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United Kingdom Foreign & Commonwealth Office Annual Report on Human Rights 2008

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United Kingdom Foreign & Commonwealth Office

Annual Report on Human Rights 2008

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

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Foreign Secretary's foreword

The world of 2008 is a vastly different place to that of 1948 when the Universal Declaration of Human Rights was first adopted. Sixty years on, political ideologies have come and gone. The 58 members of the UN are now 192. And the revolution in travel and communications technologies means that people worldwide are more aware of not only their rights, but also the freedoms that others enjoy.

We still face huge challenges in upholding the UDHR, as 2008 showed. The year was punctuated by human rights-related crises. In Zimbabwe, the spring elections saw a peak in the regime's campaign of systematic and targeted violence. The war in Georgia in August was a painful reminder of the threat that conflict still poses to human rights in Europe. Then the terrorist attacks in Mumbai in November killed over 170 people, and the crisis in Gaza at the end of the year brought yet more human suffering.

We cannot tackle conflict, extremism, climate change or poverty without regard to the human angle. If we want ordinary Afghans to deny the Taliban support and sanctuary, we need to give them confidence that their state will protect them and secure their rights. And if we want to deter violent conflict and mass atrocities, we need to ensure that political and military leaders are held responsible for their actions. That is why the arrest of the Bosnian Serb war-time leader Radovan Karadzic, and the start last month of the ICC's first trial – of Thomas Lubanga Dyilo, an alleged former DRC militia leader – were both such important steps for not just international justice but also international security.

Human rights are not just a means to an end; they are of fundamental importance in and of themselves. So last year the UK supported democracy by providing election observers in 18 countries, including Georgia, Pakistan, Ghana and Bangladesh. We ran projects to strengthen the rule of law, training lawyers in Sudan and judges in China. Our contributions to a UN fund helped pay for treatment of 23,000 victims of sexual violence in the DRC and we launched a pioneering regional project in Morocco, Algeria and Tunisia to help married women draw up model marriage contracts defining their expectations of marriage.

In addition to projects and activities in countries of specific concern, we also worked to build a strong international framework for the protection of human rights. In December we signed the Convention on Cluster Munitions, the most significant arms control agreement in recent years. We have co-authored a major resolution in the UN General Assembly



pushing for a global Arms Trade Treaty that would stem the flow of weapons to human rights abusers. And at the UN Human Rights Council, we were among the first countries examined in the new Universal Periodic Review.

As 2009 begins, the new Obama administration brings new opportunities to take a shared approach to human rights issues. We have welcomed their commitment to closing Guantanamo Bay – something the UK has long called for. And we will continue to discuss with the US government how best we can work with them and our European partners to make this commitment a reality. The UK sees its human rights and counter-terrorism agendas as mutually reinforcing. In recent years we have increasingly shifted our focus towards preventing terrorism – including by building the resilience of communities and tackling extremism at its root. But of course we also need to work to ensure that our counter-terrorist effort, including our co-operation with our international partners, is consistent with our human rights obligations.

Human rights are vital to our work in the UN, the EU and the Commonwealth – the latter now celebrating its 60th year of unique international collaboration. We have inherited the aspirations of the authors of the Universal Declaration of Human Rights. We have not yet managed to realise them fully, but we are making progress, and we are committed to continue doing so.

A handwritten signature in blue ink that reads "David Miliband".

David Miliband
Foreign Secretary

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01

Introduction

This is the 11th FCO Annual Report on Human Rights. In its breadth, it demonstrates just how far human rights have permeated every aspect of the UK's foreign policy since the modern human rights movement was created 60 years ago, with the adoption by the UN of the Universal Declaration of Human Rights on 10 December 1948.

In 2008, the government worked to reach out in the UK as well as abroad. Ministers and senior officials sought to engage with all the diverse communities in the UK to explain what we are trying to achieve through our foreign policy, but also to engage public support for our efforts. This engagement includes partners across government. The report describes some of the fruits of this collaboration, such as better understanding of UK objectives among Muslim communities, enhanced effectiveness of the Conflict Prevention Pool, and the successful negotiation of the Convention on Cluster Munitions.

The report examines FCO work on human rights in terms of our four major policy goals, our major thematic preoccupations, and finally the countries of most concern to us. These countries are ones where human rights problems are frequent or endemic and continue to have a major impact on governance and regional stability. It is not an exhaustive list, nor is it a league table. All the countries, except Somalia, featured in the 2007 Report. We have removed Nepal from the list of countries of concern because of the free and fair elections that took place in 2008, the improvement in the rule of law and the good prospects for post-conflict reconstruction. However, the report recognises that human rights problems remain in Nepal, especially regarding public security. Somalia is a fragile state that is no longer able to protect the human rights of its inhabitants. Apart from the devastating consequences for most people who live there, this continues to have wide repercussions in the region and elsewhere.

Finally each chapter takes a forward look at how we see issues playing out in 2009.

Counter-terrorism

Human rights remained a key component of the FCO's counter-terrorism work. Violations of human rights feed extremism and when linked to Western governments, they give extremists an opportunity to argue that our ideals of democracy, justice, equality and tolerance are insincere. Our efforts in this area focused on addressing these issues, and on building the political will and the capacity of international partners to counter violent extremism and the threat of terrorism. In 2008, the UK continued to call for the closure of the Guantanamo detention facility and we have welcomed President Obama's decision to do so. We have secured the return of all the British nationals and all but one of those formerly legally resident in the UK. In February 2008, new information emerged that, contrary to earlier assurances that UK territory had not been used for extraordinary rendition, US investigations had revealed two occasions when this had in fact occurred. We followed up

with the US and secured firm new assurances that there have been no other instances in which US intelligence flights landed in the UK with a detainee on board since 11 September 2001. In addition to diplomatic activity, the report details much project activity in countries where violent extremism is a real risk.

Counter-proliferation

The UK has continued to lead efforts to end the illicit trade in small arms and light weapons that kill hundreds of thousands of people each year. With the active support of civil society, we successfully concluded an international Convention on Cluster Munitions in December 2008 that 90 countries signed. We also made significant progress towards a global Arms Trade Treaty over the course of the year. As one of the world's leading arms exporters, it is vital for the UK to have a trade that is well regulated and which ensures that weapons are not used to violate human rights.

A low carbon, high growth economy

Global warming threatens the human rights of millions of poor people as it destroys their habitats, and the struggle for scarce natural resources, like water, threatens peace. In extreme cases, such as some small island states, countries are at real risk of destruction. The report details how we are working with partners across government to address these issues. It also explores progress in 2008 in meeting the Millennium Development Goals that are key to improving the lives of the one billion or more inhabitants of the planet who live in extreme poverty and do not have the chance to enjoy human dignity that human rights are intended to secure. Both business and trades unions have a vital role to play here – sustainable economic growth must not happen at the expense of individuals' human rights.

Prevent and resolve conflict

Human rights violations are frequently an indicator of impending conflict or of the severity of an existing conflict. Too many countries fail to move from conflict to good governance, the rule of law, democracy and respect for human rights. The report details UK efforts to engage the UN to focus on these credibility gaps, as well as involving women in all stages of the conflict cycle. Women and children are the first victims of conflict and suffer disproportionately from it. The chapter provides details of many activities funded by the Stabilisation Aid Fund. It highlights Nepal as a relative success story, and expresses continuing concerns in Sri Lanka, Kashmir, Israel and the Occupied Palestinian Territories, and Georgia and Russia. The UK continued to press for mainstreaming the Responsibility to Protect throughout relevant UN agencies.

Develop effective international institutions

The United Nations remains critical to international efforts to promote human rights. In 2008, the Human Rights Council enjoyed its first full year of operation. Despite a difficult environment for the UK and other like-minded member states, the Council renewed most of the critical mandates and it was less dominated by divisions over Israel and the Occupied Palestinian Territories than its

predecessor. The Universal Periodic Review mechanism commenced in 2008 and the UK was one of the first countries to be examined. We think that our openness, and the comprehensive nature of our report, has helped to set the standard for other reviews. The UN Human Rights Council cannot force unwilling states to act on human rights, but the process of dialogue and examination ought to encourage constructive engagement. The UK was re-elected to the Council for three years in May and we intend to engage fully until the review of the Human Rights Council in 2011. A significant event in 2008 was the adoption by consensus of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, introducing a complaints mechanism for individuals regarding economic, social and cultural rights. The UK welcomed the appointment of the new High Commissioner for Human Rights, Navanetham Pillay, the first time an African has held the post, at a time when the regional African institutions are developing fast.

The international tribunals created by the UN continued to consolidate international criminal justice in 2008. The arrest of Radovan Karadzic under the International Criminal Tribunal for the former Yugoslavia and the warrant requests for President Bashir of Sudan, and leaders of the Lord's Resistance Army, under the International Criminal Court, demonstrate that, despite the political difficulties this may cause, impunity for those who order or direct gross human rights violations is gradually becoming a thing of the past.

At the Council of Europe, the European Court of Human Rights remains the most active and effective of all the international human rights tribunals. It has become a victim of its own success, with a huge backlog of cases. Unfortunately, of all the 47 member states, only Russia is still blocking adoption of Protocol 14, which would make the Court more efficient. Russia has the largest number of applications outstanding against her, so has little incentive. The UK continues to urge Russia to fulfil her human rights obligations; blocking adequate international remedies may delay but will not remove accountability.

Overseas Territories

In 2008, the UK's Overseas Territories made steady progress towards achieving the UK's goal of all of them ratifying the six major UN human rights treaties, and granting all their inhabitants the right of individual petition under the European Convention on Human Rights. Most problems regarding the ratification of UN treaties relate to the need to adapt or adopt legislation to comply with them; this seems to be a particular problem regarding the Convention on the Elimination of Discrimination against Women. All the Overseas Territories, except the British Virgin Islands, now grant individuals the right of petition under the European Convention on Human Rights.

Support for British nationals abroad

This remained a major focus of FCO efforts in 2008. The main activities centred around child abductions, forced



Foreign Secretary David Miliband meeting Afghan troops, 25 November 2008.

marriages, and British prisoners in foreign jails, especially those sentenced to death (8 persons) or at risk of the death penalty (19 persons).

Equality and non-discrimination

These issues are at the core of human rights. It is those least able to protect themselves who have most need of human rights protection. This report describes a number of diplomatic moves as well as FCO-funded projects where we have tried to increase human rights protection for individuals from groups like the Roma, indigenous minorities and Dalits, who are among the poorest people in the world.

On combating racism, the UK had difficult negotiations on the forthcoming Durban Review Conference. A number of countries have sought to use this to target Israel, and to trivialise anti-Semitism and Holocaust remembrance. At the same time, they have tried to limit freedom of expression in order to restrict criticism of religion or belief. The UK has consistently sought to ensure that all forms of racism are condemned. At the same time, freedoms belong to individuals and not to ideologies or beliefs, so we continue to oppose efforts to limit human rights in this way.

In the EU, the member states adopted new Guidelines to Combat Violence against Women. These should help to coordinate EU efforts to eliminate this scourge that affects millions of women every day. With EU partners, the UK supported the successful UN General Assembly resolution on the worst forms of child labour. We were also able to lift all remaining UK reservations on the UN Convention on the Rights of the Child, and to sign the Council of Europe Convention on the protection of children against sexual exploitation.

The UK has continued in the forefront of efforts to end discrimination on the grounds of sexual orientation or gender identity. This issue is gradually making its way up the international agenda. In December, for the first time ever, the UN General Assembly heard a statement on the rights of lesbian, gay, bisexual and transgender people. This was signed by 66 countries. A counter-statement basically opposed to recognising such rights was signed by 59 countries. The report details a number of cases where the UK was active in lobbying against proposed or actual discrimination.

We continued to lobby countries to sign and ratify the UN Convention on Disability Rights. The UK is working towards ratification and anticipates that it will be able to ratify the Convention in 2009.

Democracy

We remain convinced that democratic government is the best environment for ensuring the full enjoyment and protection of human rights, as well as for securing sustainable development. Our efforts have focused on promoting freedom of expression (the oxygen of democracy), and contributing to, and following-up the recommendations of, international election observation missions. We have provided direct support to political processes through the Westminster Foundation for Democracy. We worked closely with DfID to support the implementation of their 2006 White Paper on making governance work for poor people. We supported several projects to reform defamation laws that restrict freedom of expression under the guise of protecting reputations. We strongly welcomed the return of Pakistan to democratic government (which enabled it to return to full participation in the Commonwealth). The successful, free and fair elections in Bangladesh, Ghana and The Maldives were also very encouraging. Democracy is not risk-free, as the violence surrounding the Kenyan elections in December 2007 demonstrated. But it remains the overwhelmingly preferred form of government, whenever people are given a genuine opportunity to choose.

Rule of law

We were pleased that Uzbekistan abolished the death penalty in 2008, but regretted that Liberia and St Kitts and Nevis opted to resume executions. Together with EU partners, we obtained a successful resolution at the UN General Assembly calling for an end to the death penalty, the second time that over 100 UN member states have voted this way.

The report details a variety of projects around the world to support anti-death penalty work, as well as prison reform and anti-torture work, especially continuing our long-running campaign to persuade countries to ratify the Optional Protocol to the Convention Against Torture.

Overall, the report demonstrates the huge variety of situations and countries where human rights play an integral role in the UK's relations. We are not always successful, but the report has many examples where positive results have justified the extensive efforts that the FCO and its many partners have made during the reporting period.

A photograph of a young child with dark skin and short hair, wearing a grey long-sleeved shirt, sitting in a traditional African hammock made of dark fabric with white and yellow geometric patterns. The child is looking towards the camera. In the background, there's a dirt road, some greenery, and a person in a blue shirt standing nearby.

02

Policy goals

Counter-terrorism and weapons proliferation and their causes

Introduction

Countering terrorism and weapons proliferation – and their causes – has been a policy goal and a departmental strategic objective for the FCO since the strategy refresh of late 2007. The defence and promotion of human rights

weaves its way throughout our efforts to pursue this policy goal, not least through our partnerships with civil society and outreach to wider British society. This is the case whether we are seeking to address the human rights abuses and poor governance that can fuel radicalisation overseas, pursuing the closure of Guantanamo Bay or campaigning for a new Arms Trade Treaty. The choices are not always easy, but we make them knowingly, grounded in the belief that, in defending the UK's national security through this policy goal, we are defending a set of democratic values and principles which the government and British people hold dear.

Highlights from our counter-terrorism and counter-proliferation work in 2008

① Guantanamo

The FCO continued to call for the closure of Guantanamo Bay and has secured the release and return of 14 former detainees who are British nationals or who were legally resident in the UK.

② Diego Garcia

In February 2008, the US government informed us that, contrary to previous assurances, two rendition flights had passed through Diego Garcia in 2002. We have secured renewed assurances that no such flights will transit UK territory without our permission.

③ Visit of prominent British Muslims to Pakistan

In June, a delegation of British Muslims accompanied the Foreign Secretary on a visit to Pakistan to share their experiences as Muslims in Britain today. The high-profile visits enable mainstream, compassionate Islamic discourse to be heard over the anti-tolerance rhetoric of extremists.

④ Bringing foreign policy home

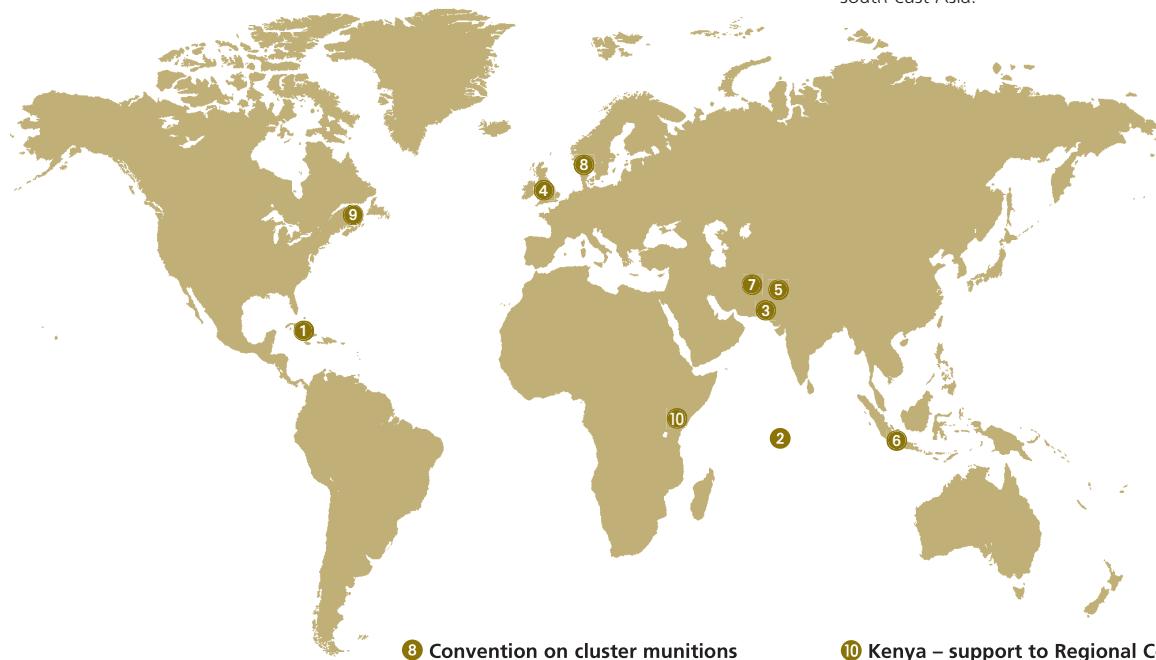
The FCO has a programme of outreach to communities across the UK to hear views on British foreign policy including challenging the myths which are used by violent extremists in their attempts to radicalise others.

⑤ Pakistan – schools human rights programme

We are working in priority countries overseas to reduce the risk from terrorism. We are supporting a wide range of work in Pakistan including human rights programmes in schools and rural areas vulnerable to violent extremism. These emphasise the central place that tolerance, peace and human rights have in Islam.

⑥ The Jakarta Centre for Law Enforcement Co-operation

Since August 2005, the FCO has funded the secondment of a UK Police Training Instructor to the Jakarta Centre for Law Enforcement Co-operation to help run law and order courses that mainstream human rights for law enforcement officers from Indonesia and across south-east Asia.



⑦ Afghanistan – women councillors' training

The FCO has provided £160,000 to develop a women councillors' network providing 40,000 female councillors from across the political spectrum with support in making their voices heard.

⑧ Convention on cluster munitions

The UK played a leading role in reaching agreement on a comprehensive treaty, signed on 3 December by over 90 countries, which banned the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians.

⑨ Arms Trade Treaty

The UK co-authored a major resolution in the UN General Assembly pushing for a global arms trade treaty that would aim to prevent weapons getting into the hands of human rights abusers.

⑩ Kenya – support to Regional Centre on Small Arms

The UK continues to support the Nairobi-based Regional Centre on Small Arms (RECSA), which helps countries in central and eastern Africa to strengthen their controls on small arms.

Counter-terrorism and human rights

International work on counter-terrorism

The FCO works with partners across government to deliver the international aspects of the government's overarching strategy on counter-terrorism – CONTEST. We are working in a number of priority countries and regions overseas – including the Middle East, South Asia and the Horn of Africa – to help reduce the threat to the UK and our interests from terrorism. We work to build political will and to strengthen the capacity of international partners to counter violent extremism and the threat of terrorism. We also work with key partners such as the USA, as well as through the EU and UN.

It is also clear that terrorism cannot be successfully opposed without addressing the underlying social, political and economic factors – including denial of human rights and poor governance – that might contribute to the radicalisation of individuals. This is an important part of our work overseas – we work with partners to counter violent extremism and address the causes of extremism.

Much of our work in and with partners overseas is about building those partners' political will, and operational capability, to counter violent extremism. This work is supported by our £35 million counter-terrorism programme fund which is focused on those countries where the growth of violent extremism or terrorist groups pose the greatest threat to the UK or to UK interests overseas.

In allocating these funds we seek to ensure that no projects have a negative impact on human rights, and that, where appropriate, human rights goals are included in the projects themselves.

Syria – imams and Islamic institutions for promoting women's rights

The Syrian government's 10th national five-year plan admitted that the prevalence of stereotypical views of women made the integration of women in economic, social and political life difficult. An FCO-funded project was designed to tackle these stereotypes and promote gender equality while supporting mainstream voices and establishing a platform for future co-operation with imams and Islamic institutions. We are providing funding to the UN Development Fund for Women to explain the UN Convention on the Elimination of All Forms of Discrimination against Women to imams and Islamic institutions through training courses, and the distribution of leaflets to help integrate safeguards preventing discrimination into these institutions' activities, and to help them to support women's human rights claims directly.

The UK works to ensure that all its counter-terrorist co-operation with partners overseas is in compliance with our domestic and international law commitments. When we co-operate with countries whose practice raises questions about compliance with international legal obligations, we work to ensure that our co-operation accords with our international and domestic obligations, and also seek to develop and promote human rights in those countries. Human rights are, however, much more than an additional

In Libya in 2008, we funded the International Bar Association to deliver training on the rights of detained persons, the vulnerability of detained persons to mistreatment, and the requirements of a fair trial.

consideration in counter-terrorism work. They are essential to our goal, the ability of people to live secure lives, and the steps we undertake to achieve that goal. Lack of social and economic opportunities and the experience, or even just the perception, of injustice and corruption are drivers of radicalisation. We therefore support mainstream majority Islamic opinion in countering extremist propaganda and in tackling the political and socio-economic issues that terrorists seek to exploit.

International organisations

To support our efforts further, we work through the EU and the UN to use multilateral tools to strengthen the international response to terrorism. In December, the UK co-sponsored a UN General Assembly resolution on the subject of human rights and counter-terrorism, reaffirming the centrality of human rights to this issue.

Developments in the EU and UN over the past year on the question of the freezing of terrorist assets further demonstrate the importance attached to getting the balance on these issues right. The existing UN framework of organising a global response to listed terrorist suspects has proved a useful tool since 1999. The UK supported due process improvements to the existing UN Al Qaida and Taliban sanctions regime through Security Council resolution 1822, passed in June.

Concerns have been raised, including in legal challenges in European and domestic courts, about the adequacy of due process requirements in these measures. We continue to work with EU and international partners to enhance implementation of international sanctions mechanisms while ensuring there is an adequate degree of due process in the identification of individuals to whom restrictive measures are applied.

Tensions and challenges

In their response to our 2006 Annual Human Rights Report, the Foreign Affairs Committee recommended that we discuss the ethical dilemmas arising from the use of evidence and information possibly derived from torture in our next edition. We did this last year and are happy to

Bringing foreign policy home

The FCO has a programme of outreach to communities around the UK to engage on important foreign policy issues such as the Middle East Peace Process, Iraq and Afghanistan. Outreach events give ministers and policy-makers the chance to hear people's views on our policies first hand as well provide an opportunity to challenge the myths used by violent extremists in their attempts to radicalise others, for example in their arguments that our policies are "anti-Muslim". Since March, the Foreign Secretary has taken part in discussions in Tower Hamlets, Birmingham and Bradford. In Bradford the Foreign Secretary became the first cabinet minister to address a congregation at a mosque, reaching around 2,500 people. Feedback on the events has been extremely

positive with an appreciation on our willingness to engage on difficult and sensitive issues. FCO directors, directors general, and returning high commissioners and ambassadors have also taken part in 13 regional events since March 2008.



Foreign Secretary David Miliband addressing worshippers at Friday prayer at Madni Jamia Mosque.

In the Ein el Helweh Palestinian camp in Lebanon we are funding activities designed to improve access to economic and educational opportunities at local and national levels. These activities include providing vocational training in areas in which skills are lacking but jobs are available, providing counselling for students at risk of dropping out of school, and providing basic literacy and numeracy classes for students who have already dropped out.

The use of intelligence possibly derived through torture presents a very real dilemma, given our unreserved condemnation of torture and our efforts to eradicate it. Where there is intelligence that bears on threats to life, we cannot reject it out of hand. What is quite clear, however, is that information obtained as a result of torture would not be admissible as evidence in any criminal or civil proceedings in the UK. It does not matter whether the evidence was obtained here or abroad.

Deporting foreign national terrorist suspects

The government believes that individuals who are not British nationals and who pose a threat to our national security should not remain here. So we have worked hard to secure arrangements with other countries to allow us to deport them, a policy known as deportations with assurances. The aim of this is to make it possible for us to deport foreign national terrorist suspects to their countries of origin, in full compliance with our international human rights obligations, including the European Convention on Human Rights and the UN Convention Against Torture, the latter of which provides that "no party shall expel, return or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture".

We have therefore negotiated memoranda of understanding and exchanges of letters at a high level with

repeat the core point again this year. We see our human rights and counter-terrorism agendas as generally mutually reinforcing, and aim to incorporate human rights throughout our counter-terrorism work. This is both because we believe it is the right thing to do and because respect for human rights is essential to achieving our broader goals. At the same time we need to be open in acknowledging challenges and difficult decisions in some areas.

One example is the question of the use of intelligence provided to the UK by other countries. The provenance of such intelligence is often unclear – partners rarely share details of their sources. All intelligence received, whatever its source, is carefully evaluated, particularly where it is clear that it has been obtained from individuals in detention.

a number of countries. These arrangements provide assurances on the treatment of individuals on return and can cover a range of rights, including the right to a fair trial, the right to life and the prohibition of torture.

Our approach contains a number of key safeguards, including the right of all deportees to independent judicial scrutiny of their case. All decisions to deport are subject to a right of appeal and the decision can ultimately be challenged before the European Court of Human Rights. In the past year, cases where assurances have been given have been appealed through the judicial system. The principle of deportation with assurances has been comprehensively scrutinised by the courts and upheld.

We also believe that our work on deportations with assurances is having a positive effect on the overall human rights situation in the countries concerned, allowing us to engage with these governments on human rights issues. In addition, in the countries with which we have memoranda of understanding, local NGOs have been appointed as monitoring bodies to follow up on the safety of those deported on their return. We have invested considerable resources to strengthen their capacity, including facilitating workshops and training in international human rights law, forensic medicine and recognising signs of torture. This work has benefited not only the monitoring bodies, but also the wider community, imparting understanding of a wide range of international human rights norms, and practical methods for their implementation.

Guantanamo Bay

The UK has long considered that the circumstances in which detainees are currently held indefinitely at Guantanamo Bay are unacceptable and that the detention facility should be closed. We therefore welcome President Obama's Executive Order to close Guantanamo Bay within one year, and further Orders on detainee treatment and interrogation techniques. These early moves demonstrate a real commitment to address the challenges of violent extremism in a manner consistent with upholding the rights of individuals, civil liberties and the rule of law. The UK has already made a significant contribution to decreasing the number of detainees at Guantanamo Bay and we encourage our European Partners to follow our lead in this regard. We stand ready to work closely with the US in ensuring both potential security and human rights concerns posed by the release of the detainees are appropriately addressed.

UK nationals and residents

In 2004 and 2005, the UK was the first government to secure the release of all its nationals detained in Guantanamo Bay. We have since gone further and requested the release of all those held there who were previously legally resident in the UK. Four of these men were returned to the UK in 2007 following negotiations with the US government. We continued to discuss the case of Binyam Mohamed with the US at all levels of government, throughout 2008 and early 2009. As a result

of these discussions we are pleased that Mr Mohamed was able to return to the UK on 23 February 2009 following his release from Guantanamo Bay.

Discussions with the US on Binyam Mohamed also focused on ensuring that material potentially relevant to his defence in any trial in the US was provided to his legal team by the US. This follows judicial review proceedings brought against the UK Government by Mr Mohamed's lawyers in order to obtain this information. In preparing for the judicial review, government departments discovered a limited amount of information which we determined was potentially relevant and could support Mr Mohamed's defence. The Government took the view that Mr Mohamed should have access to this information. However, disclosure of US information by the UK would breach the trust and confidentiality at the heart of our intelligence relationship with the US and other intelligence partners. We therefore made strenuous efforts to assist Mr Mohamed's lawyers in obtaining this information through the US legal system. We welcomed the decision of the US to disclose documents that were the subject of the court proceedings here to Mr Mohamed's US lawyers. The charges against Mr Mohamed at Guantanamo Bay under the Military Commissions Act were dropped without prejudice in October 2008.

We have taken Mr Mohamed's allegations of mistreatment during his detention very seriously, raised them with the US government and asked them to investigate. In the course of the judicial review, allegations were also made about UK complicity in Mr Mohamed's alleged mistreatment. The Home Secretary has referred the question of possible criminal wrongdoing to the Attorney General. This is, as the Court acknowledges, the proper legal process. We unreservedly condemn the use of torture. The government abhors torture. We do not practise it, order it from others or condone it, and we investigate allegations of it. This has underpinned our approach to Mr Mohamed's case throughout.

The US has not agreed to the release and return to the UK of Shaker Aamer, the last remaining UK resident at Guantanamo Bay, in light of security concerns they have expressed in relation to his case. However, we maintain a dialogue with the US regarding Mr Aamer's case and welfare, and we have made clear to the new Administration that our request for his release and return stands should the US position change.

Rendition

The terms 'rendition' and 'extraordinary rendition' have yet to attain a universally accepted meaning, other than the transfer of an individual between jurisdictions outside normal legal processes such as extradition, deportation, removal or exclusion. The UK opposes any form of deprivation of liberty that amounts to placing a detained person outside the protection of the law. If we were requested to assist another state in a rendition operation, and our assistance would be lawful, we would decide whether or not to assist taking into account all the circumstances. We would not assist in any

case if to do so would put us in breach of UK law or our international obligations.

In recent years, however, public debate has focused on the term 'extraordinary rendition'. This is generally understood to refer to the extra-judicial transfer of persons between jurisdictions specifically for the purposes of detention and interrogation outside the normal legal system, giving rise to an increased risk of torture or cruel, inhuman or degrading treatment. UK policy on such extraordinary rendition is categorical: we unreservedly condemn any rendition to torture. We have not approved and will not approve a policy of facilitating the transfer of individuals through the UK to places where there are substantial grounds to believe they would face a real risk of torture.

Use of Diego Garcia for rendition and other allegations

Given our clear policy on rendition and the imperative of providing accurate information to Parliament, we were disappointed to learn from the US in February of two occasions in 2002 when a US plane with a detainee aboard refuelled at the US military facility in the British Indian Ocean Territory of Diego Garcia. On 21 February, the Foreign Secretary made a statement to Parliament expressing deep concern and disappointment at the news and its late emergence. He asked officials to compile a list of flights where the FCO had been alerted to concern about rendition through UK territory.

The list, which was made available on the FCO website, was passed to the US government on 15 May. The Foreign Secretary made a statement to Parliament on 3 July communicating the US government's confirmation that there have been no other instances in which US intelligence flights landed on UK territory with a detainee on board since 11 September 2001. The US government has subsequently underlined its firm understanding that there will be no rendition through UK territory or airspace without first receiving our express permission. We have made clear that we would only grant such permission on a case-by-case basis and if we were satisfied that the rendition would accord with UK law and our international obligations.

As a result of this new information, previously made allegations about detention on the island or on prison ships around it have received increased attention. The US government denies having interrogated any terrorist suspect or terrorism-related detainee on Diego Garcia since 11 September 2001. They have also informed us that no detainees have been held on ships within Diego Garcia's territorial waters over that period, and that they do not operate detention facilities for terrorist suspects on board ships.

Counter-proliferation and human rights

The UK is committed to mainstreaming human rights in our counter-proliferation objectives and strategy. This section focuses on the work we are doing to prevent the proliferation of conventional weapons. In the first part of this section we demonstrate how we are working internationally to promote human rights through our counter-proliferation programme. In the second part we outline some of our efforts to encourage a responsible trade in arms.

Small arms and light weapons

Our objective is to tackle the humanitarian, human rights and developmental consequences of the uncontrolled spread and accumulation of small arms and light weapons (SALW). States have an inherent right of self-defence and therefore the responsible trade in arms is legitimate. But illicit small arms and light weapons are instrumental in the deaths of hundreds of thousands of people annually and foster criminal activities such as drug-trafficking and the financing of organised crime. We are working to stop the destabilising accumulation of weapons, to destroy excess stocks, and to tackle illicit weapons transfers.

The main international instrument on small arms is the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA). We are committed to its full implementation.

At the UNPoA third biennial meeting of states in New York in July we pushed for more action on illicit brokering. The meeting agreed a set of strong recommendations to implement the findings of the Group of Governmental Experts that had met in 2006 and 2007. We also produced leaflets explaining how we are able to channel assistance to other countries to help them take forward work under the UNPoA. This was welcomed by large numbers of states, UN agencies and civil society.

In addition, we continue to seek to establish common norms and principles, primarily through regional and sub-regional co-operation on transfer controls, and work closely with our NGO and international partners to make sure this work is as effective as possible.

We work closely with our partners in DfID and MOD to address the long-term structural causes of conflict, manage regional and national tension and violence, and support post-conflict reconstruction, through a Security Sector Small Arms and Light Weapons Strategy.

Since 2001, the UK has provided over £35 million in support of projects, often implemented through our NGO and UN partners, to reduce the demand for, and availability of, small arms and light weapons. In 2008 and 2009, we are funding over 10 such projects worth £3.2 million in Africa, eastern Europe and Asia.

Security Sector SALW Strategy Projects in 2008

We are:

- mainstreaming small arms and light weapons control and reduction measures into wider defence relations; foreign policy; and conflict, security and development programmes;
- continuing support for the implementation of national plans and regional and international agreements to control small arms and light weapons, including the UNPoA;
- continuing to support the Nairobi-based Regional Centre on Small Arms, which helps countries in central and eastern Africa to strengthen their controls on small arms;
- giving assistance to weapons destruction programmes;
- support internationally renowned research and analysis, in particular the Small Arms Survey, which published its 2008 yearbook in August on the themes of risk and resilience, including an overview of the burden of armed violence; and
- supporting a series of assessments by SaferWorld of current legislation regarding transfer controls.

