate situation and promote rehabilitation and recovery. The UK also works with the ministry of education and the World Bank to improve the quality of, and access to, primary education with a particular focus on using education to foster social cohesion and national integrity. This is a core element of our strategy for peace and reconciliation in Sri Lanka.

In the **Maldives** we are working with the ministry of education on framework models for delivering education to people living in the atolls – the main populated groups of islands. Our work contributes to teacher training and new local resource centres. As there are no local support facilities, traditional distance education models are not appropriate. The concept models that we are helping to produce will support both primary and secondary level education.

In countries where educational resources are scarce, children with disabilities are doubly disadvantaged – first by their mental or physical difficulties and again by the lack of resources and skills to address their specific needs. The HRPF is working with SCUK to help disabled children in **Tajikistan** into mainstream education and enable them to live within their own family and community. We are funding SCUK to review current legislation and practices and make recommendations on how to integrate disabled children into mainstream education. The one-year project is examining social benefits and alternatives to institutional care and covers a range of connected initiatives: it supports 10 inclusive children's clubs; it aims to enrol at least 75 disabled children into mainstream schools; and works with television and radio to produce programmes promoting equal

rights and opportunities for disabled children. Education is an important element: the project will train 15 child facilitators on working with disabled children; 100 primary school teachers and 20 day care teachers on inclusive education methodology; and 25 journalists and 75 members of parent-teacher associations on disability rights.

There are around 15 million disabled people in **Russia**, including 700,000 children and young adults. Over the past 10 years, there have been some improvements in their quality of life with efforts to make buildings more accessible and to develop individual rehabilitation programmes. But despite the provisions of the Federal Disabilities Law, which sets out federal and local obligations for providing educational opportunities, more than 50 per cent of the 550,000 disabled children aged 7–18 receive no formal education whatsoever.

Through the HRPF, in 2002–2003 we supported the Russian NGO Perspektiva's work with disabled youths in four regions by raising people's awareness of disability issues and improving access to education. Through this project Perspektiva has successfully strengthened and expanded the team of disabled youth activists in two Russian regions; reviewed how disability-friendly many schools and higher education establishments are; and provided legal advice and training for more than 1,000 teachers, social psychologists and schoolchildren. Perspektiva and its regional partners have also successfully lobbied the department of social protection for support and funding for young people with disabilities to study at private universities.

More countries are making human rights part of general compulsory education. In 2002–2003 the HRPF supported a scheme to assist the **Moroccan** government's strategy to develop a human rights curriculum for schools. The project team developed a set of training materials and formed a cadre of teacher-trainers. UK consultants met Moroccan representatives to discuss the aims and scope of the project before conducting training sessions for Moroccan teacher-trainers in the UK. The teachers developed and tested materials and piloted teaching of human rights in two primary schools. Students were enthusiastic about the new subject and the government will introduce it nationally in the next academic year.

DFID is bolstering the education sector in 16 of **Nigeria's** states through the Universal Basic Education programme. This programme follows on from a very successful pilot project called the Community Education Programme (CEP) that ran in five states and in some of Nigeria's most educationally disadvantaged regions. By involving the community, CEP achieved large increases in school enrolment and retention and also helped women and girls find educational opportunities.

Education project committees planned and managed the project activities, with 50 per cent of committee members coming from the communities. Official representatives made up the other 50 per cent. The community members set up more committees that motivated families to send their children to school and encouraged adults, especially women, to attend literacy classes. Entire communities participated through sharing information, joint decision-making and negotiating their needs with local officials.

Community participation is also a theme underlying DFID's support to education in **Ghana** through the Education Sector Support Programme (ESSP). This includes help for the Ghanaian government's whole school development programme (WSD) which aims to provide good quality basic education for all Ghanaian children. Besides supporting teacher training and capacity-building in planning and management, the WSD programme encourages the community to participate in planning and monitoring school activities. WSD has set up parent teacher associations (PTAs), school management committees (SMCs) and school performance appraisal meetings (SPAMs). Together, these innovations have improved people's knowledge about education, empowered local communities and increased support for schools. Ghanaians now know a lot more about how the government plans their education. The performance appraisal meetings improve parents' awareness of their children's performance and the need to support their children, helping to raise standards more generally. Teacher attendance has also improved significantly, partly because conditions have improved and partly because of the greater scrutiny from parents and management committees.

Key articles and speeches

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1. **Article on Iraq by the Prime Minister published in the newspaper 'Al Hayat' on 07/12/02. The article originally appeared in Arabic.**

Last week I met a group of Iraqi women to hear their personal experiences of life under Saddam Hussein. They had asked to see me because they felt, in all the understandable concentration on international politics, that the voices of ordinary Iraqis were not reflected in the media. Iraq is their country, too, and I wanted to hear their stories.

The basic facts, of course, of life under Saddam's regime are familiar from countless human rights reports. Between three and four million refugees. Something like a million war dead. Over 200,000 "disappeared". Political opponents tortured and executed. Ethnic and religious groups persecuted.

But few Iraqis, even those who have fled their country, dare speak out publicly. They know the readiness of Saddam's regime to take a cruel and ruthless revenge on its critics extends beyond Iraq's borders.

These women, even though two regularly still receive death threats, were prepared to run that risk. All had stories of their own personal suffering. All – Christian and Muslim, from differing ethnic groups – were victims of Saddam's regime. Their personal experiences brought to harrowing life the cold statistics of the human rights reports.

Zahra Muhammad, for example, lost four brothers when her family was rounded up in the first years of Saddam's rule. In all 150 members of her extended family were killed. They were victims of Saddam's campaign to rob and expel the Fayli Kurds of Baghdad.

Zahra herself was put into a torture chamber spattered in blood, to scare her into telling her jailers where her father kept his money. Then the regime took her family's possessions and drove those who survived out of Iraq and into exile.

Berivan Doski, a Kurd from the north, was in the mountains near Halabja in 1987 when Saddam's forces attacked the area with chemical gas. Her son, still a child, was gravely ill after the attack. But she fled with him across the border to Iran and nursed him for a year until he recovered. She was lucky. Thousands of Iraqi Kurds were killed in chemical weapon attacks during this notorious Anfal campaign of the late 1980s.

The Assyrians, a Christian group living in the same region, were also targeted during the Anfal. Two hundred of their villages were destroyed, along with dozens of churches and monasteries. The Muslim Turcomans have likewise suffered. Two of the group told me that they will never see their home villages again: they have been razed to the ground.

These were not the only Iraqis to suffer. Saddam began his rule with a massacre of his colleagues on the central committee of the Baath party, the same people who had brought him to power. He even distributed a video recording of the killings to show his ruthlessness. It has characterised his rule ever since. He has no moral compunction, no rules except the desire for power.

He has shown repeatedly that he has no respect for religion. Fatima Bahr el-Uloum comes from a family of Muslim clerics. 22 of her close relatives were arrested in 1991. The majority were religious scholars. The youngest was 17, the oldest 70. They have not been seen since. They are only a few of the Islamic figures who have been victims of the regime, including hundreds of Shia clerics known to have been killed.

When Saddam Hussein was "re-elected" as president of Iraq a few weeks ago, he announced the emptying of his prisons. He turned convicted rapists and murderers loose on the streets. But the disappeared did not re-appear. Fatima has no news of her 22 relatives. Their bodies have not even been handed over for burial.

Astonishingly, this release of prisoners has been cited in the British media as a reason to believe that Saddam has changed. It is, on the contrary, a typically cynical ploy just as the election which preceded it was a black farce. Iraqi officials on television began reading out telegrams of congratulation before the voting finished. The telephones of Baghdad were all programmed to play Saddam's election slogan when anyone picked up the receiver.

In fact, only a third of people voted, even though opponents of the regime have had their tongues cut out for speaking out – or worse. On several occasions, most notoriously in autumn 2000, women suspected of opposing the regime found themselves suddenly accused of prostitution and have suffered the penalty – mass execution without trial.

Saddam's regime continues, in the words of the UN Commission on Human Rights in April this year, "an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror". Its efforts to hold onto chemical and biological weapons are sinister evidence of Saddam's real intentions.

The fact that Saddam is a brutal tyrant does not give us any automatic right to seek his overthrow. What the Security Council has empowered us to demand is the dismantling of his arsenal of weapons of mass destruction.

I was not surprised to hear from the courageous women that I met last week that they believed that this was not enough. Or, in their own words, that Saddam is himself a "weapon of mass destruction".

We cannot rid the world of every barbarous regime. We can only do what international law empowers us to do. But at least without chemical weapons Saddam could not have gassed Berivan Doski and her family as they were hiding in the mountains near Halabjah in 1987. At least if he complied with international law, it would mean UN sanctions can safely be lifted. At least we can get Saddam to accept the human rights obligations laid upon him by the UN.

The Government put out a report early this week on the abuses of the Iraqi regime. Some parts of the press attacked us for doing it. They said it was cynical. I find nothing cynical about putting Saddam's barbarity on record. These women, all of them his victims, do not want us to be silent.

Nor is there anything cynical about ending Saddam's illegal weapons programmes. I hope it can be done peacefully. That Saddam has truly changed. This weekend the Iraqis have to give an account of these programmes to the United Nations. Let us hope that it's a true and frank account. You'll forgive me if, knowing all that I do about Saddam's past record, I remain sceptical. But we will wait and see.

2. Combating torture

EVENT: Launch of the *Combating Torture Handbook*
LOCATION: Foreign & Commonwealth Office, London
SPEECH DATE: 26/06/03
SPEAKER: Foreign Secretary, Jack Straw

Five years ago today the UN Secretary General, Kofi Annan, announced that 26 June should become a day 'on which we pay our respects to those who have endured the unimaginable.' The date chosen to mark 'International Day in Support of Victims of Torture' could hardly have been more appropriate. 26 June was the day, 16 years ago, that the UN Convention Against Torture came into force. And it was the day 58 years ago that the UN Charter – the first international instrument to oblige nations to promote respect for human rights – was signed.

Since then, successive Governments – irrespective of political hue – have put the Charter's values at the heart of Britain's foreign policy. I am especially proud of the steps the Government has taken, not least our efforts to relieve a great many people of the fear of torture.

The challenge of enforcing human rights

Few would dispute that in the countries where we have committed our Armed Forces over the past six years, a climate of hope has replaced a climate of fear. Sierra Leone held democratic elections last year. Its long-suffering people were able to put their country's future in the hands of elected representatives rather than brutal rebels. In Afghanistan, two million people have returned to their homeland following the fall of the Taliban.

In Iraq we took military action to disarm the regime and to enforce the authority of the United Nations. But the effect has been to liberate a country from a regime which bears comparison with the worst in history. One British expert responsible for securing evidence at the mass grave sites being unearthed across Iraq has concluded that Saddam's regime 'was propped up with the bones of the Iraqi people buried beneath the sands.'

There are too many other places in the world where regimes sustain themselves on the suffering of civilians. Amnesty International report today that in more than half the countries of the world, torture or ill-treatment is carried out. A terrifying statistic. Two prominent examples are Zimbabwe and Burma, where unaccountable regimes are using completely

unacceptable means to suppress public demands for freedom. In Zimbabwe, victims of torture include opposition members of parliament, human rights activists and prominent members of civil society. In Burma, the military regime perpetrates acts of torture against minority groups and even women and children. Today I am especially worried about the treatment of political prisoners, including the leader of the democratic movement, Aung San Sui Kyi.

The treatment endured by the people of Zimbabwe, Burma and in many other countries around the world is a standing affront to the values enshrined in the UN Charter. And it presents a fundamental challenge to those – like the UK – who argue that democracy, respect for human rights and the rule of law are not the preserve of the privileged few, but should be made global public goods.

Embracing the challenge – the handbook

What we are seeking to do in the FCO is to embrace this challenge. In 1998, my predecessor launched our anti-torture initiative. Under this programme, we have combined the traditional tools of diplomacy – the use of carrot and stick – with practical projects and funding for research.

The handbook we are launching today, *Combating Torture – A Manual for Judges and Prosecutors*, is the result of one such research project. I commend this manual to you. It's the work of Conor Foley and Sir Nigel Rodley, academics from the Human Rights Centre at the University of Essex.

The handbook follows in a distinguished recent tradition. My predecessor launched the *Torture Reporting Handbook* three years ago. Over 20,000 copies have since been distributed in seven languages. It's now being used by NGOs from Nizhny Novgorod to Cairo, from New Delhi to Manila.

I am confident this new handbook will have a similar impact. It's targeted at those who act as the guardians of values in any society – the judiciary. It outlines the duties and responsibilities of judges and prosecutors to prevent and investigate acts of torture, to ensure that those who perpetrate such acts are brought to justice and that their victims receive redress.

Over the next 12 months, we will be working to publicise this manual in as many countries as possible. We will be relying heavily on our network of missions overseas. I know we can also count on the indisputable and indispensable expertise and experience of relevant NGOs, many of which are represented here today.

Optional protocol to the UN convention against torture

Our partnership with NGOs and academics lies at the centre of the FCO's strategy to combat torture. It worked to excellent effect recently when, through our combined lobbying effort, we secured the adoption of the Optional Protocol to the UN Convention Against Torture. The protocol promotes a more intensive and concerted international approach to eradicate torture. It's vitally important that as many countries as possible ratify it. I am delighted to announce that the UK is providing a lead here: later today we will become one of the first countries in the world to sign the protocol, and we aim to ratify it later this year.

The signature of the Protocol is just one of many recent examples of our commitment to put human rights at the heart of foreign policy. We deposited our ratification instrument for the Optional Protocol to the Convention on the Rights of the Child on children in armed conflict on Tuesday; and we are in the final stages of ratifying Protocol 13 to the European Convention on Human Rights which outlaws the death penalty in all circumstances.

Conclusion

Our commitment to the fight against torture is centrally a matter of human rights. We want to see the values of liberal democracy which underpin our society expanded across the globe.

But it's also a matter of enlightened national self-interest. The threats our country faces in the twenty first century come from parts of the world where the values which hold communities together are challenged by the forces of ideological fanaticism and corruption. When torture begins to take root anywhere it is one of the first indicators that these forces are in the ascendant, that the boundary between order and chaos is dissolving. The task of an independent judiciary is to patrol this boundary, giving citizens the reassurance they need that they and their children can pursue their dreams free from fear. I hope the handbook we are launching today will help judges and prosecutors around the world to shoulder this awesome responsibility.

3. The Commission on Human Rights: promoting respect for all human rights

EVENT: United Nations Commission on Human Rights (UNCHR)
LOCATION: Geneva
SPEECH DATE: 19/03/03
SPEAKER: Foreign Office Minister, Bill Rammell

You are very brave, Madame Chairperson, to have taken on your onerous tasks. We wish you well in them.

All of us at the Commission share an important responsibility. Our task is to work together to develop better levels of protection for our citizens. I am pleased to note there has been important progress since the commission last met. The Optional Protocol to the Convention Against Torture has become the newest piece of international human rights law – an example of states working in partnership with non-governmental organisations to improve the UN protection system. And last week I was honoured to represent my country at the inauguration of the International Criminal Court in the Hague: a historic milestone in the fight against impunity and the struggle for justice. The UK worked hard to make both of these new instruments a reality. We will continue to work for better protection mechanisms, including – I hope in the not too distant future – an international convention on the rights of disabled people.

But, Madame Chairperson, I said you were brave because it is no secret that – despite some important steps forward – the commission has over recent years fallen on very difficult times. Its credibility is now in question.

The picture last year was one of confrontation and polemics. An increasing degree of politicisation and polarisation which threatened to infect the intergovernmental processes in other Geneva institutions, doing vital work in areas such as the humanitarian field, health and development. The CHR is the prime UN intergovernmental organ addressing human rights. If it is not working properly, this undermines all the work that the UN does on human rights, not only in Geneva and New York, but in the field. And if the UN is failing to promote and protect human rights, it is failing in perhaps its most vital task. For without respect for human rights, we can never achieve our collective goals of global security and prosperity.

So it is high time that all of us took an honest look at what we are doing here. And how we can get things back on course. To work for the shared objectives of the international community, to protect the rights of people and to constrain the abuse of

power by governments against their own citizens. Most governments – if not all – are guilty of some transgressions. My country does not have a perfect human rights record. No country does. That is why we all need the help and support of the UN treaty system.