To promote better small arms control, we are also leading a process in the OECD to draft programming guidance for donor countries on how to control small arms and reduce armed violence in poor countries. We participate in, and fund work on, small arms under the auspices of the UN Institute for Development and Research, UN Office for Disarmament Affairs, EU, OSCE and the Wassenaar Arrangement.

Cluster munitions

On 3 December, the UK joined over 90 countries in Oslo in signing the new Convention on Cluster Munitions (CCM), which achieved our shared aim of banning the use, production, transfer and stockpiling of cluster munitions that cause harm to civilians. This is the most significant new arms control agreement in recent years and will make a real difference to the lives of those affected by these weapons, preventing future use and proliferation, and facilitating international assistance to clear contaminated areas and provide support for victims.

The UK played a leading role in bringing about this strong humanitarian-focused Convention. The UK's bold step during the final negotiations in Dublin in May, when the Prime Minister announced that the UK would support a ban on all cluster munitions, including those still in service in the UK armed forces, broke the deadlock and paved the way for the adoption of a strong Convention on 30 May.

"Political leaders must show they are prepared to listen and respond to the voices of victims of cluster munitions, of civil society and ordinary people....I'm convinced that what we are doing today will help to make the world a safer, better place. On behalf of the United Kingdom, it's therefore my privilege and honour to sign this Convention."

David Miliband MP, Foreign Secretary, 3 December 2008.

Working with civil society

Throughout the "Oslo Process", which led to the CCM, civil society played a key role. The Convention is an example of what can be achieved when like-minded countries join forces with civil society. Participants in the negotiations in Dublin were determining when military necessity should yield to the requirements of humanity. For countries like the UK, which have ongoing military commitments, this was not an easy task. There is tension between our humanitarian concerns and the imperative to maintain the military capability our armed forces need for their own protection. The involvement of civil society helped to ensure that humanitarian concerns were given due weight. It is right that an energetic civil society challenges governments so that the right balance is struck between military necessity and humanitarian concerns.

As the Foreign Secretary said when signing the Convention, "it's only the beginning". There is still work to be done on tackling the threat posed to civilians by cluster munitions. We want those countries that have yet to join the Convention to follow our example and do so. Our goal is a global treaty on cluster munitions. But this will take time. That is why in parallel with efforts to secure the widest possible adherence to the new Convention we will continue work to address the use of these weapons within the UN framework where these countries are present. The actions we take nationally will also be important in promoting the CCM and its spirit. We are implementing the Convention's key provisions. Our armed forces have taken all remaining cluster munitions out of service and placed them into a destruction programme. The Department for Business Enterprise and Regulatory Reform has taken an immediate step to prevent proliferation by making cluster munitions subject to the most stringent trade controls. Through DfID we are supporting efforts to end the suffering and casualties caused by cluster munitions by contributing over £10 million a year to clearing landmines and other unexploded ordnance, including cluster munitions.

A responsible arms trade

As one of the world's largest arms exporting countries, the UK is committed to responsible arms trading. All UK arms exports are therefore rigorously assessed against strict criteria, including on human rights, to ensure they are not misused or diverted for misuse. We publish full details of

our exports annually in the United Kingdom Strategic Export Controls Annual Report.

Arms Trade Treaty

We continue to play a leading role in working towards a global agreement on a legally binding Arms Trade Treaty (ATT) to prevent the irresponsible trade in conventional arms. This will help regulate the global arms market to prevent weapons reaching the hands of terrorists, insurgents and human rights abusers. One of our priorities is to ensure that human rights, international human rights law and sustainable development criteria are reflected in an ATT.

We work closely with our NGO partners, particularly through the Control Arms Campaign, to raise awareness of an ATT domestically and globally. During 2008, we have helped them achieve notable successes in Africa and the Caribbean, where NGOs have held seminars and conferences on the ATT. We have also assisted them in their continuing advocacy campaigns in countries where there is reluctance to support the UN ATT process.

In the period between February and August, we participated in a series of meetings of 28 experts convened by the UN. We helped balance the views of sceptics and supporters to gain agreement for a report, at the end of this process, calling for further UN work towards an ATT. On 9 September, the Foreign Secretary welcomed leaders of international trade groups, faith groups, civil society and

"The ATT presents the UN with a new way to address the relationship between conflict, poverty, human rights, development and trade."

Anna Macdonald, Conflict and Humanitarian Campaign Manager, Oxfam, in the FCO newsletter *News and View*, September-October edition.

academia to the FCO, and reiterated the wider benefits of an ATT and the government's commitment to work with our partners outside government to pursue such a treaty.

In October, we introduced with six partners (Australia, Argentina, Costa Rica, Finland, Kenya and Japan) a new UN resolution to take forward work on an ATT in 2009. On 24 December, despite reluctance from some countries to move forward so quickly, we received overwhelming support for the resolution with 131 countries supporting it in the UN General Assembly.

Export licensing

The UK is committed to ensuring that the defence industry is responsible. This is reflected in our approach to the management of arms transfers, where the UK is committed to a rigorous and accountable licensing system. We assess all export licence applications carefully against the Consolidated EU and National Arms Export Licensing Criteria. We are conscious of the impact that inappropriate defence exports can have on stability, security and the protection of human rights. The UK played a major part in establishing these criteria as an EU code of conduct. All EU member states now assess their defence exports against the consolidated criteria.

Criterion 2 of the EU code of conduct: "The respect of human rights and fundamental freedoms in the country of final destination."

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, the government will:

- not issue an export licence if there is a clear risk that the proposed export might be used for internal repression; and

FCO Minister Bill Rammell delivers the opening speech at a meeting with the London-based diplomatic corps on the Arms Trade Treaty, 9 October 2008.



- exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, Council of Europe or EU.

Considerations under Criterion 2 extend beyond simply internal repression. The government also examines the likelihood of the export being used to violate fundamental human rights during armed conflicts. Abuse of the human rights of combatants and non-combatants alike has the potential to escalate and extend periods of warfare.

When assessing the likelihood of the goods we export being used for human rights violations, we look at the human rights record of the ultimate end user and at the exact nature of the equipment being exported. We use many sources to inform our assessment: our diplomatic missions overseas, reports from international and local

NGOs, and media reports. We try to build a balanced picture of the human rights situation in the destination country for each application.

EU member states have agreed that, should any state refuse an export licence, including on human rights grounds, they will notify all other members. We have also agreed that if any member state subsequently receives an export licence application for the same or similar items for the same end user they will consult the first refusing state before considering the authorisation of an export. This co-operation makes it less likely that arms will be exported in breach of the code of conduct.

The UK is committed to ensuring the utmost transparency in its export licensing process, while bearing in mind the need for commercial confidentiality. Quarterly statistics on strategic export controls and annual reports are available online at www.fco.gov.uk (click on "About the FCO", "Publications and documents", "Publications" and then "Annual reports").

Promoting a low carbon, high growth global economy

Introduction

The Stern Review demonstrated that an unstable climate will undermine the conditions necessary for economic growth in both the developed and developing worlds and make it impossible to achieve the Millennium Development Goals (MDGs). It is clear from the International Energy Agency's (IEA's) *World Energy Outlook* www.worldenergyoutlook.org that the existing high carbon global economic model is unsustainable. If we are to prevent dangerous climate change and attain security, prosperity and greater equity for all, it is therefore essential that we achieve a fundamental shift from a carbon-intensive to a low carbon global economy.

To help achieve this, one of the FCO's strategic objectives is to promote a low carbon, high growth global economy and this objective is highly relevant to human rights. The risks of dangerous climate change pose a fundamental threat to the well-being of the world's population, particularly the poorest. The global economic crisis is making many ordinary people anxious about their livelihoods. In these times of global economic uncertainty, it is vital that action is taken to restore economic and financial stability which supports households and maintains the benefits that globalisation has brought.

2008: the year of the call to action on the Millennium Development Goals

At the start of the new millennium, world leaders gathered at the UN to make a promise: to do everything within their power to halve extreme poverty by 2015. Agreed at this summit were the MDGs – a set of clear and measurable targets on a range of vitally important issues such as increasing the number of children in school, improving healthcare, reducing maternal and child deaths, combating major diseases and preventing environmental degradation. All of these make a huge difference to the quality of people's lives. Half-way to 2015 we have made some significant progress: three million more children survive every year, two million people now receive AIDS treatment and 41 million more children are in school. Some two million lives are saved every year by immunisation, while polio, leprosy and neonatal tetanus are on the verge of elimination.

FCO works closely with the Department for International Development (DfID) on the contribution that human rights and democracy make to poverty reduction. The MDGs and human rights can offer support to one another; MDGs are important political milestones for economic and social

rights, while a human rights approach to the MDGs can reinforce the legitimacy, equity and sustainability of MDG attainment strategies. For example, the right to work, set out in international human rights treaties, has a political milestone in MDG1 'Eradicate extreme poverty and hunger' with target 1.B 'Achieve full and productive employment and decent work for all, including women and young people'.

The biggest challenge to meeting the MDGs lies in Africa. There has been progress in most African countries – for example, funding from the UK has helped seven million people gain access to clean water and sanitation in the last four years. However, the region is unlikely to meet its development targets by 2015. The UK has attempted to accelerate progress towards the MDGs at the major international events in 2008, including the EU June Council, G8 Summit, Accra Agenda for Action (aid effectiveness) in September and the UN High Level Event on the MDGs in September.

DfID has responsibility for setting policy based on the MDGs, while the FCO, especially its network of Posts, plays a key role in building the international support needed if the MDGs are to be achieved. This is particularly important at a time when the global economy is facing a significant slowdown.

In January, the UN Secretary-General and the Prime Minister were joined by a group of governments, faith groups, NGOs and the private sector at Davos to declare 2008 as the critical year to make progress on the MDGs. At the European Union's June Council, EU heads of state welcomed the Agenda for Action on the MDGs. The Agenda for Action set out how EU member states intend to keep their commitments and deliver their aid pledges. The Agenda includes milestones on health, education and water, and the EU's contribution to these up to 2010. At the G8 Summit in Japan in July, members of the G8 reaffirmed the promises on official development assistance they had made in 2005 in Gleneagles. The G8 also made specific commitments on climate change, food security, malaria and increasing the number of health workers in Africa.

On 10 March, the UN Secretary-General announced he would host a High-Level Event on the MDGs in New York intended to galvanise action towards achievement of the MDGs by 2015. On 25 September, the UN Secretary-General and the President of the General Assembly hosted the High-Level Event on the MDGs, which was attended by heads of state and government, chief executive officers (CEOs), philanthropists, civil society and faith leaders, and several celebrities. In his closing statement, the Secretary-General noted that the event managed to generate new commitments totalling \$17.5 billion, including an estimated \$4.5 billion for education and \$3 billion for malaria. The High-Level Event brought together the widest coalition yet to commit action on the MDGs, not only from governments, but also from leaders of foundations, faith groups, the private sector, NGOs and cities.

The Strategic Programme Fund (SPF) for low carbon, high growth supports the adoption or implementation of economic policies and regulatory frameworks in emerging markets. This will support equitable growth and encourage an open international economy, as well as work to help decision-makers understand the value of open and fair multilateral trade and investment systems.

Example The programme is currently supporting anti-corruption projects in a number of countries. The projects focus on strengthening and building capacity in the authorities responsible for fighting corruption and improving the oversight of public finances. Systemic corruption drains government and development resources and raises the cost of doing business. In the Philippines, a project to train civil society groups to participate in the monitoring and evaluation process of local government infrastructure projects has resulted in improved local government processes, and funding has been sought for a number of uncompleted local infrastructure projects.

From 29 November to 2 December, the Financing for Development Review Conference (FfD) in Doha took place, the follow-up to the 2002 Monterrey Consensus. FfD took place during a difficult economic climate. Importantly, consensus was reached on the far-reaching impact of the financial and economic crisis on global development objectives. Existing Overseas Development Assistance (ODA) commitments were reaffirmed and there was important reference to the Accra and Paris aid effectiveness agendas. The UK is continuing to ensure that the strong commitments to development and the MDGs expressed at the High Level Event on the MDGs in New York and at the Financing for Development Review Conference in Doha do not waver as a result of the international financial crisis and economic downturn.

Reducing aid at a time when domestic revenues are decreasing would deliver a double blow to developing countries, compounding the difficulties they face in managing their finances, and possibly leading them to sell off national assets cheaply or to borrow unsustainably to meet short term funding needs. Declining aid budgets in the years ahead would exacerbate pressures that food and energy prices are already inflicting on these countries and constrain our ability to help them adapt to climate change.

The UK's existing commitments to international aid including budgetary support will be honoured. We are leading the way in encouraging other donor governments also to deliver on their commitments and ensuring that the world's richest do not renege on their promises to the world's poorest. The UK is committed to accelerating progress towards meeting the MDGs and our position on meeting ODA commitments and maintaining the Paris principles remains unchanged. Specifically, the UK remains on track to:

- meet our Gleneagles (2005) commitments to double aid to Africa (between 2004 and 2010 from £1.3 billion to £2.6 billion);
- maintain the UN target of 0.15 per cent of ODA as a percentage of gross national income (GNI) going to the least-developed countries agreed at Monterrey Consensus in 2002;
- meet our commitment to spend 0.56 per cent of our national income on ODA in 2010-11, exceeding the EU's commitment to a minimum of 0.51 per cent; and
- Spend 0.7 per cent of our national income on ODA by 2013, two years ahead of the EU target.

Global business and trades unions

The FCO is a member of the UK National Contact Point (NCP) Steering Board, responsible for the implementation in the UK of the OECD guidelines for multinational enterprises. Through our posts overseas, we support the work of the UK national contact point, encouraging British companies to meet their obligations to their workers under these guidelines.

There are also a number of other initiatives that the FCO has been involved in this year which have promoted ethical business practices. The Voluntary Principles on Security and Human Rights (VPs) was set up in 2000 as a joint FCO and US State Department initiative. The VPs were aimed at providing guidance to companies in the extractive industry sector on ensuring the safety of their personnel and security of installations in insecure environments while at the same time respecting human rights. The initiative provided practical guidance to companies on how to do this. For example, companies should now vet their security providers and give them human rights training. The VPs address three areas of interest to companies and NGOs: risk assessments, engagement with public security and engagement with private security. By ensuring that human rights are upheld, it is hoped that the VPs will help reduce tension between the companies and the communities in which they work.

In addition to these there are a number of other overseas corporate social responsibility initiatives which are run by DfID and supported by our network of overseas posts. These are:

- the Medicines Transparency Alliance (MeTA), which seeks to improve access to medicines by increasing transparency and accountability in the healthcare marketplace; and
- the Extractive Industries Transparency Initiative (EITI), which aims to strengthen governance by improving transparency and accountability in the extractives sector; and the Construction Sector Transparency Initiative (CoST), which seeks to bring together essential players in



Demonstrators outside the Zimbabwe Embassy protesting against the trial of Lovemore Matombo and Wellington Chibabe of the Zimbabwe Congress of Trade Unions.

publicly funded construction projects including government ministries and agencies, construction companies and contractors, and civil society. Cost pilots were launched in Tanzania, Zambia and the Philippines in 2008. The World Bank, Transparency International and the UK Anti-Corruption Forum are supporters of the initiative.

Trades unions play a significant social and political role in the UK and in many other countries (including developing countries and emerging markets). Beyond their traditional role in domestic labour relations and economic development in their home countries, they also influence policy on a wide range of international issues including human rights, democracy and good governance.

The FCO–Trades Union Congress (TUC) Advisory Council provides a formal structure within which British trades unions leaders can raise international issues of mutual interest with FCO ministers. The Council meets three times a year. Recent agenda items have included Zimbabwe, Burma, climate change and the UK's Global Europe agenda.

The FCO enjoys a close working relationship with unions at all levels. Throughout 2008, former Minister for Europe Jim Murphy held a series of seminars on EU issues in which UK trades unions participated. We have also worked closely on the situation in Zimbabwe and Burma. British trades unions policy officers work regularly with the FCO and British Ambassadors and High Commissioners meet TUC representatives before taking up their postings. UK trades unions, along with other stakeholders, participate in FCO

thematic consultations.

The trades unions are able to assist with the promotion of democracy elsewhere in the world. In Zimbabwe the local trades unions are still one of the only ways that people are able to exercise democracy and get their views heard. In Burma, there is no effective union organisation, though there is a strong union in exile in Thailand. However, the TUC remains an effective organisation in mobilising the region, keeping Burma high on the news agenda and supporting International Labour Organisation (ILO) action on forced labour.

Climate change

A stable climate is an essential public good. Delivering a stable climate is a security, prosperity and moral imperative, not simply an environmental challenge. It underpins much of what we try to achieve internationally. An unstable climate could threaten international peace and security, and the achievement or protection of many human rights. It also threatens to hold up or even reverse hard-won development gains, including attainment of the MDGs. The FCO is therefore working with a broad range of government and non-government partners to build the conditions for low carbon growth. We are doing this by developing and mobilising networks of influential friends and supporters in the public, private and third sectors globally, who will help us develop and amplify the argument that sustainable and equitable economic growth and individual security can only be delivered through the switch from high to low carbon growth.

The Intergovernmental Panel on Climate Change's fourth assessment report, issued in November 2007 and still considered the most comprehensive collation of international scientific findings, demonstrated the need for urgent action to cut greenhouse gas emissions and adapt to the unavoidable impacts of climate change.

The UK is therefore seeking to agree, at the UN Framework Convention on Climate Change meeting in Copenhagen in December 2009, a comprehensive, fair, global and long-term framework for addressing climate change. This framework must put us on the right pathway to stabilise emissions in the atmosphere at a level that avoids dangerous climate change – the target for this is limiting the global average temperature increase to no more than 2°C above pre-industrial levels.

In order to secure a successful outcome in Copenhagen, we need to build the right political conditions to enable leaders to take the difficult decisions needed. It requires leadership, and global agreement that urgent action is imperative and at the same time achievable. The FCO leads the UK's work to create these political conditions, working with international partners bilaterally and through multilateral

organisations, such as the G8 and UN, to encourage collective action.

One of our main concerns is that the voices of all countries should be heard in this debate, not just those of the world's major economies. Many countries vulnerable to climate change, in particular the Least Developed Countries and Small Island Developing States, have done least to cause the problem, but have been hardest hit by its effect. They are also often least well placed to act against it. Any global deal needs to address the responsibility and role of the industrialised nations. The FCO has therefore created the role of UK Climate Security Envoy for the Vulnerable Countries, working closely with DfID and our network of posts to raise awareness of these issues and help mobilise the voice of those countries. The FCO also works with Whitehall and EU partners to deliver ambitious 2020 targets at home. As the first country to commit itself to legally binding emissions agreements, the UK plays a valuable role by sharing our experience and encouraging others to follow our lead. We were also involved in intensive negotiations to finalise the EU 2020 package at the end of 2009, under which we have agreed to:

Grangemouth oil refinery, Scotland.



The low carbon, high growth Strategic Programme Fund (£13 million for 2008-09) supports the FCO's work on climate security, through funding projects in 15 key countries to help government's to develop and adopt policies that enable investment in low carbon ventures and which support Kyoto mechanisms and potential post-2012 commitments.

Example A project in Brazil is supporting the design of a framework for environmental and social criteria for biofuels production, through broad stakeholder engagement and an evidence-based approach that demonstrates to the government and private sector the benefits of adopting these criteria.

Example A project in Indonesia is strengthening law enforcers' capacity to combat illegal logging, as an essential precondition for demonstrating reduced emissions from deforestation and degradation in Indonesia, in the lead up to the agreement of a post-2012 framework.

The programme also supports the FCO's aim of mobilising influential friends and supporters through funding projects to help decision-makers and other key constituencies to understand the importance of a stable climate for their country's prosperity and security, and as a pre-condition for achieving global justice.

Example A project which brings together and encourages prominent and influential US corporations from a variety of economic sectors and geographic regions to take action to reduce greenhouse-gas emissions and to put pressure on federal efforts to address climate change.

Example A project in Mexico is producing a report on the economic effects of climate change for Mexico, which will be widely disseminated and discussed in government, civil society and business, to raise awareness and understanding of the need to tackle climate change now and to shape future policy and business and investment decisions.



- a 20 per cent reduction in EU greenhouse gas emissions by 2020 (increasing to 30 per cent when there is an international climate agreement); and
- ensure that 20 per cent of total EU energy consumption comes from renewables by 2020; and measures to support the development of carbon capture and storage, including up to 12 demonstration projects.

Human rights, development and poverty reduction

Improving health systems in developing countries so they promote greater equity will support progress towards achieving the health MDG targets and help address the social determinants of health. Following the launch of the International Health Partnership in September 2007, DfID has been working with the World Health Organization (WHO), the World Bank and other major donors to ensure that agreed country compacts, initially with Ethiopia and Mozambique to strengthen their health systems, are effectively implemented. The FCO continues to support DfID by encouraging other major donor countries to join the partnership.

In June, DfID launched a cross-government strategy to increase universal access to treatment for HIV/AIDS (see www.dfid.gov.uk/pubs/files/achieving-universal-access.pdf). The strategy sets out the UK's vision for and contribution towards achieving universal access to HIV prevention, treatment, care and support. It makes clear the need for greater efforts on HIV prevention; the need to maintain momentum on AIDS treatment and its sustainability; as well as the need to increase access to care and support services.

To achieve these goals the UK is working to promote and uphold the rights of those most affected by AIDS and to help developing countries build stronger systems and services in health, education, social welfare and justice.

The UK has committed to spending £6 billion on health to 2015. This will help maximise progress on AIDS through closer integration of AIDS, TB, malaria, sexual and reproductive health and rights, and maternal and child health services. The FCO is working with DfID to ensure that multilateral institutions like the WHO provide and advocate for leadership on comprehensive HIV prevention, treatment and care, and support programming incorporating sexual and reproductive health and rights. The FCO and DfID are also working with countries to support advocacy at national level where commitment to provide universal access is weak and uphold the rights of vulnerable groups.

In September, Department of Health, DfID and FCO ministers launched "Health is Global", a five-year government health strategy. The strategy recognises that safeguarding good health is not simply in the hands of individual countries. In a globalised, interdependent world, characterised by the increasing movement of individuals and populations and where disease recognises no borders, health has become a global issue.

This cross-government strategy aims to harness the opportunities of globalisation in order to improve the health of people across the world. One objective that the UK is working towards is bettering global health security by addressing global poverty and health inequalities. Specifically, we are working with the WHO in taking forward the key recommendations of the report by its Commission on Social Determinants of Health, published in August. This includes improving daily living conditions and

Removing user fees for health services in developing countries

The UK supports the WHO's goal of attaining universal coverage of health services – everybody should be able to access effective health services when they need them. For people to exercise their right to health care we need to help countries improve access and tackle discrimination. DfID has made a commitment to support countries that want to remove user fees for health services. In the last four years we have provided additional aid and technical assistance to Nepal, Burundi, Zambia and Ghana to enable them to provide health services, free at the point of delivery. In each case there has been a rise in the use of health services. In Burundi, for example, the use of outpatient services increased by 79 per cent between 2006 and 2007 following the abolition of user charges for children. These improvements should have a significant impact on child and maternal mortality, particularly in the more deprived communities.

creating social protection policies for all, as well as tackling the inequitable distribution of power, money and resources by improving governance.

In 2008, the FCO launched its revised sustainable development plan. The plan focuses on the FCO's revised strategic objectives and highlights how the FCO will meet its aims within the framework of the UK sustainable development strategy. Embedding sustainable development principles into policies that help improve the global economic situation will help to preserve the human rights of those in the poorest countries.

Prevent and resolve conflict

Introduction

Preventing and resolving conflict is one of the four policy goals that guides the work of the FCO at the heart of our strategic framework. And the National Security Strategy acknowledges violent conflict beyond our borders as one of the key inter-connected threats to the UK.

Conflict matters to the UK for various reasons. It can be a threat to the UK: to our territory (including the overseas territories), to our citizens, to our prosperity and economy, and to our armed forces. Defending our nation against such threats is one of the highest responsibilities of any government.

Global security creates the basis for growth and prosperity, for democracy and the development of human rights. But conflict can create an opportunity for international terrorist networks and organised crime. It impacts on our wider interests: poverty reduction, counter-proliferation, energy security and human rights.

The causes of conflict, including weak state institutions, poor governance, and inequalities within and between societies, all have the potential to create conditions in which human rights are ignored or abused. And conflict undermines the observance of human rights legislation and norms of behaviour. The most serious abuses of human rights take place against the backdrop of conflict.

Conflict is an issue where the UK can make a real difference. With our permanent seat on the Security Council, our key role in NATO, the European Union, the OSCE and the Commonwealth, as well as other international organisations, and our diplomatic network and international standing, we have the opportunity as well as the responsibility to work with our international partners to address threats to international peace and security. Addressing conflict requires us to take action across what has become known as the 'Conflict Cycle'.

We want better early warning and early action to prevent conflict and its recurrence. Human rights violations can be an indicator of an impending conflict. Reports of such violations can trigger international action to prevent conflict. Doing so successfully involves ensuring that the underlying causes of conflict are addressed, recognising that human rights, democracy and the rule of law are crucial requirements for just societies.

When conflict does occur, we need to be able to mobilise an effective international response to stop the violence. Peacekeeping missions have an important role to play in protecting vulnerable populations and promoting human rights. But in order to do so, they have to be designed properly, with clear and achievable mandates and sufficient

capable resources. As permanent members of the UN Security Council we take responsibility to ensure that this is the case. We also make it a priority to ensure that peacekeeping mandates include the promotion of human rights.

Stopping a conflict is one thing; building a sustainable peace can be a much bigger task. Too many countries fail to emerge from conflict successfully, making little progress towards good governance, the rule of law and economic growth.

The frequent recurrence of this problem means that it is a priority for action. In 2008, we started a programme of reform of international capacity with regard to early recovery. This followed the Foreign Secretary's chairing in May of a debate on peacebuilding at the UN Security Council. We are focusing on addressing three key credibility gaps:

- the lack of effective leadership for international efforts, behind a common and agreed strategy;
- weak national and international capacities, particularly civilian capacities; and
- lack of fast, flexible and predictable funding for peacebuilding.

The UN Secretary-General, Ban Ki-moon, is due to report by May 2009 on progress towards improving international post-conflict stabilisation and early recovery, and ideas for reform. This report will be a crucial milestone, not only in addressing the capability gaps, but also as a springboard for broader efforts to address international capacities.

Conflict prevention

A policy of prevention can help to avoid conflict and subsequent military intervention. Successful prevention can only be achieved by developing a strong system of early warning, backed by better international tools, such as negotiation and diplomatic efforts, to tackle the causes of conflict when they arise. In the UK it can also only be successful if part of a coherent, interdepartmental approach that takes full account of the observance of human rights – an increase in human rights abuses can be one early warning factor pointing to future state or societal collapse and a descent into conflict.

The UK supports the principle of the comprehensive approach to prevention. This is reflected through increased joint analysis, planning, training and deployments and programme delivery.

The Conflict Prevention Pools

Conflict prevention pools were set up in 2001 with the aim of enhancing the effectiveness of the UK's contribution to conflict prevention and resolution and post-conflict reconstruction by uniting UK expertise in development,

diplomacy and defence. In April, the Global Conflict Prevention Pool (GCPP) and Africa Conflict Prevention Pool (ACPP) were merged to form one pool called The Conflict Prevention Pool (CPP).

The pool is managed by DfID, FCO and MOD. Tri-departmental working was, and still is, a unique way of working, which allows the three departments to carry out a variety of activities in support of government-wide conflict prevention objectives to reduce the number of conflicts across the world. These include goals from supporting the implementation of national, regional and international agreements to control small arms and light weapons to funding the British Support Team in the Overseas Palestine Territories.

This has led to a shared understanding of conflict and greater co-operation in conflict prevention work, allowing each department to tap into the expertise of others and develop cohesive conflict prevention strategies, enabling us to focus our efforts where we can have the greatest impact. All three departments are currently working towards the shared conflict prevention Public Service Agreement target of:

A global and regional reduction in conflict and its impact through improved UK and international efforts to prevent, manage and resolve conflict, and to create the conditions required for effective state-building and economic development.

The pool primarily addresses the medium and long-term causes of conflict and tension, although they also fund some short-term interventions when needed. Long-term factors include aspects of social exclusion and human rights abuses, particularly where they relate to underlying causes of a conflict – such as Nepal and Burundi.

The CPP was allocated £112 million for the financial year 2008-09. When the pools were merged we prioritised six regions and set up programmes focusing on areas where the UK can have its biggest impact: Africa, the Middle East and North Africa, Russia and Commonwealth of Independent States, South Asia, the Balkans and the Americas. In addition to these regional programmes we also fund two thematic programmes, which deal with cross-cutting conflict prevention issues: security and small arms control and international capacity-building.

The CPP is subject to joint management and decision-making by the tri-departmental steering team. This team provides strategic direction for the pool as a whole and is responsible for recommending annual allocations to programmes based on shared conflict prevention priorities.

All programmes carried out a number of varied projects during 2008, with a high proportion dedicated to work aimed specifically at addressing human rights issues.

Mumbai Attacks

Between 26-29 November 2008 Lashkar-e-Toiba, a terrorist group based in Pakistan, attacked a number of sites in Mumbai, including luxury hotels, a railway station and a restaurant. Over 160 people were killed and at least 300 injured. One British National, and two dual nationals, were among the casualties. A Rapid Deployment Team (RDT) immediately deployed from London to support British High Commission staff and assist British Nationals in Mumbai. A team of specialists, including police and security officials also deployed within hours of the attack to help British High Commission staff and offer advice to the Indian authorities as necessary. The UK has urged Pakistan to move as rapidly as possible to bring those responsible for the attacks to justice.

| Regional programmes | 2008-09 |
|------------------------------|---------|
| Africa | £62.5m |
| Americas | £1.75m |
| Balkans | £7.85m |
| Middle East and North Africa | £4.9m |
| Russia and CIS | £4.48m |
| South Asia | £8.4m |

| Thematic programmes | |
|---------------------------------|--------|
| Security and Small Arms Control | £9.5m |
| International Capacity-Building | £7.12m |

Details of some of those projects and the overarching human rights aims of a number of the Pool's programmes are given throughout this section.

The UK will very rarely act alone; instead, it works as part of a wider effort to tackle the causes of conflict. The following examples illustrate the connections between conflict and human rights abuses, and how the extent of abuses can be used as a measure of the effectiveness of conflict prevention or resolution efforts.

The Africa Conflict Prevention Programme (ACPP) continues to develop a wide-ranging portfolio of activities, covering key themes in conflict prevention. Engagement is spread across the spectrum, from high-level work with the African Union (AU) to smaller, community-based projects.

It has been another challenging year for the **African Union**, which has responded to deteriorating situations or crises in Comoros, Kenya, Somalia and Sudan. The ACPP therefore continued to support the development of the main building blocks of the AU's Africa Peace and Security Architecture: the African Standby Force, the Panel of the Wise, the Continental Early Warning System and providing capacity building support.

In **Sudan**, we have supported the UN–AU work on the Darfur Peace Agreement (DPA) and Comprehensive Peace Agreement (CPA). At a more local level, the Sudan Peacebuilding Fund aims to develop local capacity to address the causes of conflict, giving a voice to those outside of the government and rebel movements.

With the escalation of fighting in the **Democratic Republic of Congo** (DRC), the amount of conflict prevention work we have been able to carry out in recent months has slowed, while peacekeeping activities have increased. Looting and abuse of the local population by unpaid troops has been one of the principal causes of insecurity in the DRC. Therefore, in 2008, some major ACPP projects focused on improving the living conditions of the Armed Forces of the DRC (FARDC) troops and their families.

Since 2004, we have supported Interpeace, an international NGO working on reconciliation and civil society in **Somalia**, in its programme to conduct extensive public consultations on issues essential to peacebuilding and state reconstruction. These consultations have brought together local communities, civil society representatives, women's groups, members of the Somali diaspora and political leaders across Somalia.

Following the disputed **Kenyan** presidential elections of December 2007, urgent funding was provided to the Panel of Eminent African Personalities led by Kofi Annan, whose successful negotiations ended the violence and set an

agenda for reform.

The report of the independent Commission of Inquiry into Post-Election Violence (CIPEV), published on 15 October, detailed violence that was both spontaneous and planned against people targeted because of their ethnicity or political beliefs. The Kenyan police were heavily criticised in the report for failing to anticipate, prepare for or contain the violence, and for using excessive force to suppress demonstrations. The Commission stated that individual members of the Kenyan police had committed serious human rights violations. The UK provided financial support to the CIPEV and a prior investigation by the Kenyan National Commission on Human Rights into the post-election violence. We have publicly pressed for implementation of the CIPEV recommendations.

We have regularly raised the issue of human rights abuses with the Kenyan government, including those committed in Mount Elgon. We have also provided human rights training for the armed forces, and are pushing for major reform of the police.

The International Military Assistance Training Team in **Sierra Leone** continued to focus efforts on the democratisation and professionalism of the Republic of Sierra Leone Armed Forces (RSLAF), as well as Peace Support Operations capacity-building. The RSLAF proved its ability to operate as an increasingly democratically accountable force, remaining non-political throughout the



A Congolese woman and her child fleeing the town of Kanyabayonga during the conflict in the DRC.

election process.

The ACPP continued to fund the development of peace support capability through the **Nigerian army** peacekeeping wing at Jaji and a programme for democratisation and improving the professionalism of the Nigerian armed forces. This will enable the military to fulfil its role as an effective peacekeeping force within the west African region, and to work with the authorities in Nigeria, in particular, to improve security within the Niger Delta.

Sexual and gender-based violence is a major problem in the Great Lakes region. In **Rwanda**, the ACPP funded an innovative project with the UN Development Fund for Women (UNIFEM) and the Rwandan Defence Force (RDF), which was successful in setting up helpdesks and cadet training manuals, and advocating an increased number of women peacekeepers.