In Britain, we fully realise that one of the most important ways a state can protect its citizens' rights is by taking on international standards and benchmarks. I am pleased to tell you that the UK is close to completing ratification of both Optional Protocols to the Convention on the Rights of the Child. In taking on international obligations, 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 we call on all countries represented here today to do the same. It is essential that countries open themselves up to the scrutiny of the UN human rights mechanisms. This inevitably means that this body must continue to identify transgressions and where necessary to hold governments to account for them.

The commission would be failing in its responsibilities to victims of human rights violations around the world if it disbarred discussion of any human rights issue, anywhere in the world. The European Union will set out its concerns in its initiatives and statement under Item 9, and the UK fully shares those concerns which I need not repeat here.

But in cases where transgressions are not irredeemable, it is perhaps true that some of us have been too quick to resort to public condemnation without sufficient sensitivity to local difficulties. We need to give due weight to issues such as poverty as well as governments' resource and administrative capacity. In such cases we have perhaps failed sometimes to communicate enough with each other, to discuss difficulties, to suggest solutions, to offer assistance. Indeed, international assistance and cooperation is essential for the promotion of human rights. That is acknowledged in the treaties. The international community, including the UN, must play its part. And so should countries that can afford to help others.

We in the United Kingdom are taking a lead. Since 1997, Britain's development assistance programme has increased in real terms by 93 per cent, and we are now the fourth largest bilateral donor in the world. Our assistance programme is set to reach 0.4 per cent of national income by 2005-06. This is more than double the average for G7 countries. We remain committed to meeting the UN target of 0.7 per cent. And this year for the first time we committed ourselves to a £1 billion annual programme for Africa. Britain has also spearheaded the fight for debt relief for the poorest countries. And, with assistance of nearly £8 million in the last two years, we are

the second largest donor to the essential work of the Office of the High Commissioner for Human Rights.

This is hard evidence of the UK's practical commitment to achieving the right to development. We recognise that helping people realise their human rights is an essential part of freeing them from poverty. And the Millennium Development Goals can only be achieved if human rights are respected. Human rights are central to development because they provide a means of empowering all people – including the poorest – to make effective decisions about their own lives. Respect for human rights remains one of the clearest indicators of a stable society, living in peace with itself and its neighbours.

By contrast, when a regime shows contempt for human rights, abandons any semblance of democratic process at home, and arms itself with weapons of mass destruction, it becomes a threat to world stability, as well as to its own population. That is why it is essential that the international community both disarms Iraq and takes all necessary steps to secure the rule of law in that country. When we entrench human rights, we entrench democracy and the rule of law. This is not only right in itself. It is also essential for sustainable development: for attracting foreign investment, for protecting local investment, for giving individuals the means to raise themselves from poverty.

Of course, there is no such thing as a 'one size fits all' model of democracy. Even in a country the size of the UK, we have developed a number of different systems with regional assemblies and devolved administrations. It is for each society to develop its own system. But the core elements remain the same: participation of people in decision-making, the empowerment of the marginalised, a pluralistic party system which allows for the peaceful advocacy of views, a free media, an independent judiciary, the accountable use of resources and respect for civil society. These elements of a society are essential for all of us as citizens, for justice and for sustainable peace in our world.

Too often, the debate about human rights has been presented as a choice between civil and political rights on the one hand; and economic, social and cultural rights on the other. This is a false choice. The two sets of rights are inextricably linked. How can an individual assert their right to freedom from hunger or their right to health if they don't have a voice, or if they have no way of making their Government listen to them? What hope does someone have of realising their right to education if they live in a society with no rule of law, no freedom of expression, no freedom of association? How can an individual fully enjoy their civil and political rights if their economic and social rights are not also being realised? Civil and political rights and economic and social rights are mutually reinforcing and

together provide the foundations for sustainable development. That is at the heart of what we mean by the right to development.

Madame Chairperson, the ideas I have set out here do not belong to any one region or tradition. They reflect simple common sense based on universal values. The UN human rights system gives us all a framework to promote sustainable development by promoting respect for all human rights. That must be our task at this commission.

In short this is a plea to all members of this body to look afresh at how we can make it work. If we are serious about human rights we must protect this body and its instruments. We must hold states accountable for the human rights of their citizens. That is a moral imperative. It is essential for economic development. It is essential for stability and international security. If in any sense we have failed in the past to put across this message with due sensitivity, we are open to advice on how to improve the way we all communicate with each other on these issues of vital importance. We want to work seriously and purposefully with all those who share our desire to restore this body to its rightful place and authority.

4. Working to protect trade unionists and workers' rights across the world

EVENT: Amnesty International UK Trade Union Network Reception
LOCATION: London
SPEECH DATE: 25/06/03
SPEAKER: Foreign Office Minister, Bill Rammell

Thank you for inviting me to address you today, on what is a special occasion for all those committed to working for the protection of human rights, and workers' rights in particular.

Let me take this opportunity to congratulate Amnesty International UK on the vital work the Trade Union Network is doing to promote and protect the rights of trade union activists all over the world. The rights we so easily take for granted here in the UK – the right to form or join a trade union, freedom of association, freedom of speech – are daily being denied to hundreds of ordinary men and women around the world. Amnesty International is playing a crucial role in campaigning tirelessly for the promotion and protection of the rights of workers and trade unionists, which I commend.

Universal respect for trade union rights

The UK Government fully supports the work of the International Labour Organisation (ILO), the United Nations specialised agency with specific responsibility for protecting and promoting workers' rights worldwide.

We provide substantial financial support to the ILO. But equally importantly, we also work closely with the ILO to ensure that the international framework to combat abuses of workers' rights throughout the world is in place and is effective.

But as the International Confederation of Free Trade Unions Annual Survey on Trade Union Rights Violations shows, there is certainly no room for complacency on the issue of trade union rights.

According to the ICFTU, last year 206 trade unionists were killed in Latin America – that's 95 per cent of the worldwide total. And in Colombia alone, there were 184 confirmed cases where trade unionists had been murdered.

Trade union rights in Colombia

Colombia is undoubtedly the most dangerous place in the world to be a trade unionist. More trade unionists have been murdered in recent years than the rest of the world put together – over 1,500 in the last decade alone. The statistics are horrifying and the list of serious breaches of international humanitarian law and human rights violations by illegal armed groups is deplorable.

I do therefore very much welcome the decision by the Amnesty International Trade Union Network in its 25th year to focus on the protection and promotion of the rights of trade unionists in Colombia. This, I believe, is both necessary and urgent.

Many Colombian trade unionists, some of whom are here today, have battled for justice and the rights of workers diligently over many years; I pay tribute to your courage and bravery.

During my recent visit to Colombia in May, I was again struck by the gravity of the situation the people of Colombia face as a result of the internal violence which daily wreaks havoc on the social, political and economic fabric of Colombian society. I was appalled at how exposed Colombian trade union members were to violence and intimidation. These inhumane attacks undermine social cohesion, the political system and the national economy. The UK Government totally condemns the illegal armed groups who target trade unionists and other groups in civil society.

When I met with President Uribe, I raised the concerns we all hold about the human rights situation in Colombia. I also gave

clear messages on the need for the Colombian government to tackle impunity and collusion. Importantly, I called for the Colombian government to make clear their support for the work of all sections of civil society, stressing that civil society is part of the solution to Colombia's problems.

I was pleased to learn that in a subsequent keynote speech at Bogota's Police Academy attended by senior members of the government, police and military, President Uribe made clear that he wanted them to show respect for NGOs working in Colombia. This demonstrates, I believe, that our approach of supporting but seeking as well to influence the Colombian government does work.

But there is of course much more to do. My central message to the government of Colombia is that we are monitoring the situation very closely, and that the UK's continued support for the Colombian government is dependent on complete respect for human rights and international humanitarian law.

As part of our efforts to help Colombia tackle the severe internal security problems and address the concerns that we all share, I am pleased that the Colombian government has accepted our offer of a meeting in London on 10 July. This meeting will allow informal discussions to take place between Colombia and its main donor countries and organisations concerning the Colombian government's priorities and how the international community might best assist them. I believe it is important to have civil society participation at this meeting and have therefore invited civil society representatives to contribute.

Closing remarks

By working together in partnership – the trade union movement, non-governmental organisations and others – I believe that the UK can make a real difference to the lives of workers and trade unionists. To the ordinary men and women who work tirelessly in Colombia, and throughout the world, to build a better life for themselves and their families. This is a common endeavour in which we can all unite.

5. Strengthening conflict prevention in the modern world

EVENT: International Peace Academy Conflict Prevention Conference
LOCATION: New York
SPEECH DATE: 13/06/03
SPEAKER: Foreign Office Minister, Bill Rammell

Mr Chairman, Foreign Minister Lindh, Madame Deputy Secretary General, fellow delegates.

I am delighted to be able to take part in this conference. Conflict prevention is an issue that the UK has been engaged with for a long time, both through bilateral efforts, and through the United Nations, where we have had a particular focus on helping capacity-building in UN peacekeeping and peace support.

We welcome the IPA's excellent report *Strengthening UN Capacities for the Prevention of Violent Conflict*. We were pleased to support its development and are encouraged by the vital role non-governmental organisations such as the IPA are taking in research and policy development on conflict prevention. Civil society has a crucial role to play in this area, which we very much support.

We are particularly pleased that the IPA's report recommends that the UN should continue to work to further integrate its conflict prevention work. The UK agrees entirely that we must take a holistic approach to the issue of conflict prevention, tackling the underlying global and strategic issues which cause or fuel conflict, as well as working tirelessly at the operational level, regionally and locally.

This holistic approach is therefore a key priority for the UK Government. The Foreign and Commonwealth Office, the Ministry of Defence and the Department for International Development have a shared interest in reducing conflict world-wide. By combining forces and adopting shared strategies we can have a greater impact.

That is why since April 2001, the conflict prevention funds from all three departments have been gathered together to create two new pooled funds – one for sub-Saharan Africa and the other for the rest of the world. These are now jointly managed to ensure better co-ordinated and more effective action, to help prevent conflicts breaking out and to manage them if they do.

By pursuing – and advocating – a more integrated approach to conflict prevention, we hope that we will eventually see a reduction in potential sources of conflict and a reduction in the number of people actually affected by violent conflict.

Today, I would like to focus my comments on some of the key strategic issues affecting conflict prevention in the modern world at a global, regional and local level, and suggest some ways forward for the United Nations, non-governmental organisations, civil society and other actors.

Global threats to peace and security

Since 11 September and the rise in terrorist activity worldwide, we have perhaps witnessed one of the most fundamental shifts in the international strategic environment of recent times.

British Prime Minister, Tony Blair and Foreign Secretary Jack Straw, have spoken publicly about the twin security threats we now face in the 21st century: terrorism and the proliferation of weapons of mass destruction.

We already possess a range of tools to tackle these threats. These include:

- > the international non-proliferation treaty regimes, which need to be strengthened so that they prevent determined proliferators from failing to meet their international obligations;
- > diplomatic and economic pressure on countries of proliferation concern, which is most effective when applied multilaterally;
- > the Counter-Terrorism Committee of the Security Council, to which all States are now obliged to report on their counter-terrorism efforts and which serves to facilitate the provision of assistance to plug gaps; and I believe,
- > conflict prevention, which also has an important role to play in tackling these threats. We saw in Afghanistan and Somalia, how the chaos of conflict can create conditions in which political or religious extremism thrives, and from which terrorists can plan and launch operations.

There are also other measures, in accordance with international law, with which we can tackle the threat posed by international terrorism and the proliferation of WMD. These have to include the option of military action as a last resort. Just as we have been reviewing the principles under which we intervene in sovereign states on humanitarian grounds, so I believe we must also re-examine the principles under which we intervene to tackle global threats. As Kofi Annan has said, effective diplomacy needs to be backed up with the credible threat of force.

All states, on every continent, and at all stages of development need to make common cause against these global threats, because they affect us all.

The UN must now also adapt to these new global challenges. This is how it will best prevent future conflict.

Conflict in Africa

Nowhere is the need for UN action on conflict prevention more necessary than in Africa, where violent conflict remains one of the most important obstacles to reducing poverty, upholding human rights and achieving sustainable development.

The development of a whole continent is being impeded by the devastating effects of years of conflict. The recent tragic events in Bunia, in the Democratic Republic of Congo, again demonstrate how much we need to redouble our efforts in Africa.

The UK will be contributing support to the multilateral peacekeeping force which will shortly deploy to Bunia under the European Union's Security and Defence Policy arrangements.

The problem of conflict in the DRC also serves to highlight the desperate need to address the regional issues that fuel so much conflict in Africa. Problems such as the flow of small arms and light weapons; migration and refugees; illegal trafficking in raw materials; as well as the impact of conflict on international and regional crime and terrorism, are all issues which require transnational solutions.

Regional organisations have a key role to play in addressing this. Organisations such as the African Union and ECOWAS should develop a clearer framework for their role in conflict prevention and conflict management. The establishment of the Regional UN Special Advisers is an important step forward. The UK has taken a similar approach in its appointment of Regional Conflict Advisers in Africa, with regional advisers in the Horn of Africa, the Great Lakes region and in Southern Africa. We hope to appoint a further adviser in West Africa soon.

We should also look at the role of Friends of the UN Secretary General in particular conflicts, to see how they might operate in a preventive rather than reactive, solution-finding role.

Strengthening international co-operation to resolve the transnational problems which fuel conflict is vital. The Kimberley Process to tackle the problem of conflict diamonds was one example demonstrating what can be done when governments and international organisations work together with civil society and the private sector. We need to look for other areas, such as the regulations guiding the extractive industries, where we can use this close co-operation as a model.

Addressing the underlying causes of conflict

Tackling the causes of violent conflict requires clear thinking and an agreed analysis of the fundamental causes of conflict.

Much conflict in Africa and elsewhere stems from the breakdown of nation states. Porous borders, weak national institutions and the development of alternative allegiances based on ethnic, economic, religious and other factors, often leads to the collapse of a state structures – the so-called 'failed state phenomenon'.

Within individual failed or failing states, we often see weak state institutions and the absence of political legitimacy, coupled with a badly controlled and an unaccountable security sector. This leads to violent conflict over control of economic resources or conflict between different ethnic and other groups over the lack of respect for the rule of law and human rights.

As is the case in so many areas of conflict, easy access to weapons, and despotic individuals keen to exploit these problems, sets off conflict which then develops its own fatal momentum. And very often, sheer greed for wealth and political power without any direct reference to all the other identifiable causes lies at the root of conflicts, which are usually the hardest to foresee and counter.

Breaking this cycle poses huge challenges for the international community, and requires sophisticated responses. But conflict prevention work is vital if we are to progress beyond stop-start peace processes, where unresolved causal elements of a conflict eventually lead to its re-ignition, often worse the second or third time round.

The cost in human and economic terms of restoring and maintaining peace is huge compared to preventive action. We need to work together even more closely than perhaps at any other time in history if we are to make real progress in preventing conflict, rather than continually fighting to put out fires when conflict is already imminent or underway. Strengthening the unique role of the United Nations in conflict prevention is key to achieving this.

Modernising the UN to improve its role in preventing violent conflict

Since its inception, the UN has been working to help prevent violent conflict. It has, however, had only mixed success, not least because of the reluctance of member states to invest or contribute funds towards a seemingly elusive goal.

The UK accepts the need to respect state sovereignty. But we also suggest that in many cases this has been used as an excuse for inaction. UN Member states need to be more proactive. Measuring the success of conflict prevention is almost impossible. Observing its failure is all too easy. This does not mean that we should not seek to take preventative action, but that we should be ready to try and risk failure rather than not try at all.

A key area of future work will be to break down artificial barriers to action by the UN, other international organisations and bilaterally. The aim should be that they complement each other, not compete, and that we all take a share of the burden.

There is a need for more resources, both financial and human for conflict prevention, as well as for development assistance to support efforts to reduce conflict.

Much work has been done on this in the last few years. The UK has offered its support to the UN for its work on improving peacekeeping mandates and training for peacekeepers, and in establishing the exchange of best practice within the UN system.

Internal UN capacity building must therefore continue. But we also need to tackle the relationship between UN agencies and the secretariat on the one hand, and the political response to conflict by member states in the UN Security Council and individual states on the other.