The ACPP is working in **South Africa** to develop a strategy to help minimise the operational impact caused by the ban on HIV positive personnel in the security forces. The UN and the AU do not permit those who are HIV positive to deploy on peace support operations. This represents a significant problem for us in terms of training resources, and hampers the operational effectiveness of formed military units engaged in peace support operation activity.

Conflict continues in the Somali region of **Ethiopia**, where the Ethiopian military remains engaged in a counter-insurgency campaign. The UK strongly condemns terrorist groups operating in this region. We also continue to press the Ethiopian government to hold an independent enquiry into allegations of human rights abuses and to provide appropriate protection for the civilian population in the affected area. The UK has supported the UN in its efforts to work with the Ethiopian government to achieve this.

The government of Ethiopia has drafted new legislation for the regulation of civil society groups. We believe this draft legislation will seriously affect the ability of local civil society organisations to act independently and work in key areas related to human rights. Media freedom in Ethiopia continues to deteriorate. The Committee to Protect Journalists named Ethiopia the worst offender on press freedom in 2007. Access to its website was subsequently blocked. Journals not allied to the ruling party have been closed or had other barriers to free operation put in place. We continue to press the Ethiopian government to respect media freedom.

Peace talks between the Lord's Resistance Army (LRA) and the Ugandan government, which commenced in July 2006 in Juba, Southern Sudan, are supported by funding from the Africa Conflict Prevention Programme. They have been successful in bringing peace and security to **northern Uganda** and a negotiated peace deal, although the Final Peace Agreement has not yet been signed. This sustained peace and security has led to improvements in human rights across the conflict-affected region in northern

Uganda and contributed to a further normalisation of life allowing several hundreds of thousands of internally displaced people to return home. The UK has so far contributed £1 million to the UN to support the peace talks and has led work by the UN Security Council to support the Juba peace talks. While northern Uganda has been peaceful and stable, the LRA has continued to attack the local population in southern Sudan and northern DRC. In December, the LRA, retaliating against a regional military operation, stepped up its campaign, killing an estimated 200 people, abducting women and children, and forcing thousands to flee their homes.

Burundi faces huge challenges to recover from the legacy of over 12 years of civil war. The leadership of the last rebel group, the Forces for National Liberation, returned to Burundi from Tanzania in May to implement the Comprehensive Ceasefire Agreement (CCFA) signed in 2006. In 2008, the UK provided £550,000 for the South African Facilitation, which helped to bring this about. It is now imperative that real progress is made in implementing the CCFA.

During 2008, the human rights situation in Burundi deteriorated. More than 4,000 cases of human rights violations were committed in the first half of 2008 by law enforcement agents and civil servants. The government's commitment to punishing those responsible has yet to be fulfilled. Opposition parties, civil society and the media experienced increased restrictions on their civil and political rights and the independence of the judiciary and other national institutions was questioned. The soon to be created Independent National Human Rights Commission may lack the necessary powers to investigate and fight against impunity. DfID and SIDA, the Swedish International Development Co-operation Agency have a shared £2.2 million programme (over four years) to reform the justice system by building the capacity of legal personnel and institutions.

Work on national consultations for the establishment of a truth and reconciliation commission and a Special Tribunal for Burundi progressed slowly. With EU and like-minded partners, we have made clear to the government that for the 2010 elections to take place peacefully, an environment which allows freedom of political debate and of the press is required.

A fragile peace in **Côte d'Ivoire** has held since the signing of the Ouagadougou Accord in March 2007, which brought to an end five years of crisis. But significant human rights concerns remain, including the disproportionate use of force by police and reports of ill-treatment of detainees, continued insecurity in the north and west of the country, the persistent threat of sexual violence against women and girls, child labour (particularly on cocoa plantations) and trafficking. The lack of full restoration of state authority throughout the country, widespread racketeering and the absence of a functioning judicial system means that a culture of impunity for those responsible persists. The UK is

concerned that any further delay in implementing the peace process, or its failure, will prolong the abuse of human rights.

We have raised human rights issues in our regular bilateral discussions in London and in Côte d'Ivoire through our staff based in Abidjan. We also continue to raise human rights issues at the UN and through the ongoing support of the UN arms embargo and targeted sanctions, which have been in place since 2004.

There has been significant progress over the last two years of **Nepal's** peace process. Most remarkable were the largely peaceful elections in April in which the former rebel group, the Maoists, emerged as the largest party. Conflict Prevention Pool funding ensured that the UK was able to support peaceful elections by providing international and national monitors, supporting public security planning, and giving direct support to the Election Commission (see page 91).

The result of the elections is the Constituent Assembly, the most inclusive body in Nepal's history, mandated to draft a new constitution within two years. The constitutional issues it will face are complex and possibly divisive. But there is determination among Constituent Assembly members to deliver real change and a more inclusive and consultative Nepal.

Human rights concerns remain despite the progress. Public security continues to be poor, with a rise in political party youth groups competing to enforce their own 'rule of law'. This often results in violent clashes and undermines the state's law and order institutions. Violence in Nepal's southern plains, identified by the UN Secretary-General as one of the main human rights challenges facing the government, has reportedly increased since the elections. Political Interference in arrests and investigation prevent the police from carrying out their duties. Moreover, the police have been responsible for a number of serious violations, including 14 extra-judicial killings in 2008. To date, there has been no official investigations into these killings. The UK and its EU partners have repeatedly called for an end to violent behaviour from all parties.

One of our objectives in Nepal for 2008 and 2009 has been to strengthen the dialogue and process to address impunity and reconciliation as a key to building sustainable peace. The CCP is supporting the International Commission of Jurists, which is helping to develop a legislative framework that protects against impunity. In addition, the CCP has also funded minefield clearance and the UN believes Nepal is on track to be the first post-conflict country to be completely de-mined – a major achievement.

The Americas Programme

The Americas Programme has invested £1.75 million during 2008, supporting good governance and security sector reform. The programme has helped establish community-based policing in Bolivia, bringing the police closer to the

communities by encouraging responsible policing. This has helped break down barriers. The pilot project, which brought together the national police, the local authorities and our Embassy, was focused in the Max Paredes district of La Paz. The national police embraced the concept, and engaged the local community groups and leaders in the development of the policing strategies for the area. The police provided the manpower, and the communities have built modules for 'their' policemen. This has resulted in a fall in serious crime by more than 60 per cent over the three years of the project. The project is being extended to other areas of La Paz and to other cities in Bolivia, at the request of communities that have heard of its success.

The Security and Small Arms Control Programme

The Security and Small Arms Control Programme invests £9 million annually in a range of activities designed to improve the professionalism and effectiveness of the security sector in partner countries. The need for armed forces, police, intelligence services and the judicial and penal systems to respect human rights in accordance with international and national laws is mainstreamed in almost all security sector reform work funded by the programme. Of the total amount, we invest up to £3.5 million in defence education. The Advanced Command and Staff Course includes a module, "Law at the Operational Level", which covers the legal and human rights responsibilities of commanders on operations as a component of broader coverage of ethics in conflict situations. The rule of law is a central theme, which permeates the curriculum of the Managing Defence in the Wider Security Context course.

We have invested over £1 million in the Security Sector Development Advisory Team, which offers direct support to partner governments engaging in security sector reform. For example, the team has been assisting the Colombian armed forces to improve its human rights and international humanitarian law activities.

The International Capacity-Building Programme

The International Capacity-Building Programme (ICBP) has invested over £7 million for 2008 and 2009 to support capacity-building activities, both in the international institutions, particularly the UN, and in national capacity-building programmes. This support has assisted work on Children in Armed Conflict, the work of the UN Mediation Support Unit and raising awareness of sexual exploitation and abuse issues. In addition, the ICBP has supported the work of the UN Secretary-General's Special Advisor on Responsibility to Protect, Ed Luck, through funding various roundtable meetings and events to promote awareness of this issue. Some £4.9 million has been invested in ensuring there is more effective, efficient and prioritised UN-mandated peacekeeping. This has involved working to increase the numbers of better trained personnel (military, police and civilian), including supporting delivery of appropriate training in human rights and gender-based issues.

Peacekeeping and human security

Effective UN peacekeeping is crucial to the protection of human rights. The recent increase in operations is a positive development as it represents progress, albeit fragile, in resolving key conflicts, particularly in Africa. However, this is placing increasing strain on the UN. The UN has 20 peacekeeping and related missions worldwide, with over 130,000 personnel working in the field. It has limited HQ and field capacity, and staff are struggling to cope with the current situation. Member states are also struggling to provide the necessary troops and negotiators that peacekeeping operations need.

The UK plays a leading role in the UN Security Council in making sure that peacekeeping operations are properly managed. We are strong supporters of the UN's Department of Peacekeeping Operations, and will continue to work to try and ensure that the UN has the resources it needs to do a difficult job on behalf of the international community. The international resources – human, material and financial – for peacekeeping are limited. This means we will only deliver the highest quality peacekeeping in the areas where the need is greatest if we rigorously prioritise elsewhere.

The UK takes seriously cases of sexual abuse by UN forces. Peacekeepers play a brave and vital role in tackling conflict, and we expect the highest standards of conduct. We support the UN's "zero tolerance" approach to sexual exploitation, and are working with the staff to combat the problem. We fund the UN team that tackles misconduct by troops; and conduct and discipline are integral to the peacekeeping training we provide for other nations.

The Responsibility to Protect and other human security issues

The concept of the Responsibility to Protect is integral to our human rights, conflict and development work. In 2005, it was agreed that states bear the primary responsibility for protecting their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and that the international community has a responsibility to encourage and assist states to meet their responsibilities. This agreement by all UN members represented a clear commitment. The challenge now is to ensure implementation of this commitment.

On a national level we are working to ensure that a Responsibility to Protect dimension is included in work across our human rights, conflict, development and stabilisation agendas. We are working closely with EU partners to promote similar consideration at the regional level. At the UN, we welcomed the appointment of Ed Luck as the UN Secretary-General's Special Advisor and support his efforts to bring about a cohesive UN approach to the Responsibility to Protect and to implement this concept within the UN system. We have also funded civil society work on promoting, clarifying and building support for the Responsibility to Protect.

We also argue for action which makes a difference on the ground. For example, at the UN, the Secretary-General and others have cited the action taken by the international community in the case of Kenya earlier this year as an example of the implementation of successful Responsibility to Protect in practice. In the face of a crisis and the possibility of increasingly widespread violence, the response of the international community and the Security Council contributed to the resolution of the situation. In response to the situation in the DRC, the UK offered support to the UN's calls for reinforcements to the UN peacekeeping mission and co-sponsored a UN Security Council resolution increasing troop numbers to bolster the mission's capacity to protect civilians and maintain zones of separation between the rebel groups in the east of DRC. We also led Security Council action to support the peace process in northern Uganda and aimed at ending the violence by the LRA in Sudan and the DRC.

Children are particularly affected by armed conflict, as direct victims, as participants and through damage caused to their societies. In 2008, the UK has continued to support the work of the Special Representative of the Secretary-General on Children and Armed Conflict, Radhika Coomaraswamy, and has played an active role to ensure that the UN Security Council Working Group is effective. We worked closely with international partners in June to secure adoption of Security Council Resolution 1820 on sexual violence in conflict zones. This requested the Secretary-General to continue his efforts to strengthen implementation of the UN's 'zero tolerance' approach to sexual exploitation and abuse by peacekeepers.

The UK has also provided financial support to a number of programmes that help children affected by armed conflict. For example, the UK has contributed around £18 million to the 7-year Multi-Country Demobilisation and Reintegration Programme, a multi-agency effort led by the World Bank that supports the demobilisation and reintegration of ex-combatants in the Great Lakes region.

The UK also provides over £170 million funding for the Education without Borders campaign. This will help to ensure that education needs are met in humanitarian emergencies and provide education expertise and funding in countries affected by and emerging from conflict in Africa and Asia. The initiative includes a £20 million grant to UNICEF, which will also help deliver education in fragile states. Through the UK Conflict Prevention Pool, we also provide direct funding assistance to the Department of Peacekeeping Operations' Conduct and Discipline Unit and to the global network Watchlist on Children and Armed Conflict.

The UK is also at the forefront of international efforts to ensure the comprehensive and effective implementation of UN Security Council Resolution 1325 on women, peace and security.

We were among the first countries to draw up a national action plan for government personnel and departments to implement UNSCR 1325. We regularly review the plan in conjunction with civil society. We are raising awareness of gender in conflict by ensuring references in all relevant Security Council resolutions and in the mandates of peacekeeping operations, and are promoting the role of women in conflict prevention, peacebuilding and public life through forums in a range of conflict-affected countries.

We recognise that further progress is needed on the systematic involvement of women at all stages of the conflict cycle. The adoption of UNSCR 1820 was a significant step forward in acknowledging the link between sexual violence in conflict and international peace and security, in improving UN reporting requirements on the impact of women on conflict, and in focusing on longer-term tackling of sexual violence, including through encouraging reform of national judicial and security systems, and moving to end impunity for those who commit these crimes.

The UK is a strong supporter of the International Criminal Court, the International Criminal Tribunals and the Special Court for Sierra Leone (SCSL). We provide political support, funding (assessed and voluntary contributions) and practical assistance, including through sentence enforcement and witness protection agreements. For example, we have provided £18 million of voluntary contributions to SCSL since 2002, and we have concluded a sentence enforcement agreement under which, if Charles Taylor is convicted, he will serve his sentence in the UK. We are also supporting a BBC World Service Trust project to ensure that the Taylor trial, which is taking place in The Hague, is publicised and accessible to people in the region.

Post-conflict reconstruction and stabilisation

In light of the link between conflict and human rights abuses, a key element of engagement in conflict-affected states is the protection and promotion of human rights. Where conflicts are characterised by human rights violations, the establishment or strengthening of the institutions that protect human rights may make a recurrence less likely. Functioning and accountable security forces, which adhere to the rule of law, can help ensure that conflicts are settled by non-violent methods. Addressing past human rights abuses and promoting a culture of respect for human rights can strengthen confidence in peacebuilding and promote longer-term social and political reconciliation.

The Post-Conflict Reconstruction Unit, founded in 2004 when it was set up by DfID, FCO and MOD, was renamed the Stabilisation Unit in December 2007. The Unit's aim is to enhance the effectiveness of the UK and its international partners in stabilising countries facing, and emerging from, conflict. It facilitates integrated assessment and planning,

provides civilian experts to support stabilisation activities, captures knowledge and shares best practice.

Human rights are at the heart of the Unit's activities. It:

- promotes international human rights standards by ensuring that all stabilisation programmes uphold domestic and international human rights law, and domestic and international human rights obligations;
- ensures that human rights objectives are built into the planning and delivery of stabilisation objectives; and
- supports reform of security and justice in conflict environments, thereby reducing the risk that these institutions are themselves responsible for human rights violations.

The Unit aims to work as part of an integrated strategy and to ensure that the UK continues its efforts to provide an international lead in demonstrating a coherent approach to human rights and stabilisation.

The Stabilisation Aid Fund

The Stabilisation Aid Fund (SAF) came into operation in April 2008 to fund civil conflict stabilisation activities in volatile or hostile areas.

The SAF constitutes an essential component of enhanced UK efforts to bring about greater stability in countries emerging from violent conflict and build the conditions for longer term development. The SAF, which currently focuses on Iraq and Afghanistan, will make available some £269 million over a three-year period. When assessing any project bids funded by the SAF, we always consider the impact that activities could have on human rights and a number of our projects directly contribute to the improvement of human rights.

For example, in Iraq, we fund a justice adviser who is working with the Iraqis to draft and implement a model code on the use of evidence in the Iraqi court system and we fund forensics advisers who mentor the Iraqi police on the collection and use of forensic evidence. We are also working with the Iraqi police and Ministry of Interior to improve their internal investigation processes.

In Afghanistan, the UK has provided five officers from HM Prison Service to work with the Afghan Central Prisons Department. The officers train Afghan prison staff to raise their understanding of human rights issues, improving conditions for prisoners and managing the welfare of detainees.

The Peacebuilding Commission and the Peacebuilding Fund

The 2005 UN World Summit agreed the creation of a UN peacebuilding architecture, consisting of the Peacebuilding Commission (PBC), Peacebuilding Support Office (PBSO) and Peacebuilding Fund (PBF).

The PBC was formally established as a subsidiary advisory body of the Security Council and the General Assembly, and has 31 members on its Organisational Committee. The Commission's mandate is to assist countries emerging from conflict that might be at risk of relapsing into conflict. It advises on peacebuilding strategies in countries on its agenda, marshalling additional resources and facilitating coordination between the national authorities and major partners in the peacebuilding effort. When working in countries the Commission involves national and international stakeholders, including the national government, donors, neighbouring countries, regional organisations, the international financial institutions and civil society. The Commission envisages working with a country over a period of several years, to maintain the international community's attention and mobilise support during the fragile post-conflict period.

The Commission's priorities have included the promotion of good governance, reform of the security sector, access to justice, adherence to international human rights standards, youth empowerment, and economic and social recovery. The UK and key partners seek to ensure that the promotion and protection of human rights underpin all these efforts. In both of the first two countries on the Commission's agenda, Sierra Leone and Burundi, work has been undertaken to develop integrated peacebuilding frameworks and to help support specific peacebuilding efforts. Guinea-Bissau and the Central African Republic were added to the PBC's agenda in 2008.

The Peacebuilding Fund of the UN Secretary-General was established to provide catalytic funding in the immediate post-conflict period before mainstream development funds become available and to plug critical funding gaps thereafter. The UK, through DfID, has committed £30 million to this fund for the period 2006-09. Countries may become eligible for the fund, either through coming onto

the PBC's agenda, or by the designation of the Secretary-General. In Burundi, for example, the PBF supports:

- the establishment of an Independent National Commission of Human Rights;
- the re-launch of a national programme for the notification and enforcement of rulings and decisions rendered by courts and tribunals, together with capacity-building for judicial institutions;
- the rehabilitation of 17 local courts; and
- national consultations on transitional justice.

In Sierra Leone, it has supported capacity-building of the new Human Rights Commission and of the justice system, thereby preventing delays in trials and helping to clear the backlog of cases.

The Peacebuilding Support Office supports the work of the PBC in New York and in-country. It manages the PBF and is the coordinator of UN peacebuilding efforts worldwide, including working with the Office of the UN High Commissioner for Human Rights.

Private military and security companies

The Green Paper of 2002 on options for regulation set out a number of issues surrounding the regulation of private military security companies (PMSCs). As the industry subsequently expanded considerably, the then Foreign Secretary, Jack Straw, requested a further review of the options. This review, which was completed in 2005, considered a number of ways forward, including self-regulation through a trade association, national regulation



Sri Lankans demonstrate against emergency laws that allow security forces to detain suspects without trial.

based on export controls, and national regulation based on a company licensing system through primary legislation. Though there is no specific legislation on PMSCs in the UK, there is legislation penalising grave breaches of the Geneva Conventions, as well as torture, genocide, war crimes and crimes against humanity. This applies to acts committed by UK nationals overseas, ensuring that they can be prosecuted for these acts even if they take place overseas.

The FCO has also considered international regulation based on common international values and norms. We have supported the Swiss Initiative, launched in 2005 by the Swiss Ministry of Foreign Affairs' Legal Directorate and the International Committee of the Red Cross (ICRC), to promote respect for international humanitarian law (IHL) and human rights law (HRL) on the part of PMSCs operating in situations of armed conflict or post-conflict. It was a multi-stakeholder initiative that included states, NGOs, industry and academia, and has achieved its two objectives:

- to reaffirm and, where necessary, clarify existing legal obligations of states and other international actors under international law (especially IHL and HRL); and
- to identify good practices and regulatory options to assist states in promoting respect for IHL and HRL by PMSCs. (These good practices are non-binding guidelines on regulation that states may choose to follow.)

The states taking part – including the UK – agreed the document in the Montreux plenary on 17 September 2008. We are currently working with our international partners on taking the initiative forward.

Sri Lanka

The situation in Sri Lanka remains very serious. As the internal war with the Liberation Tigers of Tamil Eelam intensifies, allegations of extra-judicial killings, abductions, disappearances and violence and intimidation against the media continue. There has been little progress in the investigation of those incidents. The prevalent culture of impunity is one of the main obstacles to peace in Sri Lanka as it feeds mistrust among communities and means that those responsible for abuses are rarely brought to justice. In May, Sri Lanka lost its seat on the UN Human Rights Council in an election held by the UN General Assembly.

On 12 February 2009, as a result of our growing concerns for the situation in Sri Lanka, and as a result of our commitment to contribute to lasting peace in the country, the Prime Minister appointed Des Browne as his Special Envoy for Sri Lanka.

The withdrawal of the International Independent Group of Eminent Persons (IIGEP) is a matter of regret. IIGEP was tasked with observing the investigations and inquiries conducted by a Commission of Inquiry established by President Rajapakse. In IIGEP's public statement of 15 April,

the Group stated they were unable to conclude their mandate due to :

- a conflict of interest in the proceedings before the Commission;
- a lack of effective victim and witness protection;
- a lack of transparency and timeliness in the proceedings;
- a lack of full co-operation by state bodies; and
- a lack of financial independence of the Commission.

More recently, Sri Lanka has made an application to renew the EU's GSP+ (Generalised System of Preferences Plus) trade scheme, which grants extra import tariff reductions to countries that have ratified and effectively implemented 27 specified international conventions in the fields of human rights, core labour standards, sustainable development and good governance.

In October, the European Commission made a decision to initiate an investigation into the effective implementation of certain human rights conventions in Sri Lanka. The UK has urged the government of Sri Lanka to co-operate with the European Commission investigation.

There has been some progress. We welcome the recent agreement between the Sri Lankan government, the Tamil Makkal Viduthalai Pulikali (Tamil People's Liberation Tigers TMVP) and UNICEF to end the use of child soldiers. Under the agreement, children will be released and provided with reintegration assistance. The agreement also gives a timetable of required actions by the signatories over the next few months.

We encourage the further implementation of recommendations agreed to during the Universal Periodic Review, mandated by the UN Human Rights Council in May 2008.

The UK's work in Sri Lanka focuses on improving human rights and human security in vulnerable communities. Work with our partners promotes the ability of local communities to challenge injustice through the legal system and provide alternative avenues for dispute resolution. We also support local early warning systems and grass-roots dialogue aimed at improving coexistence and problem solving between diverse groups. We continue to work closely with UNICEF to support their work protecting children affected by armed conflict and put in place mechanisms to rehabilitate former child soldiers. Through partnership with Saferworld, we helped to establish a national plan of action for the control and elimination of small arms and light weapons. Additionally, our High Commission has been involved in providing access for training on international humanitarian law to lawyers from the Sri Lankan military and police. It has been very encouraging that this support has been actively sought.

Kashmir

Reports of human rights abuses on both sides of the Line of Control in Kashmir continue. The UK continues to urge the Government of Pakistan to take action against the presence and activities of militant groups in Pakistan-administered Kashmir. Levels of reported militant violence in Indian-administered Kashmir declined in 2008, but Indian authorities report that infiltration across the Line of Control continues. Cases of forced marriage and honour crimes in Pakistan-administered Kashmir remain of concern, as they do in the rest of Pakistan.

In March, it was alleged that over 1,000 unmarked graves had been found in the border regions near Uri. In the summer, clashes broke out between protestors and security forces in Indian-administered Kashmir, in a controversy over the Amarnath Shrine (a Hindu place of pilgrimage), in which over 50 people died.

Elections to the Legislative Assembly in Indian-administered Kashmir were held in November-December 2008. These passed off peacefully with a reported turnout of over 60%. A new state Government headed by the National Conference, in coalition with the Congress Party, came to power.

UK funding has supported human rights, conflict prevention and peace-building efforts on both sides of the Line of Control. These include educational development in

schools vulnerable to militant influence and the strengthening of civil society networks in Pakistan-administered Kashmir. In Indian-administered Kashmir, we are supporting media development programmes, as well as civil society exchanges across the Line of Control.

The Middle East Peace Process

The Annapolis Conference in November 2007 signalled an important return to negotiations. However, it did not deliver its ambitious goals.

Over the last year, both Palestinians and Israelis continued to suffer, even before the Gaza conflict. The Israeli Ministry of Foreign Affairs reported that 3,102 rockets and mortars were fired from Gaza into Israel during 2008. There was an increase in the number of suspected Palestinian terrorist attacks in Israel, from one in 2007 to three in 2008. The UN reported that Israeli forces killed over 457 Palestinians from January to 1 December 2008, including more than 50 children. Restrictions on movement and access in both Gaza and the West Bank remained severe, and contributed to a deteriorating humanitarian situation in Gaza. Illegal Israeli settlement activity increased throughout 2008, undermining confidence in Israel's commitment to the peace process.

As it became clear that Annapolis was not going to deliver on its ambitious goals, the UK began to explore additional



Kashmir: a disputed territory since 1947.



Palestinians queue for emergency supplies during the Gaza crisis.

ways to reinforce the peace process, and to deliver a two-state solution in the Middle East. The Foreign Secretary outlined the UK's approach in his speech in Abu Dhabi on 24 November. He emphasised that only a comprehensive peace – involving the whole Arab world could be lasting. Including the Arab states in a peace agreement will be crucial for its success, for only the Arab states can offer Israel broad regional security and give the Palestinian Authority broad regional support. As the Foreign Secretary set out: a 23-state solution in the Middle East, involving the 22 states of the Arab League and Israel.

By early December there were positive signs of renewed international determination. The Arab League reaffirmed its commitment to the Arab Peace Initiative, which offers Israel full normalisation of relations with the Arab world in return for withdrawal from occupied land, acceptance of a Palestinian state, and an agreed solution to the refugee problem. In a significant gesture, they wrote to President-elect Obama in December 2008 to emphasise their willingness to move forward with the Peace Process. The EU General Affairs and External Relations Council conclusions of December 2008 and UN Security Council Resolution 1850, passed with unanimous support, gave international backing to the Arab Peace Initiative and the comprehensive approach.

The Gaza crisis from 27 December 2008 to 18 January 2009 demonstrated the current fragilities and the difficulties

of advancing the peace agenda. Approximately 1,440 Palestinians were killed, along with 14 Israelis. However, the incoming Obama Administration has already signalled its intent to push forward with the Middle East Peace Process as a matter of priority. We share that commitment, and will work together with the Quartet (US, UN, EU and Russia) and regional partners towards delivering a comprehensive and lasting peace in the Middle East.

Georgia and Russia

On 8 August, Georgia launched an attack on Tskhinvali and began unilateral military action to recover the territory of South Ossetia. Within hours, Russian forces intervened in support of South Ossetia and invaded parts of the rest of Georgia. The conflict ended on 12 August. Despite a commitment to withdraw to their pre-7 August positions, Russian forces are still occupying parts of South Ossetia, Abkhazia and the rest of Georgia (Perevi). The UK, EU partners and Western allies condemned Georgia's initial military action, which was incompatible with its international commitments, but also consider that Russia's response was disproportionate and indiscriminate. Both Georgian and Russian military action were accompanied by human rights violations.

The conflict provoked a humanitarian crisis, with some 130,000 civilians displaced by the fighting. Of these,



Georgian refugees waiting for food at a Red Cross Kitchen in the town of Gori.

31,000 are still unable to return home. Meanwhile, a further 220,000 remain internally displaced from the previous conflict in the early 1990s. A significant number were also killed, though precise numbers are difficult to assess because Russia has yet to meet its commitment to grant independent monitors or humanitarian organisations unrestricted access to the conflict zones. What is clear is that Russian recognition of the separatist regions risks entrenching ethnic divisions by making it harder for internally displaced ethnic Georgians to return.

The UK, with EU and NATO partners, has insisted on the need for Russia to withdraw its troops to pre-7 August positions in compliance with the Sarkozy–Medvedev Agreements of 8 and 12 August. Russia has yet to comply fully. We hold Russia responsible for protecting human rights in all areas under its control. Violations of human rights continue to be reported. By unilaterally recognising South Ossetia and Abkhazia as sovereign states, Russia is breaching the principle of multilateralism and its own international commitments. By its intervention Russia has set a precedent for the use of disproportionate force to settle international disputes. NATO, the EU and G7 partners have denounced Russia's action as unacceptable. Negotiations on a new EU–Russia agreement were postponed.

We have supported international initiatives to resolve the dispute without entrenching Russia's military gains and are attempting to achieve a lasting peace settlement. These

include the EU-sponsored Geneva Talks on the crisis, which bring the parties together to address security, stability and the plight of internally displaced people. The UK has contributed personnel and equipment to the EU, UN and OSCE monitoring missions operating in Georgia. This includes a contribution of four armoured vehicles, 19 monitors and three Headquarters staff to the EU Monitoring Mission that was deployed to the country as part of the 8 September peace agreement. We, our EU and UN partners continue to press Russia to let the monitors carry out their mandates throughout Georgia, including in South Ossetia and Abkhazia.

The UK committed £2 million to humanitarian agencies providing assistance to affected civilians in Georgia and the Russian Federation. Of this, £1 million was allocated to the International Committee of the Red Cross for their operations in Georgia and North Ossetia in the Russian Federation. £550,000 has been allocated to the UN High Commissioner for Refugees (UNHCR). Further allocations have been made: £250,000 to the UN Office for the Co-ordination of Humanitarian Affairs (UNOCHA) and £200,000 to the Hazardous Areas Life-Support Organisation (HALO). Our support to UNOCHA will help to improve coordination of activities among the humanitarian community. Our assistance to HALO will help facilitate the safe return of internally displaced persons and people still living in the conflict zone, through the removal of unexploded ordnance from towns and rural communities affected by conflict. HALO is currently working in Abkhazia

and in the rest of Georgia, between Gori and the administrative boundary line. If and when they are allowed into South Ossetia, their work will have a significant role in establishing security for returnees.

In terms of longer-term development aid, the UK has given support and encouragement to the IMF plan, which was formally agreed on 16 September, for a \$750 million standby agreement. We support Commissioner Ferrero-Waldner's plans to give substantial aid to Georgia via the EU. Assistance of up to 500 million will be offered from 2008 to 2010, subject to a World Bank needs assessment. Help would be focused on aid for displaced persons, economic rehabilitation and infrastructure. This will be drawn from existing programmes' crisis budget streams.

Georgia and Russia have accused each other of committing war crimes. The UK believes that these claims need to be investigated thoroughly and independently, whether they were committed by Georgia, Russia or the *de facto* authorities in Abkhazia and South Ossetia. It is important to hold to account those responsible for abuses and violations of international humanitarian law, whoever they may be. The UK supported the UN mission that went to the conflict region, immediately after hostilities had ceased, to assess humanitarian needs. The mission returned on 21 September and issued an internal report. Following this, the UN Secretary-General announced his intention to send a further, broader 'fact-finding' mission, which will include a focus on human rights issues.

The EU agreed on 1 September that an independent international investigation, which the EU would fund, should examine the conflict. This inquiry is to look at the origins of the conflict in Georgia as well as accusations of war crimes and other human rights abuses that Georgia and Russia have levelled against each other. The inquiry will be funded by, and report to, the EU. It will be led by Heidi Tagliavini, a Swiss diplomat who has served as the UN Secretary-General's Special Representative in Georgia from 2002 to 2006. It will be important for the EU and UN missions to coordinate once the investigations are under way.

Other investigations into human rights issues arising from the conflict have been carried out by the Council of Europe and the Office for Democratic Institutions and Human Rights (ODIHR), an agency of the OSCE. Amnesty International has recently published a comprehensive report into the conflict. Human Rights Watch is about to publish a report on human rights violations by both sides. We welcome these efforts to contribute to a better understanding of the key issues arising from the conflict, including human rights issues and allegations of war crimes.

The Organisation for Security and Co-operation in Europe

The Organisation for Security and Co-operation in Europe (OSCE) is the world's broadest-based regional security body. It brings together 56 participating states from Europe, North America, the southern Caucasus and central Asia (as well as 10 other Mediterranean and Asian "partners for co-operation"), with the shared aim of preventing conflict through a comprehensive approach to security. A key part of the organisation's work involves helping states implement their OSCE commitments on human rights, and setting standards that it upholds through peer review and monitoring. The UK's total financial contribution to OSCE activity in the 2007-08 financial year was £16.5 million.

OSCE special representatives, institutions and field missions work together to promote human rights, democracy and the rule of law, especially in south-east Europe and the former Soviet Union. The UK contributes to these missions through core budgetary costs and by providing personnel. UK secondees to OSCE missions and institutions work in human rights areas including democratisation, supporting the work of human rights defenders, rule of law, and promoting tolerance and non-discrimination. During 2008, around 22 British secondees took part in OSCE field missions in the western Balkans, southern Caucasus and central Asia.

The UK continues to provide active support for all OSCE institutions. The ODIHR, OSCE's largest institution, is responsible for assisting participating states in ensuring full respect for human rights and fundamental freedoms and the rule of law, and building, strengthening and protecting democratic institutions. Central to the office's work is its election observations related activities. Its expertise and methodology in this area is widely recognised within Europe and beyond. The UK continues to second up to 10 per cent of all short-term observers (the maximum possible for any one participating state).

In 2008, the Offices of the High Commissioner on National Minorities (HCNM) and the OSCE Representative on the Freedom of the Media celebrated their 15th and 10th anniversaries, respectively. The HCNM's role is to identify ethnic tensions that endanger peace, stability or friendly relations between and within OSCE participating states and to engage in preventative diplomacy. The Representative on the Freedom of Media is responsible for helping OSCE participating States deliver on their commitment to developing a free, independent and pluralistic media. The UK supports several of the HCNM's key long-term projects and continues to make extra-budgetary contributions to the Representative on the Freedom of the Media.