These changes are part of a wider reform process that the Secretary General is leading. The UK welcomed his report on *Strengthening the UN*, published last September. We believe that the recommendations in that report should help to make the UN a more effective organisation in the conflict prevention field and beyond.

The UK also continues to support enlargement of the Security Council – a long-standing UK aim. We want to see the addition of five permanent and four elected members to the council. This will improve the geographical balance of the council and ensure it better reflects the modern world. I believe, for example, that the council would greatly benefit in its discussion of conflict prevention in Africa from the sustained input of a permanent member from the African region.

We will, of course, be looking for opportunities to advance this part of the reform agenda. But our thinking is not centred on the Security Council. It goes much broader. It looks at how the UN can develop the will and the ability to tackle the full range of challenges we face.

Let me be clear: the UK is not contemplating any solo initiatives. We are developing these ideas in concert with others, and I will be hosting a seminar next week at the Foreign and Commonwealth Office on modernising the UN to draw in a wider range of views, for example from the academic world. A major strand of this seminar will be the UN's role in conflict prevention.

Institutional reforms are of course far from being the whole picture. Conflict prevention often calls for the use of less formal tools at our disposal. Methods such as quiet diplomacy, where states and international organisations seek to influence others towards the kind of internal changes which will reduce the chance of future conflict. When this is supported at the right

moment by programmes to help tackle the root causes of conflict in a particular region or country, these methods can have a real impact on preventing violent conflict from developing.

This was certainly the case in Eastern Europe after the Cold War, where there was immense potential for conflict as states sought autonomy from the former Soviet Union. But it was largely contained, not least through the efforts of the OSCE High Commissioner for Minorities.

Good governance, human rights and preventing violent conflict

Conflict prevention, while very difficult, often uses the tools we are increasingly developing for the transition from peace-keeping after conflict to longer term stability. For example, the UK, amongst other countries, has been working locally to help communities strengthen and develop local government institutions, establish rights-based societies, and reform their security sectors.

Security and respect for human rights cannot be separated. States which respect the human rights of their citizens tend to be more secure. Without security, citizens cannot fully enjoy their human rights. And without respect for human rights, real long-term security is impossible. Human rights violations often act as an early warning system.

By taking firm action to address human rights violations wherever they occur, the international community can help address the root causes of conflict. Building participatory systems of governance, respect for human rights and the rule of law, is the cornerstone of this.

The human rights mechanisms of the UN's Commission on Human Rights plays a vital role. By promoting respect for human rights and holding governments to account, they also promote the long-term security which is in all our interests. We urge all states to cooperate fully with them.

Concluding remarks

My central message today is this: ultimately, if we are to have any real success in preventing violent conflict, the international community must act at all levels. We must tackle global, strategic issues such as countering terrorism and stopping the proliferation of weapons of mass destruction, as well as engaging in regional and local-level activities to prevent violent conflict.

Also of fundamental importance in tackling the root causes of conflict must be respect for the rule of law, human rights, democracy and good governance.

Strengthening the capacity of the UN in preventing violent conflict as proposed in the IPA report will be an essential part of this work. But UN member states themselves need to be bolder at taking action, putting aside our tired and jaded political posturing to show that we really can work together to reduce the suffering of so many people affected by conflict across the world.

6. Britain at work on human rights

EVENT: FCO Human Rights Open Day
LOCATION: Foreign Office, London
SPEECH DATE: 10/12/02
SPEAKER: Foreign Office Minister, Bill Rammell

I warmly welcome you to the FCO as we mark the UN International Day of Human Rights and I'm glad to see so many of you here. It's a great delight to me to have ministerial responsibility for human rights.

We are still asked why we promote human rights. The answer is that, firstly, it is the right thing to do and secondly, it is in our interest. Human rights and democracy go together. Human rights and real security go together. Human rights and sustainable prosperity go together. In short, the better a state's record on human rights, the more likely it is to be a reliable and good international partner. So it's good for UK and good for the world.

There is also a strong British tradition of standing up for the weak against unfettered abuse by the strong. Human rights are firmly rooted in that tradition.

Domestic and foreign policy are increasingly entwined. Instability, unrest and conflict thousands of miles away have implications for our security, overseas trade and investment. It is therefore vital that we build domestic support for promoting human rights abroad. We can best do that by being as open as possible about what we do and why we do it.

Today is the anniversary of the signature of the Universal Declaration of Human Rights in 1948 when the world came together after the horrors of the Second World War to vow 'Never again'. I hope that you all have picked up one of the little cards with some of the key principles of the Universal Declaration of Human Rights. The Declaration – still the cornerstone of human rights – was drafted in partnership: a collaboration from countries representing every region, every faith, different philosophies. Thus, we can assert that these values are truly universal.

Because human rights are all about partnership. It's not just the Foreign Office promoting human rights. We are working in partnership with other government departments: with DFID improving poor people's ability to enjoy their right to access water and food; and with the UK Armed Forces playing a role in turning round Sierra Leone from brutal anarchy to stability and democracy.

The UK and other like-minded governments work in partnership to multiply the impact of our lobbying and assistance. We work with and through the UN, the European Union, the Commonwealth, the Council of Europe and the Organisation for Security and Co-operation in Europe to achieve our goals. Lobbying is so much more effective when the UK, the EU, the UN and others can speak with one voice.

The UK is home to some of the world's most renowned human rights NGOs ranging from Amnesty International, to much smaller organisations with few staff and resources concentrating on specific human rights issues or concerns in individual countries.

We do not agree with NGOs on every issue, just as NGOs sometimes disagree among themselves. Indeed, if the 'N' in NGO means what it should in a functioning liberal democracy, it is only right that they criticise the UK's foreign policy as they see fit.

But we do share a common goal of improved adherence to international human rights standards worldwide. There is considerable scope for us to work together and the FCO is more open than ever before to civil society and NGOs.

To give an example of how NGOs and the FCO can work together. Last week at the Free Expression Panel which I chaired we focussed on a rolling campaign to release ten journalists imprisoned for peacefully going about their work in Burma, China, Eritrea, Iran, Nepal, Cuba, Russia, Belarus, Uzbekistan and Tunisia.

Another of the more fruitful co-operations we have had with NGOs in recent years has been in the production of Human Rights handbooks.

It gives me great pleasure today to announce the publication of a new handbook on reporting unlawful killings that the Human Rights Centre at Essex University has produced for the FCO.

I am also pleased to welcome Professor Kevin Boyle, director of the Human Rights Centre. Kevin was the founding director of Article 19 – and you can see what Article 19 does on the free expression stand today. This is the second publication that the

FCO has produced in conjunction with Essex University Human Rights Centre. The first being the highly successful, Torture Reporting Handbook. Over 20,000 copies of this have been distributed in 7 languages.

The key to stamping out these violations is clear reporting. These handbooks were written to help NGO and human rights activists bring clear and convincing accounts of extrajudicial killings to the attention of the international community so we can put pressure on states end such violations.

Finally, I am delighted to present the prizes to the winners of our competition for schools. In October, we invited schools to develop a project that would help them promote human rights as part of their citizenship courses in the national curriculum. We were encouraged and impressed by the variety of the entries and the engagement of so many young people in human rights. The prizes are a cheque for five hundred pounds for each school, a tour of the House of Commons and ride on the London Eye accompanied by Ross Yates from the Children and Young People's Advisory Forum.

7. Strengthening export controls on small arms and light weapons

EVENT: Conference on Strengthening Export Controls on Small Arms and Light Weapons
LOCATION: Lancaster House, London
SPEECH DATE: 14/01/03
SPEAKER: Foreign Office Minister, Mike O'Brien

Clare Short has eloquently reminded us all why the international community is tackling the problem of the 639 million handguns, rifles and light machine guns in circulation: more than one for every 10 people on the planet.

The UN Conference on Small Arms recognised the need for all exporting states to have effective procedures in place to prevent unlawful trafficking and to reduce the risk of diversion to criminals and terrorists.

Illicit trading in guns, rifles and other light weapons is also linked to trafficking in, for example, drugs and diamonds. This is a worldwide problem. It therefore requires an orchestrated response: locally, nationally, regionally and internationally.

We have invited you here to work on those commitments in the UN Programme of Action dealing with controls on exports and on trafficking and brokering.

There has been important work since the 2001 Conference in many areas:

- > in getting signatures to the UN Firearms Protocol;
- > in work on national action plans to control exports and brokering;
- > on marking and tracing of weapons; and
- > in work to collect and destroy arms.

The UK has supported these activities. But more needs to be done. As Ambassador Reyes has said before we have real work to do and we need to be doing it now. We now need to build momentum through the 2003 and 2005 biennial conferences to the 2006 review conference.

Export controls

Strengthening export controls on small arms is vital. We need to face the fact that Britain exports arms. Some arms sales are legitimate. Countries have the right of self-defence.

As the MOD and DTI said in a consultation document in October, in Britain's case we need to supply and equip our own army. Unless we are to be dependent on imports of arms we need to sustain a British arms industry. Sales within Britain alone are insufficient to make Britain's arms industry profitable. We need to sell some arms. But the key is that such sales are conducted responsibly.

We accept the case for an arms industry which is carefully controlled by Government policies and criteria. The fight against terrorism shows the need for security forces to have the weapons and equipment to combat this threat. But we must have effective controls to ensure that terrorists or criminals do not gain access to such weapons. Those who lawfully get British arms should not use them to create conflict or commit human rights abuses.

Export controls are only a part of the answer, but they are an important one.

Like Clare [Short], I have a constituency in the West Midlands. Movement of arms in Africa, Afghanistan and the Middle East are linked to incidents in Birmingham. Controls need tightening. When conflicts cease, guns need to be destroyed and not sold on.

These are not problems just for the developing world – although those countries suffer disproportionately. We in the West face these problems too. Each child killed, each adult

murdered leaves relatives who, whether British, African or Afghan, feel pain the same.

The Government is treating the problem of gun crime as a priority and has developed a co-ordinated strategy to address it. As well as the legislative measures announced last week we are looking at the associated areas of drug crime and gang warfare, and welcome the input of the international community to tackle it at a worldwide level.

This meeting can make a positive contribution to the launch of the global work needed to tighten controls on small arms, so that they only go to those with a legitimate use for them.

We want a full and frank exchange of views. This is not a negotiating conference. Nevertheless we would like to deliver a set of agreed conclusions, but what those conclusions are will depend on your input here.

I would like to say a word about how states can judge whether a proposed supply of weaponry, be it of small arms or other military equipment, is justified.

The UK's approach

Britain's approach to export licensing decisions is based on systematic consideration of specific factors. In our case these are set out in our consolidated national and EU criteria, based on the EU Code of Conduct. We do not export where arms sales will be used for oppression or will create conflict.

We also support the guidelines for conventional arms transfers agreed by the Permanent Five Members of the UN Security Council and the OSCE common export criteria for the transfer of small arms and light weapons. Most recently the Wassenaar Arrangement, on 11 December 2002, adopted a UK-initiated set of best practice guidelines on small arms transfers.

We know that not all states agree with our approach. There are different approaches on issues such as human rights, on what governments should consider, and how important those factors should be in a decision. We respect these differences. We are not trying to impose the EU's Code of Conduct on the rest of the world. But we do believe that the general approach, already widely accepted, is a good way forward.

In our suggestions about conclusions for this meeting, we suggested factors to be taken into account in making decisions on arms sales. During the next two days we hope that it will be possible to explore where the common ground is among participating states.

There may be other acceptable approaches. You can discuss whether there are. But we believe a harmonised set of factors would be the most effective way to stop the illicit trade in small arms. Why? Because the more harmonised our approach becomes the less room there is for unscrupulous arms dealers to circumvent controls.

Trafficking

The method of controlling trafficking and brokering of arms varies from country to country. While it is not possible today to agree best practice guidelines or law, it should be possible before the review conference in 2006 for us to have formulated an approach that the conference would be able to agree. In the meantime it is important that countries do all they can to regulate it effectively.

Brokerage is a portable activity: a broker can operate thousands of miles from the origin or the destination of the arms concerned.

The United Kingdom has so far only had limited controls on trafficking and brokering of arms applying to destinations under UN embargo. We are introducing a much wider control: it will apply to all destinations under embargo. And for other transactions we will control trafficking and brokering committed in the UK. Such acts will require a licence.

The European Union have agreed that they will apply the criteria of the EU Code of Conduct in considering trafficking and brokering licence applications. That means the same standards will be applied as to arms export licence applications.

Enforcement

But the best controls are no good if they are not enforced. If arms can in practice be shipped without control because customs and other border authorities are ineffective, or corrupt, then the most carefully crafted guidelines and careful consideration are useless. We have to ensure not only that the illicit traders cannot get licences; but that they cannot trade without them.

I am therefore delighted that you are discussing enforcement. And I look forward to seeing it feature prominently in your conclusions.

I wish you success in your deliberations.

Thank you. Your work is important. The lives of people depend on your success.

8. The need to end impunity for war criminals

EVENT: Reception to introduce Adrian Fulford, candidate for judge of the International Criminal Court to supporters of the court
LOCATION: Foreign & Commonwealth Office, London
SPEECH DATE: 30/09/02
SPEAKER: Foreign Office Minister, Baroness Symons

Lord Chancellor, Excellencies, Ladies & Gentlemen.

I am grateful to Michael Wood for arranging this reception. I hope you all will have now met Adrian Fulford; and that, in the course of the evening you will have the opportunity to speak to him.

Adrian Fulford QC is of course, the United Kingdom's candidate to be one of the 18 judges of the International Criminal Court. His candidature, which we announced in July, has now been formally lodged with the United Nations Secretariat in New York. The reception is to introduce Adrian to some of those who are the firmest supporters of the court.

It is enormously gratifying that just four years after the Rome Diplomatic Conference, the ICC is a reality. It is a measure of the high priority which the international community places on the need to end impunity for those responsible for war crimes and the most serious crimes against humanity. The United Kingdom is proud of its role in this success and, notwithstanding the very real present difficulties posed by US antipathy to the court (which we are working to address, not accommodate as some critics have assumed) we are determined that it should succeed. We hope that, in the light of experience of the court in action, the US will recognise that its fears of politically motivated prosecutions are entirely unfounded.

Since April, when the 60th and activating ratification was deposited in New York, the number of states parties to the ICC has swelled to 81 – evidence in itself that so many want to take an active role in the crucial early years of the court's existence. Not much evidence of doubt or dismay in these membership figures. But there is no room for complacency – vast areas of the world are poorly represented. We shall continue working bilaterally and with EU partners to encourage more states on board. The court's real success will lie in its universality.

Although the nomination process only formally opened three weeks ago, it is already evident that some excellent candidates for judges are emerging. And it is likely that the total of candidates will exceed considerably the posts available. It is always good to be spoilt for choice.

The Rome Statute

The Rome Statute was drafted with the highest aspirations to achieving the best bench for the court, both in terms of quality of experience and in seeking judges reflecting the different geographical regions of the world and their diverse judicial systems. I am delighted to note that the statute also pays appropriate regard to gender balance amongst the judges. And that the complex election process, which was only agreed after protracted and difficult negotiation, makes every effort to ensure that those elected will bring to the court the widest possible range of wisdom, understanding and experience. But making the right choices will be difficult. We, along with other states parties will be looking particularly carefully at the merits of the candidates before making our choice.

Adrian Fulford

I commend Adrian Fulford to you as a future judge on the court. We are confident his qualities will be seen as matching the high ideals of the Court. Both Jack Straw and Derry Irving have expressed great satisfaction with Adrian's selection, and we are all grateful that he has chosen to put his name forward. You will have seen his CV – those who do not yet have a copy can pick one up afterwards. I hope you agree that his highly successful career, and wide experience in prosecuting and defending crimes of the most serious kind, up to and including his present role as a senior Queen's Counsel has, when allied to his considerable experience of all aspects of judicial administration, not least as a Recorder, provided a depth of experience which makes him admirably fitted to be a judge of the ICC. He will bring to the Court the high ideals, professional integrity and professional excellence in the common law tradition for which the English judiciary is, we believe justifiably, renowned.

I thank you for your attention. I, Mr Fulford, and indeed the United Kingdom look forward to your support.

9. Speech by UK Ambassador to Uzbekistan, Craig Murray

EVENT: Freedom House reception
LOCATION: Tashkent
SPEECH DATE: 17/10/02
SPEAKER: Ambassador to Uzbekistan, Craig Murray

I am most happy to be here today to join in Freedom House's Open House. This is a welcome addition to the resources available to the community which is working to improve basic human rights here in Uzbekistan. The organisers are to be congratulated on the initiative, as are the US government for their assistance with finance.

It is also a great pleasure to see such a gathering of those promoting human rights in Uzbekistan, both from outside and inside the country, and from both governmental and non-governmental sectors. I am also pleased to see representatives of the media here today – I trust I will see these proceedings fully and openly reported.

Let us have no illusions about the size of the challenge we face. We must all agree that independent Uzbekistan had a great handicap to overcome in the very poor legacy on issues of freedom from the Soviet Union. But nonetheless this country has made very disappointing progress in moving away from the dictatorship of the Soviet period. Uzbekistan is not a functioning democracy, nor does it appear to be moving in the direction of democracy. The major political parties are banned; parliament is not subject to democratic election and checks and balances on the authority of the executive are lacking.

There is worse: we believe there to be between seven and 10,000 people in detention whom we would consider as political and/or religious prisoners. In many cases they have been falsely convicted of crimes with which there appears to be no credible evidence they had any connection. Reputable human rights groups such as Human Rights Watch and Amnesty international have brought to our attention specific instances where the same crime is used serially to convict a number of people. There appears to be a belief that such persecution of an individual can be justified by labelling them as an 'Islamic extremist'.

Now, with the US and other allies, the British government remains in the very forefront of the commitment to the war against terrorism. And we are most grateful for the invaluable assistance rendered to the coalition by the government of Uzbekistan in respect of operations in Afghanistan. We acknowledge that we face the same global threat.

Nobody should seek to underestimate the genuine security concerns of the government of Uzbekistan and the difficulties it has faced in countering those who seek to use religion and the problems of poverty to promote terror. Uzbekistan's strategic situation has put it in the forefront of countries struggling to deal with problems such as terrorism and narcotics trafficking.

But let us make this point: no government has the right to use the war against terrorism as an excuse for the persecution of those with a deep personal commitment to the Islamic religion, and who pursue their views by peaceful means. Sadly the large majority of those wrongly imprisoned in Uzbekistan fall into this category.

But it is not only Muslims who suffer; the British Embassy yesterday observed the trial of a Jehovah's Witness, being prosecuted for pursuing his beliefs. It should not be a crime to practice your religion, nor to tell others about it. And a number of those imprisoned are ethnic Russian human rights defenders, colleagues of some of my audience. I would like to say at this point how deeply I admire you on a personal level. I am very conscious that I stand here in a very privileged position, in the literal sense. You on the other hand daily risk persecution to stand up for the rights of your fellow citizens. You have my deepest respect and one day your countrymen will be in a position to show you their gratitude.

Uzbekistan is to be congratulated on a good record of ratifying key UN conventions on human rights; unfortunately there appears to be a gap between obligation and practice.

World attention has recently been focused on the prevalence of torture in Uzbek prisons. The terrible case of Avazoz and Alimov, apparently tortured to death by boiling water, has evoked great international concern. But all of us know that this is not an isolated incident. Brutality is inherent in a system where convictions habitually rely on signed confessions rather than on forensic or material evidence. In the Uzbek criminal justice system the conviction rate is almost 100 per cent. It is difficult not to conclude that once accused by the Prokurator there is no effective possibility of fair trial in the sense we understand it.

Another chilling reminder of the former Soviet Union is the use of commitment to lunatic asylums to stifle dissidents. We are still seeing examples of this in 2002.

Nor does the situation appear to be getting any better. I have been told by people who should know that there are significantly more political and religious detainees now than there were this time last year. From my own meetings with human rights groups from across the country there appears to be a broad picture of a reduction in the rate of arrests in the first half of this year, but a very substantial increase around August. Just last week saw another highly suspicious death in police custody in Tashkent. There is little sign of genuine positive change in human rights. And that is what we want to see; genuine change. By that I mean change which actually increases the liberty of Uzbek citizens in their daily lives. Uzbekistan's international obligations require genuine respect for human rights. For example officially censorship has recently been abolished. But you would not tell this by watching, listening to or reading the media which is patently under strict control and contains no significant volume of critical comment or analysis of central government policy.

Let me give you an example. In August the government embarked upon a series of closures of major bazaars in Tashkent, and subsequently across Uzbekistan. I witnessed it happen in Namangan, for example. This is not the forum to address the motive for those closures or the rights and wrongs of this action. But it was a radical action, effected with some degree of physical and moral resistance, and closed off the retail outlets through which the majority of manufactured goods are sold in this country. It directly affected the livelihood of an estimated 50,000 people. Furthermore I have in the last two weeks visited a number of factories in Uzbekistan which have halted production and laid off their workers because their distributors have been put out of business by the bazaar closures.

As I say, I make no comment on the rights and wrongs of this, though I note that the IMF have recommended that these issues be reversed, not least because of the resulting increase in inflation. But everyone in this room knows this has been a burning political issue in the last two months. Yet one could have watched Uzbek television or listened to Uzbek radio solidly throughout this period, and read the newspaper every day, but still have gathered almost nothing of the flavour of what I have just told you. There is little reporting of basic facts and almost no free debate. I trust that the proceedings of this event will be fully and fairly reported.

What then are the components of the real change we wish to see? They are not difficult but they require political will. I believe that people are born with an instinct for liberty and that freedom and democracy come naturally to people everywhere, once they are given the chance.

Giving people freedom does not mean that anarchy and instability will follow. Indeed, it is repression which, by allowing no outlet for pressures in society, risks causing resentment, alienation and social tension. Uzbekistan's partners and friends want to see a country which is stable, free and prosperous. For that to come about there needs to be change – releases of political prisoners; registration of political opposition parties and human rights groups; the opportunity for people to express their opinions in free elections and through a free media and the right to free assembly; and to practise their religious beliefs without fear of persecution. Deeper economic reform is needed also. We are ready to support that process of change and by embarking upon it Uzbekistan will be able to transform its standing in the international community and earn the goodwill and increased support of partners whose engagement is at present limited by the problems I have addressed today.

I thank you for your kind attention.

FCO funding for human rights

This annex describes the principal budgets that the FCO has used during the past financial year to promote human rights worldwide, the Human Rights Project Fund, the Public Diplomacy Challenge Fund and the Global Conflict Prevention Pools. It also includes a description of a new funding initiative, the Global Opportunities Fund (GOF), and the implications of the launch of this fund for the future operation of HRPF.

The Human Rights Project Fund (HRPF)

The Human Rights Project Fund (HRPF) is the FCO's dedicated fund for human rights projects around the world. In February 1998, Robin Cook, then Foreign Secretary, created a new human rights fund as part of the FCO's drive to mainstream human rights in foreign policy. In the financial year 2002-2003 the fund was worth £7.4 million.

By the March 2004, HRPF will have supported over 700 human rights projects in over 90 countries worth more than £30 million. Projects have covered a wide range of issues including prison reform, freedom of expression, women's rights and rule of law. Examples of projects funded through HRPF are given throughout this Annual Report.

The Global Opportunities Fund (GOF)

In May 2003 the Foreign Secretary formally launched the GOF. The GOF is designed to help the FCO achieve key Public Service Agreement targets through the financing of programmes in a limited number of priority areas. Overall GOF involves a substantial increase of funding available to the FCO over three years (£20/40/60 million).

The FCO Board has identified five priority GOF programmes for the financial year 2003-2004. These are:

- > **Engaging with the Islamic World ;**
- > **Re-uniting Europe: Good Governance in EU Applicant Countries and Near Neighbours;**
- > **Counter Terrorism;**
- > **Climate Change and Energy;**
- > **Strengthening our Relationship with Emerging Markets.**

By limiting funding to these thematic and geographical areas, we believe we will be able to maximise the impact of investment.

In financial year 2003-2004, as a transitional arrangement, the Human Rights Project Fund continues to operate as in previous years. As from April 2004 a human rights, democracy and good governance programme will be established as part of the Global Opportunities Fund. This programme will allow the FCO to fund projects in support of key human rights thematic work at the international level, projects designed to strengthen the efforts of international organisations in promoting human rights as well as a range of activities aiming to address some of the most serious cases of human rights violations at the country level.

For questions about GOF, the programmes and how the fund may be accessed, an email enquiry service has been set up. Emails should be sent to gofenquiries@fco.gov.uk.

FCO's Public Diplomacy Challenge Fund

The Public Diplomacy Challenge Fund has been established to support imaginative, high quality, practical projects that promote a modern and relevant UK overseas and support the FCO's policy objectives. The FCO's Public Diplomacy Policy Department administers the fund.

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. For example, in 2002–2003 Asia Pacific Directorate funded the translation from English into Chinese of a leaflet titled *A human rights approach to prison management*, at a cost of £1,315. Wider Europe Directorate funded a project that provided witness protection and support for victims of human trafficking, in Albania, at a cost of £10,320. In Serbia and Montenegro, £56,000 came from the same DPB to fund a public awareness campaign to promote ethnic tolerance, mainly through advertisements in the national and local media.

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 £68 million in 2002–2003, expected to rise to £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.

Fourteen geographical strategies have been agreed on by Ministers for the Global Pool covering conflict or potential conflict in Afghanistan, the Balkans, Belize/Guatemala, Central and Eastern Europe, the Former Soviet Union, India and Pakistan, Indonesia/East Timor, the Middle East and North Africa, Nepal and Sri Lanka. There are also four functional priorities: Small Arms, EU Civilian Crisis management, Organisation for Security and Co-operation in Europe (OSCE) and the United Nations Brahimi Report on UN Peace Operations and strengthening the UN. Details of programmes funded by the pool will be set out down in a booklet to be published later this year. Any enquiries on the Global Pool should be sent to the following dedicated email address: 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 has commissioned National Children's Homes (NCH) to research child protection issues in Anguilla, British Virgin Islands, Montserrat and Turks and Caicos Islands in order to help those governments to revise their domestic legislation and bring it in line with the International Convention on the Rights of the Child. The three-year contract is worth £262,000 (2001–2004) and complements a wider NCH and UNICEF project that the Organisation of Eastern Caribbean States (OECS) is funding to update child protection legislation in the region.

FCO and DFID officials attended a two-day human rights workshop in Antigua in July 2003 with representatives from Anguilla, British Virgin Islands, Cayman Islands, Montserrat and Turks and Caicos Islands. The workshop covered the reporting requirements under the core UN human rights treaties and participants also discussed the human rights issues highlighted in the research described above. It is likely that a follow-up workshop will take place in a year's time.

Other funding

The FCO funds scholarships for overseas students to carry out post-graduate education in the UK. In the financial year 2002–2003 scholarships were awarded to the value of £31 million. Of those, 75 followed human rights courses. Additionally, we provide grant in aid of £201 million for broadcasting by the BBC World Service, £165 million to the British Council and £4.1 million for the Westminster Foundation for Democracy.

For details of individual projects and initiatives from HRPF, GOF and the Public Diplomacy Challenge Fund, see the following pages.

Projects funded by the FCO Human Rights Project Fund

A database of current projects is on the FCO website at www.fco.gov.uk/humanrights.

Projects approved in the latest bidding round (March 2003) for 2003–2004:

Africa

Africawoman – Training of 80 women journalists across eight African countries in human rights issues, to work together to produce *Africawoman*, a monthly web-based newspaper offering an independent women's news agenda for and about Africa. Expenditure this financial year: £50,000

Promoting the Ratification of the Protocol Establishing the African Court on Human and Peoples Rights in Eastern & Southern Africa – The project aims to promote early ratification of the Court Protocol for the African Court on Human and Peoples' Rights by at least seven countries of East and Southern Africa, thereby ensuring an early establishment of the Court. Expenditure this financial year: £92,573

Strengthening the Protection & Promotion of Freedom of Expression by the African Commission on Human & 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

Ethiopia

Professional Ethics and Standards in the Criminal Justice Sector – The aim of this project is to ensure that players in all areas of the criminal justice sector have the opportunity to share experiences and place their role in the context of the constitution, UN declarations and global good practice. Expenditure this financial year: £48,810

Kenya

Enhanced Awareness of Constitutional Rights of Children as Enshrined in the New Kenya Constitution – This project aims to educate children in their rights as laid down by Kenya's new constitution. It will do so through conferences with children, forums for Area Children's Committees and relevant NGOs, the dissemination of simplified copies of the constitution and a radio and TV campaign. Expenditure this financial year: £10,155

Rwanda

Capacity Development of the National Human Rights

Commission – This project will provide training to reinforce the capacity of the commission and enable the commission to train others on important human rights issues. Forty people will attend each training course, including staff from central departments and from prefectures. Expenditure this financial year: £90,525

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, documenting and campaigning on violations against freedom of expression and association. Expenditure this financial year: £60,000

Mutawinat Human Rights & 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 of trainers programme in northern Sudan. The project will fund the extension of these activities to six new towns. Expenditure this financial year: £40,663

Tanzania

Monitoring Human Rights Violations in Tanzania – This project is designed to systematically monitor human rights violations and to intervene in order to ensure respect of human rights and to reduce human rights violations. Expenditure this financial year: £40,000

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

Zimbabwe

Enhancing Legal Awareness in the Community Through Drama

– This project aims to enhance the effectiveness of the Legal Resources Foundation's community legal education programme through the use of community-based drama; and to produce video and/or audio recordings of the dramas for wider circulation. Expenditure this financial year: £12,760

Human Rights Defenders Emergency Fund – This project is intended to reduce the incidence of attacks on persons involved in human rights defence by providing emergency legal aid. Other activities include developing a network of lawyers throughout Zimbabwe prepared to participate in defending activists; training of lawyers to ensure timeous release of detainees; monitoring and documenting the outcomes of arrests of human rights activists. Expenditure this financial year: £25,630

Americas

Birth Registration Project – This project aims to improve child rights and to reduce vulnerability through the establishment in each Central American country of a system of child birth and death registration which conforms to internationally recognised standards. Expenditure this financial year: £15,000

Caribbean Death Penalty Project – Within the framework of a project funded by the European Commission, Penal Reform International (PRI) and Simons Muirhead & Burton (SMB) 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: £37,086

Argentina

Human Rights & 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: £25,400

Equal Rights & 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

A Human Rights Approach to Prison Management

Handbook – The project involves the translation into Brazilian Portuguese of the ICPS/FCO handbook *A Human Rights Approach to Prison Management*. The Brazilian version will be printed and distributed to key staff in all the prisons throughout Brazil, and federal and state prison authorities. Expenditure this financial year: £12,200

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, state and federal prison authorities, along with NGOs. Expenditure this financial year: £90,224

Chile

Achievement of Human Rights in the Chilean Prison System –

This project is designed to implement a 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: £40,600

Colombia

Raising Awareness in the Armed Forces of their Role in the Prevention of Displacement and Protection of the Rights of the Internally Displaced –

The Ministry of Defence is in the process of adjusting its curricula for military academies. Part of this includes looking at human rights and will include internal displacement, a task that this project will support. Eight schools have been selected for the project in order to adjust the curricula and elaborate the training to professors. A training course will be implemented for 40 professors and 40 human right officers from the police. Expenditure this financial year: £14,724

Improvement of the Attention to Displaced Women,

Adolescents and Girls Given by Public Entities – This project aims to improve the socio-economic situation of internally displaced women and adolescents. It will consist of capacity building for an adequate defence of rights, taking into account gender, generational and ethnic differences. Expenditure this financial year: £83,027

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

Improving the Access to the Judicial System in Marginalised

Areas – This project aims to improve access to the administration of justice for marginalised groups, indigenous people and peasants in certain areas through a pilot program

of Alternative Dispute Resolution (ADR) based on community mediation. Expenditure this financial year: £29,281

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: £32,311

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 the justice system (prosecutors, police and judges). Expenditure this financial year: £50,000

Jamaica

Jamaican Death Row Pro Bono Project – This project is designed to assist Jamaican lawyers undertaking death-row cases in the first instance and on appeal and to provide advocacy and human rights training. The project will provide IT back-up for case preparation and improve access to internet law services. It will also involve the building up of an internet law library and the publishing of a Jamaican criminal practice and procedure textbook. Expenditure this financial year: £34,500