The OSCE responded quickly to the crisis in Georgia, sending 20 additional OSCE Military Monitoring Officers to the OSCE Mission in Georgia, led by Captain Steve Young, a UK secondee. The OSCE Secretariat ensured there was a



Foreign Secretary David Miliband with Greek Foreign Minister Theodora Bakoyannis at the Ministerial Council of the OSCE in December.

regular flow of reporting from the Mission providing an important source of information of the situation on the ground for both governments and the media, especially in the early days of the crisis. The UK also made a contribution of four armoured vehicles to the expanded OSCE mission.

At the request of the Finnish Chairman in Office, Foreign Minister Alexander Stubbs, the newly appointed ODIHR Director, Ambassador Janez Lenarcic, and HCNM Knut Vollebaek led a joint assessment of the human rights and minorities situation in the war-affected areas in Georgia within their mandates. The resulting ODIHR report exposed some serious human rights concerns particularly with regard to internally displaced persons. The Foreign Secretary highlighted the importance of the report at the Ministerial Council in Helsinki on 4 December and praised the professionalism of ODIHR and HCNM in drawing it up. The UK continues to support ODIHR's work to promote wider democracy in other areas including combating human trafficking promoting human rights compliant

counter-terrorism policies, promoting gender issues and tackling intolerance and discrimination. We funded a conference in Prague on 25–26 November focusing on the practical implementation of the Optional Protocol for the Convention against Torture (OPCAT). This was organised by Bristol University with support from ODIHR.

The annual Human Dimension Implementation Meeting, organised by the ODIHR, took place in Warsaw from 29 September to 10 October. This meeting presents the main opportunity within the OSCE calendar to review states' adherence to their human dimension commitments. It is a unique forum enabling NGOs and states to share the floor in plenary. The UK attaches great importance to preserving this valuable dialogue between NGOs and states. A number of UK NGOs were among 300 or so who participated from across the OSCE region. We were also able to field the Home Office expert, Chief Inspector Paul Giannasi, to share UK experience on tackling hate crime following the Stephen Lawrence inquiry.

Develop effective international institutions

Human rights at the United Nations

UN Human Rights Council

Introduction

In 2008, the UN Human Rights Council entered its first full year of operation since the completion of the institution building process. It was a busy year, with the Council meeting in full session for 10 weeks, with separate sessions held in March, May and September, and three special sessions on Gaza, the right to food, and the Eastern Democratic Republic of Congo. In addition, the Council reviewed the human rights records of 48 nations under the new Universal Periodic Review process.

The Human Rights Council remains a difficult environment within which to deliver a progressive, active human rights policy. A large number of members of the Council prefer a broad focus on economic, social and cultural rights. Moreover, the voting balance of the Council means that we have struggled in 2008 to get the Council to consider and act on country-specific human rights problems. Similarly we had difficulty renewing the mandates of the Human Rights Council's experts (special rapporteurs and independent experts) on certain countries.



UN Secretary General, Ban Ki-moon.

The perceived clash between freedom of expression and the desire of certain countries to protect religions from defamation was a topic of division at the March session of the Human Rights Council. At this session, the Special Rapporteur on Freedom of Expression was tasked by the group of countries belonging to the Organisation of the Islamic Conference (OIC) and the African Group, against the wishes of Canada (the resolution's main sponsor), the European Union and like-minded countries, to report on instances where freedom of expression was thought to have caused offence to a person's religious beliefs. The UK, along with other EU and like-minded countries, voted against the amendments proposed, but these countries were unable to block them. The UK then abstained in the vote on the mandate of the special rapporteur itself, as amended by the OIC.

This year, the Human Rights Council continued to focus on the human rights problems in the Occupied Palestinian Territories. Although in our view the Council still spent a disproportionate amount of time on this issue, we did see a welcome reduction in the number of special sessions and resolutions on the subject compared with previous years.

Despite the difficulties we face in the Council, there were positive moves in 2008. In April, the new Universal Periodic Review (UPR) process began. The UK was the seventh country to have its human rights records reviewed by the Council. Our open and comprehensive approach to the UPR helped set the tone for the process. The Council's special session on right to food was the first thematic, rather than country specific, special session and brought the Council together to look at a global problem. Another special session on the serious human rights situation in the eastern Democratic Republic of Congo provided some encouraging signs that the Council could respond to urgent situations. The test of its effectiveness will be in the follow-up in March 2009.

In May, the UK was re-elected as a member on the Council for a further three years. This means we will remain well placed to see the Council through its formative years and towards the five-year review by the UN General Assembly by 2011.

Human Rights Council sessions

The Council met for 10 weeks in full session, split into three blocks.

7th session, 3–28 March

This session began with a High Level session attended by a number of senior international political representatives. Lord Malloch-Brown, the Foreign Office minister responsible for the UN and human rights, represented the UK.

When he addressed the Council on 5 March, Lord Malloch-Brown spoke of his own involvement, when he was UN Deputy Secretary-General, in the Council's creation, and emphasised that the Council should fulfil its role by driving international action to improve human rights.

In this session the Human Rights Council reviewed and renewed the mandates of a number of UN special rapporteurs and independent experts on human rights. The UK was pleased to see the mandates of the Special Rapporteur on Burma and the Democratic People's Republic of Korea renewed for a further year, along with the mandate for the Independent Expert on Somalia. Against the EU's wishes, the African Group blocked the renewal of the Independent Expert on the situation of human rights in the Democratic Republic of Congo (DRC). After much pressure from the EU and others, the Council agreed to replace the reference to the independent expert on the DRC with a group of thematic special rapporteurs – the Special Rapporteur on Violence against Women; the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons; the Special Rapporteur on the Right to Health; the Special Rapporteur on the Independence of Judges and Lawyers; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Special Representative of the Secretary-General on the issue of Human Rights and Transnational Corporations and other Business Enterprises; and the Special Representative of the Secretary-General for Children in Armed Conflict who were asked to produce a joint report on the situation in the country for the Council's 10th session (scheduled for March 2009).

The Canadian-led resolution renewing the mandate of the Special Rapporteur on Freedom of Opinion and Expression was unfortunately corrupted by an amendment brought by the African Group and the OIC. The amendment tasked the rapporteur to report on 'abuses' of freedom of expression where these constituted racial or religious discrimination. Canada, supported by the EU and like-minded countries, argued strongly against the amendment, saying that they were unnecessary: this rapporteur's role was to promote and protect freedom of expression, and that other mandates covered racial and religious discrimination. In a vote, however, the amendment was carried. In response, some of the customary co-sponsors of the resolution (Canada, the EU) withdrew their co-sponsorship and abstained in the vote on the resolution as a whole.

The Council adopted a number of other substantive country resolutions at this session, including on Somalia and the Democratic People's Republic of Korea (DPRK). The EU led a resolution deplored the ongoing human rights violations in Burma, calling for increased action by the Burmese authorities to improve human rights, release political prisoners and introduce a fully inclusive political process. A joint African-EU resolution expressing concern about the ongoing human rights violations in Sudan and calling for further action from the Sudanese government, including tackling impunity, was also passed by consensus. It urged the Sudanese government to implement previous Human Rights Council recommendations and tasked the Council with looking again at Sudan in its 9th session in September.

In total, 36 resolutions were passed by the Council, including one on the rights of the child, three on the

Occupied Palestinian Territories, and one on the Syrian Golan Heights. It also created a new independent expert to look at human rights and access to safe drinking water and sanitation. The UK supported a new resolution brought by the Maldives on human rights and climate change, which requested the Office of the High Commissioner for Human Rights to compile a study on the impact of climate change on human rights to be presented to the Council's 10th session in March 2009.

8th session, 2–18 June

During this session Louise Arbour, the outgoing UN High Commissioner for Human Rights, gave her last report to the Council, and the presidency passed from the Eastern Group (Romania) to the African Group (Nigeria).

The review of mandates continued, with the mandates of the Secretary-General's Special Representative on the issue of Human Rights and Transnational Corporations and Other Business Enterprises, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions both renewed for an additional three years. The UK strongly supported the renewal of both these mandates and worked hard to defend them. We also supported the renewal of the mandates of the Special Rapporteur on the Independence of Judges and Lawyers and the Special Rapporteur on Torture.

In the 8th session the Council adopted, by consensus, a new draft Optional Protocol to the International Covenant of Economic Social and Cultural Rights. This Protocol allows complaints by states and individuals to the Committee on the Covenant, including complaints on the right to self-determination. The UK's long-held view is that complaints based on self-determination should not be adjudicated by this Committee, as it doesn't have the competence or expertise to rule on such issues. We made a statement formally recording these and other concerns, as did a number of countries who, like us, choose not to block consensus on the Optional Protocol.

The Council adopted the first 32 reports of the Universal Periodic Review, including the reports on the UK, Pakistan and Sri Lanka. NGOs and observers were able to put their views forward on each country during a one-hour debate as each country's report was adopted as part of the review process. The UK gave its response to the recommendations we received during the Working Group in April.

The 8th session was notable for being the first not to include a resolution on the Occupied Palestinian Territories, which was welcome. However, we were disappointed by the US decision, announced during this session, to disengage from the Council. The UK believes that the US can be a force for good on the Council, and should join us and other countries that wish to increase the willingness of the body to tackle human rights problems wherever they take place.

9th session, 8–24 September

The final session of the year was presided over by the new President of the Council, Ambassador Martin Uhomoihibi of Nigeria. Five new members took their seats after being elected in May (Bahrain in the Asian Group; Burkina Faso in the Africa Group; Slovakia in the Eastern Group, and Chile and Argentina in the Group of Latin America and Caribbean Countries). Sri Lanka failed to be re-elected to the Council. Guatemala, Mali, Peru and Romania all stepped down.

This session adopted 19 resolutions including a wide range of thematic issues such as human rights and armed conflict, the right to food, the right to truth and transnational justice.

The renewal of the mandates of the special rapporteurs on Sudan and Cambodia and the independent expert on Burundi were hard fought and difficult. The Sudanese made it clear they wanted to see the mandate end – despite there being little progress in the human rights situation in that country. After two weeks of intense negotiation the EU managed to broker a deal with the African Group to support the extension of the mandate until June 2009 and a resolution expressing concern about the situation in Darfur and Sudan as a whole.

The mandate of the independent expert on Burundi was extended, but only until the establishment of a National Human Rights Institution in the country. The Special Rapporteur on Cambodia's mandate was extended for a year, but the mandate holder, Yash Gai, was fiercely opposed by the government of Cambodia and agreed to step down.

Archbishop Desmond Tutu presented his report of the investigation into the 2006 Beit Hanoun incident, during which a number of Palestinian civilians were killed by Israel shelling. Israel had refused to co-operate with Archbishop Tutu's investigation. Palestinian representatives presented a resolution calling for the recommendations in the report to be implemented in full, followed up regularly by the Human Rights Council and presented to the General Assembly. However the UK, France, Germany, Italy, the Netherlands, Slovakia, Slovenia and Canada said that, while they were extremely disturbed about the incident at Beit Hanoun, they could not agree to the demand that all of the recommendations were implemented, as the mandate for the investigation had been flawed. The Palestinians refused to negotiate on the resolution, forcing the Netherlands to call a vote and – accompanied by the UK, Argentina, France, Germany, Italy, Slovakia, Slovenia and Canada – vote "no". The resolution was nevertheless carried with 32 votes in favour, five abstentions and 9 against.

Special sessions

There were three special sessions held by the Council in 2008. This is the Human Rights Council's mechanism to address urgent human rights situations outside regular sessions. One-third of the Council's members (16 states) are

required to support a special session in order for it to be held. They usually result in a resolution on the issue, which is passed by a simple majority (24 votes).

Gaza

The year began with a special session on 23–24 January held at the request of the Group of Arab States and the Group of the OIC led by Syria. This session was called in response to Israeli military incursions in the Occupied Palestinian Territory, and in particular an increased level of violence in occupied Gaza and the West Bank town of Nablus. Syria called on the Human Rights Council to condemn Israel for "criminal attacks and attempts to smother the Palestinian people by cutting off essential supplies, including food water and medicines".

Slovenia, on behalf of the EU, expressed its deep concern for the humanitarian and human rights situation in Gaza – and regretting the suffering of innocent civilians on both sides. The EU was "deeply cognizant of the severe human rights violations in Gaza" and called for an immediate end to the violence. A resolution put to the Council was adopted, with 30 countries in favour, one against (Canada) and 15 abstaining (including EU members of the Council). The EU abstained because of the unbalanced nature of the resolution, which did not recognise that there were victims on both sides of the conflict, and the need for all parties to end violence.

Right to food

The second special session of the year was held on 22 May. This was the first special session that dealt with a thematic, rather than country-specific, human rights situation. The session was called by Cuba on behalf of the Non-Aligned Movement, and co-sponsored by 41 of the Council's 47 members, including the UK.

The Council adopted a resolution expressing concern at the negative impact the food crisis had on the right to food, and called on states to consider reviewing any policy or measure that could have a negative impact on individuals' right to be free from hunger.

Eastern Democratic Republic of Congo

The final special session of the year concerned the human rights situation in the east of the Democratic Republic of Congo. After two weeks of discussion with the African Group, this session was called by the EU, supported by Argentina, Bosnia and Herzegovina, Canada, Chile, Japan, Republic of Korea, Mexico, the Switzerland and Ukraine, and took place from 28 November to 1 December. France, on behalf of the EU, said that the Human Rights Council could not remain silent in the face of serious human rights abuses such as the use of sexual violence and the recruitment of child soldiers.

At first the Africa Group sought to delay the session – saying it wasn't ready to discuss the issue. The EU insisted that the session needed to take place, and worked hard to find a way forward that all members of the Council could

support. After some difficult discussions, the EU agreed to withdraw the resolution text it had prepared in favour of a strengthened African resolution. This resolution, expressing serious concern about the use of sexual violence and child soldiers, and calling for an immediate end to the violence and human rights abuses, passed by consensus.

Universal Periodic Review

The most significant new UN human rights mechanism in recent history commenced in 2008. Under the Universal Periodic Review (UPR), for the first time the human rights situations in every UN member state will be reviewed. These reviews will take place over a four-year period. Each review will consist of:

- the submission of a number of reports: an optional and voluntary written report from the country being reviewed, a summary of NGO comments, and a summary of UN reports;
- a three-hour question and answer session in Geneva, during which the state under review will take questions and recommendations from other states; and
- a one-hour follow-up session in the Human Rights Council when civil society will be able to make statements.

The first UPR session took place on 7–18 April, during which the following countries were reviewed: Algeria, Argentina, Bahrain, Brazil, Czech Republic, Ecuador, Finland, India, Indonesia, Morocco, Netherlands, Philippines, Poland, South Africa, Tunisia and the UK.

The UK aims to see the UPR develop into a credible and useful process that allows states to take a self-critical look at their own human rights records and feel able discuss the challenges they face with peers. The UPR should be more than just a three-hour debate in Geneva. States should implement recommendations they agree, and take concrete steps to improve the human rights situations in their countries.

The Ministry of Justice had overall Whitehall responsibility for the UK's review. Michael Wills, the minister responsible for human rights, headed the team for the three-hour

"We should not see the [Universal Periodic] Review process as a once-in-four-year event – an unsavoury dish that must be eaten in order to stay at the table. It must be a progressive process, with countries committing themselves to specific action, and benefiting from the focus that will come from knowing that they will have to account for their actions the next time they come up for review."

Lord Malloch-Brown, addressing the Human Rights Council, April 2008.

As well as our review under the Universal Periodic Review process, the UK was also examined by the UN human rights committees responsible for monitoring implementation of the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

debate in April. The UK took an open approach, consulting a range of civil society organisations in writing our own report. We offered to present a mid-term report to the Human Rights Council in 2010 on the progress made on the recommendations we accepted.

The ultimate test of whether the UPR is successful will come in the second four-year cycle, when it will become clear whether states have implemented the recommendations they accepted and, in doing so, whether this helped to improve human rights for ordinary people. However, we hope that the process will result in incremental improvements from the outset by helping to build links and increase dialogue between governments and civil society in the countries reviewed – as well as prompting countries to make improvements prior to their reviews.

There is an understandable degree of concern among some UN members that the UPR will be used for political purposes, with friendly countries being praised, and those we have less good relations with being condemned. We have sought to take a balanced approach to our review of all countries. No country has a perfect human rights record, and we have identified challenges and improvements needed in every country. Our aim is to encourage all countries to engage constructively with the review. As well as the need to raise concerns about a country's human rights record, we see it as an opportunity for sharing best practice, rather than a condemnatory political process.

The other countries reviewed in 2008 were: Bahamas, Barbados, Benin, Botswana, Burkina Faso, Burundi, Cape Verde, Colombia, France, Gabon, Ghana, Guatemala, Israel, Japan, Republic of Korea, Liechtenstein, Luxembourg, Montenegro, Pakistan, Peru, Romania, Serbia, Sri Lanka, Switzerland, Tonga, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, Uzbekistan and Zambia. The various UPR reports, a summary of the reviews and a webcast of each country's three-hour review can be found on the Human Rights Council's website at:
www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx

Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights is a vital tool for promoting and protecting human rights worldwide and for mainstreaming human rights in the UN system. The UK is a major contributor of funds to the Office and an active supporter of its independence.

In 2008, Navanethem Pillay took office as the new High Commissioner for Human Rights, replacing Louise Arbour. The UN Secretary-General appoints the High Commissioner. Ms Pillay took office on 1 September and is the first African to hold the post. Her professional experience includes serving as an International Criminal Court judge, being President of the International Criminal Tribunal for Rwanda (1999–2003) and serving as a South African High Court judge.

Ms Pillay visited the UK on 11–12 November, meeting the Foreign Secretary, Lord Malloch-Brown and ministers from DFID, the Home Office, Ministry of Justice, and the Department for Communities and Local Government, as well as members of parliament, civil society representatives and academics. The visit was an opportunity for us to learn more about the new High Commissioner's plans and aspirations for the work of her Office.

The UK will continue to support the Office, financially through our share of the UN regular budget and voluntary contributions, and work to ensure the continued independence of the Office within the UN Secretariat from the Human Rights Council.

UN human rights elections

Elections to the Human Rights Council took place on 21 May at the UN General Assembly in New York. The expiration of membership of the Council is staggered so that about a third of the 47 members' seats fall vacant each year. Representation on the Human Rights Council is

divided into regional groups, with the full UN membership in the General Assembly then voting on countries who put themselves forward.

In 2008, 15 seats fell vacant – including the UK's – and 10 members were successfully re-elected to the Council (Brazil, France, Gabon, Ghana, Japan, Republic of Korea, Pakistan, Ukraine, the UK and Zambia). There were five new members elected (Argentina, Bahrain, Burkina Faso, Chile and Slovakia), replacing four former members (Guatemala, Mali, Peru and Romania) and Sri Lanka, which failed to get elected.

The UK was one of three countries contesting two vacant seats in the Western Europe and Other States Group (WEOG). The UK was up against two strong contenders in France and Spain. The voting results indicated the strength of the field, with France receiving 123 votes, to the UK's 120 and Spain's 119 votes.

The UK will use its membership to continue to shape the Human Rights Council into a body that can deliver improvements in human rights on the ground. The UK, as part of its election campaign, committed itself to work in partnership with others to make the Council a success, to continue to provide support to UN human rights bodies, to advance human rights internationally and to uphold the highest standards of human rights at home.

In other UN human rights elections in 2008, two independent UK members of important human rights committees were re-elected. Professor Sir Nigel Rodley was re-elected to the UN Human Rights Committee on 4 September, and Dr Silvia Casale was re-elected to the UN Subcommittee on the Prevention of Torture on 30 October. The UK actively supported the candidatures of both these committee members, whose experience and competence adds considerable value to the work done by their committees and reflects well on the UK.

FCO Minister Lord Malloch-Brown meeting Navanethem Pillay, UN High Commissioner for Human Rights, in London, November 2008.



United Nations General Assembly Third Committee

The 63rd session of the General Assembly's Third Committee ended on 26 November. During this session 60 resolutions on a range of thematic and country specific human rights issues were adopted.

For the sixth consecutive year the Third Committee passed a Canadian-led resolution on the human rights problems in Iran. However, Iran sought to block its consideration by the Third Committee through a procedural motion (called a 'no action motion'). The UK joined a number of other countries in opposing Iran's no action motion, and lobbying all UN members not to allow Iran to limit the UN's ability to consider the serious human rights problems in that country. Despite heavy lobbying by Iran, the motion was defeated. We have included, at the end of this chapter, the voting positions of all UN member states on the no action motion, which allows readers to see each state's approach to this fundamental issue (see voting table, page 62–65).

A no action motion on a **Burma** resolution was also defeated. In all, three country-specific human rights resolutions were passed: on Burma, Iran and the Democratic People's Republic of Korea.

Cross-regional co-operation was evident across a number of resolutions – most successfully on a moratorium on the use of the death penalty, which was supported by a large number of states including Algeria, Chile, Gabon, Mexico and New Zealand. The resolution was carried with 105 votes in favour, 48 against, and 31 abstentions.

The EU and the Group of Latin American and Caribbean Countries collaborated on a resolution on the **rights of the child**. There were difficult discussions over issues such

as children in armed conflict, corporal punishment and the juvenile death penalty, requiring supporters of the resolution to compromise between getting progressive language in the text and continuing to have wide cross-regional support. In the end, the resolution was passed by a large margin.

The EU led a resolution on the elimination of all forms of intolerance and discrimination based on religion and belief, which was adopted by consensus after protracted negotiation (see 'Freedom of religion or belief', Page 88).

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was adopted by consensus, with in excess of 50 member states, including the UK, making statements about aspects of the Optional Protocol. The UK's concerns are detailed in this report under the Human Rights Council's 8th session.

Other resolutions passed at this session were on human rights and counter-terrorism, extra-judicial killings and torture, and there was a resolution outlining the scope of the work of the Office of the High Commissioner for Human Rights. A full list of all resolutions passed can be found at: www.un.org/ga/63/resolutions.shtml

Priorities for 2009 and beyond

The UK is committed to seeing the UN human rights framework deliver significant improvements in the ability of individuals across the world to realise their human rights. We recognise, and have highlighted in this section, the difficulties we face in achieving this aim. Nevertheless, we continue to believe that the UN is in a unique position to deliver an effective international human rights framework and, through this, to assist states' efforts to improve human rights in their countries.



The United Nations flag.

However, there is little point pretending that the UN human rights framework has the power to force states to act where they are unwilling. It will therefore continue to have a limited effect on those countries that refuse to engage on human rights, or which do not themselves seek to make improvements. In these instances the UK will continue to work with like-minded partners in bringing these problem countries to UN and public attention through resolutions and statements at the Human Rights Council, the General Assembly Third Committee and, as appropriate, other UN bodies.

The UK will continue to engage fully with the Human Rights Council to ensure this body considers country-specific human rights concerns. Where it proves impossible to have a successful resolution or special session on such countries for political or other reasons, we will raise these issues under the Council's agenda item on "Countries of concern". We will seek to persuade the incoming US administration that they should re-engage with the Human Rights Council, adding their influence with ours and others to help build a better Council. We will continue to work with our EU partners to build on and improve the work we do collectively. When the EU works effectively together, we can achieve much more than when EU member states work alone.

The UK continues to believe in the value of the work carried out by country-specific special rapporteurs and independent experts. Where countries co-operate with these mechanisms, progress can be made. We need to work harder to convince states that these mandates are not there to punish the country for bad behaviour, but a genuine attempt by the UN to provide the state with the support and guidance needed to improve their human rights situation.

We will continue also to support the Universal Periodic Review mechanism to help states have a substantive review of their human rights situations and use the UPR process to make improvements. The mechanism, like the UN Human Rights framework itself, is not coercive – and so cannot force states to change. But it has the ability, over time, to improve the overall standard of a large majority of states and, in doing so, further expose those states that consistently fail to deliver universal human rights to their populations.

The Office of the High Commissioner for Human Rights will remain a priority. We will do all we can to ensure the continued independence of the Office, and encourage the High Commissioner and her staff to use this independence to speak out when needed and provide assistance where possible. We will also seek to help the Office of the High Commissioner further the work they do to ensure human rights are mainstreamed in all the UN's work, from conflict prevention to development and beyond.

The General Assembly Third Committee has a vital and unique role in delivering the UN's human rights objectives.

The UK is strongly in favour of the Third Committee being able to look at the full range of human rights issues. It is the only UN body with universal representation able to do so.

The UK believes in the value of the UN human rights system. We will work with our EU partners and others to get the best out of the system to help deliver for others the same level of human rights enjoyed by people in the UK.

International criminal tribunals

Introduction

We continue to play a key role in the international community's efforts to bring to justice those who commit genocide, crimes against humanity and war crimes. These efforts are crucial to preventing, and ensuring accountability for, severe human rights abuses. We provide funding, institutional and political support to the international criminal courts and tribunals, and co-operate with them practically wherever possible. In 2008, the tribunals continued to make advances in the fight against impunity.

The International Criminal Court

In January 2009, the Court will begin its first trial; that of Thomas Lubanga Dyilo, accused of war crimes committed in the Democratic Republic of Congo. The main charges in the Lubanga case are of conscripting and enlisting children under age 15. The trial, which was due to commence in June, was delayed while the Court resolved issues relating to the disclosure to the defence of information which had been provided under confidentiality agreements. The delay can be seen as evidence of the judges' determination not to let political expediency take precedence over the need to ensure a fair trial for defendants.

A second trial, for two additional individuals accused of committing war crimes and crimes against humanity in the Democratic Republic of Congo, is also expected to commence in 2009.

In May, on the basis of a warrant issued by the Court, Jean-Pierre Bemba Gombo was arrested by the Belgian authorities for alleged war crimes and crimes against humanity committed in the Central African Republic. In July, he was transferred into the custody of the Court. In total, there are now four accused of war crimes and crimes against humanity in custody in The Hague.

The two other areas under investigation by the Court are Uganda and Darfur. Five arrest warrants were issued for senior leaders of the Lords Resistance Army in July 2005 for crimes allegedly committed in northern Uganda. At least one of those charged is now believed to be dead. We continue to support efforts to ensure that those remaining are brought to justice.

The two arrest warrants issued in 2007 in connection with Darfur remain outstanding. We continue to press the government of Sudan to co-operate with the International

Criminal Court and to execute these two warrants. In July, the Prosecutor of the Court requested the pre-trial chamber to issue an arrest warrant for President Bashir, on charges of genocide, war crimes and crimes against humanity. On 4 March 2009, ICC judges issued an arrest warrant for President Bashir on seven counts of war crimes and crimes against humanity. In November, the Prosecutor applied for further warrants for rebels suspected of directing attacks on African Union peacekeeping forces in 2007. Judges are still considering that request.

We note that there has been some criticism directed at the Court in 2008, accusing it of bias against Africa. We strongly disagree. Although all four of the situations currently under investigation are in Africa, three of these were referred to the Court by the countries themselves. Thirty African states are party to the Rome Statute – only Europe has a higher rate of ratification. African nationals are well represented within the Court's staff, including at senior levels, and among the judiciary. These facts are evidence of African governments' own commitment to the Court.

The UK has concluded agreements under which we will provide practical support to the Court, including in relation to information-sharing, witness protection and sentence enforcement. We also continue to work with EU partners towards universal ratification of the Rome Statute of the International Criminal Court, which 108 states have now ratified. We recognise that some states, including the USA, do not intend acceding in the near future. We look forward to discussing this issue with the new US administration. For more information on the International Criminal Court, www.icc-cpi.int

International Criminal Tribunal for the Former Yugoslavia

The International Criminal Tribunal for the Former Yugoslavia (ICTY) continues to make progress towards the completion of its work. By December, it had completed proceedings in respect of 116 of the 161 indictments issued. Only two indictees remain at large. One of these fugitives is Ratko Mladic, who is wanted to face trial for genocide, crimes against humanity and war crimes, including in relation to the Srebrenica massacre.

The arrest of Radovan Karadzic in July was a major step towards achieving justice for the victims of the horrific crimes committed in the former Yugoslavia. Another ICTY indictee, Stojan Zupljan, was arrested in Serbia in June.

The UK, bilaterally and with EU partners, continues to press all states in the region to fulfil their obligations to co-operate fully with ICTY, by providing information and capturing and surrendering the outstanding fugitives. The EU accession process remains key to encouraging co-operation from the former Yugoslav states. To support Serbia's EU aspirations, the April General Affairs and External Relations Council agreed to sign Serbia's Stabilisation and Accession Agreement. But ratification and

implementation of the Interim Agreement is being withheld until Serbia is assessed as fully co-operating with ICTY. We welcome the improved co-operation since then from the Serbian authorities and look forward to further progress. At the beginning of 2008 we hoped that ICTY would be able to meet its target of 2011 for completion of all trials and appeals. However, in light of the late arrest and transfer of Radovan Karadzic, among others, we now expect completion in early 2012.

The UK provides ongoing practical support to ICTY's work, including in the areas of information-sharing, witness protection and sentence enforcement.

For more information on ICTY, go to www.un.org/icty

International Criminal Tribunal for Rwanda

The International Criminal Tribunal for Rwanda (ICTR) is continuing to make progress with its caseload of individuals suspected of the most serious crimes committed during the 1994 Rwanda genocide. The latest Rwandan indictee to be arrested, Callixte Nzabonimana, was transferred into ICTR custody in February. As of December, 13 fugitives were still at large, including the most high profile, Felicien Kabuga. ICTR's target for the completion of its work is 2010, although meeting this deadline will to an extent depend on progress in capturing the fugitives still at large. It may also depend on whether ICTR is able to transfer some of its lower-level caseload to Rwanda for trial in the Rwandan domestic system. Recent applications by the ICTR Prosecutor to transfer four cases to Rwanda have been rejected by the ICTR Trial Court. The Court was concerned about sentencing (life imprisonment with solitary confinement is possible in Rwanda, although the Rwandans are in the process of changing this to accommodate ICTR) and about whether there was adequate witness protection.



Former Rwanda army Colonel, Theoneste Bagosora (left), was convicted to life imprisonment on charges of genocide on 18 December.

The UK has been working with the government of Rwanda to build its capacity to take cases on transfer from ICTR. The UK remains an active member of the Friends of ICTR group of states, which is active in Kigali, Dar es Salaam and Nairobi. The group supports ICTR in its efforts to locate and arrest Kabuga and others. We also provide practical support to ICTR, including through discussions in 2008 towards conclusion of a witness protection agreement.

The UK is active in discussions at the UN to ensure the creation of a residual mechanism to complete the work of ICTR, and of the International Criminal Tribunal for Yugoslavia (see above) following its closure. We envisage the creation of a small, cost-effective mechanism whose role will include the completion of judicial proceedings for any remaining fugitives. The residual mechanism is also likely to include witness protection and archive functions. We want to ensure there is no impunity for those individuals who have evaded capture by the time the work of ICTY and ICTR comes to an end.

For more information on ICTR, go to www.ictr.org

Special Court for Sierra Leone

Progress towards completion continues in the Special Court for Sierra Leone (SCSL). Five individuals have been convicted so far, and given prison sentences ranging from 6 to 50 years. The penultimate trial, of three leaders of the Revolutionary United Front, concluded in Freetown in June 2008.

The trial of Charles Taylor, former Liberian President, is continuing in The Hague. He is charged with crimes against humanity and war crimes. The Taylor trial is expected to conclude during 2010. If convicted, Charles Taylor will serve his sentence in the UK in line with the sentence enforcement agreement concluded between the UK and the Special Court in 2007.

The UK provides voluntary contributions and practical support to the Special Court, including through our participation in the New York based SCSL Management Committee. We also continue to press other countries to conclude sentence enforcement agreements with the Special Court. We continue to fund a project run by the BBC World Service Trust, which uses Sierra Leonean and Liberian journalists to facilitate media coverage of the Taylor trial and ensure it is accessible to the region.

For more information on the Special Court go to www.sc-sl.org

Extraordinary Chambers in the Courts of Cambodia

The Extraordinary Chambers in the Courts of Cambodia, also known as the Khmer Rouge Tribunal, continued to make some progress. The Chambers is due to commence its first trial in February 2009, with further trials expected later in the year. All five of those Khmer Rouge leaders currently charged are in detention.



People line up outside the UN-backed genocide court in Phnom Penh for the public hearing of former Khmer Rouge deputy Prime Minister, Ieng Sary.

The UK provided further voluntary funding to the Extraordinary Chambers in March. UK officials also provide practical support by participating in a Steering Committee, made up of principal donors and UN representatives, which reviews and provides recommendations on the administrative and financial aspects of the tribunal.

For further information on the Extraordinary Chambers in the Courts of Cambodia, go to www.eccc.gov.kh

Genocide prevention

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted 60 years ago, acknowledging genocide as an offence under international law. Genocide is one of the crimes for which, under the Rome Statute, the International Criminal Court has jurisdiction. The UK is committed to preventing genocide by promoting respect for and adherence to international law.

We actively seek to improve mechanisms aiming at preventing armed conflict, where genocide often occurs. We are committed to securing a more systematic and effective approach to the protection of civilians in armed conflict through the UN Security Council and other bodies such as the UN Human Rights Council, the UN High Commissioner for Refugees, the OSCE and the International Committee of the Red Cross. We will continue to promote and contribute to institutions and organisations that seek to combat impunity for genocide and other crimes against humanity, especially the international criminal tribunals. We will continue to support the creation of an effective early warning system regarding potential threats of genocide by co-operating with the UN Secretary-General's Special Advisor for the Prevention of Genocide, Francis Deng, and other institutions in the UN human rights system. Where the threat of genocide exists, the UK will press for swift and decisive action by the international community in accordance with international law.

In this context, the UK continues to support action to take forward the commitment made by states at the 2005 World Summit to uphold the Responsibility to Protect. This is the responsibility of states to protect their populations against genocide, war crimes, ethnic cleansing and crimes against humanity.