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: £67,550

Building Hope: Missing People of Peru – This project complements the work of the Truth and Reconciliation Commission which although investigating some indicative cases has not had a broad enough mandate to review all cases of disappearance. 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

Police – Civil Society Dialogue: re-building confidence – As part of the Police Reform initiative, this project aims to work with four key civil society organisations (Transparency, Peru

2021, CNDH and the Press Council) and the ministry of interior to establish and run 10 decentralised round tables consisting of high-ranking police officials and civil society. The project aims to ease the relationship between these two sectors and incorporate the human rights agenda into the police force strategies and actions. Expenditure this financial year: £55,859

St. Helena

Prison Reform – The intended outcome of this project is the reform of the St. Helena Prison Service. Working arrangements need reviewing to comply with the standards set out in 'A Human Rights approach to Prison Management'. The review report will be used to inform changes to policies, procedures and practices. Expenditure this financial year: £35,000

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 in human rights 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: £10,444

Promoting Good Police Practices, Phase Two – The second phase of this project will consist of encouraging the adoption of permanent public policies respecting human rights in Caracas' police forces, thus reducing human rights violations. Expenditure this financial year: £26,250

Asia and Pacific

Afghanistan

WOMANKIND – Several projects addressing women's participation in civil and political structures, the development of the constitution and legal system and education and awareness raising are envisaged. Expenditure this financial year: £90,000

Support to the Justice System in Afghanistan – This project aims to promote international human rights standards in the area of the criminal justice system in general and the prison system in particular through the translation and publication of relevant documents. Workshops on human rights and good prison practice for the prison administration, training for the prison administration and international study tours are also planned. Expenditure this financial year: £131,499

Bangladesh

Improve Child Rights for Juveniles in Conflict with the

Law – This project aims to raise awareness of the effect incarceration has on children in adult prisons and the benefits, if incarceration is unavoidable, of ensuring children be sent to

juvenile centres for rehabilitation. The project will target the police service and Judiciary and include policy discussions with government stakeholders. Expenditure this financial year: £15,560

Cambodia

Advocacy Training Unit – This project will create one of Cambodia's first Advocacy Training Units (ATU). The Unit will provide intensive advocacy training programmes to civil society staff working on advocacy campaigns. Expenditure this financial year: £90,000

China

Preventing Police Misconduct – This project will consist of training 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 cascade down to their subordinates. In addition, existing British police training materials will be translated into Chinese. Expenditure this financial year: £10,000

Supporting Rights Protection at the Grass Roots – The project will lend support to two Chinese rights activists who have taken considerable personal risks in confronting the authorities in the pursuit of improved rights protection for a) those injured in industrial accidents and b) HIV sufferers unaware of their legal rights. Expenditure this financial year: £10,000

Bail Pilot Project: Promoting the Development of a Bail System for Juveniles – This project is intended to set up a pilot bail scheme in Shanghai targeted at juvenile defendants. The project will bring together criminal law experts, government officials and practitioners to develop improved policy and practice pre-trial. Expenditure this financial year: £34,235

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 prosecutions evidence and by encouraging further amendment of existing criminal procedures. Expenditure this financial year: £29,000

Strengthening the Role of the Defence in Death Penalty Cases – This project is designed to reduce the use of the death penalty in China by strengthening the capacity and role of defence lawyers in capital crime cases. Expenditure this financial year: £26,835

Strengthening the Voice of Chinese Citizens: Promoting New Legislation on Administrative Affairs Public Hearing Procedures – This project will carry out research into the public

hearing practices of other countries in order to help identify appropriate procedures for China. Expenditure this financial year: £44,000

Narrowing the Scope of Death Penalty Application in China

– Part of this project will consist of publishing 24 articles in the China Legal Daily in favour of abolition of the death penalty for non-violent crimes. Combined with this, a series of round table meetings will be held promoting arguments for the abolition of different categories of non-violent crimes and a seminar on the general provisions of China's criminal law as it relates to the death penalty. Expenditure this financial year: £4,500

Raising Xinjiang and Tibetan Indigenous People's Awareness of their Legal Rights – This project will aid the compilation, publishing and distribution of 80,000 copies of *Peasants' Rights Protection* and *Case Collection* in the Uighur and Tibetan languages. Two Chinese legal experts will make trips to the minority regions to lecture on the issue. Expenditure this financial year: £42,400

Women Workers' Rights in the Pearl River Delta – This project will address those gender issues associated with Articles 2, 3 and 22 of ICCPR and move China further in the direction of ratification by consolidating the experience and skills of partners and practitioners engaged in the Women Workers' Rights Phase One project. Expenditure this financial year: £31,000

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 males who have sex with males in India and Bangladesh. Expenditure this financial year: £58,250

Disability Law Unit – The 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: £35,000

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 by working with a UN treaty – CEDAW, and by participating in the reporting process for governments. Expenditure this financial year: £14,391

North Korea

Disability Awareness Raising – This project will involve three activities – physical provisions for the visually impaired in a street in the centre of Pyongyang, the building of speed bumps to protect children at a poorly marked crossing and a three day seminar to educate representatives of DPRK institutions, including ministries, on the needs of the disabled. Expenditure this financial year: £16,225

Pakistan

Capacity Building of Parliamentarians' Human Rights Body

– This project is designed to help the newly formed 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: £54,925

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 (HRCPP), to extend its network of local groups involved in monitoring human rights abuses and promoting adherence to internationally guaranteed norms. Expenditure this financial year: £32,997

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: £54,276

Coalition Building Against Religious Intolerance and

Blasphemy Laws – The current project aims to strengthen the case for amendment of laws and administrative procedures safeguarding religious freedom, with a particular focus on the case for checking the use of the Blasphemy Law. Expenditure this financial year: £37,692

Supporting Human Rights Organisations' Interaction with

Parliamentarians – The Human Rights Commission of Pakistan proposes 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: £37,522

Vanuatu

International Law Adviser to the Government of Vanuatu –

The project will fund an adviser who will identify international treaties and conventions (particularly Human Rights Treaties) 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: £69,568

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* (TRH) to identify the impact of the first phase of the project. Expenditure this financial year: £105,000

Implementation of the Optional Protocol to the UN

Convention against Torture –

This project is designed to help strengthen the capacities of national actors striving to prevent torture and ill-treatment. It is specifically aimed at the promotion of visits to places of detention by independent, adequately mandated national and international bodies of experts, in order to prevent torture and ill-treatment. Expenditure this financial year: £59,596

International Federation for Human Rights (FIDH)

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

Journalist Safety and Security Fund – The Institute for War and Peace Reporting (IWPR) Journalist Safety and Security Fund is a fund designated by the IWPR Trustees to support journalists whose safety and security is under threat as a result of their work. Expenditure this financial year: £30,000

The Article 19 Freedom of Expression Handbook – In order to promote broad access to quality information about comparative and international legal developments and analyses on a range of key freedom of expression and information issues, this project provides for a number of activities including developing a network of country 'reporters' and publishing and disseminating a second edition of the handbook and CD-rom of the virtual handbook. Expenditure this financial year: £46,000

Visiting Programme for Senior Clinicians Implementing

Organisations – The project is designed to improve the professionalism and understanding of key clinicians involved in examining cases of torture in countries where torture is prevalent. Expenditure this financial year: £19,563

Middle East and North Africa

Media Training and Development in Iraq – This project will publish and distribute the work of Iraqi journalists and analysts, plus selected international and regional experts, in Arabic, Kurdish and English, in Iraq and internationally. In this way it will directly support wider understanding of the situation in Iraq at home and abroad and contribute to the fostering of a full and free participatory debate. Expenditure this financial year: £142,656

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: £21,300

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: £68,200

Promotion of Religious Freedom in Egypt through Provision of Legal Assistance to Religious Minorities and Training of Lawyers in the Field of Religious Liberty – The project plans to promote religious freedom for all faiths in Egypt and to develop a religious liberty guidebook. Expenditure this financial year: £20,000

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 the active involvement with decision-makers. Expenditure this financial year: £40,000

Exceptional Courts and Legislation – The 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: £9,720

Campaign against Torture in Egypt – The aim of this project is to advocate for the eradication of torture in police stations and detention centres, which has spread due to a lack of legal control. Expenditure this financial year: £22,000

Israel and the Occupied Territories

Children's Legislation Training – A previous project had been successful in highlighting many key areas where further work is needed in order to provide properly for the future of Palestinian children. Among the activities planned in this subsequent project are four national workshops with relevant ministries and strategic NGOs to review the law and clarify roles of various agencies in upholding the law. Expenditure this financial year: £24,500

Disabled Palestinians Support – This project aims to support the growing sector of disabled persons in Palestinian society through raising awareness of the rights of disabled people, training on issues of support and lobbying and the provision of legal services. Expenditure this financial year: £28,710

Empowerment of Israeli Arab women – This project is part of an integrated programme by Sikkuy (an Arab/Jewish NGO) to develop and empower 30 Arab women with leadership abilities and community responsibilities for candidacy as local councillors, and provide active role models to encourage future women candidates. A 6-month course will be offered for potential candidates on leadership skills, identity, local governance, media and campaign skills. Expenditure this financial year: £34,650

Human Rights Monitoring in Israel – This project aims to increase the capacity and skill base within the Arab Association for Human Rights (HRA). The proposal aims to assist an NGO in establishing a more professional approach to documenting, reporting and publicising human rights violations against the Arab population living in Israel. Expenditure this financial year: £28,666

Lebanon

Campaign For Freedom of Information in Lebanon and the Arab World – La Fassad propose to build on their on-going campaign to increase awareness in Lebanon and seven other Arab countries about the right of access to information. Expenditure this financial year: £21,139

Human Rights Training for Palestinian Human Rights Group in Lebanon – This project aims to provide two training courses within Lebanon's Palestinian population. Firstly a group of 30 activists will be trained in relevant human rights fields, focusing on the practicalities of protecting human rights, and educating people about the concept of human rights. Secondly, a course would be aimed specifically at building the capacity of the Palestinian Human Rights Organisation and other activists in furthering the rights of Palestinian refugees in Lebanon. Expenditure this financial year: £30,000

Libya

Penal Reform visit to Libya – This project is aimed at raising awareness of penal reform issues in Libya and assessing opportunities for further work. Two representatives of the International Centre for Prison Studies (ICPS) will visit Libya, hosted by the Qadhafi Foundation Human Rights Association (QFHRA). The visit will include prison visits, discussions with officials and prison authorities and training. The key output would be a programme of follow-up activity, coordinated by QFHRA, with the Ministry for Justice and Public Security. Expenditure this financial year: £18,220

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 centre's annual report and recommendations. Expenditure this financial year: £12,057

Saudi Arabia

Legal Seminar in Saudi Arabia Based on the UN Special Rapporteur's Recommendations – Under this project a three day legal seminar to bring together a generation of Saudi lawyers with academics, legal practitioners, regulators, human rights journalists and diplomats from the Arab world and the West will be held. Expenditure this financial year: £25,500

Fact-Finding Mission of Representatives from Saudi Arabia's First Ever Human Rights NGO – This project will assist in establishing the first Saudi human rights NGO. It will help educate and inform members of the NGO on good HR practices so members are in a position to play a positive influential role in government policy making. Expenditure this financial year: £9,100

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 (FCNM). Expenditure this financial year: £36,908

Strengthening Democracy through Free Expression in the South Caucasus – The aim of this project is to advance institutional and legal reform by providing international comparative expertise and engaging in advocacy on national

and international levels. Expenditure this financial year: £44,549

Azerbaijan

Teaching Human Rights and Providing Legal Assistance to the Prisoners of Gobustan prison – This project is designed to encourage an improvement in prison conditions and the treatment of prisoners by a combination of monitoring, practical human rights training, dissemination of human rights literature and education for both prison officers and inmates. It will also encourage collaboration between government structures and NGOs on prison reform and on a human rights approach to prison management. Expenditure this financial year: £3,688

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 of trainers seminar, two seminars on international human rights law (IHRL), a visit to ECtHR, Strasbourg, and the creation of a legal information network website. Expenditure this financial year: £82,110

Bulgaria

Using Litigation to Support School Desegregation in Bulgaria – Most Romani children in Bulgaria are educated in a segregated environment that severely limits their opportunities in later life. The project will use test litigation as a tool to challenge segregation practices by schools and municipalities. This will be backed up by extensive dissemination of information and related advocacy at the local and national level. Expenditure this financial year: £20, 400

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 cooperation 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: £86, 793

Hungary

Strengthening Respect for the Rights of Pre-trial Detainees and Conditions of Detention in Police Jails and Penitentiary Institutions in Hungary – The project is intended to strengthen human rights protection and improve detention conditions in Hungary. The Hungarian Helsinki Committee will carry out human rights monitoring in police jails and penitentiary institutions in Hungary. A comprehensive report will analyse the findings of monitoring activities, putting forward recommendations for improvement. Key stakeholders from the legal community and state agencies in charge of detention will discuss existing problems concerning detention and new alternatives to pre-trial detention. Expenditure this financial year: £52,800

Roma Rights and Educational Desegregation – Training the Trainers – This project will develop, publish and distribute a comprehensive Roma rights training handbook – something that currently does not exist. 1000 copies will be produced initially, with the main users of the handbook being Romani activists and human rights trainers. The desired outcome is to help users achieve their goals – defending Roma rights and providing human rights training in their communities. Expenditure this financial year: £48,744

Kazakhstan

Public Monitoring of Prisons – This project aims to facilitate involvement of the public in prison monitoring and to contribute to the greater transparency of the prison system. The project implementers will disseminate information related to the monitoring of prison conditions, international standards and instruments on monitoring. They will promote legislative amendments that will allow public monitoring of prisons, strengthen capacity of NGOs in the regions and mobilise public support for the need to involve the public in prison monitoring. Expenditure this financial year: £80,000.

Kyrgyzstan

Child Participation for the Implementation of the UN Convention of the Rights of Children in Kyrgyzstan – This project will focus on promoting the rights of vulnerable groups such as children, women and the disabled, enabling individuals to realise their human rights. Under the proposed project, SCUK will work with children and youth groups with the aim of involving them in the nationwide implementation plan for the Convention of the Rights of Children. Expenditure this financial year: £36,915

Human rights in Prison/Alternatives to Imprisonment – The overall project aims are to promote change in the prison system, with respect for the human rights of prisoners and advocacy for legislative change that will allow the 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: £95,000

Macedonia

Community Law Practice for Disabled People – This proposal seeks to consolidate and expand on the successes achieved by the Community Law Practice during its first year of operation and to provide funding for its operation until the first fees generated as a result of case wins can be received and full sustainability achieved. Expenditure this financial year: £17,780

Establishing and Facilitating an Inter-Party Parliamentary Group – This project aims to introduce and facilitate the first inter-party parliamentary lobby group (IPPG) in Macedonia and ultimately to establish a Disability Rights Act (DRA), an overarching legal instrument which acts as the point of reference for disability issues. Expenditure this financial year: £30,868

Prevention of Torture in Closed Institutions in Macedonia – This project aims to raise awareness and provide education with regard to the existence and type of torture and other cruel, inhumane, degrading treatment and punishment prevalent in closed institutions, such as prisons and psychiatric hospitals. Expenditure this financial year: £19,810

Moldova

Piloting Probation in Moldova – This project aims specifically at probation and is a free-standing component of a three year Dutch/Soros Foundation project to develop alternatives to imprisonment. Activities include a Needs Assessment Mission to investigate how probation can realistically be introduced into Moldova, followed by a Working Group to draft proposals for presentation to key governmental officials along with the training of personnel, culminating in a Pilot Probation project in northern Moldova. Expenditure this financial year: £13,380

Russia

A Key Human Rights Battle in Modern Russia: Alternative Civil Service – This projects 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 protect the rights of conscientious objectors. Expenditure this financial year: £97, 070

Resistance Against the Spread of Racism and Xenophobia in Russia – This project aims to further improve the capacity of ethnic minorities and immigrant groups to protect and promote their rights and to counter the spread of racism and xenophobia in Russia. Expenditure this financial year: £41,613

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: £25, 784

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 Board of Visitors' Training Centre in Stafford. The project will then train 50 public inspectors of prisons for Moscow and the Russian regions. Expenditure this financial year: £52,599

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 to disseminate 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: £22,140

Community Based Human Rights Programme – CB RAP – Assisting IDPs in Serbia – This UMCOR programme seeks to ensure Internally Displaced Persons (IDPs) in Serbia are aware of their human rights and have access to appropriate means to ensure they are observed. The primary aim of this project is to develop a sustainable resource of human rights trainers that are linked to community institutions through outreach activities

that support the service of state institutions Expenditure this financial year: £131,077

Tajikistan

Alternative Juvenile Justice in Tajikistan – This project will assist the Government of Tajikistan in designing a juvenile justice system that observes UN standards and other international rules, conventions and guidelines with a review of current legislation and practices by a working group consisting of government, NGO and academics. This will lead to a pilot alternative juvenile justice system in one district of Dushanbe city. Expenditure this financial year: £39,710

Inclusive Education and Equal Rights of Disabled Children in Tajikistan – This project is designed to promote equal access to education for disabled children through a review of policies and practices and training and awareness raising. Following the review, recommendations are to be made on equal access of disabled children to mainstream education, social benefits and alternatives to institutional care. The project also aims to build capacities of disabled children themselves, create inclusive child clubs and disabled people's organisations for negotiation, representation and advocacy. Expenditure this financial year: £10,890

Project on Preservation of Peace and Conflict Prevention Through Capacity Development in Human Rights Education

– The primary objective of the project is to assist the Government in creating national capacity to implement the Program on Human Rights Education (HRE). The project provides training activities on different levels for individuals – administrators, educators, journalists, and NGO members – who will continue to work further on HRE issues. Expenditure this financial year: £84,815

Children as partners in implementation of UN Convention on the Rights of a Child (CRC) in Tajikistan – This project aims to empower children as right-holders to participate in decisions affecting them through strengthened partnership between children and adult decision-makers. Expenditure this financial year: £24,400

Turkey

PACE – The project aim is the exchange of 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 (TNP) and Jandarma, to ensure modern and effective policing standards that fully protect human rights. Expenditure this financial year: £94,000

Jandarma: Training in Juvenile Justice – This project is aimed at training the Jandarma in juvenile justice. UK consultants will initially visit in order to assess the skills and facilities currently available prior to developing and undertaking a specific training programme in order to train 20 officers as trainers. All participants will have a direct role in child protection and child rights. From this 20, a group of 10 officers will visit the UK in order to observe and compare the child protection system in the UK. Expenditure this financial year: £82,462

Ukraine

Human Rights for People with Disabilities – This project is designed to secure stronger guarantees of the rights of disabled people, particularly in Ukraine, Belarus, Moldova, Poland and Russia, by engaging them and statutory agencies in contributing to the proposed International Convention on the Protection of the Rights and Dignity of People with Disabilities. Expenditure this financial year: £16,258

Article 10: Treated with Humanity – The aim of this project is to promote a humane, rights-based approach among Ukrainian prison staff. The project will develop and pilot a rights-based curriculum for prison staff to complement the HRPF-funded publication, *A Human Rights Approach to Prison Management*. Expenditure this financial year: £29,560

Uzbekistan

Translating and Printing FCO publications in Uzbek – This project will fund the translation into Uzbek of the *Torture Reporting Handbook* and *A Human Rights Approach to Prison Management* which will be distributed to Uzbekistan's prison authorities and NGOs involved in visiting places of detention. Expenditure this financial year: £8,750

On-going projects first financed in previous years

Africa

The Gambia

Establishment of a Juvenile Justice Service in the Gambia – Following on from earlier HRPF projects to support VSO in establishing a juvenile prison wing and rehabilitation centre for young male offenders, this two-year project will give further training to prison officers, welfare police and officials in handling juveniles. Expenditure this financial year: £12,500

Ghana

Rural Women and Girl Child Emancipation – Empowerment and advancement programme: this three-year programme aims to develop a core of self confident women from 25 communities in four districts within the Sunyani Diocese (where

the majority of the poor and marginalised live) aware of their civil and legal rights, and to equip them with the requisite skills, information and insight, necessary for their emancipation, empowerment and advancement. Expenditure this financial year: £29,380

Gender, Human Rights and Peace Education Project – This two-year project will use drama and popular theatre as one of its instruments to address the issues of the livelihood insecurity of women and children. Expenditure this financial year: £13,453

Nigeria

Support for National Human Rights Commission (NHRC) – This four-year project aims to strengthen the capacity of the NHRC to deliver its mandate to promote and protect human rights in Nigeria. Expenditure this financial year: £38,100

Americas

Brazil

Policy, Procedures and Performance Improvement in Brazilian prisons – This two-year project responds to a request from the State Secretary for prisons in Sao Paulo to be improved. Following a HRPF funded prison reform mission in July 2001, this project will promote the just and humane treatment of prisoners. Expenditure this financial year: £20,176

Chile

Promotion and Protection of the Rights of Children and Adolescents – This three-year project will generate debate and discussion about children's rights in Chile through a series of seminars, workshops and publications designed to educate society and government to support the efforts of the State to make legislative changes. Expenditure this financial year: £20,945

Cuba

Child Protection – This project, consolidating previous HRPF funded work on child abuse will establish a unit for preparing child witnesses for trial using video, provide the required equipment and develop new child protection legislation. Expenditure this financial year: £57,300

Ecuador

Human Rights, Education and Justice – This two-year project aims to improve the human rights of women, children and families in Ecuador affected by violence. Expenditure this financial year: £51,192

Guatemala

Central American Human Rights Institution Building – This three-year project will establish a network of 30 institution-building trainers from 17 human rights organisations working with mainly indigenous communities in the sub-region of Guatemala and Chiapas or Honduras. Expenditure this financial year: £17,032

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

Information for Democracy – Consolidating the successful Information for Democracy in 2001 project this two-year project will focus on setting up a service using websites and phone lines to advise the public. There will be follow up cases on citizens who have been denied access to information as well as a media education campaign and a series of seminars and workshops in key cities to incorporate regional government into the debate in addition to an international seminar in April 2003 to exchange experiences and consolidate a Latin American access to information network. Expenditure this financial year: £50,000

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: £30,000

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

United States of America

Internships to Promote Recognition of Human Rights Obligations – This three-year project will send legal practitioners and law graduates to the US to combat the death penalty. Expenditure this financial year: £69,650

Venezuela

Promoting Good Policing in One Municipality Police Force – This two-year pilot project will promote good policing practice within one Caracas municipality police force thereby reducing human rights abuse. Expenditure this financial year: £25,205

Human Rights Training for Portuguesa State Police Force –

This two-year project will train the Portuguesa state police in human rights concepts. Expenditure this financial year: £15,000

Asia and Pacific

Bangladesh

Children's Justice – This three-year project will involve consulting with children on the implementation of a major exhibition, which will tour round police stations and schools. Expenditure this financial year: £5,000

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 and 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

Human Rights Studies Core Text Development – This three-year project involves mutual visits between UK and China, visiting scholars and programme planning with the aim to producing a core textbook for HR studies in China. Expenditure this financial: £25,000

Protecting Environmental Rights Through Legal Means in the

West of China – This project is funding the prosecution of representative environmental cases in the west of China. The prosecution of the cases will be accompanied by a national media campaign highlighting the need to address such problems through legal remedies. Expenditure this financial year: £15,000

India

Advocacy Training for Lawyers – A three-year project. Expenditure this financial year: £18,000

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

Prevention of Torture – This three year project aims to reduce the incidence of torture. Expenditure this financial year: £67,000

Indonesia

Programme of Education for Victims of Violence – This project aims to promote awareness of all types of violence against women and offer assistance to victims of such crimes, as well as developing a network of women's support services and training counsellors to deal with victims of violence. Expenditure this financial year: £45,000

Nepal

Legal Protection of Human Rights in Nepal – This three-year project will encourage lawyers and NGOs in Nepal to identify the law as the key to any strategy for securing respect for human rights and will raise awareness of the rights and remedies available and recent developments in law and practice, particularly in neighbouring countries. Expenditure this financial year: £4,442

Pakistan

Juvenile Justice in Pakistan – This two-year project will train magistrates, lawyers and social workers on the administration of juvenile justice. It will establish or post police officers trained in juvenile justice to North West Frontier Province as a pilot project and will support the implementation of rehabilitation and education programmes in the Faisalabad borstal, and conduct an assessment of the bail system. Expenditure this financial year: £14,340

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: £12,973

Global

Sending Observers to the Trials of Writers and Journalists in Prison – Funding for English PEN's observation programme. Sending representatives to trials and visiting prisons highlights the plight of persecuted writers and may result in their release. Expenditure this financial year: £20,000

A Human Rights Programme for High Court Judges in Francophone Africa – This project seeks to promote greater independence and impartiality of the French speaking judiciary in West Africa, through the development of cooperation, mutual aid, exchanges of ideas and the strengthening of capacities for application of international human rights norms. Expenditure this financial year: £5,240

Support to the Special Rapporteur of the African Commission for Human and People's Rights on prison conditions in Africa. Expenditure this financial year: £50,536

Middle East and North Africa

Tunisia

Support for Reporting Human Rights in the Media – This three-year project will train trainers and develop the curriculum at IPSI, the country's major higher education institution for training journalists, editors and presenters. Expenditure this financial year: £33,726

Vanuatu

Support for the Judiciary – This four-year project will create an efficient and effective court, operating with a full complement of competent, confident judges and staff. Expenditure this financial year: £27,550

Wider Europe

Hungary

School Desegregation and Equal Rights for Romani Children – This two-year project aims to increase respect for the Roma minority in Central/Eastern Europe. Expenditure this financial year: £20,000

Russia

Education – a Right for All – This two-year project aims to improve access to education for disabled youth in four cities. Expenditure this financial year: £47,910

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: £35,000

Advanced Training for Russian lawyers – This two-year project will select 20 lawyers familiar with the European Convention on Human Rights (ECHR) for workshop training to enable them to be able to present cases of violations before the European Court more effectively. Expenditure this financial year: 16,224

Serbia and Montenegro

Training on the European Convention on Human Rights in Serbia and Montenegro – This continuing project will now seek the application of its principles in Serbia and Montenegro. There will also be "Training for Trainers" courses. The project will improve the skills and knowledge of practitioners in applying European human rights norms and also help develop domestic legislation. Expenditure this financial year: £43,170

Turkey

Promoting Effective Participation of Women in Society – This two-year project aims to build the capacity of women's groups in Turkey. Expenditure this financial year: £69,135

Ukraine

International Human Rights Law for Ukrainian lawyers – This two-year project aims to enhance the capacity of Ukrainian lawyers to apply international human rights law. Expenditure this financial year: £16,000

IWPR Belarus/Moldova 2002 Media Professionalism, Training and Information – This project aims to improve journalism in Belarus and Moldova by training around 100 Belarus and Moldovan journalists and editors in producing objective and non-partisan news reporting. Expenditure this financial year: £20,000

For other information about the Fund, contact:

Human Rights Project Fund
Human Rights Policy Department
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

GOF Reuniting Europe Programme

Since its inception in April 2003 the Global Opportunities Fund *Reuniting Europe* Programme has approved funding for 5 human rights related projects

Child Rights in Turkey: An Interagency Approach – This project aims to improve the way children are dealt with in the Turkish justice system and improve awareness of child rights, while promoting change management and inter-agency work. Expenditure: £237,848

Human Rights Training for the Turkish Judiciary – This project will allow Turkey to complete the second stage of a project to provide human rights training for the Turkish Judiciary. The first part of this was funded by the Council of Europe and trained 225 judges and prosecutors to enable them to cascade further training. This project will help these trainers to train a total of 2963 judges and prosecutor throughout Turkey, providing human rights training, with emphasis on the European Convention on Human Rights (ECHR) and European Court of Human Rights (ECtHR) case law. A UK Adviser will help plan and run this training. Expenditure: £153,430

Roma Rights Training Handbook – The development of this handbook, translated and distributed in Russia, Romania, Bulgaria, Hungary, Serbia and Montenegro is designed to help Roma citizens understand and defend their rights on a range of human rights issues. Expenditure: £72,106

Anti-Discrimination Legislation: Training and Advocacy in Central and Eastern Europe – This work consists of training policy-makers, lawmakers, judges and human rights NGOs and lawyers in Central and Eastern Europe on key international anti-discrimination instruments, and to advocate for their implementation. Expenditure: £85,351

Defending Roma Housing Rights in Slovakia – The aim of this project is to challenge the abuse of Roma housing rights through a programme of research, litigation, advocacy and training, working with Roma activists and communities. Expenditure: £45,149

A selection of projects funded by the Public Diplomacy Challenge Fund

Afghanistan

Afghan Humanitarian Reporting and Reconstruction Information – This project's objective is to improve skills and experience of Afghan journalists. To promote the UK's role in reconstruction and recovery in Afghanistan by disseminating reliable reporting on the UK's Provincial Reconstruction Team (PRT), and increase the Afghani people's support for, understanding of, and participation in the PRT process. Also, help improve transparency and efficiency in the humanitarian programme. Expenditure: £98,000

Czech Republic

Capacity Building for Target Groups – This project involves organising a series of courses aimed at capacity building for officials and journalists in areas of key interest to EU accession (economic reform, EU public presentation and minority representation). Expenditure: £17,533

Ethiopia

Government Image and Information – A one week journalism and government course for 40 government press officers, party spokesmen and journalists. The objective is to improve relationships between them and assist progress towards freedom of information legislation. This course will be designed and run by two UK experts. Expenditure: £19,180

India

Journalists Training project – This project aims to improve journalism standards of young print journalists especially in Tamil Nadu using British expertise, and provide an opportunity to improve goodwill and strong links with emerging talent in the key print media in South India and their rapport with British Deputy High Commission in Chennai. Expenditure: £13,000

Jordan

Investigative Reporter Awards – This project consists of two workshops on investigative reporting skills for the print media. Journalists involved will write investigative reports, which will be judged by an international panel of well-known journalists. This project would help to develop and improve the standard of the Jordanian press and encourage fair and open reporting, underpinning democracy, human rights and good governance. Expenditure: £17,500

Malawi

Women in Malawi – leading change for the better –

This project aims to strengthen the capacity of dynamic young women leaders in Malawi to act as role models for the wider young public and to update UK and Malawian public perceptions about the participation of women in leadership roles. Expenditure: £19,000

Pakistan

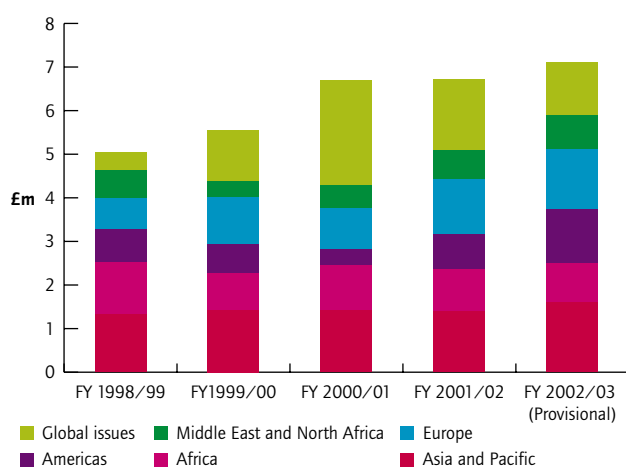
Opening a Debate on Forced Marriage in Pakistan – The aim of this project is to open a debate in Pakistan, in key areas and sectors, on the issue of forced marriage; to spread awareness and acceptance of the rights to choose. The NGO (SACH) will work with key partners in forced marriage work: the police, judiciary, national and local officials. The ultimate objective would be to make it socially unacceptable for families to force their children into marriage hence and eliminate the problem of British nationals forced into marriage. Expenditure: £90,000

For any other information about the fund, please contact:

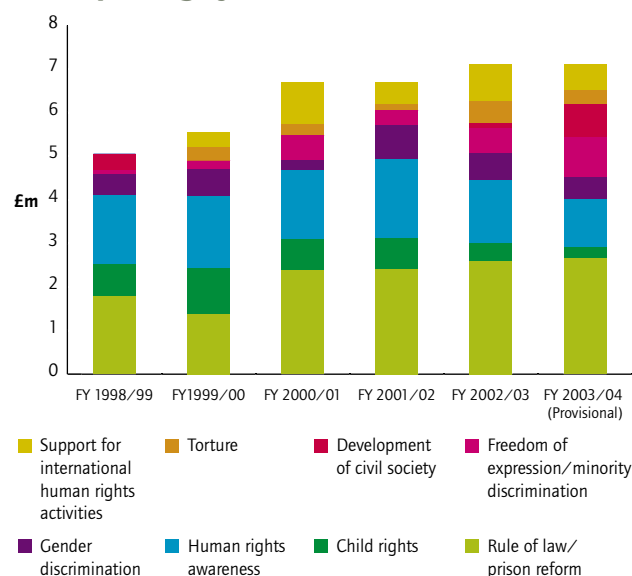
Public Diplomacy Challenge Fund
Strategy and Programmes Section
Public Diplomacy Policy Department
Foreign and Commonwealth Office
King Charles Street
London SW1A 2AH

Human Rights Project Fund

HRPF spending by geographical command



HRPF spending by theme



Figures for financial year 2002–2003 correct at 10/07/02

FCO human rights training

The FCO's Human Rights Policy Department runs a regular one-day training course on human rights, democratisation and good governance. The course is essential training for all FCO officers whose work covers any of these issues, or who are about to be posted to countries where there are significant human rights concerns.