International organised crime

The crime affecting the UK today takes little account of borders. From trafficking in Class A drugs and organised immigration crime, money laundering or tobacco smuggling, to sex offences against children, all have a foreign dimension. Much of this international organised crime has its roots in inequalities and injustices in the countries in which it thrives.

The Home Office, the Serious Organised Crime Agency and HM Revenue and Customs lead on policy and operational activity to reduce the threat to the UK from international crime. The FCO provides support through its global network of embassies and diplomatic posts around the world. We also work bilaterally with foreign governments and multilaterally with partners such as the United Nations Office on Drugs and Crime to support our partners' activities. Where political influence is called for, our heads of mission will lobby and give diplomatic advice in support of our Whitehall partners, and our posts abroad will provide a base for their staff.

The FCO's Drugs and Crime Programme funds projects to improve the capabilities of foreign law enforcement authorities or to tighten up criminal legislation overseas. In financial year 2008/09, the Drugs and Crime Programme is funding a wide range of capacity building projects with key partners, to the value of £3 million. While improving human rights is not the key focus, projects which improve the standards and capabilities of foreign law enforcement agencies should bring human rights benefits.

European Union

Introduction

The EU is a driving force on human rights – with the collective economic and political influence to bring about much needed change outside its borders. It has the potential to influence other countries through powerful tools like political dialogue, trade relations and development assistance. It is also active in multilateral fora, its member states co-operating to keep human rights issues at the top of the international agenda.

Furthermore, the standards we set for admission to the Union enable us to ensure that the desire of countries to join the EU leads to real improvements in human rights. We have strengthened the enlargement process to ensure issues of democracy and human rights are addressed at an early stage and to make judicial reform and fundamental freedoms a key part of the accession negotiations. This

chapter looks at what the EU does to promote good practice on human rights. It looks first at the enlargement process, in particular at Turkey and the Western Balkans. It also considers how the EU effects change through the European Neighbourhood Policy, enabling it to influence those states that are EU neighbours in Eastern Europe and north Africa. It then looks at how it takes human rights into account in EU external policy including trade negotiations and development assistance.

EU enlargement

Democracy and human rights are at the heart of the enlargement process. According to article 49 of the Treaty on European Union, any European state that embraces "liberty, democracy, respect for human rights and fundamental freedoms and the rule of law" can apply for membership. Candidate countries must all meet the Copenhagen Criteria, agreed by member states in 1993, before negotiations can begin. This means they must guarantee democracy, the rule of law, human rights and respect for the protection of minorities. Each year, the European Commission reports on the progress made by (candidate) Croatia and Turkey and the aspirant (pre-candidate) countries of the western Balkans.

Candidate countries are required to implement accession-related reforms to comply with the body of EU law, known as the *acquis*. Common principles on human rights and fundamental freedoms are set out in the European Convention on Human Rights and the Charter of Fundamental Rights. Various European Council decisions, directives and conventions have set specific standards on issues ranging from equality, through minority rights to anti-corruption and the functioning of the judiciary. The EU accession process requires that candidate countries meet robust benchmarked standards in line with these principles. Candidate countries must meet these standards before they can join the EU.

The EU supports reform with a substantial assistance programme (11.5 billion over the period 2007 to 2013). This is available to candidate and pre-candidate countries. The priorities for assistance include projects to strengthen democratic institutions and the rule of law, reform public administration, carry out economic reforms, promote respect for human as well as minority rights and gender equality, support the development of civil society and advance regional co-operation, and contribute to sustainable development and poverty reduction.

Croatia

Croatia is continuing to make steady progress in negotiations to join the EU and in preparations for EU membership. The Commission has set out a road map for the conclusion of negotiations by the end of 2009. We encourage and support Croatia to implement the reforms necessary to make this possible.

We and the Croatian government recognise that there is still work to do to improve the effectiveness of the judicial



Croatian Prime Minister, Ivo Sanader.

system. We are particularly concerned about the length of court proceedings and a large backlog of cases which limit access to justice. We saw improvements in court administration and case management in the course of 2008. A comprehensive action plan was adopted in June and this continues to be updated and amended in line with feedback from the European Commission. The case backlog has been further reduced, with UK assistance in the areas of alternative dispute resolution and court management. Plans were announced to rationalise the court network to improve efficiency and reduce the scope for corruption. But more work is needed to improve recruitment and disciplinary procedures for judges and to implement court rationalisation plans.

The EU has made clear that full co-operation with the International Criminal Tribunal for the former Yugoslavia (ICTY) is essential. We are concerned that some documents requested by the prosecution have not been provided and have apparently gone missing. We urge the Croatian authorities to do everything possible to provide and if necessary recover these documents. Croatia's efforts to ensure that domestic war crimes trials are conducted fairly and without ethnic bias have improved and are now broadly positive.

There have been a number of worrying attacks on journalists in Croatia. Organised crime reporter Dusan Miljus was attacked and severely beaten outside his apartment in June, by unknown assailants. In October, the editor Ivo Pukanic, and marketing executive Niko Franjic, of weekly magazine Nacional, were killed in a car bomb in Zagreb. In November, war crimes reporter Drago Hedl was put under police protection following a series of threatening messages. The Croatian government needs to take effective action to combat organised crime and protect the freedom of its journalists and press.

Between 300,000 and 350,000 ethnic Serbs left their homes in Croatia during the 1991-95 war in the former Yugoslavia. Around 120,000 have registered themselves as returned (although how many have stayed permanently is not clear). In 2008, we saw further progress on providing housing and employment opportunities, but more remains to be done to enable those who wish to return to do so. Croatia has effectively met its targets in this area for 2007, and we continue to monitor implementation of its 2008 targets. The government took further steps to implement its Constitutional Law on National Minorities. But progress is mixed and the under-representation of minorities in public bodies still needs addressing. More widely, the profile of Serb minorities was given a welcome boost by the appointment for the first time of an ethnic Serb Deputy Prime Minister. And there are fewer reports of ethnically motivated violence.

Progress was made on women's rights through the passing of a new Gender Equality Act and a comprehensive act on anti-discrimination. However, Croatia remains a transit country and destination for female victims of human trafficking. And the level of protection against discrimination in practice remains below EU standards. The work of the Ombudsman for Children continues to raise the profile of human rights issues leading to a significant increase in activity and initiatives. But general shortcomings in the judicial system and weak administrative capacity have led to problems, for example a lack of trained advisers, or backlogs in dealing with unpaid alimony cases. A further positive step was the appointment of the first Ombudsman for Persons with Disabilities in May. In terms of labour and trades union rights, although generally positive, these continued to be affected by weaknesses in the labour inspectorate and judiciary.

Macedonia

Macedonia is an EU candidate country, also aspiring to join NATO. We assess the human rights situation in Macedonia as generally positive, although some weaknesses remain. There is still a need to ensure adequate implementation of human rights legislation, by providing suitable enforcement mechanisms supported by adequate funding. The conduct of parliamentary elections in June was a serious concern. The election campaign and polling day were marred by a number of incidents of violence and intimidation, with one fatality. There were also electoral irregularities in some areas. Macedonia must now address these shortcomings to

ensure future elections are fair and free. There have also been reported incidents of excessive use of force by the police, whose conduct could be better monitored and held to account. The FCO is supporting work in these areas; our Conflict Prevention Pool has provided support for police training and our Reuniting Europe Fund supported local and international NGOs' monitoring of the elections.

Transparency of funding to civil society groups has improved, although such groups still have minimal involvement in the political process. The government has started implementing improvements to the prison system, though further action is needed to improve conditions and to introduce clear procedures for dealing with allegations of ill-treatment of prisoners. Work has progressed to implement minority rights, but we still have some concerns about the rights of smaller ethnic minorities. In particular, serious work is needed to address the situation of the Roma, who continue to face inferior living conditions, discrimination and poor access to education, employment and social protection.

Respect for human rights is a prerequisite for Macedonia to join the EU. The EU has set priorities for Macedonia to comply with the European Convention on Human Rights, to implement rules applying to ethics, to improve prison conditions, and to promote access to education, justice and social welfare for minority groups.

Turkey

Turkey became a candidate country for EU membership in 1999. In order to achieve this, it had to show compliance with the Copenhagen criteria, one element of which

consists of "demonstrating stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities".

Before a date for joining the EU can be set, Turkey needs to meet benchmarks in a range of areas. Concerns remain in relation to freedom of expression, minority rights, gender equality and cultural rights, particularly those of the Kurds. Its progress against meeting EU standards is monitored closely by all member states and the EU institutions, through the accession negotiations.

The European Commission's Regular Report on Turkey, published on 5 November, made clear that little had been achieved on human rights reforms during 2008. Attention for much of the year was occupied by the constitutional court case against the ruling AK (Justice and Development) Party. The court fined the party for becoming a focus for anti-sectarian activities.

The European Commission's Regular Report also highlights that little additional reform work has been done to ratify key human rights instruments. Institutions for the promotion and enforcement of human rights lack independence and resources.

Prisons, torture, inhuman and degrading treatment

Combating torture remains one of Turkey's main human rights objectives. Turkey has yet to ratify the Optional Protocol to the UN Convention Against Torture (OPCAT) they signed in 2005. The Convention sets out a system of independent monitoring of prisons with the aim of preventing torture or cruel inhuman or degrading treatment.



Turkish Foreign Minister Ali Babacan at the European Parliament in Brussels.

The European Commission has recently noted a consistent downward trend in the number of torture cases in Turkey. However, the number of reported allegations registered by NGO groups remains high. The Turkish government continues to implement training programmes for judiciary, police and security officials in conjunction with the UK, EU and other international organisations. The Human Rights Investigation Committee of the Turkish parliament has established a sub-committee to investigate torture and ill-treatment in all prisons and detention centres in Turkey. The national framework for prison monitoring still falls short of the OPCAT requirements.

Improving the infrastructure of prisons has continued throughout 2008 with the completion of 12 new prisons, and a further 22 under construction. Turkey is also improving staff training under the EU's judicial modernisation and penal reform programme. The Turkish government is also starting to address the problem of isolation and mental well-being of prisoners.

Impunity of law enforcement officers and the armed forces remains a key problem and more efforts are needed by the Turkish government to fight impunity, with judicial delays for these cases often complicating matters. There remains a lack of prompt, impartial and independent investigation into torture and inappropriate detention and interrogation by members of security forces and the police. Investigations rarely lead to conviction. In October, protestor Engin Ceber was arrested and tortured while in custody, resulting in his death. This led to a public apology by the Justice Minister for the disproportionate use of force by police and prison officers and the promise of a zero tolerance approach to torture in custody. Six people who were directly involved have been detained and charged with murder. A further 54 people have been charged with aggravated torture on the grounds of neglect.

Freedom of religion

Minority religious communities in Turkey continue to experience difficulties in relation to property rights, training and education. Turkey passed a Foundations Law in 2008, which aims to allow minority groups to reclaim some previously confiscated properties.

Despite improvements for minority groups in Turkey, religiously motivated attacks are an ongoing concern, with religious and ethnic minority communities continuing to experience discrimination. Since the high-profile killing of three Christians at a publishing house in Malatya in April 2007, for which the court case is still ongoing, the Turkish government has provided physical protection for many Christian communities including guards and police presence.

Freedom of expression

Reforms were passed in April to amend the contentious article 301 of the Turkish Penal Code (2005). The article previously stipulated that it was an offence "to denigrate Turkishness", but this has now been amended to "to denigrate explicitly the Turkish nation". The amendment

also reduced the maximum sentence from three to two years. This means all sentences can be suspended or converted to a fine. It also removes the penalty for Turks committing the offence abroad.

The amendment also re-introduces the requirement for authorisation from the Justice Minister before any prosecution can proceed. So far this reform has led to a significant reduction in the number of cases going to court with the Ministry of Justice only approving 25 per cent of allegations since the change. Despite this, the European Commission's Regular Report noted that Turkish judges and prosecutors continue to apply a wide interpretation of this legislation, in particular on Kurdish-related issues. This is not in line with the European Court of Human Rights case law and lacks differentiation between violent and non-violent opinions.

Freedom of association and assembly

The Foundations Law adopted in February has led to improvements to the legal framework on freedom of association. The new provisions reduce the restrictions placed on foundations. Some associations still face disproportionate administrative difficulties, including failure to give accreditation to lesbian, gay, bisexual, transgender and transsexual associations.

The legal framework for freedom of assembly in Turkey is broadly in line with European (European Convention on Human Rights) standards. The 2007 amendments to the law on the duties and legal powers of the police provide that they are not entitled to use force unless confronted with resistance.

However, the freedom for individuals to assemble and disproportionate use of force by the police to break up protests and demonstrations continues to be a problem. According to the 2008 European Commission's Regular Report, strict implementation of the amended provisions needs to be monitored by the Turkish government.

Cultural rights and minority rights

The rights of minorities in Turkey, identified by authorities mainly as Jews, Greeks and Armenians in accordance with the 1923 Lausanne Treaty, remain unchanged. Although all citizens are equal before the law, Turkey has yet to grant specific rights on ethnic, religious or linguistic grounds in order to help preserve citizens' identity, in accordance with the Council of Europe's Framework Convention for the Protection of National Minorities and best practice in EU member states.

Since Turkey was accepted as an EU candidate country the democratic rights of Kurds have improved, with Kurdish CDs and newspapers now available along with some radio broadcasts. Legislation was passed in June allowing for state-run channels to broadcast in languages other than Turkish. The first state-funded channel broadcasting in Kurdish, Farsi and Arabic was scheduled to begin broadcasting on 1 January 2009. But constraints still remain

on political campaigning and education in the Kurdish language. The 2007 case against the municipal council of Diyarbakir Sur for providing multilingual services has yet to be resolved and is now before the European Court of Human Rights.

Women and children's rights

Improved co-operation between the public sector and NGOs has led to better implementation of the legal framework to combat domestic violence and honour killings; child labour, including children working on the streets, remains a problem, despite government policy initiatives, including for example additional welfare payments to the poorest families if their children attend school. The UK has undertaken project work in this area with the British Council. The levels of school enrolment have increased, particularly in relation to girls. But the number of child courts is still inadequate with an increase in the number of children in detention. The implementation of minimum standards of care and protection for children living outside parental care needs to be improved.

Turkey is a destination country for human trafficking because of its proximity to key source countries along with the perception that well-paid jobs are available. In 2005 (the most recent year for which statistics are available), 60 per cent of women trafficked into Turkey came from two countries: Moldova and Ukraine. Others came from Turkey's neighbours to the east, including Russia.

The International Organisation for Migration runs a telephone helpline for victims of trafficking in Turkey, along with awareness-raising campaigns for potential victims. They also assist victims to return home. There are two shelters for trafficking victims in Turkey run by NGOs which have particular expertise in dealing with trafficked women. They offer medical and psychological support.

Albania

Although party to several international agreements on human rights, Albania continues to have difficulty implementing legislation and reform in some areas. Respect for human rights is a core principle of Albania's Stabilisation and Association Agreement with the European Union. Corruption remains a serious issue in Albania and presents one of the most serious obstacles to human rights in the country. The UK funds a number of projects to help tackle this problem, including work to increase transparency and accountability in the property registration process.

Albania received an invitation to join NATO at the Bucharest Summit in April. Albania's progress against its Membership Action Plan commitments, which include respect for human rights, was recognised. In 2008, Albania ratified Protocol 13 to the European Convention on Human Rights concerning abolition of the death penalty in all circumstances and has revised its Military Code accordingly.

The Albanian government has made some progress on electoral reform in preparation for general elections due to

be held in the summer of 2009, but much remains to be done if free and fair elections are to be guaranteed. In April, the government and opposition parties agreed on constitutional changes establishing a new electoral system. Despite further difficulties, the new Electoral Code was passed with wide consensus in November. The early adoption of the new Code is essential for free and fair elections in 2009. The UK has provided funds to establish regular, independent opinion polling in the months leading up to elections, to increase transparency in electoral campaigning.

Judicial reform has made less progress. Most notably, some government measures – and particularly a new draft law on the Prosecutor General – have brought the independence of the Prosecution and other independent institutions into question. The responsibility of national authorities to guarantee the right to life has been brought into the spotlight by a series of explosions at a munitions storage faculty in Gerdec in March, where 26 people, including some children, were killed. The Gerdec incident also raised issues of child labour, labour laws and health and safety standards. The Prosecutor General's office continues to investigate the circumstances surrounding this tragedy, and the results of this will be watched closely. Human trafficking remains a problem, and recent international reports suggest there is more the government could be doing to tackle it.

There have been further complaints of the government attempting to censor the media. The UK provides scholarships and shorter fellowships to build capacity in areas that support human rights in Albanian, including the media. Freedom of religion is generally guaranteed, and inter-faith relations are positive and tolerant. However, religious communities continue to complain about the government's lack of restitution with regard to property and land taken from the religious communities during the communist regime.

Bosnia and Herzegovina

Progress on human rights in Bosnia and Herzegovina remains patchy. They still need to resolve outstanding issues from the 1992-95 conflict. In the last year, an increase in nationalist rhetoric coupled with frequent challenges to the Dayton Peace Agreement has undermined the ability of state-level institutions to implement key reforms.

Partial implementation of the Mostar declaration on police reform led to the signing of the Stabilisation and Association Agreement with the EU in June. However, since then progress on implementation of police reform has slowed, with delays to the establishment of new state-level policing structures. We will continue to work with national and international partners to ensure the principles within the Mostar declaration are fully implemented. Bosnia and Herzegovina has proved to be an effective and proactive member of the Human Rights Council in addressing important human rights issues on the global stage. Co-operation of the Bosnia and Herzegovina authorities with the International Criminal Tribunal for the former Yugoslavia



Minister for Europe Caroline Flint met Macedonian Deputy Prime Minister for European Integration, Ivica Bocevski, in London, 14 October 2008.

to locate the remaining indictees remains satisfactory. Bosnia and Herzegovina ratified the revised European social charter in July. However, more commitment is required to ensure all international human rights conventions are properly observed. Several decisions of the Human Rights Commission of the Bosnia and Herzegovina Constitutional Court have not been properly implemented.

The FCO has contributed funding to the secondment of international prosecutors working on sensitive war crimes investigations, including Srebrenica-related cases. This will help ensure both institutions deal with war crimes cases impartially and effectively. The FCO has also worked to establish and embed civil society engagement in the justice and security sector to increase transparency and accountability. UK support has brought together a range of civil society organisations with the state level Justice and Security ministries. They are now working closely together to define where civil society support can contribute including policy development and service delivery. Over the last two years, the FCO has supported the International Commission for Missing Persons to create sustainable mechanisms addressing the large number of people unaccounted for from the 1992-95 conflict. Work has centred on the establishment and running of the Bosnia and Herzegovina Missing Persons Institute (MPI). Although the MPI has now been established, further work is required to ensure it operates effectively and free of political interference.

Montenegro

Montenegro has made significant progress since independence in 2006. The signature of a Stabilisation and Association Agreement with the European Union in October 2007 gave momentum to the process of harmonising legislation with EU. This has included progress in the area of human rights and protection of minorities where Montenegro is broadly in line with European standards. Montenegro is a signatory or a party to most of the Council of Europe conventions, including the European Convention on Human Rights (ECHR). Multi-annual strategies for social

and child protection, for integration of persons with disabilities and for protection of the elderly were adopted in November 2007. Broader public attention and adequate legislation are needed to address domestic violence against women. Freedom of expression needs to be better protected. Thorough investigations of incidents involving attacks on journalists are needed. Montenegro appointed a judge to the European Court of Human Rights in April 2008, which means it is now possible to handle cases which had been suspended following Montenegro's independence. Montenegro has strengthened the framework for minority protection by adopting a minority policy strategy and national Roma strategy, forming national minority councils and establishing specific funding mechanisms.

The UK is involved in a number of human rights projects in co-operation with the authorities and civil society in Montenegro. The priority areas include freedom of the media, judicial reform, good governance in the fight against corruption and organised crime, and inter-ethnic relations.

Serbia

Serbia made significant progress in 2008 on bringing to justice those involved in war crimes, in particular with the arrests of International Criminal Tribunal for the former Yugoslavia (ICTY) indictees Stojan Zupljan, in June, and Radovan Karadzic, in July. The UK continues to urge the Serbian authorities to work towards bringing those accused of war crimes to justice, through full co-operation with ICTY. More information on ICTY is included on page 48.

The protection of the rights of minority groups remains an important issue. We assess that there is no systematic discrimination or persecution of ethnic or religious minorities in Serbia. However, inter-ethnic tensions still exist, notably in the south of the country, where the UK and the international community continue to urge the Serbian government to create the conditions necessary for full participation by the ethnic Albanian community in local and national institutions. We endeavour to convince ethnic minority community leaders to co-operate with governmental institutions. Also of concern is the situation in the Bosniak minority populated area in south west Serbia (Sandzak). The FCO has helped ensure there is a strong portfolio of UK-funded project work in the two regions. This focuses on institution-building, political participation (of youth, in particular) and social inclusion. FCO officials have joined forces with local and international NGOs, OSCE and several other EU-member partners to help deliver lasting improvements, which are to prevent any human rights abuses in these regions.

The UK also supports other minority groups, such as the Roma, who have few education and employment opportunities. The FCO is currently co-funding a project by Save the Children in Serbia, Montenegro, Bosnia and Herzegovina and Kosovo aimed at helping more minorities (including Roma) into mainstream education.

Kosovo

On 17 February, Kosovo declared its independence. The UK recognised the newly independent Kosovo the following day. Since independence, Kosovo has been putting into action the recommendations in UN Special Envoy Ahtisaari's Comprehensive Settlement Proposal (CSP) for independence supervised by the international community. We, and other international partners, are committed to assisting Kosovo achieve its goal of becoming a stable and prosperous country with democratic, civil and legal structures.

Kosovo's commitment to setting out a legal and governmental framework which respects human rights is encouraging. Its constitution, passed by the Kosovan Assembly, came into effect on 15 June and guarantees the fundamental rights and freedoms of individuals and communities. Laws have been passed by the Kosovan General Assembly to protect minority and cultural rights, including a law on the protection and promotion of rights of communities and their members in Kosovo.

The real challenge for Kosovo is ensuring that the good intentions behind these new laws are put into action. We encourage the government to take allegations of human rights abuses seriously and investigate them thoroughly. We are also urging the Kosovo government to work on:

- supporting the judiciary – it cannot yet demonstrate a transparent and consistent application of the law;
- combating corruption and organised crime;
- integrating and ensuring human rights of minority communities, including Kosovo Serbs, Roma and others; and
- reversing violations of the right to property.

The government of Kosovo has begun to address these problems and, in partnership with the international community, is working to tackle them through building institutions and delivering rule of law reform. It has set up commissions for human rights, gender issues, missing persons and petitions, and established human rights advisory panels in municipal government. It has also created a Unit for Judicial Investigation, which has seen 164 cases in 2008 and referred 87 of these to the Judicial Council of Kosovo. The new Anti-Corruption Agency has submitted 35 cases to the Public Prosecutor. The Office for Communities has been founded to look at ways of integrating minority communities.

A number of international organisations are operating in Kosovo to help address human rights issues.

Through 2008, the UN Interim Administration Mission in Kosovo (UNMIK) recruited and trained Kosovan judges, police officers and other rule of law professionals. The EU's Rule of Law Mission in Kosovo took over this responsibility in December 2008. The 16,000-strong NATO force in Kosovo monitors potential flashpoints and is mentoring the new Kosovo Security Force. The International Civilian Office is assisting with a decentralisation process aimed at

ensuring that minority areas are properly represented in local government. The OSCE assists with drafting legislation, and works closely with the Kosovo authorities, particularly at the local level, to recommend improvements in performance.

European Neighbourhood Policy

The European Union has made human rights and democracy a central aspect of its external relations, in its political dialogue with third countries, and in its development co-operation and assistance. European Neighbourhood Policy (ENP) is the policy framework for the EU's relations with its 16 neighbours¹ to the east and south. ENP was developed in 2004 to promote core EU values – democracy, the rule of law, liberty and security – in the EU's neighbourhood. Respect for human rights constitutes an integral part of the EU's dialogue with ENP partner countries. The UK continues to attach strong importance to good governance – including respect for human rights – as a priority for ENP, as well as in our bilateral relations with these countries. The UK contributes around £120 million per year to support ENP and is fully engaged in its policy development, through contacts with the European Commission, other EU member states and ENP partner governments.

Bilateral action plans agreed between the EU and each partner form the central element of ENP. They set out an agenda of agreed political and economic reforms to be implemented by partners, with EU financial and technical assistance. The commitments in the political chapters include reforms in the area of democratisation (for example, electoral laws), human rights (for example, legislation protecting human rights and fundamental freedoms, enforcement of international human rights conventions, human rights training) and the rule of law (for example, reform of penal and civil codes, strengthening the efficiency of judicial administrations). Progress in implementing action plans is jointly monitored through sub-committees, including for some partner countries – Jordan, Lebanon, Morocco, and Tunisia – through dedicated sub-committees on human rights and democracy. Egypt, Georgia, Israel, Moldova and Ukraine discuss human rights with the EU under the auspices of other committees or working groups. As part of ENP's financial support for reform, a governance facility provides additional money to ENP countries judged, on the basis of the Commission's assessment, to have made most progress in implementing good governance reform. In 2008, Moldova, Morocco and Ukraine shared the €50 million equally.

The UK supports the further strengthening of ENP, which developed considerably in 2008. In June, the Commission published a report on the first year of progress of the Black Sea Synergy initiative. One of the Synergy's aims is to promote democracy, respect for human rights and good

¹ Armenia, Azerbaijan, Belarus, Moldova and Ukraine in the east; Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria and Tunisia in the south.

governance in the Black Sea region. It has deepened EU contacts with governments, local and civil society actors and regional organisations. The report proposed creating a Black Sea Civil Society Forum, to increase further the involvement of civil society. Work is ongoing across the neighbourhood to increase the engagement of civil society in partner countries and to raise the visibility of ENP and its objectives. In 2008, two further regional initiatives under ENP were proposed – the Union for the Mediterranean to the south, and the Eastern Partnership involving the eastern neighbours. Both initiatives seek to strengthen European values, including respect for human rights. One of the ways in which the UK supports civil society and promoting human rights in ENP countries is through projects funded by the FCO's Reuniting Europe Programme.

The ENP individual country progress reports published in April 2008 showed some progress in human rights issues. For example, the European Commission highlighted ENP partners' achievements in acceding to or ratifying a number of international human rights conventions, and strengthening of institutions responsible for monitoring and defending human rights. One example is the Egyptian National Council for Human Rights' adoption of a national plan of action for the promotion and protection of human rights. Further details are available on the Commission's ENP web page at <http://ec.europa.eu/> and in the EU Annual Report on Human Rights 2008 at http://ec.europa.eu/external_relations/human_rights/intro/index.htm

However, in many countries there is still much to be done in terms of human rights. An outline of some of the issues is given below.

Georgia

The Commission's progress report in April showed progress in reform of the judicial system, but achieving full and effective independence of the judiciary remains a crucial objective. The implementation of the national strategy for criminal law reform, approved in 2005, is to be fully implemented by 2010. The EU–Georgia Subcommittee on Freedom, Security and Justice held its first meeting on 30 April. Both sides agreed to hold regular informal human rights dialogue meetings. However, many issues have to be improved. The EU Annual Report on Human Rights 2008 noted that: "Democracy and the rule of law are far from being consolidated in the South Caucasus", and had concerns about the conduct of elections in Georgia and Armenia in 2008. The EU continues to monitor closely the situation in Georgia after the August crisis with Russia.

Moldova

Moldova made progress in human rights over 2008. Work started on comprehensive anti-discrimination legislation. Moldova also ratified the First Optional Protocol to the International Covenant on Civil and Political Rights and declarations under article 21 and 22 of the UN Convention Against Torture, enabling individuals to submit complaints to the UN Committee Against Torture. A national strategy

on residential child care system reform for the years 2007 to 2012 was adopted, as well as a programme of rehabilitation and social integration of disabled people. But these programmes are yet to be implemented due to a lack of financial resources.

While Moldova has made efforts to bring its legislation into line with relevant international standards, further efforts are needed to implement and enforce such laws. Limited freedom and plurality of the media, as well as the need to ensure independence of the judiciary, remain particular causes for concern.

Morocco

Morocco introduced reform in the family code, thus promoting the role of women in society. Women are more represented in the new government. Great efforts have been put in place to combat violence against women, in particular by setting up an information system and organising public awareness campaigns. Morocco started preparations for a national strategy and an action plan in the field of human rights with the support of the EU. There are still important problems in the areas of freedom of association and freedom of expression. The Commission has enhanced its co-operation with NGOs by awarding them financial assistance from the European Instrument for Democracy and Human Rights in order to strengthen the role of civil society in promoting human rights and democratic reforms. New legislation on political parties was implemented. Also, the reservations against international conventions, in particular on racial discrimination, children's rights and torture, were lifted, which led to subsequent positive changes in legislation (for example on torture).

Jordan

The UK, other EU member states and the Commission provide financial and technical support in the field of human rights throughout Jordan. Over 20 NGOs have received direct support from the EU. The Commission's funding of regional projects has enabled Jordan itself to host human rights activities, for example training in human rights for Jordanian and Palestinian lawyers, capacity-building of local NGOs and training of public security staff. There is still room to develop women's rights but the participation of women in political life has improved; for example, a new municipality law provided for a quota of 20 per cent of municipal council seats for women. Other positive elements included the adoption of a law on domestic violence and a law on access to information, and the anti-corruption commission, which started its work in January 2008. Additionally, the definition of torture under Jordanian legislation has been brought into line with UN legislation and new measures to fight torture and other cruel treatment were adopted. However, the EU expressed concerns about the recent adoption of a civil society law by the parliament, which did not take into account the recommendations and objections of civil society organisations.

Ukraine

Ukraine was again awarded the Governance Facility in 2008 as one of the partner countries having made the most progress in implementing the governance priorities in its European Neighbourhood Policy Action Plan. Ukraine has made progress in recent years on freedom of speech and democratisation, with three consecutive elections recognised as largely free and fair, and there is a diverse and lively media environment. We welcome the increasing involvement of human rights organisations in government work to protect human rights. There are, however, a number of issues on which we would like to see greater action, particularly on corruption in the judiciary, the recent rise in hate crimes and ill-treatment of detainees by law enforcement agencies. We are working closely with the Council of Europe to help ensure those responsible for the murder of the journalist Georgiy Gongadze in 2000 are brought to justice.

EU Common Foreign and Security Policy

The European Union's Common Foreign and Security Policy (CFSP) is widely acknowledged within the EU as being one of the most effective means for the promotion of human rights, democracy, good governance and the rule of law. The UK aims to work with other EU countries to achieve improvements in these areas, using the wide range of tools available within the policy.

Death penalty

Common action by EU member states has enabled us to campaign more effectively against the death penalty in various ways. For example, in 2008, the EU:

- took coordinated action in international fora such as the UN General Assembly; this included helping to deliver a second successive resolution supporting a global moratorium on the use of the death penalty;
- further implemented the EU guidelines on the death penalty, including raising with other countries individual death penalty cases violating the minimum standards stipulated in the guidelines;
- coordinated on the ground in third countries such as China and the Caribbean to identify key structural concerns and lobby host governments accordingly; and
- publicly raised concerns in response to negative developments, such as the first executions in St Kitts and Nevis for 8 years.

JEU Police Mission for the Democratic Republic of Congo

The EU Police Mission for the Democratic Republic of Congo (EUPOL RD Congo) launched in July 2007; its mandate, focused on security sector reform, runs until June 2009. Made up of 53 international experts, headed by

Superintendent Adilio Custodio, the mission's members include police experts, criminal justice experts and experts in cross-cutting aspects of security sector reform. The mission is mandated to cover the field of human rights, as well as children associated with armed conflict and gender equality. The Democratic Republic of Congo, in co-operation with the EU, has identified police reform as a priority.

The mission contributes to the restructuring of the Congolese police by supporting the establishment of a police force that is viable, professional and multi-ethnic. EUPOL RD Congo provides advice and assistance to the Congolese authorities, especially through the Police Reform Monitoring Committee (CSRP). The CSRP, approved by the Minister of the Interior, is the "single framework" for the reform of the police. One of the first challenges for the CSRP has been to draw up a global action plan for the Reform of the Police. This includes the projects of various international donors to ensure consistency. Thanks to support provided by EU bilateral actors and EUPOL, DRC is supporting the National Congolese Police to establish a co-ordination, command and control centre at a national and provincial dimension.

The mission will contribute to the stabilisation process in North and South Kivu in the fields of human rights, gender and the protection of children by deploying two additional teams to Goma and Bukavu.

Challenges

The UK is at the forefront of efforts to have human rights mainstreamed across the ever-widening spectrum of EU external policy. Through the EU working group on human rights (COHOM), and in close co-operation with the European Commission and the EU Secretary-General's Personal Representative for Human Rights, Dr Riina Kionka, we continue to work for even greater EU effectiveness in promoting human rights and democracy around the world.

The Commonwealth

The Commonwealth is a voluntary association of 53 states, encompassing 1.8 billion people, 30 per cent of the world population. The Commonwealth has no formal charter but members subscribe to common principles and objectives, which pledge commitment to democracy, rule of law, good governance and poverty alleviation. The Singapore Declaration of Commonwealth Principles (1971) highlighted equal rights for all citizens and their inalienable right to frame the society in which they live through free and democratic political processes. They were re-affirmed and clarified in the Harare Declaration in 1991, and included the commitment to respect fundamental human rights.