The objective of the training is to give participants a broad understanding of:

- > **definitions of human rights, democratisation and good governance;**
- > **international human rights standards and tools;**
- > **the place of human rights, democratisation and good governance in UK foreign policy;**
- > **how the UK promotes these concepts, including through development assistance;**
- > **the roles of desk officers in London and at Posts; and**
- > **the role of NGOs.**

The course describes the institutions and legal standards which make up the international human rights framework. It covers the UN system and mechanisms, including the Commission on Human Rights, the core international human rights instruments and the bodies which monitor compliance with them; regional systems, including the Council of Europe, OSCE, and African and American arrangements; and human rights in the Commonwealth. It also explains the UK's involvement in the

international framework and how we use it to pursue our human rights policies.

The course reviews Government strategies for promoting human rights, democratisation and good governance, associated dilemmas (illustrated by a country case study) and tools, including the Global Opportunities Fund. The discussions cover specific issues including arms sales and the death penalty. The course also examines the respective roles of the FCO's Human Rights Policy Department, FCO geographical departments and posts, and the interface with the policies of DFID and other departments.

The course explores the role of NGOs in promoting human rights and related concepts, paying particular attention to campaigning NGOs – their role, principles, structure, membership and relationship with governments and the international community.

We invite a range of speakers from outside the FCO to give lunchtime talks on human rights issues. This gives a valuable new perspective to course members and also allows other FCO staff to hear eminent human rights figures.

Over the past three years more than 500 FCO officers have attended the course, as have a number of staff from the British Council, the Home Office and the BBC along with other departments who carry out work in this area.

A one-day course, however, can only give a brief introduction to human rights issues. The FCO Human Rights Policy and Training Departments, together the UK based NGO Justice, organise a biannual two-week course to provide developmental

training on human rights. The trainers include some of the best known names amongst human rights lawyers, academics and NGOs. It examines international human rights custom and law, the philosophy, debates and contradictions, war crimes and international justice, rights in the private sphere and how to implement human rights in foreign policy. It uses many relevant and topical case studies to demonstrate a human rights approach to solving problems. The first two-week course was held in January 2002.

Recent speakers on the FCO Human Rights Course:

Conor Gearty

London School of Economics

Jonathan Cooper

Justice

Chris Marsden

Amnesty Business International

Mark Thomson

Freelance journalists on Freedom of Media

Lord Andrew Phillips of Sudbury

Member of the House of Lords

Paul Hunt

UN Special Rapporteur on Economic, Social and Cultural Rights

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: www.un.org

UN Human Rights Standards

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly (UNGA) in December 1948, was the first internationally agreed definition of human rights and fundamental freedoms. Although not a legally binding treaty, it establishes an internationally recognised set of standards that have stood the test of time. The UDHR was the starting point for the development of binding international standards, set out in the six core UN human rights treaties. These are:

- > **the International Covenant on Civil and Political Rights (ICCPR) – came into force 1976**
- > **the International Covenant on Economic, Social and Cultural Rights (ICESCR) – came into force 1976**
- > **the Convention on the Elimination of All Forms of Racial Discrimination – came into force 1969**
- > **the Convention on the Elimination of All Forms of Discrimination against Women – came into force 1981**
- > **the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – came into force 1987**
- > **the Convention on the Rights of the Child – came into force 1990**

The full texts of the conventions are available at: www.unhchr.ch (‘Treaties’ section). Annex 5 gives a list of all the states that had ratified the core conventions by May 2002.

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 (ICCPR)

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 (ICESCR)

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. However, it has one important additional power: it

can conduct on-the-spot enquiries, in agreement with the State Party concerned, when it receives reliable information indicating that torture is being practised systematically in the territory of a State Party.

International Convention On The Elimination Of All Forms Of Racial Discrimination

The convention defines discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms". It also provides for positive discrimination under certain circumstances.

The convention also provides for states parties *inter alia* to: pursue a policy of eliminating racial discrimination and promoting understanding among all races; to nullify any laws or regulations which have the effect of perpetuating racial discrimination; to condemn all propaganda based on theories of racial superiority or which attempts to promote racial hatred or discrimination; to adopt immediate measures designed to eradicate all incitements to such discrimination; and to guarantee the right to everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law.

The **Committee on the Elimination of Racial Discrimination** monitors states parties' implementation of the provisions of the convention. The committee:

- > **examines in public session reports by states parties on the measures which they have adopted to give effect to the provisions of the convention;**
- > **examines communications by one state party claiming that another state party is not giving effect to the provisions of the convention; and**
- > **considers communications from individuals or groups of individuals within the jurisdiction of the state party claiming to be victims of a violation by that state party of any of the rights in the convention. This is only relevant where the state party has recognised the committee's competence. 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 10th 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 UN General Assembly on matters within its competence and calls international conferences on such matters. It enters into agreements with specialised agencies and makes arrangements for consultation with non-governmental organisations.

Further information is available on the UN website at: www.un.org/esa/coordination/ecosoc

UN General Assembly: Third Committee

The UN General Assembly (UNGA) consists of all UN member states. It may discuss any issue within the scope of the UN Charter, including human rights, and may make recommendations to UN members or the Security Council.

It receives and considers reports from the other organs of the UN and elects the 54 members of ECOSOC.

In the UN General Assembly human rights are dealt with in the Third Committee which meets annually in New York, usually in November. All UN member states have the right to take part in the plenary sessions and to table and vote on resolutions. Resolutions are broadly divided into thematic issues such as torture, racism and the rights of the child and resolutions that concentrate on a particular country. Many of these resolutions build on texts already agreed at the UN Commission on Human Rights (CHR) in Geneva (see below).

Further information is available on the UN website: www.un.org/ga .

UN Commission on Human Rights (CHR)

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. 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.unhchr.ch or use the link 'Subsidiary Bodies' from the ECOSOC web page at: www.un.org/esa/coordination/ecosoc

The '1503' Confidential Procedure

Under this procedure, individuals and NGOs can address communications (complaints) on human rights matters to the Office of the High Commissioner for Human Rights. These are screened and evaluated by the Working Group on Communications, which meets annually, immediately after the Sub-Commission on the Promotion and Protection of Human Rights session, to examine communications. Cases must meet certain criteria to be admissible, including that all domestic remedies be first exhausted, unless seeking such remedies has been unreasonably prolonged. If a communication does not meet these criteria, it is not submitted to the working group. Governments may comment in writing on the communications before they are evaluated by the working group. If the working group identifies reasonable evidence of a consistent pattern of gross violations of human rights, the matter is referred to the Working Group on Situations.

The Working Group on Situations comprises five members nominated by the UN regional groups. It meets at least one month prior to the CHR to examine the particular situations forwarded to it by the Working Group on Communications and to decide whether or not to refer any of these situations to the CHR.

Subsequently, it is the turn of the CHR to take a decision concerning each situation brought to its attention in this manner. Governments may appear before the CHR to defend their position.

This whole lengthy process is confidential except that the chairman of the CHR announces after each session the countries on which the CHR has made a decision. These decisions are usually either to keep the situations under consideration for a further year (and possibly to appoint a rapporteur to help with the situation) or to discontinue consideration. In cases of exceptional concern, the CHR can decide to submit a report to ECOSOC on a particular country, thus ending the confidentiality of the procedure and submitting the country's 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 undertake studies, particularly in the light of the Universal Declaration of Human Rights and to make recommendations

to the commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities.

The sub-commission meets annually in Geneva, usually in August, and is composed of 26 experts who act in a personal capacity and are elected by the CHR. The sub-commission has, in the past, set up working groups to consider topics such as 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 are 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 2003, there were 16 thematic rapporteurs, covering issues such as torture, racism, sale of children and child prostitution, human rights defenders, violence against women, the right to education and the independence of judges and lawyers. 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 2003, there were five country rapporteurs for Burma, Iraq, the Democratic Republic of Congo, Burundi and the Occupied Territories. 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 then Foreign Office Minister John Battle announced in his 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 UK Government has answered requests for information from the special rapporteurs on the sale of children, child prostitution and child pornography; freedom of religion or belief; independence of the judiciary and lawyers; torture; the human rights of migrants and education.

In the period covered by this report, the UK received visits from the Special Rapporteur on Toxic Waste (Fatma Zohra Ouhachi-Vesely) and the Special Rapporteur on Education (Katerina Tomasevski). The Special Rapporteur on Education presented her report to the CHR in April 2003. The Special Rapporteur on Toxic Waste is currently in the process of drafting her report and will present it to CHR 60 in April 2004.

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. Sergio Vieira de Mello, the former head of the UN office in East Timor, succeeded Mary Robinson as the High Commissioner for Human Rights in September 2002. In May 2003 Mr Vieira de Mello was appointed the UN Secretary General's Special Representative

in Iraq. He was tragically murdered in the terrorist outrage on the UN headquarters in Baghdad on 19 August 2003.

The Office of the High Commissioner for Human Rights (OHCHR), formerly the Centre for Human Rights, is based in Geneva and supports or implements the mandates of the CHR and the other UN human rights bodies. It monitors and helps to deter human rights violations through a field presence in key countries, and gives technical assistance and advice with human rights institution building.

The UN has a range of human rights programmes supported by voluntary funds. The UK contributes annually to the fund for victims of torture and to technical assistance programmes designed to help states improve their human rights performance. We are also one of the major voluntary contributors to the OHCHR's human rights field operations.

More information about OHCHR is available on its website: www.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/public/english/standards/realm/ilc/index.htm>

International Committee of the Red Cross (ICRC)

The ICRC is the founding body of the Red Cross Movement and custodian of the Geneva Conventions, which set internationally recognised standards for the care of the wounded and sick from armed forces, the treatment of prisoners of war and protection of civilians in time of war. The ICRC statute allows it to take any humanitarian initiative. There is no obligation on governments to 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. By July 2003 it had been ratified by 44 of the 45 member states of the Council of Europe (listed at the end of this section). Serbia and Montenegro have signed the convention but not yet ratified it. These states undertake to guarantee that those within their jurisdiction should enjoy the rights and freedoms protected under the convention, and recognise the right of individual petition for individuals to the ECHR machinery when they claim those rights have been violated by the state.

Under the provisions of the Human Rights Act 1998, the ECHR, 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; and 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

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 – as at July 2003

Albania
Andorra
Armenia
Austria
Azerbaijan
Belgium
Bosnia & Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic

Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Latvia
Liechtenstein
Lithuania
Luxembourg
Macedonia
Malta
Moldova
Netherlands
Norway
Poland
Portugal
Romania
Russian Federation
San Marino
Serbia and Montenegro
Slovakia
Slovenia
Spain
Sweden
Switzerland
Turkey
Ukraine
United Kingdom

The Observers to the Committee of Ministers

Canada
Holy See
Japan
Mexico
United States of America

The Observers to the Parliamentary Assembly

Canada
Israel
Mexico

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).

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 (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

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 Freimut Duve. Further information is available at: www.osce.org/form

OSCE long-term missions

The OSCE makes a real contribution to human rights and democracy throughout Europe by means of its missions in the field. They provide practical support and advice to encourage reconciliation between communities in post-conflict situations, and to support the development of indigenous institutions underpinning human rights and democracy. The UK provides approximately 10 per cent of the staff and/or funding for these missions, paid for by the FCO. As of July 2003, there were 19 OSCE missions operating throughout the OSCE region, including in Kosovo, Bosnia and Herzegovina and Croatia. Total UK contribution for current year 2003–2004 is £19.6 million.

More information on the OSCE is available at: www.osce.org. Those interested in applying for a UK secondment to the OSCE should see the recruitment section of the FCO website at: www.fco.gov.uk.

The Commonwealth

The Commonwealth is a voluntary association of 54 independent states who work together towards common international goals (a list of member states is at the end of this section). It is also a 'family' of nations building on their common heritage in language, culture, law and education – which enables them to work together in an atmosphere of greater trust and understanding. The most widely used definition of the Commonwealth can be found in the 1971 Declaration of Common Principles, available at: www.thecommonwealth.org

The Commonwealth has no formal constitutional structure. It works from understood procedures, conventions and occasional statements of belief or commitment to action. Inter-governmental consultation is its main source of direction

enabling member governments to collaborate to influence world events and establish programmes carried out bilaterally or by the Commonwealth Secretariat, the Commonwealth's main executive agency.

Commonwealth Ministerial Action Group

The 1991 Harare Commonwealth Declaration (see website address) stated that the two fundamental principles of the Commonwealth are democracy and human rights. In 1995 the Commonwealth adopted the Millbrook Action Programme to provide mechanisms for putting those principles into action. The Commonwealth Ministerial Action Group (CMAG) was set up under the Millbrook Programme to assess persistent violations of the Harare principles and to recommend measures for collective Commonwealth action. At their meeting in Edinburgh in October 1997, Commonwealth Heads of Government agreed that applicants to join the Commonwealth should comply with the values, principles and priorities set out in the Harare Declaration. To date, CMAG's work has addressed the situation in Nigeria, Gambia, Sierra Leone and Pakistan.

The Commonwealth Secretariat

The UK is a major contributor to the Commonwealth Secretariat, which runs a range of programmes to help member countries improve their human rights performance. The secretariat's Human Rights Unit has developed training materials for the police and judiciary, assisted governments in meeting their international and regional human rights reporting obligations, and run programmes to strengthen democratic structures and independent human rights institutions.

Further information is available at: www.thecommonwealth.org

Commonwealth Heads of Government Meeting

Commonwealth Heads of Government Meetings (CHOGMs) are held every two years in different Commonwealth countries. They are the Commonwealth's ultimate policy and decision-making forum. The next CHOGM takes place in Abuja in December 2003.

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 communique 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

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
Zimbabwe*

* denotes a state suspended from the Councils of the Commonwealth

Organisation of American States

American Convention on Human Rights

The American Convention on Human Rights was adopted by the Organisation of American States (OAS) and came into force in 1978. By December 2002, 24 OAS member states were states parties to the convention.

The convention contains a broad range of rights, very similar to the European Convention but with some differences. For example, under Article 4 the right to life is to be protected, in general, from the moment of conception (rather than birth). The prohibition on torture and inhuman or degrading treatment is more extensive and is placed in the context of the right to humane treatment. Articles 18 and 19 protect the right to a name and the specific rights of the child. Article 26 provides for the progressive achievement of the rights implicit in the economic, social, educational, scientific and cultural standards set forth in the OAS Charter (1948) as amended by the Protocol of Buenos Aires (1967).

The Inter-American Commission on Human Rights

The Inter-American Commission on Human Rights has jurisdiction to receive, analyse and investigate complaints that allege violations of the American Convention on Human Rights by states that have ratified the convention. The commission may also receive and examine complaints of alleged violations of the rights set forth in the American Declaration of the Rights and Duties of Man (1948) concerning OAS member states that are not parties to the convention. The commission consequently exercises jurisdiction in respect of all 35 OAS member states. Cuba is a member of the OAS but has been suspended from participation in the Inter-American system since 1962. The commission is based in Washington, DC.