The UK is a proud member of the Commonwealth and values the opportunity to work very closely with the Secretariat on a range of key Commonwealth global issues including human rights. The UK is the largest contributor to the Commonwealth Secretariat budget and the Foreign and Commonwealth Office works closely with the Secretariat to

ensure that its work supports UK priorities. The current UK subscription to the Commonwealth Secretariat is 30 per cent of the overall budget (£4.2 million in 2008-09)

The Commonwealth Ministerial Action Group

The Commonwealth monitors adherence to these values through the Commonwealth Ministerial Action Group (CMAG). Their task is to assess the infringements of countries that seriously or persistently violate the Harare principles and recommend measures for collective Commonwealth action. The UK is currently a member of CMAG. Pakistan was restored to the Councils of the Commonwealth in May, following its suspension in November 2007. The Pakistani government took positive steps in the spirit of and surpassing the conditions stated for readmission. The readmission sent a strong signal of support for the democratic transition. Fiji was suspended from the Councils of the Commonwealth in December 2006 and is regularly discussed by CMAG. At the last CMAG meeting in September, leaders expressed their concern at the lack of progress towards elections and reaffirmed the importance of the March 2009 deadline for these elections.

Human Rights Unit

The promotion of human rights is one of the fundamental objectives of the Commonwealth Secretariat. The Secretariat's Human Rights Unit works to help members adopt and implement major human rights instruments through capacity-building and by sharing technical expertise. In November, the Secretariat organised a two-day seminar on the UN Universal Periodic Review reporting mechanism, which 11 Commonwealth countries attended. A regional seminar took place in October in Barbados, which 13 countries attended, in anticipation of submitting their country reports in 2009 for the Universal Periodic Review.

The Secretariat works to increase awareness and understanding of human rights through education and training. In 2008, the Secretariat has carried out human rights training for police trainers in the Caribbean and

Bangladesh; 41 Commonwealth countries have received this training since 2005.

The Human Rights Unit also provides advice, training and other forms of technical assistance to governments to strengthen their national human rights institutions. It works to build capacity within relevant ministries, agencies and departments in mainstreaming human rights, and identifying and responding to human rights issues. Activities in 2008 have included:

- training for civil servants in the Maldives, and training for magistrates in Malawi;
- support for a consultation on a regional mechanism on human rights in the Pacific, and training for media workers in Gambia; and
- a human rights assessment in the Maldives and Fiji, and a forum for national human rights institutions in Kenya.

Election monitoring

The Commonwealth plays a key role in promoting respect for democracy and political rights through its election monitoring programmes. Commonwealth observer groups report to the Commonwealth Secretary-General on whether the conditions in a country exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people. Observer groups reported that elections in the Maldives, Ghana and Bangladesh in 2008 were transparent, orderly and inclusive.

Respect and understanding

The 2007 Report of the Commonwealth Secretariat's Commission on Respect and Understanding, led by Nobel Laureate Professor Amartya Sen, highlighted the importance of human rights in providing an environment conducive to tolerance, respect and friendship among people of different races, faiths and cultures. In 2008, the Secretariat started to compile details and examples of best practice in respect and understanding from all member states. In 2009, these will be consolidated, edited and distributed in a respect and understanding toolkit, which will include guidance on practical applications of best practice.



Commonwealth Secretary-General, Kamalesh Sharma, and Malaysian Foreign Minister, Datuk Seri Utama Dr Rais Yatim.

Civil society

The Commonwealth's network of civil society organisations contributes to the promotion of respect for human rights within the Commonwealth community. The Commonwealth Foundation's 2008-11 work plan focuses on enhancing the role of civil society organisations to assist Commonwealth countries achieve transformation. The plan focuses on governance and democracy, human development (in particular, the achievement of the Millennium Development Goals); respecting and understanding different cultures; and communities and livelihoods. The Commonwealth Human Rights Initiative (CHRI) is an NGO that works to ensure the practical realisation of human rights in Commonwealth countries. Through fact-finding missions CHRI draws attention to progress and setbacks in human rights in Commonwealth countries. CHRI holds workshops and develops links across the Commonwealth to facilitate human rights development.

African human rights institutions

The African Court of Human and Peoples' Rights has become more firmly established over the last year. Regular sessions have been held in Arusha (Tanzania), and much of the machinery of the administration of the Court is now in place. The judges elected their second President, Justice Jean Mutsinzi, from Rwanda. The new Vice-President is Justice Sophia Akufo, a Supreme Court judge from Ghana. The first case has also been filed and is being considered by the Court.

In 2008, the African Court and the African Commission on Human and Peoples' Rights addressed the European Parliament. Judge Fatsah Ouguergouz of the African Court, on the occasion of Africa Week, spoke about the formation and work of the Court to the European Parliament's Human Rights Committee. Three judges from the Court also attended a unique celebration of the 60th anniversary of the Universal Declaration of Human Rights in Strasbourg. This was where the three human rights courts (the European, Inter American and African Court of Human Rights) met for the first time to exchange views on practice and jurisprudence and establish a permanent relationship between them.

The Commissioner for Human Rights Defenders of the African Commission on Human and Peoples' Rights, Madame Alapini-Gansou, was a guest at the European Parliament's celebration for the 60th anniversary of the Universal Declaration of Human Rights. Madame Gansou visited the UK, where she met the UK All-Party Parliamentary Committee on Human Rights, senior officials at the FCO and leading human rights barristers at Doughty Street Chambers. These visits to Europe revealed the appetite of the UK and EU partners for more exposure to, and willingness to support, the African human rights institutions.

The partnership between the African Union (AU) and the European Union (EU) also took shape in 2008 with two rounds of the AU-EU Human Rights Dialogue and the first joint meeting of the Joint Implementation Team on Democratic Governance and Human Rights in Addis Ababa in October. The co-chairs on the European side, Germany and Portugal, established good relations with their African counterpart, Egypt. At the next meeting of the group in Lisbon, in spring 2009, there will be substantial discussions of projects presented by both sides to agree which should go forward for implementation.

In 2009, the work of the African human rights institutions will be extended further. Chatham House is launching a report on the work of the Court in the spring. FCO officials will continue to work with the African Union and EU partners to support further the work of the African Union in the field of human rights.

The Council of Europe

The Council of Europe's core objectives are promoting and preserving human rights, democracy and the rule of law across the European continent. It aims to ensure respect for agreed standards in these areas and continues to develop new ones.

The UK plays an active role in the Council of Europe. As part of our strategy for developing effective international institutions, the UK used every opportunity to call on the Council to:

- remain focused on its core objectives;
- improve the working methods and efficiency of the CoE Secretariat; and
- streamline the work of the European Court of Human Rights (ECtHR) through all member states' ratification of Protocol 14 to the European Convention on Human Rights.

Protocol 14 reforms

- One judge, rather than three, can reject clearly inadmissible cases.
- Repetitive cases against a state are heard by three judges instead of 7.
- A member state that refuses to comply with a judgment against it can be referred to the court.
- Cases are dismissed if the complainant is considered not to have suffered 'significant disadvantage', provided there are no general human rights issues.
- Judges will serve one 9-year term, instead of 6 years with the possibility of re-nomination.

Russia remains the only member state not to have ratified Protocol 14.

The UK has been engaged in discussions exploring practical changes that could be introduced to improve ECtHR operating procedures until Protocol 14 comes into force. Following the Georgia–Russia conflict in August, the Foreign Secretary attended an informal meeting of the Council of Europe Committee of Ministers in New York on 24 September to discuss the organisation's response to the conflict. The Council of Europe's Commissioner for Human Rights was active in the region from the start to promote respect of human rights and humanitarian security, as well as to facilitate exchanges of prisoners and detainees. The Council of Europe will assist other organisations present on the ground by providing human rights training. A distinctive response by the Committee of Ministers is still under discussion.



Thomas Hammarberg, Council of Europe Human Rights Commissioner.

Children's rights

In November, the Council of Europe agreed a new strategy on children's rights for 2009-2011. The UK signed the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse on 5 May. On 27 November, the UK was among the first member states to sign the Convention on the Adoption of Children (Revised).

Gender equality

In November, the UK participated in Council of Europe discussions reviewing work to promote gender equality. The Council of Europe agreed a range of work to increase its emphasis on gender mainstreaming and ensure implementation of agreed standards, in particular by monitoring the response to recommendations of the Committee of Ministers in the field of gender equality.

Women's rights

The UK contributed to discussions on the scope of a possible convention against domestic violence and violence against women. A committee has been established to take this forward. The UK ratified the Convention on Action against Trafficking in Human Beings in December. It will enter into force in the UK on 1 April 2009.

Lesbian, gay, bisexual and transgender rights

In July, the Council of Europe discussed work to counter discrimination on grounds of sexual orientation and agreed, among other actions, to prepare a recommendation on discrimination based on sexual orientation and gender identity.

Key figures

47 member states
5 observer states
205 conventions
10 partial agreements
£22,031,296 – UK contribution to Council of Europe budget for 2008 excluding partial agreements
(<http://conventions.coe.int/general/v3IntroAPE.asp>)

Voting on key resolutions at the UN Human Rights Council

| | 6th Special Session (January 2008) | 7th Session | | | | | 9th Session | |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip | The role of good governance in the promotion and protection of human rights | Situation of human rights in the Democratic People's Republic of Korea | Israeli settlements in the Occupied Territory, including East Jerusalem, occupied Syrian Golan | Combating defamation of religions | From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance | Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression | Follow-up to resolution S-3/1: human rights violations emanating from Israeli military incursions of the Occupied Palestinian Territory and the shelling of Beit Hanoun |
| Angola | y | y | ab | y | dnv | y | y | y |
| Argentina | nm | nm | nm | nm | nm | nm | nm | nm |
| Azerbaijan | y | y | ab | y | y | y | y | y |
| Bahrain | nm | nm | nm | nm | nm | nm | nm | y |
| Bangladesh | y | y | ab | y | y | y | y | y |
| Bolivia | y | ab | y | y | ab | y | y | y |
| Bosnia Herzegovina | ab | y | y | y | dnv | ab | ab | ab |
| Brazil | y | y | y | y | ab | y | y | y |
| Burkina Faso | nm | nm | nm | nm | nm | nm | nm | y |
| Cameroon | ab | y | ab | y | y | y | y | ab |
| Canada | n | y | y | n | n | ab | ab | n |
| Chile | nm | nm | nm | nm | nm | nm | nm | y |
| China | y | ab | n | y | y | y | y | y |
| Cuba | y | ab | n | y | y | y | y | y |
| Djibouti | y | y | ab | y | y | y | y | y |
| Egypt | y | y | n | y | y | y | y | y |
| France | ab | y | y | y | n | ab | ab | n |
| Gabon | y | y | ab | y | ab | y | y | y |
| Germany | ab | y | y | y | n | ab | ab | n |
| Ghana | y | y | y | y | ab | y | y | y |
| Guatemala | ab | y | ab | y | ab | y | ab | nm |
| India | y | y | ab | y | ab | y | y | y |
| Indonesia | y | y | n | y | y | y | y | y |
| Italy | ab | y | y | y | n | ab | ab | n |
| Japan | ab | y | y | y | ab | ab | ab | n |
| Jordan | y | y | y | y | y | y | y | y |
| Korea | ab | y | y | y | ab | ab | ab | ab |
| Madagascar | y | y | y | y | ab | y | y | dnv |
| Malaysia | y | y | n | y | y | y | y | y |
| Mali | y | y | ab | y | y | y | y | nm |
| Mauritius | y | y | ab | y | ab | y | y | y |
| Mexico | y | y | y | y | ab | y | y | y |
| Netherlands | ab | y | y | y | n | ab | ab | n |
| Nicaragua | y | ab | n | y | y | y | y | y |
| Nigeria | y | y | ab | ab | y | y | y | y |

Voting on key resolutions at the UN Human Rights Council (cont.)

| | 6th Special Session (January 2008) | 7th Session | | | | | 9th Session | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip | The role of good governance in the promotion and protection of human rights | Situation of human rights in the Democratic People's Republic of Korea | Israeli settlements in the Occupied Territory, including East Jerusalem, occupied Syrian Golan | Combating defamation of religions | From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance | Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression | Follow-up to resolution S-3/1: human rights violations emanating from Israeli military incursions of the Occupied Palestinian Territory and the shelling of Beit Hanoun |
| Pakistan | y | y | ab | y | y | y | y | y |
| Peru | y | y | y | y | ab | y | y | nm |
| Phillipines | y | y | ab | y | y | y | ab | y |
| Qatar | y | y | ab | y | y | y | y | y |
| Romania | ab | y | y | y | n | ab | ab | nm |
| Russia | y | ab | n | y | y | y | y | y |
| Saudi Arabia | y | y | y | y | y | y | y | y |
| Senegal | y | y | ab | y | y | y | y | y |
| Slovakia | nm | nm | nm | nm | nm | nm | nm | n |
| Slovenia | ab | y | y | y | n | ab | ab | n |
| South Africa | y | y | ab | y | y | y | y | y |
| Sri Lanka | y | ab | ab | y | y | y | y | nm |
| Switzerland | y | y | y | y | n | ab | ab | ab |
| Ukraine | ab | y | y | y | n | ab | ab | ab |
| UK | ab | y | y | y | n | ab | ab | n |
| Uruguay | y | y | y | y | ab | y | y | y |
| Zambia | y | y | ab | y | ab | y | y | y |

y voted in favour of the resolution

n voted against the resolution

ab abstained on the resolution

nm not a member at the time of the resolution

dnv did not vote on the resolution

At the 8th and 9th sessions, votes were again held on resolutions on 'The promotion of the right of peoples to peace' (Resolution 8/9), and on 'Human rights and universal coercive measures' (Resolution 4/9). The UK maintained its long standing opposition to both resolutions.

The majority of resolutions were adopted by consensus, although in some cases that consensus was not won easily.

Among these were two important resolutions on 'The situation of human rights in the Sudan' (Resolutions 7/16 and 9/17) and on 'Assistance to Somalia in the field of human rights' (Resolution 7/35).

Iran: Vote on No Action Motion

Those countries that voted FOR No Action motion to stop the UN Third Committee considering human rights problems in Iran: 70

| | | | | |
|-------------------|--------------------------|-------------------|------------|------------|
| Afghanistan | Algeria | Angola | Armenia | Azerbaijan |
| Bangladesh | Barbados | Belarus | Bolivia | Brunei |
| Cambodia | Central African Republic | Chad | China | Comoros |
| Congo | Cuba | DPR (North) Korea | Egypt | Eritrea |
| Gambia | Guinea | Guinea Bissau | India | Indonesia |
| Iran | Iraq | Kazakhstan | Kenya | Kuwait |
| Kyrgyzstan | Laos | Lebanon | Malawi | Malaysia |
| Mali | Mauritania | Myanmar | Namibia | Nicaragua |
| Oman | Pakistan | Philippines | Qatar | Russia |
| São Tomé Principe | Saudi Arabia | Senegal | Serbia | Singapore |
| Solomon Islands | Somalia | South Africa | Sri Lanka | Sudan |
| Suriname | Swaziland | Syria | Tajikistan | Thailand |
| Togo | Tunisia | Turkmenistan | Uganda | UAE |
| Uzbekistan | Venezuela | Vietnam | Zambia | Zimbabwe |

Those countries that voted AGAINST the No Action motion to stop the UN Third Committee considering human rights problems in Iran: 82

| | | | | |
|------------------|---------------|--------------------|----------------|-------------|
| Albania | Andorra | Argentina | Australia | Austria |
| Bahamas | Belgium | Bosnia Herzegovina | Botswana | Bulgaria |
| Burundi | Canada | Cape Verde | Chile | Colombia |
| Costa Rica | Croatia | Cyprus | Czech Republic | Denmark |
| Ecuador | El Salvador | Estonia | Fiji | Finland |
| France | Georgia | Germany | Greece | Guatemala |
| Haiti | Honduras | Hungary | Iceland | Ireland |
| Israel | Italy | Japan | Kiribati | Latvia |
| Liberia | Liechtenstein | Lithuania | Luxembourg | Malta |
| Marshall Islands | Mexico | Micronesia | Monaco | Mongolia |
| Montenegro | Nauru | Netherlands | New Zealand | Norway |
| Palau | Panama | Papua New Guinea | Paraguay | Peru |
| Poland | Portugal | Republic of Korea | Moldova | Romania |
| St Lucia | Samoa | San Marino | Slovakia | Slovenia |
| Spain | Sweden | Switzerland | TFRY Macedonia | Timor Leste |
| Tonga | Tuvalu | Ukraine | UK | USA |
| Uruguay | Vanuatu | | | |

Those countries that ABSTAINED on the No Action motion to stop the UN Third Committee considering human rights problems in Iran: 28

| | | | | |
|-----------------------|-----------------|---------------|-----------|--------------------|
| Antigua-Barbuda | Belize | Benin | Bhutan | Brazil |
| Burkina Faso | Cameroon | Côte D'Ivoire | Dominica | Dominican Republic |
| Equatorial Guinea | Ethiopia | Ghana | Grenada | Guyana |
| Jamaica | Jordan | Lesotho | Mauritius | Mozambique |
| Nepal | Niger | Nigeria | Rwanda | St Kitts Nevis |
| St Vincent Grenadines | Trinidad Tobago | Tanzania | | |
| Turkey | Yemen | | | |

Iran: Vote on No Action Motion (cont.)

Those countries that DID NOT VOTE on the No Action motion to stop the UN Third Committee considering human rights problems in Iran: 12

| | | | | |
|------------|----------|----------|------------|--------------|
| Bahrain | DR Congo | Djibouti | Gabon | Libya |
| Madagascar | Maldives | Morocco | Seychelles | Sierra Leone |
| Turkey | Yemen | | | |



03

Overseas Territories and human rights of British nationals abroad

The UK Overseas Territories

The 1999 White Paper on the British Overseas Territories reaffirmed the establishment and maintenance of high standards of observance of human rights as a key objective for the UK and the Overseas Territories.

Central to the delivery of our objectives on the Overseas Territories is that Territory governments should abide by the same basic standards of human rights that British people expect of the UK government.

One of our priorities is to encourage all the populated Territories to agree to the extension of the European Convention on Human Rights (ECHR) and the 6 UN human rights conventions that the UK has ratified and to ensure that each Territory meets its obligations under the conventions extended to them. These conventions are:

- the International Covenant on Civil and Political Rights (ICCPR);
- the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment (CAT);
- the Convention on the Rights of the Child (CRC);
- the Convention on the Elimination of Discrimination Against Women (CEDAW); and
- the Convention on the Elimination of Racial Discrimination (CERD).

Most have already been extended to the majority of the Territories (see table on pages 68–69). However, the ICESCR and the ICCPR have still to be extended to Anguilla. Anguilla has agreed in principle that the ICCPR and the ICESCR should be extended to Anguilla though no further progress towards implementation has been made since 2007. We continue to encourage Anguilla to take the necessary action to enable us to extend the instruments. Once the ICCPR and the ICESCR have been extended to Anguilla, five of the 6 core conventions will have been extended to all the populated Territories. The extension of CEDAW to all relevant Territories is still outstanding. Progress over the last year has been slow, due largely to a lack of enabling legislation in the Territories and the time it is taking the Territories to amend or introduce new laws to ensure compliance with obligations under the convention. So far, CEDAW has been extended to the British Virgin Islands, the Falkland Islands and the Turks and Caicos Islands.

The FCO Minister for the Overseas Territories, Gillian Merron, chaired the 10th Overseas Territories Consultative Council meeting in London on 28–29 October. Elected leaders of each of the Overseas Territories (except Gibraltar) attended. Human rights issues featured prominently on the agenda and included discussion on the rights of non-

belongers, corporal punishment in schools and alternative care settings, and discrimination on grounds of sexual orientation and gender status. We agreed with the Territories to consider the options available to enable Territories not already in compliance to meet international obligations relating to sexual orientation.

At the request of the Falkland Islands, we extended the International Labour Organisation Convention 182 (ILO 182) on the Worst Forms of Child Labour to the Falkland Islands in May. St Helena has requested extension of ILO 182 and we are taking this forward. We will continue to encourage those Territories where ILO 182 and CEDAW do not apply to work towards extension by the next meeting of the Overseas Territories Consultative Council in late 2009. Where appropriate, we will provide assistance to the Territories to help them meet applicable international obligations.

With the agreement of Overseas Territories' governments, the right of individual petition under the ECHR was accepted, or acceptance renewed, by all Territories to which the convention applies, except the British Virgin Islands, in early 2006. This right has been accepted permanently for the Cayman Islands, the Falkland Islands, Gibraltar, and South Georgia and the South Sandwich Islands. We continue to encourage the British Virgin Islands to accept the right of individual petition under the convention, particularly now that the new British Virgin Islands constitution contains a fundamental rights chapter. Pitcairn has expressed a wish for the convention to be extended and is going to appoint a consultant to carry out a compliance exercise.

In the constitutional review process which is under way, or completed, in most Overseas Territories, we have made clear that we cannot accept a new constitution for a Territory that does not contain a fundamental rights chapter. The four new constitutions (the Turks and Caicos Islands, Gibraltar, the British Virgin Islands and the Falkland Islands) concluded since the review began contain a new or updated fundamental rights chapter intended, at a minimum, to ensure compliance with the ECHR and the International Covenant on Civil and Political Rights.

The FCO's Overseas Territories Programme Fund supports the 1999 White Paper commitments on human rights. For example, we have jointly funded with the Cayman Islands government a review of the children's law and associated regulations. The amended legislation, which is designed to enhance the care and welfare of children in the Cayman Islands – in line with the UN Convention on the Rights of the Child – was put out to public consultation in 2008 and is expected to be passed into law in early 2009. A complementary project to review the adoption law and associated regulations has also been completed, the amendments to which are currently with legislative drafters.

St Helena has recently enacted a Welfare of Children Ordinance, which is specifically designed to ensure full compliance with the UN Convention on the Rights of the

Child. This will bring St Helena's law into line with modern best practice. The Ordinance was prepared with advice from the Action for Children charity (formerly NCH/National Children's Home), which is funded under a Department for International Development (DfID) programme. We expect the new child welfare law to come into force in the first quarter of 2009.

Since new constitutions came into force, the Turks and Caicos Islands has set up a Human Rights Commission and passed the necessary establishing legislation; and the British Virgin Islands has initiated the process of establishing a Human Rights Commission. Draft legislation is currently before the British Virgin Islands cabinet on the various options for bringing the Commission to fruition. Human rights institutions already established in other Territories are playing an important role in promoting human rights. For example, the Cayman Islands Human Rights Committee is participating in the Cayman Islands' constitutional review negotiations. It also plays an active role in the review of legislation and administrative provisions in force, as well as bills and proposals, and makes recommendations to ensure that these provisions are in accordance with the human rights principles set out in the treaties and conventions that have been extended to the Cayman Islands. The main aspects to the work of the Bermuda Human Rights

Commission are: to provide effective and timely means for resolving individual complaints; to promote knowledge of human rights in Bermuda and to encourage people to follow principles of equality; and to help reduce barriers to equality in employment and access to services.

We continue to work closely with DfID on the implementation of their four-year human rights programme. This is being applied in most Territories, and is intended to develop in-Territory human rights capacity by building on projects already undertaken in the Territories and offering technical assistance. Since the 2007 Report, the DfID coordinator has visited most of the Overseas Territories in 2008 and carried out consultation exercises. Programme representatives have met with Overseas Territories government ministers and officials, members of civil society and other stakeholders. A visit to Pitcairn Island and Tristan da Cunha was not possible in 2008. However, both were involved in the consultation process, by video and telephone link, respectively. The resulting outcome from those meetings will inform the creation of national action plans to promote human rights in the Territories. The national action plans will be drawn up and agreed with each Territory government.

Overseas Territories: human rights instruments ratification and extension

| | UK | Ang | Ber | BVI | Cay | Gib | Fal | Mon | StH | Pit | TCI |
|----------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| European Convention on Human Rights (ECHR)* | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| ECHR Protocol No. 1 Possessions/Education/Elections | ● | | ● | ● | ● | ● | | ● | ● | | ● |
| International Covenant on Civil and Political Rights (ICCPR) | ● | | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| International Covenant on Economic Social and Cultural Rights (ICESCR) | ● | | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Convention Against Torture (CAT) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Convention on the Rights of the Child (CRC) | ● | ● | ● | ● | ● | | ● | ● | ● | ● | ● |
| Convention on the Elimination of Discrimination Against Women (CEDAW) | ● | | | ● | | | ● | | | | ● |
| Convention on the Elimination of all forms of Racial Discrimination (CERD) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Convention on the Abolition of Slavery | ● | ● | ● | ● | ● | ● | ● | ● | ● | | ● |
| Convention on Consent to Marriage, Minimum Age and Registration | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Convention on Political Rights of Women | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Convention on the Prevention and Punishment of the Crime of Genocide | ● | | ● | ● | | ● | ● | | ● | ● | ● |
| Convention on the Reduction of Statelessness | ● | ● | ● | ● | ● | ● | ● | ● | ● | | ● |
| Convention Relating to the Status of Stateless Persons | ● | ● | ● | ● | | ● | ● | ● | ● | | ● |

| | UK | Ang | Ber | BVI | Cay | Gib | Fal | Mon | StH | Pit | TCI |
|--------------------------------------------------------------------------|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Geneva Conventions I, II, III, IV (1949) | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| ILO Convention No. 29 Forced Labour | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| ILO Convention No. 87 Freedom of Association and Right to Organise | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| ILO Convention No. 98 Right to Organise and Collective Bargaining | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| ILO Convention No. 100 Equal Remuneration | ● | | | | | ● | | | | | |
| ILO Convention No. 105 Abolition of Forced Labour | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| ILO Convention No. 111 Discrimination (Employment and Occupation) | ● | | | | | | | | | | |
| ILO Convention No. 138 Minimum Age | ● | | | | | | | | | | |
| ILO Convention No. 182 Worst Forms of Child Labour | ● | | | | | ● | | | | | |
| UNESCO Convention Against Discrimination in Education | ● | ● | | ● | ● | ● | ● | ● | ● | ● | ● |
| European Convention for the Prevention of Torture or Degrading Treatment | ● | | | | | ● | | | | | |
| European Convention for the Prevention of Torture Protocol No. 1 | ● | | | | | ● | | | | | |
| European Convention for the Prevention of Torture Protocol No. 2 | ● | | | | | ● | | | | | |

Key: Ang – Anguilla Ber – Bermuda BVI – British Virgin Islands Cay – Cayman Islands Gib – Gibraltar Fal – Falkland Islands Mon – Montserrat StH – St Helena Dependencies Pit – Pitcairn Islands TCI – Turks & Caicos Islands

The right of individual petition under the European Convention on Human Rights was accepted permanently for the following Territories from 14 January 2006: Falkland Islands, Gibraltar, South Georgia and the South Sandwich Islands; and was renewed for a period of five years from 14 January 2006 for: Anguilla, Bermuda, Montserrat, St Helena and St Helena Dependencies. It was accepted for a period of five years from 14 January 2006 for the Turks and Caicos Islands, and permanently for the Cayman Islands from 21 February 2006.



FCO Minister Gillian Merron and elected leaders of the Overseas Territories at the Consultative Council meeting in London, October 2008.

Support for British nationals abroad

Introduction

Respect for human rights underpins our consular work. Our consular staff around the world work to protect the human rights of British nationals abroad. Victims of forced marriages, prisoners facing execution, and children illegally taken abroad by a parent are just some of the British nationals we try to help. Consular assistance can take many forms. We offer information about lawyers and foreign legal systems and facilitate the rescue of forced marriage victims, as well as lobbying against the death penalty in individual cases.

Child abduction

The FCO's Child Abduction Section, established in 2003, handled 249 cases in the financial year 2007-08. It assists parents whose child has been abducted or retained by the other parent in a country with which we have not agreed to operate the Hague Convention on Civil Aspects of International Child Abduction (either because the country has not signed the Convention, or has recently signed but we judge it does not yet have the necessary measures in place to implement the Convention properly). These 'non-Hague' cases are difficult to resolve as parents must usually start legal proceedings in the overseas courts to obtain custody of their children. Non-Muslim parents face particular difficulties in countries with Shari'a law where they may have fewer rights to custody and access.

More British children are abducted to Pakistan than to any other country. A Protocol agreed by the judiciaries of the UK and Pakistan in 2003 aims to have a child returned to its country of normal residence for custody to be decided there. We work closely with the UK and Pakistan Protocol Liaison judges to help make the process work. In 2008, we funded the NGO Reunite to conduct a study into the functioning of the Protocol. We are following up on the recommendations made to improve its effectiveness. We are also working in other non-Hague countries, looking for general improvements to the way child abduction issues are handled, and helping move forward specific cases. In Egypt this year, our Embassy has worked with Reunite, a UK NGO working on parental child abduction issues and a local NGO to set up a mediation service, which should be operating and helping parents in 2009. In Libya, our Embassy works closely with the NGO International Social Services to facilitate contact between parents and children.

The Ministry of Justice leads on parental child abduction involving countries with which we are handling cases under the Hague Convention. Before we agree to handle cases under the provisions of the Convention, the FCO plays a key role in assessing whether countries that sign the Convention are able to implement it properly. Currently there are 15 countries which have signed the Convention

but are not yet operating it. However, we will begin handling cases under the Convention with three of these in 2009, as we judge they now have the necessary measures in place. We are also encouraging other countries to sign the Convention. In 2008, our High Commission in New Delhi worked to support Indian plans to sign. In Tokyo, we have offered our assistance to the Japanese authorities following a public commitment from them this year to work towards signature.

Where we are handling cases under the Convention we also work with the Ministry of Justice to improve the way other countries deal with cases. In 2008, our Embassy in Madrid led the way in setting up a series of meetings with the Spanish authorities, which have led to practical improvements. Their work was praised by senior members of the UK judiciary.

Forced marriage

A forced marriage is a marriage conducted without the valid consent of both parties and where duress, either physical or emotional, is a factor. This is not the same as an arranged marriage when families take a leading role in choosing the marriage partner, but both parties enter freely into the marriage. The joint FCO-Home Office Forced Marriage Unit was established in 2005 as the UK's "one-stop shop" for developing government policy on forced marriage, coordinating outreach projects and providing support and information to those at risk. The Unit works closely with our network of Embassies and High Commissions, and with partners in the UK, such as the Ministry of Justice, the Department for Children, Schools and Families (DCSF), the police and many others. In 2008, the Unit received calls reporting 1,612 separate instances of forced marriage. These calls resulted in 213 consular assistance cases, often involving direct action overseas and rescues, and 206 cases where a victim was being forced to sponsor a visa against their will.

On 25 November, the Forced Marriage (Civil Protection) Act 2007 came into force. To coincide with that the Unit launched new statutory guidance on handling forced marriage, which agencies in the UK must have regard to. Earlier in 2008, we worked with DCSF to design and launch new awareness-raising material for use in schools.

In the UK and overseas we continue to work with NGO partners to raise awareness and to improve support for victims. Projects overseas included refuge provision in Bangladesh and Pakistan, gender sensitisation for police in Pakistan and an awareness-raising activity targeting potential victims of forced marriage. In the UK in 2008, we launched a new domestic programme fund which NGOs were encouraged to apply to for projects that support our overall strategic plan for forced marriage work. There were 29 applications for funds. As a result we are now supporting projects being taken forward by Refuge, the Doli Project, Hemat Gryffe Women's Aid, the Ethnic Minority Foundation and the Iranian and Kurdish Women's Rights Organisation.

British prisoners

Each year thousands of British nationals are arrested overseas. We work to support them, regardless of the reason they are detained. According to our most recent statistics, we are aware of 2,542 British nationals in prison overseas. We are unable to obtain the release of British nationals from prison. However, we try to ensure that they are treated in line with international standards, not least by raising issues of health, welfare and human rights with foreign authorities. We also help prisoners get in touch and connect with other organisations that provide assistance. This includes Prisoners Abroad, a charity providing practical and emotional support as well as resettlement assistance, and Fair Trials International.

We work with the Safer Custody and Offender Policy Group at the Ministry of Justice to allow British nationals to serve their sentences in the UK. In 2008, we signed a prisoner transfer agreement with Pakistan and took forward negotiations with Laos and Cambodia. We already have agreements in place with over 100 countries. Prisoner transfers allow eligible prisoners to serve their sentences closer to friends and family, promoting their rehabilitation and transition into normal life after release. In 2008, 55 prisoners were repatriated to the UK from 18 countries.

Mistreatment, fair trials and the death penalty

Ensuring the welfare of detained British nationals is a priority in consular work. This includes offering support, basic information about the local legal and prison system, and lists of local English speaking lawyers. We can make representations where the treatment of individuals falls below international minimum standards. Any allegation of abuse is treated very seriously. Where we have permission from the individual concerned we can raise any worries with the relevant authorities. Where international standards are not met we can also raise concerns about fair trials, such as undue delay in criminal proceedings, lack of legal representation, and inadequate access to translation or interpretation. We can also refer cases to the FCO pro bono lawyers' panel, which in turn can assist local lawyers.

As of December 2008, we know of 8 British nationals on death row. There are a further 19 who face charges that carry the death penalty. Where a British national is charged with an offence that potentially carries the death penalty, we will consider offering their local lawyer the services of a pro bono lawyer from our panel and ask if they would like the help of Reprieve, a UK NGO which fights to protect the human rights of prisoners, which we work closely with on death penalty cases. If a British National is facing a charge

that attracts the death penalty, or has been sentenced to death, we will normally make representations at whatever stage is judged appropriate.

In early 2008, following an agreement between his lawyers and the prosecution, Kenny Richey was released from jail in the USA and deported to the UK. He had been in jail for over 20 years, much of that time on death row. Le Manh Luong, a British national facing the death penalty in Vietnam, had his sentence commuted to one of life imprisonment. Another British national, Chan King Yu, who was on death row in Malaysia, had his conviction overturned.

Human rights adviser

Since 2002, in partnership with Prisoners Abroad, Consular Directorate has been working with a human rights adviser. David Sellwood is the fourth human rights adviser to join us under this arrangement. He supports consular staff in London and overseas, advising them on complex human rights issues in consular cases, and leading on those where someone may be executed or sentenced to death. Prior to joining Consular Directorate, David worked for a number of law firms and the Refugee Legal Centre, dealing with asylum, immigration and human rights law. He also completed an internship with the Independent Jamaica Council on Human Rights, in Kingston, Jamaica, working on death penalty cases. In 2008, David visited China, Japan and the USA, where he met a number of British nationals in prison, some of whom are facing the death penalty. He also speaks about human rights issues on FCO training courses. According to David:

"working at the FCO and Prisoners Abroad is hugely rewarding and challenging. I spend 90 per cent of my time at the FCO, and the remaining 10 per cent at Prisoners Abroad. A typical day (if there is such a thing) involves advising London or overseas Missions on anything from prisoner rights to fair trial issues. Parliamentary work, such as drafting answers to parliamentary questions or ministerial briefings also comes up from time to time. The nature of the work means there are times when you have to drop everything and deal with an emergency; there is certainly never a dull moment."

04



**Key human rights themes
(equality, democracy and
rule of law)**

Equality

Racism

Racism continues to blight societies in all parts of the world. The UK condemns racial discrimination and is committed to tackling it at home and abroad.

Racism and related intolerance is a global challenge that the international community must tackle together. The UK supports the work of the United Nations in the fight against racism.

UN General Assembly

The UK strongly supported a General Assembly resolution on racism that covered the work of the Committee on the Elimination of Racial Discrimination. The resolution reaffirmed states' commitment to the International Convention on the Elimination of All Forms of Racial

Discrimination and their co-operation with the Committee established under the Convention.

The UN General Assembly Third Committee (Human Rights) adopted a resolution on the follow-up to the Durban (World Conference Against Racism) Declaration and Programme of Action. Eleven countries voted against this resolution: Australia, Canada, Czech Republic, Denmark, Israel, Monaco, Netherlands, Poland, Romania, the UK and the US, and 130 countries voted in favour. The rest of the EU abstained.

The UK's position was shaped by our overall concerns with the Durban process. In the text itself, the negative implications of the language on freedom of expression, the 'continuing work' of Durban follow-up mechanisms, which we would like to see rationalised, and language on apologies for the Transatlantic Slave Trade cemented the 'no' vote.

Statement from UK Permanent Representative to the UN in Geneva, Peter Gooderham

"As I said at the Human Rights Council in June, the United Kingdom wants the Durban Review Conference to contribute to the global fight against the problems of racism facing the world today. The link between conflict and racism, racial discrimination and related intolerance continues to manifest itself today. In particular it is difficult to separate the preparation or perpetration of genocide, war crimes, crimes against humanity and ethnic cleansing where they are occurring today from the issues that the UN's human rights machinery was created to resolve. It is essential therefore that this process mobilise the UN human rights architecture, particularly those elements focused on racial discrimination, to support effective and early national and international action to prevent and stop genocide, war crimes, crimes against humanity and ethnic cleansing.

The UK has worked tirelessly against racism and racial discrimination for many years, and has continued to do so since the 2001 conference. We are proud of our efforts, but not complacent. Just as we will continue to push back the forces of intolerance, we call on all our international partners to do likewise. We will share our experiences with partners, and we will learn from them.

In order to maintain and build upon existing consensus, we must focus on racism that is occurring now, in all parts of the world. This process cannot succeed with a skewed focus, be it against the west, or specific countries.

Equally, our focus cannot concentrate on certain groups to the exclusion of others. While we may identify specific forms of racism that require specific action to address them, we cannot ignore the plight of some

victims because it is politically convenient. Here, I refer specifically to the human rights of lesbian, gay, bisexual and transsexual people. It is imperative that the international community recognises and agrees to address the inequality faced by this group in many parts of the world as part of multiple forms of discrimination.

I also mentioned in my June statement that we want the conference to address anti-Semitism and Holocaust remembrance. The United Kingdom will find unacceptable any attempt to trivialise or deny the Holocaust, or to renegotiate agreements on the fight against anti-Semitism. This is not because we believe that any group deserves special treatment, but because, as the High Commissioner said this morning, the lessons of the Holocaust must remain ingrained in our consciousness as the price of failure to defeat intolerance and hatred. Similarly, allowing the review conference to single out a specific geographic situation would critically damage prospects for consensus.

Finally, in renewing our common determination to fight racism around the world, we must ensure that human rights standards are brought to bear to complement our efforts. Freedom of expression must be the cornerstone of our fight against racism. The United Kingdom has a long tradition of freedom of expression which allows individuals to hold and express views which may be contrary to those of others, as long as they do not incite violence or hatred. Where the intention is to incite violence or hatred, then our laws must offer sufficient protection. But we must reassert that a society based on democracy and the rule of law will always be better able to fight society's ills than one based on arbitrary power and a lack of accountability."



Demonstrators protest at attacks on immigrants in Johannesburg, South Africa, May 2008.

Durban Review Conference

The Durban Review Conference, which has the objective of assessing the implementation of the Durban Declaration and Programme of Action agreed at the 2001 World Conference Against Racism, will take place in Geneva in April 2009.

The UK wants the Durban Review Conference to make a positive contribution to the fight against racism around the world. We are, however, very concerned indeed at the direction taken by preparations for the conference.

The UK has been active in making positive proposals, for example, on the need to combat racism occurring today in all parts of the world, to deal with the causes of conflict, and to combat anti-Semitism. We have opposed unacceptable attempts to restrict freedom of expression and single out Israel for criticism. We will continue to work with our European Union partners in an attempt to improve the outcome.

Negotiations were difficult throughout 2008. Prospects for a successful conference continued to deteriorate throughout the year. The first substantial Preparatory Committee for the Durban Review Conference took place in October. At the conference the Asian Group and, to a lesser extent, the OIC and African Group, tabled language singling out Israel – and no other country – for criticism, using extreme and unacceptable language. Other problematic areas included attempts to restrict the right to

freedom of expression, language on historical issues and unwillingness to address anti-Semitism and the Holocaust adequately. The UK and EU partners defended NGO participation in the meeting after some countries tried to exclude them. The British Permanent Representative to the UN in Geneva, Peter Gooderham, delivered a statement clearly setting out the UK's position.

Our assessment, following the Preparatory Committee, was that this process is unlikely to add any value to the international fight against racism. All signs point to a repeat of 2001 in terms of its divisiveness and anti-Israel bias, and potentially damaging the UN's reputation. This may reduce its effectiveness in dealing with human rights more broadly.

The Foreign Secretary met the UN High Commissioner for Human Rights in November. He informed the High Commissioner that the UK was dissatisfied with preparations for the conference, including the drafting of the outcome document and challenges in it to the right of freedom of expression, singling out Israel and the fight against anti-Semitism.

Various countries, including the US, have disengaged from negotiations on the Durban Review process. Their frustration is understandable. The UK is working closely with European partners on a final effort to improve the text. If our concerns are not met we will have no choice but to pull out.

**Jim Murphy MP, then Minister for Europe,
13 May 2008**

"I wish to be clear that the UK government will play no part in a gathering that displays such [anti-Semitic] behaviour. We will continue to work to make sure that the conference is a success, but we will play no part in an international conference that exhibits the degree of anti-Semitism that was disgracefully on view on the previous occasion."

Combating anti-Semitism

The UK is committed to combating all forms of racism, including anti-Semitism. The government launched its one year-on progress report to the 2006 All-Party Parliamentary Inquiry into Anti-Semitism in May, in which the FCO set out its progress on implementing the Inquiry's recommendations over the preceding 12 months, and gave 6 key commitments on its continuing work. The full report can be found at www.official-documents.gov.uk/document/cm73/7381/7381.pdf

The FCO works closely with the All-Party Group, led by John Mann MP, in its endeavours to promote the Inquiry's report as best practice for foreign parliamentarians. Members of the All-Party Group have visited several countries, developing contacts and raising awareness of the report. Our Embassies have supported these visits, offering practical and political advice, and arranging meetings. The FCO will continue to support John Mann MP and his colleagues in encouraging parliamentarians in other countries to instigate similar inquiries into anti-Semitism.

The FCO co-hosted the Inter-parliamentary Conference on Combating Anti-Semitism on 16 and 17 February 2009. The event took place at Portcullis House and Lancaster House, bringing together parliamentarians from over 30 countries around the world committed to combating anti-Semitism. Although the conference was owned by the Inter-parliamentary Coalition for Combating Anti-Semitism, the government was delighted to offer its support and explain its role in working with the committee and Jewish community representatives on this groundbreaking report. We hope that the conference will motivate parliamentarians to undertake similar inquiries in their own countries, and that the model can be reproduced to cover other forms of racism and intolerance. We stand ready to share our experiences with other governments to encourage their co-operation with any inquiry.

The FCO continues to ensure that anti-Semitism is given due attention in international organisations, including at the OSCE, which has undertaken valuable work. We have supported the work of the Personal Representative of the OSCE Chairman in Office on combating anti-Semitism. The UK Permanent Representative to the OSCE, Ian Cliff, delivered a statement to all 56 participating states of the OSCE in May, informing them of the government's progress

report, and urging them to live up to the Berlin Declaration commitments. The UK is working hard with EU partners to ensure that the Durban Review Conference adequately addresses anti-Semitism and Holocaust remembrance. We have made it clear that there must be no repeat of the anti-Semitism that blighted the 2001 conference. We ensured that language on Holocaust education and remembrance was reflected in the EU's formal regional contribution to the Durban Review Conference (see section on racism, opposite).

In May, the UK inherited the rotating presidency of the International Commission of the International Tracing Service, the Bad Arolsen-based archive of Holocaust-era records. Plans for the annual general meeting, which will take place at Lancaster House in May, are well advanced. The chair of the UK Presidency – Daniel Bethlehem QC, the FCO's Legal Adviser – visited Bad Arolsen to assess the challenge faced by the archive in its transition towards digitising the 17-million-plus records. FCO representatives are working hard with other member states to secure the long-term future of the archive, as well as improved access for domestic stakeholders.

The UK plays an active role in the Task Force for International Co-operation on Holocaust Education, Remembrance and Research. The FCO led the UK delegation of non-governmental experts to the June and December plenaries of the task force. The team will continue to play an active role in this vital organisation, which helps countries ensure that the memory of the Holocaust remains a lesson for future generations.

The government welcomed the Czech Republic's offer to host a conference in Prague in May 2009 on post-Holocaust era assets. This conference aims to build on the work started at the London Nazi Gold conference in 1997, and the resultant Washington conference in 1998. At the London Nazi Gold conference, states agreed to establish a fund for the relief of needy victims of National Socialist persecution and to pursue the task of identifying unclaimed assets. The Washington conference laid down important principles that states have a moral obligation to implement. The government believes that this conference is a timely necessary step. We must ensure that the commitments entered into by states in London and Washington remain relevant.

Launching the European Institute for the Study of Contemporary Anti-Semitism on 14 July, Europe Minister Jim Murphy said:

"Our commitment [to combating anti-Semitism] is absolute. That is the reason we welcomed the All-Party Inquiry into Anti-Semitism and its important recommendations to the police, the Home Office, government departments, schools and universities on steps to take to monitor anti-Semitism better and to reduce levels of abuse."

Minorities

Indigenous

In September, the UK supported the Resolution on the Human Rights of Indigenous People in the Human Rights Council. The UK recognises that indigenous individuals are entitled to the full protection of their human rights and fundamental freedoms in international law, as equals with other individuals.

We recognise that indigenous peoples continue to be amongst the poorest and most marginalised peoples of the world. The UK is committed to addressing socially excluded groups in poor countries such as indigenous, tribal or semi-tribal groups. The DfID 2005 policy paper 'Reducing poverty by tackling social exclusion' outlines how groups of people in all societies can be systematically disadvantaged because they are discriminated against.

We believe it is important to support those countries with indigenous people in their endeavour to ensure their full access to human rights. We believe, as the Human Rights Council resolution states, that the best way to support indigenous people is through direct consultation with them, and the relevant stakeholders, including regional organisations and the UN.

International Labour Organisation Convention 169

This convention concerns indigenous and tribal peoples. It only applies to countries that have tribal peoples regulated by their own customs or special laws; and/or peoples descended from the original inhabitants at the time of colonisation or conquest who retain some of their own institutions.

The UK and Overseas Territories do not have any people who fall into these categories. We therefore consider it would be inappropriate for us to become a party to the convention. Those who support the UK becoming a party to the convention are often concerned about protecting indigenous people from the actions of multinational corporations.

The UK is a strong supporter of responsible business behaviour overseas and promotes the adherence to the Organisation for Economic Co-operation and Development (OECD) Guidelines on Multinational Enterprises, as well as the objectives of the UN Global Compact. These enshrine a 'best practice' principle for corporate social responsibility in the areas of human rights, labour, the environment and anti-corruption. The UK continues to promote these Guidelines to UK-based companies. Information on the guidelines is also disseminated through UK embassies and DfID offices overseas. The OECD guidelines also provide a risk assessment tool for multinational enterprises, which provides advice to companies that operate in areas across the globe where government is weak. Information on the guidelines and the risk awareness tool can be found at www.csr.gov.uk. This could prove an effective tool for indigenous people, since they can make complaints about multinational companies to the country of origin of the

organisation. The UK has a dedicated team that looks at these complaints.

Dalits

We remain concerned at the human rights situation of Dalits. We strongly support the efforts of civil society and NGOs in promoting their issues in the UN. During 2008, Lord Malloch-Brown and FCO officials met organisations campaigning for the protection of the Dalits.

We are concerned by reports of discrimination against Dalits in India. The protection of the rights of minorities remains an important issue for India's social and economic development. Our High Commission in New Delhi regularly discusses issues of discrimination against Dalits and other minority communities in India with the Indian National Commission for Minorities and various state level authorities, especially when specific cases are brought to our attention. The last round of the EU-India Human Rights Dialogue took place in New Delhi on 15 February 2008 where the EU Presidency and Indian Ministry of External Affairs officials discussed minority rights, with specific reference to caste issues. However, while India has introduced legislation to protect Dalits from discrimination, we are concerned that it is not being implemented.

Some UN member states objected to the presence of Dalits NGOs in the Durban Review Conference. The UK and EU partners argued in favour of their inclusion on the grounds that discrimination against Dalits is not based on race, but on work and descent, which means caste discrimination.

In February, the International Dalit Solidarity Network wrote to UN High Commissioner for Human Rights, Louise Arbour, urging her to create a procedure to consider the adoption of the report on discrimination based on work and descent by Special Rapporteurs Professor Yokota and Professor Chung of October 2007. The UK supported this initiative. The report was published in December 2008 and highlights the worrying situation faced by Dalits in several countries in South Asia.

Roma and Sinti

The Romanian and Bulgarian governments took a positive step in raising the awareness of Roma by launching the 'Decade of Roma Inclusion 2005-2015' programme. But more work still needs to be done. The UK has been active bilaterally in this area.

In Bulgaria, a recently completed project funded from the FCO's Global Opportunities Fund contributed to the introduction of inclusive education for children with special educational needs and from ethnic minorities. In Romania, we are funding a project in conjunction with the BBC World Service, to train local journalists to report more positively on Roma people and Roma issues.

Our Embassy in Bucharest has worked hard to promote Roma rights, lobbying on their behalf at both official and ministerial level. The Embassy has also promoted best

practice on the inclusion of minorities in national decisions in Structural Fund spending, and monitoring and evaluation of the impact of that spending on minorities. The Romanian National Council for Combating Discrimination awarded the British Embassy in Bucharest a prize for making a special contribution to promoting human rights in Romania, which included the rights of Roma people.

The UK has raised the rights of Roma at the UN Human Rights Council's Universal Periodic Review. We recommended that Montenegro give priority to implementing the 2007 Strategy for Improvement of the Position of the Roma Population and that it continue its work in implementing the Judicial Reform Action Plan. We also said that we looked forward to continuing work with Montenegro on human rights projects. We praised Serbia for its efforts to improve human rights, including that of Roma, and urged them to continue making progress to bring legislation into line with European human rights standards. Serbia responded that it had adopted numerous strategies to improve health and reduce poverty of the Roma since 2005.

In 2008 the UK supported further OSCE action on improving the situation of Roma and Sinti. Governments and civil society met in July to consider what more could be done to promote implementation of the 2003 OSCE Action Plan on Roma & Sinti, and in follow-up the December Ministerial Council adopted a decision that encouraged, in particular, efforts to ensure equal access to education for Roma, and Roma participation in decision making at all levels of society.

We are concerned at violence by some local groups against Roma people in Italy, as well as by the Italian government's proposal to fingerprint all Roma people – including children – in attempt to curb illegal immigration. These events followed a number of incidents in which ethnic Roma were alleged to have been involved in serious crimes. We made representations to Italy bilaterally and in international organisations to encourage them to ensure that there was no violation, or risk of violation, of European human rights norms and standards. The Italian government explained that their measures were designed to obtain accurate information about the Roma population, as well as to help local authorities enrol the children in school and carry out health checks. The Italian government has also worked with the authorities of Romania, country of origin of many of the recent Roma arrivals, to discuss joint approaches to meeting the needs of the Roma population.

The OSCE institutions were also active, and in July 2008 conducted an assessment in to the situation of the Roma and Sinti population in Italy. For this visit the Personal Representative of the OSCE Chairman-in-Office on Combating Racism, Xenophobia and Discrimination, Anastasia Crickley, was joined not only by experts from the Office for Democratic Institutions and Human Rights and the office of the OSCE's High Commissioner on National Minorities, but also by representatives of the office of the

Council of Europe Commissioner for Human Rights, Italian anti-discrimination body UNAR (National Office against Racial Discrimination) and Italian non-governmental organizations.

We are concerned by reports of poor health suffered by those the health in the Roma refugee camps in northern Kosovo. International donors and NGOs are providing funding to help with construction of homes and are assisting members of the Roma community to rebuild their lives. Some 450 people have moved out of the camps after the completion of the first phase of the rebuilding of the Roma district of Mitrovica, which was destroyed during the 1998-99 conflict. We will continue to monitor the situation there.

Migration

There is undoubtedly a clear link between migration and human rights. Migrants unsure or unaware of their human rights are particularly vulnerable to exploitation, illegal and unfair work practices and abuse in countries of origin, transit and destination.

The UK is proud of its record in protecting the rights of migrants under national and international law. The rights of migrant workers and their families are protected in UK legislation, including under the Human Rights Act 1998 and the European Convention on Human Rights, as well as our commitments under international law. Migrants are entitled to the same human rights as other people.

People migrate for different reasons: for work or family; or to escape war, famine or persecution. The rights of migrants must be upheld, whatever their reason to travel.

Refugees

The UN High Commissioner for Refugees (UNHCR) holds the UN mandate for protection of the world's refugees. The organisation cares for more than 32.9 million people worldwide with an annual budget for 2008 of \$1 billion. Last year the UK was the world's sixth largest donor, providing the High Commissioner with £28.4 million, including a contribution of £19 million to UNHCR's core budget.

The UK is committed to providing protection to refugees through our Gateway Protection programme. We have been running a resettlement programme since 2003 whereby vulnerable refugees, for whom there are limited prospects in their region of origin, are offered permanent protection and a life in the UK following assessment by the UK Border Agency (UKBA). This financial year we have a quota to resettle 750 refugees, of whom about 500 are Iraqi. In 2008, we resettled refugees from Ethiopia, Iraq and the Democratic Republic of Congo.

In addition, we are committed to supporting Iraqi refugees across the Middle East and have agreed to contribute £17 million to several international organisations, including UNHCR and the World Food Programme, to help displaced and vulnerable Iraqis this year.

Case study

UKBA provides funding to cover the full costs for local authority or other service providers to assist and support resettled refugees for their first 12 months.

As an example of the work of the Gateway Programme, we have recently resettled three Congolese families (21 people including 14 children). They had spent up to five years in refugee camps in Zambia, with no prospect of returning home or being granted permanent residency in Zambia. They had all suffered considerable trauma and many had seen family members killed in the conflict. Since arriving in the UK, the children have started school, English classes have been organised for all and many have joined local organisations such as mother and toddler groups. The adults of working age are registered with Jobcentre Plus and are seeking employment.

We are also working closely with fellow EU member states, and we are a major contributor to €50 million of EU funds in support of Iraqi refugees in the Middle East. This included €9 million to support Syrian public health services in areas with large Iraqi populations, and €26.7 million to assist the Jordanian education sector to accommodate Iraqi refugee children.

Asylum

The UK is committed to providing a safe haven for those genuinely in need. We are committed to honouring the UK's obligations under international law, most notably the 1951 UN Refugee Convention.

The UK's asylum system is carefully balanced to ensure a fair and rigorous assessment of claims, accommodation and subsistence support for those who need it and a firm, but fair, approach with those who are found not to need protection.

We consider all asylum applications carefully on their individual merits, against the background of the latest country information. This is made available to the UKBA through the Country of Origin Information Service, which gathers accurate, objective and up-to-date information from wide-ranging external sources.

Where an applicant meets the criteria of the 1951 UN Refugee Convention, asylum is granted. There may also be individuals who do not meet the refugee criteria but whose circumstances make them particularly vulnerable and who would engage our obligations under the European Convention on Human Rights. Our system ensures that those in need of protection receive it: if an asylum application is refused, then the applicant has a right of appeal through the Asylum and Immigration Tribunal or through higher courts.

Those claimants deemed by UKBA and the independent appeals process not to be in need of any international protection are expected to return to their country of origin as they do not have the right to legal stay in the UK. We support a number of voluntary return and reintegration schemes for those not in need of protection and only enforce return when we are satisfied that it is safe to do so.

Under the Nationality, Immigration and Asylum Act 2002, we have designated 24 countries as generally safe. Asylum claims from countries designated to be safe are usually assessed as "clearly unfounded" and right of appeal may only be exercised once the claimant has returned home.

Women's rights

Multilateral work

Women's rights are mainstreamed throughout the FCO and other government departments. Our work is guided by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) along with the Beijing Platform of Action and the outcome of the UN General Assembly's 23rd special session, and the Beijing+10 regional conference. We consider these constitute the most comprehensive set of international commitments to gender equality and women's rights drafted to date. The FCO works closely with the Government Equalities Office, which leads on gender issues, and DfID, to ensure that these standards are promoted internationally.

The UK played a full and active role during the 52nd Commission on the Status of Women. After long and difficult negotiations we welcomed the agreed conclusions on "Financing for gender equality and empowerment of women". We welcomed the political commitment that UN member states gave by adopting the conclusions as well as the reaffirmation of key international standards on gender equality such as the International Conference on Population and Development, Beijing and CEDAW. The UK was disappointed that the text remained unbalanced with its focus on development aid rather than domestic efforts of states, and was concerned that there was only a weak recognition of the important contribution made by NGOs.

The UK co-sponsored the CSW resolution on female genital mutilation (FGM) but was disappointed that during resolutions on FGM and HIV/AIDS the EU could not speak with one voice on language that included "sexual and reproductive health and rights". Despite that, the UK made interventions from a national position.

The UK has been one of the main supporters of the key UN General Assembly Resolution on Violence against Women. Working through the UN means that all UN member states agree international standards on violence against women and take practical measures to combat it. We were pleased that this was adopted by consensus.

The UK continues to be supportive of the UN Special Rapporteur on Violence against Women, Dr Yakin Ertürk, and the establishment of the new UN database, set up by a

resolution designed to provide empirical evidence on violence against women, which includes practical tools and best guidance on how to combat it. UN member states contribute to the database and the UN's Division for the Advancement of Women compiles it. We believe that this is the sort of practical tool that can help eradicate violence against women by providing independent resources to help countries to assess problems and draw on good practice. The UK assisted by contributing examples to the database.

The UK is involved in current discussions on the possible establishment of a new UN mechanism to deal with discriminatory laws against women. This year, we were also pleased to support the adoption of an EU set of guidelines on combating violence against women. As a result the EU will conduct systematic lobbying and reporting on this issue as well as using EU funding to tackle it.

The UK plays a full part at the Council of Europe and is contributing to the Council's current debates on a possible draft convention on preventing and combating violence against women and domestic violence. We consider it essential to use the region's primary human rights body to promote and protect the human rights of women. Discussion is at an early stage and prospects of success are uncertain.

The FCO's new Strategic Programme Fund (SPF) has two separate funding strands designed to promote women's equality. Our human rights stream is designed to address discrimination, with particular reference to women, and our democracy strand is aimed at increasing access for women in all stages to of the electoral process. The SPF is focused on bringing about structural or institutional changes that will help address the issues that prevent women from participating in decisions that affect their lives, for example the exclusion of women from decision-making or electoral



One of the 50,000 who marched in Rome on 22 November to call for the elimination of violence against women.

processes, or from enjoying their human rights. One example of a successful project is focused on increasing the involvement of women in Nigerian political parties.

Bilateral work

The FCO and its overseas missions also work bilaterally to support the greater engagement of women in the political process. Our Embassy in **Bolivia** supported the Universidad Católica in a project to develop leadership and negotiation capacity within women's groups in two key trades unions – health workers and teachers.

In **Eritrea**, our Embassy is sponsoring the National Union of Eritrean Women in a project designed to eliminate female genital mutilation. The main aim of the project is to increase awareness of women's rights and gender issues related to reproductive health and the prevention of harmful traditional practices. The goal of the project is to reduce the incidence of this practice by 80 per cent by 2011 and to eliminate within a generation.

The Embassy is also funding the National Confederation of Eritrean Workers to improve the living and working conditions of women agricultural workers in the Gash Barka Region.

The Embassy in **Lima** funded a project to focus on helping women in the central region of Ayacucho deal with the psychological effects of the conflict in Peru between 1980 and 2000. The project promotes mutual support groups to overcome post-traumatic stress disorder. With the guidance of a professional psychologist, the groups meet once or twice a fortnight to discuss and share their experiences and offer each other support and advice. As a result of this facility some women have found the courage to challenge a violent partner or talk for the first time about violence they witnessed over 20 years ago. One of the longest-established groups has also founded a small business selling traditional handicrafts; they use the profits to supplement the family income. Following its success in Ayacucho, with the help of our Embassy, it was also deployed in the same area in the aftermath of the August earthquake, which left over 500 dead and thousands homeless.

A pioneering regional project in **Morocco**, **Algeria** and **Tunisia** addresses the legal and *de facto* gender discrimination facing married women by developing and promoting the use of a model marriage contract. These contracts are freely negotiated with each spouse and define their reciprocal rights and obligations. Global Rights Morocco worked with a network of 15 local NGOs across the region, leading community consultations to collect and synthesise women's problems and expectations of marriage. In parallel, a network of 90 legal professionals analysed the legal framework governing marriage. The findings of these two groups were compiled in a report and used to draft the marriage contract. National and regional advocacy and awareness-raising campaigns will be organised during the upcoming phases of the project for women, decision-makers and other stakeholders.

In **Guatemala**, our Embassy supported "Mas Mujeres, Mejor Política" (More Women, Better Politics). This project developed female representation in the Guatemalan congress to ensure that women's rights are more effectively tackled in the legislature by trained women diputados at parliamentary level.

Working with Oxfam and other local NGOs, including the National Union of Guatemalan Women and Women Victims of Violence (Actors of Change), the Embassy is supporting two projects that aim to increase awareness of violence, and in particular sexual violence against women, especially among indigenous women, by supporting a rights education programme and providing training in political participation at local level. These projects will help to set up a network of self-help groups, which will educate women on their human rights and in particular their right of access to justice within the Guatemalan legal system.

Our High Commission in **Tanzania** lobbied the government of Tanzania on Security Council Resolution 1325 on women in conflict, including supporting the recommendation that gender issues be covered in the training of Tanzanian soldiers identified for taking part in peace support operations.

Our Embassy in **Sierra Leone** is making sure that women's voices are heard. This year they worked with Global Rescue Mission to encourage women in Kenema in eastern Sierra Leone to get involved in politics at a local level. The Embassy funded a project that brought together groups of local women to monitor the work of councillors in their chiefdoms and hold them to account. The Embassy also provided funds to train 20,000 blind and visually impaired voters to use tactile ballot papers. In late 2008, the Embassy began a project with the Freetown-based NGO Prison Watch to monitor the conditions of women and juvenile offenders detained in prisons, juvenile homes and police cells across Sierra Leone. The project will develop the first comprehensive database of all women and juveniles in detention and will record and investigate any allegations of abuse or inhumane treatment.

Using Bilateral Programme Funds, the Embassy has been supporting a project with the Federation of Trades Union Workers in the kingdom of Cambodia, which is training garment workers (80 per cent of whom are women) and trades union leaders in **Cambodian** factories to enable the garment workers and trade union leaders to negotiate constructively and effectively with management, for the leaders to organise workers and to protect and promote core labour standards in factories across Cambodia.

Promoting lesbian, gay, bisexual and transgender rights

Over the past year the UK has been at the forefront of promoting lesbian, gay, bisexual and transgender (LGBT) rights internationally and we remain committed to continue doing so. In December 2007, the FCO adopted a programme of action for promoting the human rights of



The Rainbow Flag.

LGBT people abroad, which outlined the areas that the FCO should focus on in tackling discrimination. In 2008, the FCO launched a 'toolkit' designed to help all Posts provide added value to equality and non-discrimination work through our multilateral and bilateral relations.

The international community continues to struggle to provide for, or recognise the rights of, LGBT people. And some UN member states try to obstruct efforts to get these issues raised in international fora. The UK continues to make every effort to raise the rights of LGBT people wherever we can and to lobby for the recognition that they deserve. This year the UK was an active part in the lobbying campaign to ensure that an LGBT NGO was accredited to the UN by the UN NGO Committee.

As a rule, the UK aims to get as many appropriate references on LGBT issues into international documents as possible and we continue to raise the rights of LGBT in UN fora. Addressing the high-level (ministerial) segment of the UN Human Rights Council in March, Lord Malloch-Brown called on the Council to continue to tackle discrimination against LGBT people – millions of whom struggle to exercise their basic human rights. In October, we raised the

plight of LGBT human rights defenders at the UN General Assembly Plenary Discussion with the Special Rapporteur on Human Rights Defenders.

At the end of 2008, the UK was heavily involved in lobbying for support for the UN Statement on the Rights of LGBT people. We were delighted to see that 66 countries eventually signed the joint UN statement reaffirming the human rights of LGBT people. This was the first time a statement had been heard at the UN General Assembly that appealed for the global decriminalisation of homosexuality. The statement also condemned human rights violations based on sexual orientation and urged countries to protect the human rights of LGBT people. We hope that this is the first step on the path to a UN resolution on this issue. There was intense opposition from a group of governments opposed to this initiative but only 59 states signed an alternative text that claimed that universal human rights did not include the attempt to focus on the rights of certain persons.

Bilaterally, the UK remains willing to intervene where we think that an approach from the UK might add some value. The UK was the driving force in ensuring that the EU tackled the President of the Gambia's unacceptable comments about homosexuals. In December, we lobbied the government of Burundi over their plans to criminalise homosexuality. We have raised our concerns with the Nigerian government, including lobbying both the Nigerian National Assembly and the Executive on the discriminatory "same-sex marriage bill". We also take into account the wishes of people on the ground; in some countries we have not raised issues with the government because we have specifically been asked not to do so by local LGBT groups. In 2008, our Embassies in Riga and Warsaw raised the Rainbow Flag in support of local Pride events. The day before the International Day against Homophobia and ahead of Bucharest's Gayfest, the Embassy hosted a party to celebrate diversity and to recognise the great efforts of those involved in tackling discrimination in Romania. We are continuing to explore ways in which our overseas missions can continue to show their support for the equal application of human rights, regardless of sexual orientation.

Our travel advice section has also created tailored information specifically for LGBT travellers and our Forced Marriage Unit has put together a guide to help LGBT people who are worried about being forced into marriage, or have already been forced into marriage.

Child rights

The UK continues to be informed in its work bilaterally and multilaterally on child rights by the Child Rights Strategy that was launched in 2007. This set out guidance for our overseas missions that wanted to work on this issue. It concentrated on three areas: promotion of the implementation of the rights of the child, children in conflict with the law, and the worst forms of child labour.

Multilaterally

The UK helps to negotiate two key UN resolutions on the rights of the child each year at the UN General Assembly in New York and at the Human Rights Council in Geneva. Both resolutions are comprehensive and can be difficult to negotiate. The UK welcomes the fact that as a result of international agreement the two resolutions will now have a "main theme". We think that this will help give focus to the resolutions and ensure that they can add value to themes which are sometimes overlooked internationally.

In Geneva, the UK worked hard to ensure that the Human Rights Council resolution on child rights contained more progressive language than usual. We are currently working with other member states, including Brazilian colleagues, on the Guidelines for Children in Alternative Care.

This year's UN's General Assembly Resolution on the Rights of the Child focused on the worst forms of child labour, which is a priority in our strategy. This resolution is tabled



Children in detention cells in Bluefields prison, Nicaragua.



UN Special Representative on Children and Armed Conflict, Radhika Coomaraswamy.

annually as a cross-regional initiative between the Group of Latin American Countries (GRULAC) and the EU. This is the only one of its kind at the UN. It was the GRULAC's turn to draft the resolution this year and although we acknowledge that there might be some difficulties between the two blocs on forward-leaning language, the UK believes it is important for this co-operation to continue. This is especially because we want to see as many member states as possible sign up to international standards on child rights.

The resolution renewed the mandate of the Special Rapporteur on Children and Armed Conflict, Radhika Coomaraswamy, and asked that the Secretary-General appoint a new Special Representative on Violence against Children.

The resolution was adopted. The US called a vote because they were not happy with the references to the Convention on the Rights of the Child (which only the US and Somalia have not ratified). Somalia was not present and the US remained the only member state to vote against. We are disappointed that they did so.

The UK is supportive of UN human rights treaty monitoring bodies. We believe that they are the one of the best ways

to protect and promote human rights. In September we engaged with our examination of our periodic report on implementation of the Convention before the Committee on the Rights of the Child, where we were pleased to announce the UK's intention to remove two reservations the UK had placed on the Convention on the Rights of the Child regarding immigration and accommodation of children with adults in custody. These reservations were lifted in December.