The commission performs a number of functions: it may receive and examine a complaint by one state party alleging that another state party has violated the American Convention, but only if both states have made a declaration under Article 45

recognising the competence of the commission to entertain such claims. As of June 2001, no such complaint had been examined by the commission and only six states parties had 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 commission has received thousands of individual petitions alleging human rights violations. By 2002 this had resulted in more than 12,000 completed or pending cases. In 2002 the commission or commission delegations conducted on-site visits to observe the human rights situation in a number of countries, including Venezuela, Haiti, Guatemala, Mexico and Argentina.

The Inter-American Court of Human Rights

The Inter-American Court of Human Rights is an autonomous judicial institution established under the American Convention on Human Rights. The court's principal purpose is to interpret and apply the convention. It is based in San Jose, Costa Rica. The court is composed of seven judges and has both adjudicative and advisory jurisdiction. In order for a case against a state party to be brought before the court, the state party concerned must have made a prior declaration recognising the jurisdiction of the court to rule on cases where a friendly settlement has not been achieved. As of July 2002, 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
Website: www.oas.org

African Union

The African Union (AU) was launched in July 2002, as the successor to the Organisation for African Unity (OAU). Comprising all African countries except Morocco, the AU is the primary African regional organisation. The Constitutive Act of the AU sets out an ambitious institutional framework, which is only likely to be fully implemented over the longer term. 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, by June 2001, there were 53 state parties. It contains a wide range of rights covering civil and political rights and economic, social and cultural rights. It also includes various peoples' rights (as opposed to individual's rights) which are much less developed in other international or regional legally binding instruments (such as the right to a healthy environment).

The charter also differs from other human rights conventions by listing, in Articles 27-29, the duties of the individual towards the state (for example, not to compromise the security of the state), whereas in other conventions the individual has a duty only to other individuals. Its limitations clauses are more restrictive than those in other conventions (for example, the rights to freedom of expression, of association and of movement must be exercised within the law, whereas in other instruments they may only be subject to restrictions which are provided by law and are shown to be necessary for the respect of the rights of others or for the protection of national security, public order, public health or morals).

The Charter can be found at: www.africa-union.org

The African Commission on Human and Peoples' Rights

Implementation of the African Charter is supervised by the African Commission on Human and Peoples' Rights which was established in November 1987. It is composed of 11 members who are elected by the AU Assembly of Heads of State and Government from a list of candidates nominated by state parties to the charter. The charter makes no provision for a court. However, the members of the then OAU adopted a protocol in 1998 deciding to establish an African Court of Human and Peoples' Rights. At least 15 AU Member States need to ratify the protocol for it to come into force. So far, 36 countries have signed the protocol and nine countries have ratified it.

The commission's functions are:

- > **examining communications by one state party alleging that another state party has violated the charter;**
- > **examining communications "other than those of state parties". This includes communications from individuals, groups and non-governmental organisations. One of the admissibility requirements is that remedies at the national level be exhausted unless it is obvious that such procedures are unduly prolonged. If communications reveal a "series of serious or massive violations of human and peoples' rights", the commission must draw this to the attention of the AU Assembly of Heads of State and Government;**
- > **promoting human rights by undertaking studies, disseminating information and encouraging national and local institutions concerned with human rights; and**
- > **providing advice on the implementation of human rights to the AU or any of its member states.**

Further information about the African Commission on Human and Peoples' Rights can be obtained from:

Headquarters, African Union
PO Box 3243
Addis Ababa
Ethiopia
Tel: [251] (1) 517700
Fax: [251] (1) 512622
Website: www.africa-union.org

The African Commission on Human & 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
Website: www.achpr.org

Status of ratifications of the principal international human rights treaties

as of 23 July 2003 (Source UN – <http://untreaty.un.org>)

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 2003, all 189 Member States of the United Nations and four non-Member States were a party to one or more of these treaties.

Status of ratifications of the principal international human rights treaties as of 23 July 2003

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
Armenia	13 Sep 93a	23 Jun 93a	23 Jun 93a	13 Sep 93a	13 Sep 93	23 Jun 93a

Country/Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
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				22 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			16 Apr 03a	16 Apr 03a	16 Apr 03a	16 Apr 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
Georgia	03 May 94a	03 May 94a	02 Jun 99a	26 Oct 94a	26 Oct 94a	02 Jun 94a

Country/Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
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		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			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						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
Laos	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	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		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
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

	Country/Treaty	(1)	(2)	(3)	(4)	(5)	(6)
		CESCR	CCPR	CERD	CEDAW	CAT	CRC
STATUS OF RATIFICATIONS	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 00	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
ANNEX 05	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		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			07 Apr 69a			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	s:15 Aug 00	s:15 Aug 00	16 Sep 02	20 Dec 85a	02 Aug 88*	04 Apr 95
	Turkmenistan	01 May 97a	01 May 97a	29 Sep 94a	01 May 97a	25 Jun 99a	20 Sep 93a
	Tuvalu				06 Oct 99a		22 Sep 95a
	Uganda	21 Jan 87a	21 Jun 95a	21 Nov 80a	23 Jul 85	03 Nov 86a	17 Aug 90
	Ukraine	12 Nov 73	12 Nov 73	07 Mar 69*	12 Mar 81	24 Feb 87	28 Aug 91
	United Arab Emirates			20 Jun 74a			03 Jan 97a
	United Kingdom of Great Britain						

Country/ Treaty	(1) CESCR	(2) CCPR	(3) CERD	(4) CEDAW	(5) CAT	(6) CRC
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
Vietnam	24 Sep 82a	24 Sep 82a	09 Jun 82a	17 Feb 82		28 Feb 90
Yemen	09 Feb 87a	09 Feb 87a	18 Oct 72a	30 May 84a	05 Nov 91a	01 May 91
Zambia	10 Apr 84a	10 Apr 84a	04 Feb 72	21 Jun 85	07 Oct 98a	06 Dec 91
Zimbabwe	13 May 91a	13 May 91a	13 May 91a	14 May 91a		11 Sep 90
TOTAL SIGNATORIES						
AMONG NON-STATE PARTIES	7	8	8	1	10	1
TOTAL STATE PARTIES	146	149	166	174	133	193

Notes: a accession d succession s signature

Further Sources of Human Rights Information

IMPORTANT: 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

> **BBC World Service**

Bush House

Strand

London WC2B 4PH

www.bbc.co.uk/worldservice

Tel: 0207 240 3456

Fax: 0207 557 1258

> **British Council**

Bridgewater House

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Governance Issues

www.britishcouncil.org/governance

> **The Commonwealth**

The Commonwealth Secretariat

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SW1Y 5HX

www.thecommonwealth.org

Tel: 0207 747 6500

Email: info@commonwealth.int

Institute of Commonwealth Studies

www.sas.ac.uk/commonwealthstudies

> **Council of Europe**

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Email: humanrights.info@coe.int

European Court of Human Rights

Council of Europe
F-67075 Strasbourg Cedex
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Tel: +33 3 88 41 20 18

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The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

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F-67075 Strasbourg Cedex
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Fax: 03 88 41 27 72/ (International) +33 3 88 41 27 72

Email: cptdoc@coe.int

> Council of the European Union

Rue de la Loi
175 B-1048 Bruxelles
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Fax: +32 2 285 73 97/ 81

Email: public.info@consilium.eu.int

EU Annual Human Rights Report

http://europa.eu.int/comm/external_relations/human_rights/doc/

> Department for Constitutional Affairs

Selbourne House
54-60 Victoria Street
London
SW1E 6QW

www.dca.gov.uk

Tel: 0207 210 8500

> Department for Education and Skills (DfES)

Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

www.dfes.gov.uk

Tel: 0870 000 2288

Fax: 01928 794248

Email: info@dfes.gsi.gov.uk

Rights of disabled people including Disability Rights Commission, Disability Rights Task Force and the Disability Rights Act

Disability Unit
Department for Work and Pensions
Level 6
Adelphi
1-11 John Adam Street
London WC2N 6HT

www.disability.gov.uk

Tel: 0800 882 200

> Department for International Development

1 Palace Street
London
SW1E 5HE

www.dfid.gov.uk

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Tel: 0845 3004100/ (International) +44 (0) 1355 84 3132

Fax: (International) +44 (0) 1355 84 3632

Email: enquiry@dfid.gov.uk

> Department of Trade and Industry (DTI)

DTI Enquiry Unit
1 Victoria Street
London
SW1H 0ET

www.dti.gov.uk

Tel: 0207 215 5000

Email: dti.enquiries@dti.gsi.gov.uk

> **The Foreign and Commonwealth Office (FCO)**

King Charles Street
London
SW1A 2AH

Tel: 0207 008 1500

Main website including Annual Report on Strategic
Export Controls and the FCO's Annual
Departmental Report

www.fco.gov.uk

FCO's Human Rights Policy Department website

www.hrpd.fco.gov.uk

> **Home Office**

Public Enquiry Team
7th Floor
50 Queen Anne's Gate
London
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Email: public.enquiries@homeoffice.gsi.gov.uk

Human Rights Act Implementation in the UK

www.humanrights.gov.uk

The Race Relations (Amendment) Act

www.publications.parliament.uk/pa/pabills.htm

Freedom of Information Unit including details of the
Freedom of Information Bill

www.homeoffice.gov.uk/foi/foidpunit

The Immigration and Nationality Directorate

www.ind.homeoffice.gov.uk/ind/

Home Office Crime Reduction Site

www.homeoffice.gov.uk

> **International Committee of the Red Cross (ICRC)**

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CH 1202 Geneve
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> **International Labour Organisation (ILO)**

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Email: ilo@ilo.org

> **The International Monetary Fund**

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> **Ministry of Defence (MOD)**

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SW1A 2EY

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> **The National Assembly for Wales**

Equality Policy Unit
The National Assembly for Wales
Fourth Floor
Cathays Park
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CF10 3NQ

Tel: 0292 082 5111

www.wales.gov.uk

> **The Northern Ireland Office**

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BT4 3SX

Tel: 028 9052 0700

www.nio.gov.uk/issues/rights.htm

Email: nio@nics.gov.uk

> **African Union (AU)**

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> **Organisation of American States (OAS)**

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www.oas.org

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> **Organisation for Economic Co-operation and Development (OECD)**

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Fax: +31 70 363 59 10

Email: hcnm@hcnm.org

> **The Scottish Executive**

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> **United Nations (UN)**

Public Enquiries Unit
United Nations
GA-57
New York
NY 10017
USA

www.un.org

Tel: +1 212 963 4475/ 9246

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Email: inquiries@un.org

UN Office of the High Commissioner for Human Rights (OHCHR)

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CH-1211 Geneva 10
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www.unhchr.ch

Tel: +41 22 917 9000

United Nations General Assembly

www.un.org/ga

Division for the Advancement of Women and Beijing +5

www.un.org/womenwatch/daw

International Criminal Court

www.un.org/law/icc

Joint United Nations Programme on AIDS

20 Avenue Appia
CH-1211 Geneva 27
Switzerland

www.unaids.org

Tel: +41 22 791 3666

Fax: +41 22 791 4187

Email: unaids@unaids.org

UN Children's Fund (UNICEF)

UNICEF House
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NY 10017
USA

www.unicef.org

Tel: +1 212 326 7000

Fax: +1 212 887 7465

> Westminster Foundation for Democracy (WFD)

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SW1Y 5EA

www.wfd.org

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Fax: 0207 930 0449

Email: wfd@wfd.org

> Women and Equality Unit

35 Great Smith Street
London
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United Kingdom

<http://www.womenandequalityunit.gov.uk/>

Tel: 0845 001 0029

Email: info-womenandequalityunit@dti.gsi.gov.uk

> The World Bank

Headquarters
The World Bank
1818 H Street, NW
Washington, DC 20433
USA

www.worldbank.org

Tel: +1 202 473 1000

Fax: +1 202 477 6391

The World Bank Debt Initiative for the heavily indebted poor countries (HIPC)

www.worldbank.org/hipc

Email: hipc@worldbank.org

> The World Trade Organisation (WTO)

Centre William Rappard
Rue de Lausanne 154
CH-1211 Geneva 21
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www.wto.org

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Fax: +41 22 731 4206

Email: enquiries@wto.org

Glossary

AU	African Union	DFID	Department for International Development
ACHPR	African Commission on Human and People's Rights	DPRK	Democratic People's Republic of Korea (North Korea)
ATCS	Anti-Terrorism Crime and Security Act	DRC	Democratic Republic of the Congo
CAP	Common Agricultural Policy	DTI	Department of Trade and Industry
CAT	Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment	DWP	Department for Work and Pensions
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	EBRD	European Bank for Reconstruction and Development
CERD	Convention on the Elimination of Racial Discrimination	ECHR	European Convention on Human Rights
CFSP	Common Foreign and Security Policy	ECOSOC	Economic and Social Council
CHOGM	Commonwealth Heads of Government Meeting	ECOWAS	Economic Community of West African States
CYPU	Children and Young People's Unit	ECRI	European Commission against Racism and Intolerance
CHR	Commission on Human Rights	EIDHR	European Initiative for Democracy and Human Rights
CLU	Community Liaison Unit	EU	European Union
CMAG	Commonwealth Ministerial Action Group	EUMC	European Monitoring Centre on Racism and Xenophobia
CPT	Convention for the Prevention of Torture	EYDP	European Year of Disabled People
CRC	Convention on the Rights of the Child	FCO	Foreign & Commonwealth Office
CSR	Corporate Social Responsibility	FGM	Female Genital Mutilation
CSW	Commission on the Status of Women	HIPC	Heavily Indebted Poor Countries Initiative
CTC	Counter Terrorism Committee	HRC	Human Rights Committee
DCA	Department for Constitutional Affairs	HRPD	Human Rights Policy Department (FCO)
DDA	Disability Discrimination Act	HRPF	Human Rights Project Fund
DfES	Department for Education and Skills	HRW	Human Rights Watch

HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome	PACE	Parliamentary Assembly of the Council of Europe
ICC	International Criminal Court	PRI	Penal Reform International
ICCPR	International Covenant on Civil and Political Rights	SADC	Southern Africa Development Community
ICERD	International Covenant for the Elimination of all forms of Racial Discrimination	SAR	Special Administrative Region
ICESCR	International Covenant on Economic, Social and Cultural Rights	SARS	Severe Acute Respiratory Syndrome
ICJ	International Commission of Jurists	SCSL	Special Court for Sierra Leone
ICRC	International Committee of the Red Cross	SCUK	Save the Children UK
IFF	International Finance Facility	SFOR	Stabilisation Force (Bosnia and Hercegovina)
ICTR	International Criminal Tribunal for Rwanda	SIAC	Special Immigration Appeals Commission
ICTY	International Criminal Tribunal for the former Yugoslavia	UDHR	Universal Declaration of Human Rights
IHL	International Humanitarian Law	UN	United Nations
ILO	International Labour Organisation	UNAMET	United Nations Mission in East Timor
IMF	International Monetary Fund	UNAMSIL	United Nations Mission in Sierra Leone
IMO	International Maritime Organisation	UNCTC	United Nations Counter Terrorism Committee
ISAF	International Security Assistance Force	UNDP	United Nations Development Programme
ISPs	Internet Service Providers	UNFPA	United Population Fund
IWPR	Institute for War and Peace Reporting	UNGA	United Nations General Assembly
KFOR	Kosovo Force	UNGASS	United Nations General Assembly Special Session on Children
MDGs	Millennium Development Goals	UNHCR	United Nations High Commissioner for Refugees
MOD	Ministry of Defence	UNICEF	United Nations Children's Fund
NATO	North Atlantic Treaty Organisation	UNCAT	United Nations Committee Against Torture
NEPAD	New Partnership for Africa's Development	UNCHR	See CHR
NGO	Non-governmental organisation	UNHCHR	United Nations High Commissioner for Human Rights
NDPB	Non-departmental public body	UNIFEM	United Nations Development Fund for Women
OAS	Organisation of American States	UNMIK	United Nations Mission in Kosovo
ODIHR	Office for Democratic Institutions and Human Rights	UNSCR	United Nations Security Council Resolution
OECD	Organisation for Economic Co-operation and Development	WCAR	World Conference Against Racism
ODA	Official Development Assistance	WEU	Women and Equality Unit
OHCHR	Office of the UN High Commissioner for Human Rights	WFD	Westminster Foundation for Democracy
OSCE	Organisation for Security and Co-operation in Europe	WHO	World Health Organization
PA	Palestinian Authority	WSIS	World Summit on Information Society
		WTO	World Trade Organisation

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