The UK announced our intention to sign the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. We are currently going through the process to do so.

In May, the UK signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse. We are currently taking steps to assess the UK's compliance with its obligations under the Convention, which we will then be able to ratify.

Bilaterally

We work across the globe and in a number of particular countries to promote child rights.

In **Brazil**, we funded a project in partnership with UNICEF to support the Brazilian government in implementing the recommendations of the Committee on the Rights of the Child on juvenile justice. The project aimed to build on a reform agenda between government, civil society, law operators and UNICEF for alternatives to adolescent detention. Activities included developing a manual on how to implement best practices in non-custodial sentencing, training courses for legal operators and juvenile justice practitioners. The project helped increase awareness about guaranteeing adolescents' rights to due process. The long-term aim was to reduce the abuses of child rights including ill-treatment and torture.

We are continuing to support a project in **Thailand** that promotes birth registration among the inhabitants of Thailand's remote and mountainous northern borders. This has been a highly successful project addressing the problems that arise from lacking a legal identity in the form of citizenship or birth registration documents. An advocacy campaign, including radio broadcasts in minority languages, tackled the lack of awareness among highland peoples of their rights. Training materials were also developed, and local officials trained, in order to reduce the chances of official ignorance or obstruction.

In **Guatemala**, the UK is encouraging parents to register their children at birth. Last February the Embassy set up a child rights network group and hosted a workshop inviting local NGOs, legal experts and cultural analysts to discuss ways of putting talk into action. They came up with a plan of action to improve training and awareness, support Guatemala's civic registration programme and lobby to publicise the issue, including helping to create 1,200

Our Embassy in San Jose carried out an 18-month campaign to raise funds to build separate police detention cells for juveniles in the city of Bluefields on Nicaragua's Caribbean coast, where minors had previously been held with adults in unacceptable conditions. Conditions in the cells are among the worst in the region, with severe overcrowding and health problems. The campaign was part of the Embassy's efforts to raise awareness about this human rights issue, which have included a DfID-funded penal reform conference and prison art exhibitions. The campaign received support from Leeds University's Student Association, MPs Peter Kilfoyle and Greg Pope, and a rock music benefit concert, and the Canadian government co-operated with a donation of \$6,000 as well as technical and monitoring support. The new cells were inaugurated on 4 December by our Ambassador, Tom Kennedy; since then vocational training

programmes have been offered to young prisoners. The Embassy coordinated the work in Nicaragua through the Nicaraguan Prison System, the Ministry of the Interior and local human rights NGO the Centre for Human, Civil and Autonomous Rights. The conditions in the new cells are a vast improvement – they are bright, and have proper ventilation and bathroom facilities.

An additional outcome of this project is the way the authorities in Bluefields are now co-operating much better with each other to find solutions to the problems in the jail and detention cells. An additional result of this effort is that the adult prisoners who remain in the police holding cells now have more space and are under less duress than before. The campaign is now focusing on improving conditions in the Caribbean Coast city of Puerto Cabezas.

advertisements about birth registration for the local radio in Spanish and Mayan languages.

Our Embassy in **Manila** has worked to improve contact between UK and Philippine law enforcement officials on the issue of travelling sex offenders. The Embassy funded a visit from the Child Exploitation and Online Protection Centre in March. As a result, the Philippines deported two UK nationals who were listed on the Sex Offenders Register.

In **Mozambique**, we are concentrating on lobbying and advocacy to pass three new laws on child protection, including funding projects in the area of children in conflict with the law, and addressing the unlawful imprisonment of children with adults. We are also supporting a scoping mission conducted by the Child Exploitation and Online Protection Centre covering **Mozambique, South Africa** and **Swaziland**.

The UK has also been co-funding a three-year project implemented by UNICEF Phnom Penh, which is working with 10 provinces of **Cambodia** to provide training and capacity building to the Cambodian law enforcement, judiciary and key government departments in order to reduce the attractiveness of Cambodia as a risk-free centre for transnational crimes – in particular working to tackle trafficking and sexual abuse and exploitation of children.

The UK is supporting the Foundation for the Analysis and Strategic Development in Central America (FADES) to run parallel children's elections in **El Salvador** to help foster a culture of civic values, democratic principles, responsibilities and rights in children. The last parallel elections run by FADES in 2007 in **Guatemala**, supported by the British Embassy, included 500,000 children.

In **Tanzania**, we are giving small grants to the Tanzanian Paralympic Association to provide sports equipment to disabled children.

Our Embassy in **Havana** organised a regional conference on child sexual abuse with the Cuban Interior Ministry and the Child Protection Development Trust in January 2008, following previous collaboration in this field. Experts from the UK and Cuba shared experience and good practice with professionals from across Latin America and the Caribbean, which has led to increased awareness of the issues, follow-on projects in participating countries, as well as cross-regional co-operation. Participating countries included Barbados, Belize, Brazil, British Virgin Islands, Costa Rica, Cuba, Dominica, Dominican Republic, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama, St Lucia, Trinidad and Tobago, and the UK.

Disability

The UK is active at home and abroad in promoting the UN Convention on the Rights of Disabled People. The FCO is working with the DfID to promote the Convention, especially within the Commonwealth.

The Minister for Disabled People, Jonathan Shaw, has reaffirmed the intention of the UK government to ratify the UN Convention on the Rights of Disabled People (see box opposite). We hope to ratify in spring 2009. Government departments are considering whether or not to ratify the optional protocol to this convention, which gives individuals the right of petition.

We support local NGOs to promote awareness of the issues covered by the Convention and are supporting the work of the Council of Europe in promoting it amongst member countries that have not yet signed and ratified.

The FCO has supported a number of projects overseas. In **Armenia**, our Embassy in Yerevan established partnerships with local NGOs in order to develop projects to promote the culture of accountability. This helped vulnerable groups to raise their concerns through two street campaigns, a TV session and distribution of leaflets on UK best practice. The

On 18 November the Minister for Disabled People, Jonathan Shaw, said:

"The UK government believes that the UN Convention is a powerful statement of disabled people's human rights, which is why the United Kingdom signed the Convention, and why we are now working hard towards ratification. Good progress has been made, and whilst we will not be able to achieve this by the end of 2008, my ambition is that we do so in spring 2009.

"The UK takes the ratification of international treaties seriously and we do not ratify them until we are in a position to ensure we can implement their provisions. The work involved has necessarily been complex and time-consuming.

"I am aware that this may come as a disappointment to disabled people and their organisations, who have been frustrated that the pace of the process has not been quicker and that we will need to make a few reservations and an interpretative declaration to enable us to ratify the Convention. Let there be no doubt, however, about either my personal commitment, or the commitment of the government, both to the Convention, and to human rights for disabled people."

street campaigns were attended by senior officials and widely covered by the media. As a result, the Ministry of Culture funded construction of the three wheelchair ramps at the Aram Khachaturyan State Concert Hall. The Yerevan municipality is constructing a special elevator to make the history museum accessible for wheelchair visitors. Human rights defenders in Armenia have pledged to pay more attention to the rights of disabled people. The Ministry of Communication and Transport has promised to promote disability-friendly practice and policy. Collaboration among the leading disability-oriented NGOs has been promoted and strengthened. The newly elected president had included subtitles in his pre-election campaign ads. The central electoral commission included sign language translation in its pre-election educational TV spots. Our Embassy also supported a project on Access to Education for Children with Disabilities with the aim of increasing the level of presence, participation and achievement of children with disabilities in two schools in the Tumanyan area of the Lori region of Armenia.

Our ambassador to Guinea was the first diplomat there to contact groups of disabled people to discuss issues relevant to them. Disabled people in Guinea are often marginalised in society. To help raise their profile, our embassy organised a reception where local organisations met a variety of donors, international organisations, journalists and some companies. This was the first time people with disabilities had ever been invited to such an event in Guinea. As a



Street campaign organised by our Embassy in partnership with local NGOs to raise the profile of disabled people in Armenia.

direct result, the Representative of the EU Commission invited them to European Day, and some other ambassadors followed with invitations to national days. One of the Embassy's most successful projects was to support and help fund Youth Employment Fair. Our ambassador helped ensure that those with disabilities were involved in this event. The Young Chamber of Commerce organised a workshop during the Fair on work and disability. The Prime Minister attended with a dozen of his ministers. This gave the disabilities groups an excellent opportunity to raise their concerns and issues with them.

Democracy

Freedom of expression

Freedom of expression is fundamental to a democratic society and for the protection of all human rights. It is a priority theme in our work to promote democracy and human rights. The FCO Strategy on Freedom of Expression focuses our efforts and targets funding on the key challenges to freedom of expression on the ground. We ensure that this is up to date by consulting key stakeholders, including NGO partners. The FCO Freedom of Expression Panel, which comprises a wide range of key players, meets to discuss and advise on the most current issues.

Defending freedom of expression is a challenging human rights issue for the international community. There is a delicate balance to be struck between protecting this right and defining reasonable limits to how it is exercised. Articles 19 of the Universal Declaration of Human Rights and the International Covenant for Civil and Political Rights set the international standard for states in the field of freedom and expression. We support this UN framework.

This international framework has come under attack, particularly from countries which claim that individuals and the media abuse freedom of expression to attack religions, traditions and cultural practices. Our efforts are concentrated on defending the right of all individuals to freedom of expression in UN resolutions and at the Human Rights Council, and in supporting the work of the UN and regional special rapporteurs where appropriate.

We played a major part in getting consensus support for the EU-sponsored resolution on freedom of religion and belief at the UN General Assembly in the autumn. This resolution recognised that "freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing". International agreement on this principle provides a firm basis to challenge governments that attack freedom of expression on religious grounds.

In September, we championed a public EU statement which rebutted the position that individuals should be prosecuted for defaming religions or religious symbols. We believe that international human rights law applies to individuals, not to religions. Individuals can profess a religion, change religion or reject religion. Under international law, freedom of expression and freedom of religion and belief are



OSCE Representative of Freedom of the Media, Miklos Haraszti.

interdependent and mutually reinforcing.

The mandate of the newly appointed UN Special Rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, came up for renewal at the Human Rights Council in March 2008. We and the EU voted against amendments that shifted part of the focus from protecting the right to looking at what is appropriate for individuals to say. Despite this, these amendments were carried. We and the EU therefore abstained on renewal of the mandate. Despite this we are satisfied that the main focus remains on promotion and protection of freedom of expression. We are committed to supporting the work of the UN Special Rapporteur and maintaining the integrity of his mandate.

Regionally, we support the work of the OSCE in Europe's Representative on the Freedom of the Media, Miklos Haraszti, by seconding staff and supporting projects in the region, for example the development of a public broadcaster in Azerbaijan. He closely monitors and continually raises concerns about freedom of expression in the OSCE area. International NGOs agree that freedom of expression will remain under threat in the OSCE area and that this work mitigates that risk. He is also a keen advocate of decriminalising libel.

On the national level, some countries exploit criminal and civil law to silence or stifle legitimate debate whether through accusations of sedition, libel, defamation, or violations of laws on tax or national security. We raise individual cases where the right to freedom of expression is violated. We offer assistance through projects, through the secondment of key officials and through working with key NGOs such as Article 19.

In **Nepal**, freedom of expression came under continued attack in 2008 through a combination of verbal threats, intimidation and physical attacks on human rights defenders, victims and journalists, creating a climate of fear and insecurity. Attacks were from a range of sources, including government ministers, major political parties and their sister organisations, armed groups and businesses. Despite commitments made by the government to protect

human rights, widespread impunity meant that attacks on freedom of expression went unchecked, leading to cases of self-censorship by journalists. There were also specific concerns about the right to freedom of expression for the Tibetan community in Nepal. The government clamped down heavily on protests against Chinese action in Tibet, carrying out pre-emptive arrests and restricting the space for peaceful demonstration.

We repeatedly raise concerns about freedom of expression at all levels with the government of Nepal, both bilaterally and as a part of the EU. Our Embassy in Kathmandu also supports civil society initiatives to promote freedom of expression. For example, we have been supporting Article 19 to promote a legislative framework for freedom of expression in Nepal.

We are concerned about the number of reports indicating there are increased restrictions on freedom of expression in **Yemen**. There is evidence of harassment and intimidation by the security forces of journalists, particularly those critical of the government. The UK, along with EU and other partners, regularly raise human rights issues in Yemen, including at ambassadorial and ministerial level. In 2008, the EU made strong representations to the government of Yemen to register concerns about press freedom. Human rights issues are also included in all government-funded training projects involving the Yemeni government.

The media in **Thailand** had a particularly challenging year. Journalists covering anti-government demonstrations came under attack from supporters of both sides. There were reports of restrictions on journalists operating in the far south, where powerful emergency laws give the government sweeping powers to control the media. A number of local provincial journalists were killed, although it is unclear if their deaths were linked to their work or personal disputes. The newly installed Democrat-led government pledged to introduce new laws to reform the broadcasting sector and strengthen freedom of expression.

A major concern with freedom of expression in Thailand is the criminal defamation law. This has been abused in the past to stifle political criticism and debate. Our Embassy is funding, and working with, article 19 and Thai media organisations to promote an enabling environment for reform of the defamation law. By engaging and advising key stakeholders, the project aims to bring Thai law more closely into line with international and constitutional standards on freedom expression.

In 2008, attempts to pass freedom of information legislation in **Nigeria** were frustrated in the national assembly. The FCO continues to encourage Nigeria to pass this legislation. The Nigerian media remains vibrant. However, in 2008, there was some cause for concern. For example, the Nigerian government temporarily closed down one of the largest privately owned TV stations and arrested the editors of a leading newspaper for running a report on the President's health.

Nigeria

After 18 months of national consultation following the flawed 2007 elections, Nigeria's Electoral Reform Committee submitted a series of recommendations to the President in December 2008. The UK will continue to encourage reform and will offer support to the Nigerian government and national assembly in taking forward changes to the electoral system.

We continue to promote freedom of expression in Nigeria. Through the Public Diplomacy Pilot Programme on Developing Democracy we have organised a number of training events and an award ceremony intended to build the capacity of journalists in the area of investigative reporting. The FCO is also using its Strategic Programme Fund to support the development of community radio.

In response to widespread social unrest in February 2008, the **Cameroon** government appeared to apply licensing laws selectively, effectively shutting down three media outlets that were critical of the government. Following lobbying by the UK and other international observers the outlets re-opened in July 2008.

However, the UK remains concerned by the lack of effective regulation on registration and licensing in the media sector. It continues to lobby Cameroon to reform the law regulating the National Communications Council to achieve progress in this area.

The UK also aims to support the development of better continuing professional development in the media sector. In 2008, the High Commission used an event to mark World Press Freedom day to call for improvements to freedom of

World Press Freedom Day

Commenting on the occasion of World Press Freedom Day, 3 May 2008, Foreign Secretary David Miliband said:

"During the past year 172 journalists and media workers were killed doing their jobs, the highest number since 1994. Every one of those deaths is a terrible blow not just for the families of those killed, but for press freedom. Today I want to re-state Britain's commitment to promote, defend and protect the right of journalists to do their job without fear of reprisal."

"The freedom to receive and pass on reliable and accurate information is fundamentally important to democratic government. Such information empowers people to take responsibility for the state of affairs in their countries, to participate in democratic processes and to hold their governments to account."

Bangladesh elections

In January 2007, widespread politically motivated violence and public unrest led to the cancellation of that month's election in Bangladesh. Instead, a technocratic Caretaker Government (CTG) was installed by the military. The CTG gave a public undertaking to hold an election by the end of 2008. It spent much of its tenure preparing for an election and introduced a number of reforms, such as separating the Judiciary and the Executive and establishing independent Election and Anti-Corruption Commissions. On 29 December 2008, the country was returned to democracy. Turnout was an impressive 87 per cent. A new voter photo registration scheme, partly funded by the UK, minimised the risks of electoral fraud. The state of emergency that had been

the election, and the numerous international election observers were united in declaring the election free, fair and credible. The result was a landslide victory for Sheikh Hasina's Awami League party. There can be no doubt that the new government has a clear mandate from the Bangladeshi people.

The Foreign Secretary said of the election:

"The Election Commission, Caretaker Government and observers have worked hard to create the conditions in which free, fair and peaceful elections could occur. The people of Bangladesh have spoken in huge numbers and they can be proud of the manner in which the elections were conducted.



"This is an historic moment for Bangladesh and represents an historic opportunity to cast aside the politics of confrontation and violence in favour of inclusive and consensual democracy. All sides can play their part, constructively, in serving the people. As a friend of Bangladesh and its people, we urge the next government and opposition to work together to meet the expectations of the people of Bangladesh."

Sheikh Hasina Wazed, after winning December's elections.

expression and for the media to exercise greater responsibility. In 2009 it is following up with a project to write a roadmap for developing a universally accepted media code of ethical practice and establishing a formal professional journalistic qualification. The UK will also conduct training for journalists covering social unrest.

Freedom of religion or belief

Overview

Promoting the right to freedom of religion or belief is important to achieving the UK's strategic objectives, especially in preventing and resolving conflict. The UK takes every opportunity to reaffirm its position and is committed to the elimination of all forms of discrimination, including those based on religion and belief.

We are concerned about all individuals who are denied the right to freedom of religion or belief who face discrimination and persecution. We strongly support the right to freedom of religion or belief, and believe the norms laid out in the 1981 UN Declaration on the Elimination of

all Forms of Intolerance and of Discrimination Based on Religion or Belief should be fully implemented.

We condemn all instances of violence and discrimination against individuals and groups because of their faith or belief, wherever they happen and whatever the religion of the individual or group concerned. We work closely with EU partners in order to promote human rights, including freedom of religion and belief.

Apostasy

The UK frequently lobbies bilaterally and with EU partners on behalf of individuals whose human rights are violated as a result of their choice to change religion. We consult religious minority groups that are victimised in other countries and assist them in making representations. FCO officials made representations to governments on this issue in various countries during 2008, such as Afghanistan, Bangladesh, China, Egypt, Eritrea, Iran, Jordan, Lebanon, Libya, Malaysia, Mauritania, Nigeria, Pakistan and Syria.

United Nations

The perceived clash between freedom of expression and freedom of religion was a topic of division between the Western Group of UN countries and those belonging to the Organisation of the Islamic Conference (or G77) at the March session of the Human Rights Council. At this session, the mandate of the Special Rapporteur on Freedom of Expression was tasked, against the wishes of the Western Group (which includes the UK), to report on instances where freedom of expression was thought to have infringed on freedom of religion.

The EU led a resolution on the elimination of all forms of intolerance and discrimination based on religion and belief at the UN General Assembly in November. This was adopted by consensus after protracted negotiations. The Organisation of the Islamic Conference expressed disappointment that there was no mention of the “deliberate stereotyping of religions” or “respect for, and promotion of, all religions and beliefs”. It wanted states to accept that the right to change religions should be subject to “respect for national laws”. This was an indication of the ongoing divisions between states on the primacy of human rights over national laws or cultural norms. The UK is committed to opposing any moves to justify states’ violation of human rights, such as freedom of opinion and expression, or the freedom to practise or change one’s religion.

Under international human rights law it is individuals who have rights, and not religions, beliefs or philosophies. The UK has consistently voted against resolutions in the UN that seek to establish international standards on blasphemy, or defamation of religion. The UK is concerned that this concept could be used to undermine human rights such as freedom of expression, freedom of information and freedom of religion itself. The government understands the hurt and offence that can be caused by satirical or critical expressions against any particular religion. But we believe that freedom of expression and freedom of religion go hand in hand and that both rights are complementary and necessary in a democratic society.

Freedom of religion or belief around the world

The UK works in a variety of ways to promote an individual’s right to freedom of thought, conscience, religion or belief. Working with NGOs, religious groups and other stakeholders, the FCO is producing a toolkit to help our overseas missions work effectively on these issues.

FCO Minister Bill Rammell raised religious freedom when he visited **Algeria** in November, following representation from parliament and NGOs. He sought Algeria’s commitment to ensure that implementation of Ordinance 06-03, which is a new regulation introduced in 2006 that governs the practice of worship in Algeria. It requires, for example, all places of worship, including those on non-Muslim faiths, to be registered and approved by the state. The Algerian constitution guarantees the right to freedom of religion but proselytising remains illegal and is treated as a crime rather than a civil offence.

We are concerned that the **Egyptian** government makes it difficult for anyone converting to another faith to amend their identity card, allowing only converts to leave the religion section of the card blank. Those who do convert often face discrimination. We raise this with them regularly. Our understanding is that they are looking for a solution to the issue of identity cards that does not interfere with their constitution. The Egyptians are fully aware of their commitments under the various international human rights instruments, including the International Covenant for Civil and Political Rights. We will continue to press upon them the need to find a solution quickly.

We are concerned about violence perpetrated against all of **India’s** minorities and the protection of their human rights. There can be no excuse for such attacks against innocent people, as we saw in Orissa State in August–September 2008, and in December 2007 against Christian minorities and in Assam, Maharashtra and Andhra Pradesh where Muslims have been targeted. We expressed our concerns to the Indian government and its representatives, both in Delhi and London, about the violence perpetrated against minorities. FCO Minister for Asia Lord Malloch-Brown raised the matter with Anand Sharma, Indian Minister of External Affairs, and Mohammed Qureshi, Chairman of the Indian Minorities Commission, in New Delhi on 17 October.

We understand that the Indian central government served advisory notices to the Orissa and Karnataka state government under article 355 of the Indian constitution urging them to take firm and effective steps to deal with the outbreaks of communal violence and to bring the perpetrators to justice. A curfew was imposed and army forces were deployed in Maharashtra and Assam to control the violence there. We welcome the Indian Prime Minister’s unequivocal statements condemning these attacks, most recently on 13 October.

An EU delegation, which included a representative from our High Commission in New Delhi, visited Orissa on 9–12 December to assess the latest situation and reiterated concerns to the Indian government that all measures were being taken to prevent a recurrence of violence. We will continue to raise human rights issues with the Indian government using the forum of the EU–India Human Rights Dialogue.

We have been following closely the developments concerning the banning of the Ahmadiyya community’s activities in **Indonesia**. Our Ambassador in Jakarta raised our concerns at senior levels and former FCO Minister Meg Munn expressed UK parliamentary and public concern when she met the Indonesian Ambassador in London on 3 June. The UK also raised concerns about the treatment of the Ahmadiyya at the Human Rights Council examination of Indonesia in Geneva on 9 April.

We are aware of reports of the detention and mistreatment of Christians in Laos. Our Ambassador in Bangkok, who is accredited to Laos, raised the issue of human rights with

the authorities when he visited that country between 8 and 10 April. The domestic legislative framework on religion in Laos is such that only registered denominations may operate legally. This situation leaves many ordinary Christians vulnerable to the complexities of church politics and Low Evangelical Church-Party relations, and fails to protect their freedom of religion. We will continue to raise our concerns with the Lao authorities whenever the opportunity arises.

We support a non-governmental organisation in **Nigeria** called Bridgebuilders, which is working to promote religious tolerance in the north of the country. We also support a project providing human rights training for magistrates and policing in Nigeria's 12 Shari'a states.

Despite improvements for minority groups in **Turkey**, religiously motivated attacks are an ongoing concern, with religious and ethnic minority communities continuing to experience discrimination. Since the high-profile killing of three Christians at a publishing house in Malatya in April 2007, for which the court case is still ongoing, the Turkish government has provided physical protection for many Christian communities including guards and a police presence. We welcomed the Turkish government's stated determination to bring the perpetrators to justice.

More broadly, we encourage the Turkish government to maintain reforms that, aided by the prospect of EU membership, are pushing forward transformation within Turkey. We endorse the November 2007 European Commission Annual Report on Turkey's progress towards joining the EU, which urges the Turkish authorities to press ahead to resolve the ongoing issues relating to fundamental rights and freedoms facing all groups in Turkey, including minority religious groups.

Human rights defenders

The UN Declaration on Human Rights Defenders, first adopted in 1998, calls on states to help and protect human rights defenders in doing their work and to remove obstacles and threats to them. Every UN member, by adopting this Declaration, accepted responsibility to protect and help Human Rights Defenders to monitor their record on respect for human rights.

According to the UN Declaration, anyone who acts to protect or promote human rights is a human rights defender, whether they are an individual making a complaint, trades unionists fighting for economic and social rights, lawyers defending activists in court, minorities fighting for their rights and against discrimination or journalists writing about the denial of rights. All are by definition human rights defenders because of what they are doing. Independent and institutional voices, using all forms of media, play a vital role in revealing violations, calling for change, for respect for human rights.

We welcome the appointment this year of the new UN Special Rapporteur on Human Rights Defenders, Margaret

Sekaggya. She has emphasised the importance of co-operation with her fellow special rapporteurs. She has worked with Frank La Rue, UN Special Rapporteur on freedom of opinion and expression on individual cases involving journalists, and in particular with regional mechanisms for human rights defenders to strengthen her ability to follow up on the cases that she has worked on. In 2008, Margaret Sekaggya visited Togo with Madame Alapini-Gansou, Special Rapporteur for Human Rights Defenders in Africa. In November, FCO staff organised a visit to London and meetings with key UK contacts for Madame Gansou, the Special Rapporteur for Human Rights Defenders, appointed by the African Commission for Human and Peoples Rights.

In 2008, the EU Commission reviewed globally the implementation of the EU Guidelines on Human Rights Defenders through local strategies by EU missions and as a result revised the Guidelines. The UK contributed to the review and to the revised text, which focuses on strengthening consultation and co-operation with human rights defenders locally and using that contact to inform EU policy in the countries concerned. The Guidelines are a public document which NGOs such as Amnesty International, Human Rights Watch and Frontline use as a basis to monitor how EU missions are performing around the world. In their 2008 report, Amnesty International has cited the work of our overseas missions as an example of best practice. This is encouraging, but the report also points out that implementation is patchy and we recognise that there is still a long way to go to ensure better and more uniform action worldwide.

The FCO has drawn up an action plan for our overseas missions to encourage them to work more closely with human rights defenders; to promote institutional mechanisms of co-operation with, and protection for, human rights defenders; and to facilitate contacts with key national institutions to support a more open and enabling environment for human rights defenders in their own country. We also encourage them to integrate the issues raised by human rights defenders into all areas of bilateral relations and to work with EU missions on improved implementation of the EU guidelines.

In India, for instance, at an event organised by the European Commission, EU diplomats agreed a local strategy for dealing with appeals from NGOs on individual cases. This is to verify the facts, check what the HR Defender is looking for and to share information with EU colleagues. Dr Binayak Sen, a human rights defender, had been imprisoned in Chattisgarh for over a year on unsubstantial charges. British diplomats circulated details of the case to other EU colleagues. EU Heads of Mission decided to send an EU observer to the trial and to write to the Ministry of External Affairs about the case.

In Nepal, there is a human rights defenders working group, comprising EU missions, international and national human rights organisations, human rights defenders representing

Nepal

Elections to a Constituent Assembly were held in April 2008, resulting in the most representative and inclusive elected body in Nepal's history. A quota system guaranteed seats for marginalised groups, including a 33 per cent allocation for women. The former rebel Communist Party of Nepal-Maoist (CPN-M) won the largest number of seats in the Constituent Assembly. They now lead the new six-party coalition government.

The new government has made a number of commitments to defend human rights, provide justice to victims of human rights abuses, and prosecute those who have broken the law. We will continue to encourage the government to deliver on these commitments.

A strengthened and empowered National Human Rights Commission (NHRC) is essential for the promotion and protection of human rights in Nepal. But the NHRC's continuing lack of capacity, along with the need for more commitment and engagement from the government, means that the NHRC has so far failed to make any significant impact on the human rights situation. The new administration has, however, committed to implementing the NHRC's recommendations in the future.

We will continue to urge the government to deliver on these commitments, including by addressing past abuses. Without this, sustainable peace will remain beyond reach.

different interest groups and the national human rights commission. The group meets quarterly to discuss the situation for human rights defenders and agree an action plan to protect and promote the work of human rights defenders. It is a useful forum for building contacts with them; encouraging networks to reduce their vulnerability; getting updates on the regional situation; and bringing together civil society and the National Human Rights Commission.

In December, Amnesty International alerted us to two cases in Nicaragua. Women's human rights defender Patricia Orozco received death threats and threats of sexual violence by phone and text (SMS) message. Patricia Orozco campaigns on the right of women and girls to access safe and effective sexual and reproductive health services. And Dr Vilma Nuñez, President of the prominent Nicaraguan human rights organization, the Nicaraguan Human Rights Centre and her colleagues became the target of a campaign designed to discredit them and disrupt their work. Our Embassy raised the cases with Foreign Minister Santos on 5 December. British diplomats met and have now established contact with Patricia Orozco and Dr Nunez's Centre. They followed up these meetings with a letter to the Foreign Minister, copied to the offices of the Chief of Police, the Attorney General and the President, to ensure that the Nicaraguan government is aware of our interest in these cases.

FCO staff also has regular contact with key NGOs about our policy on human rights defenders and the practical work we can do. We receive information on urgent cases to ensure that our Embassies are informed about developments and urgent individual cases and to facilitate swift action to support human rights defenders at risk. Our overseas missions work with EU partners and other foreign missions to raise cases, to lobby on the issues raised by the work of human rights defenders and to support their work through public recognition.

The Organisation for Security and Co-operation in Europe election observation

The UK is committed to supporting election observation and plays an active part in international election observation through the EU, the Organization for Security and Co-operation in Europe (OSCE) and other organisations. The aim of election observation is to discourage fraud and voter intimidation and to increase voter confidence. It is vital that any observation mission receives the full support of the host government concerned, with complete access and sufficient resources. Observation of elections can be a key tool in conflict prevention and post-conflict reconstruction and rehabilitation.

The OSCE

As a strong supporter of the OSCE, the UK has committed to provide up to 10 per cent of election observers requested by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR). In 2008, we spent £600,000 on election observation in OSCE participating states,



Villagers talking to an OSCE monitoring team in the ethnic Albanian village of Aracinovo in Macedonia.

seconding nearly 250 observers. We are supported in our OSCE election observation work by the valuable contribution of the UK Parliamentary Delegation to the OSCE, led by Tony Lloyd MP.

The ODIHR's election observation methodology is widely respected, a fact underlined by the support it received from participants in a seminar on elections organised by the Finnish Chair of the OSCE in July.

In 2008, the UK supported OSCE observation efforts at the **Georgian** presidential and parliamentary elections in January and May, respectively, sending four long-term and 34 short-term observers.

On 6 April, **Montenegro** held presidential elections. The observation team was headed by the UK's Julian Peel Yates (representing the OSCE). The UK provided an additional 11 observers: one long-term, 10 short-term.

The table below shows UK participation in OSCE and EU election observation missions during 2008.

The OSCE conducted a limited observation of the presidential elections in the **USA** on 4 November. The UK provided 8 long-term observers. The UK's Dame Audrey Glover, on behalf of the OSCE, headed the observer mission. It concluded that the elections "demonstrated the principles of a pluralistic democracy characterised by the respect for fundamental freedoms, the rule of law and transparency of the electoral process". It noted, however, that most US states' election legislation did not provide for access of international observers. Observers therefore "faced difficulties in having access to polling stations in some instances".

EU

As a member of the EU, the UK contributes financially and technically to every EU election observation mission. The EU undertakes to observe elections in 10 to 12 priority countries each year, but this number can increase to a maximum of 14. Each EU member state is also a participating state of the OSCE, where election observation missions are undertaken by the ODIHR. The EU therefore does not send election observation missions to the OSCE region.

UK participation in OSCE and EU election observation missions during 2008.

| Date | Country | Election Type | Core Team | LTO | STO | Total | Mission |
|----------------|---------------|---------------------------------------------|-----------|-----|-----|-------|---------|
| January 2008 | Georgia | Presidential | 2 | 3 | 30 | 35 | OSCE |
| January 2008 | Serbia | Presidential | 0 | 1 | 0 | 1 | OSCE |
| January 2008 | Pakistan | National Assembly Provincial Legislative | 3 | 4 | 0 | 7 | EU |
| February 2008 | Armenia | Presidential | 2 | 1 | 25 | 28 | OSCE |
| February 2008 | Bhutan | National Assembly | 1 | 0 | | 1 | EU |
| April 2008 | Nepal | Constituent Assembly | 0 | 2 | 2 | 4 | EU |
| April 2008 | Montenegro | Presidential | 2 | 1 | 10 | 13 | OSCE |
| May 2008 | Georgia | Parliamentary | 2 | 2 | 34 | 38 | OSCE |
| May 2008 | Serbia | Parliamentary | 1 | 2 | 0 | 3 | OSCE |
| June 2008 | Macedonia | Parliamentary | 2 | 2 | 25 | 29 | OSCE |
| June 2008 | Macedonia | Parliamentary (re-runs) | 2 | 0 | 5 | 7 | OSCE |
| July 2008 | Cambodia | Legislative | 0 | 4 | 2 | 6 | EU |
| September 2008 | Angola | Legislative | 1 | 1 | 5 | 7 | EU |
| September 2008 | Rwanda | Legislative | 0 | 2 | 2 | 4 | EU |
| September 2008 | Ecuador | Constitutional Referendum | 0 | 2 | 0 | 2 | EU |
| September 2008 | Belarus | Parliamentary | 1 | 4 | 30 | 35 | OSCE |
| October 2008 | Azerbaijan | Presidential | 0 | 3 | 45 | 48 | OSCE |
| November 2008 | Guinea-Bissau | Legislative | 0 | 1 | 1 | 2 | EU |
| November 2008 | USA | Presidential | 2 | 8 | 0 | 10 | OSCE |
| December 2008 | Ghana | Presidential | 1 | 2 | 2 | 5 | EU |
| December 2008 | Bangladesh | Parliamentary | 0 | 5 | 4 | 9 | E |

The FCO contracts Electoral Reform International Services to identify credible UK candidates who are already registered with the European Commission to participate in EU election observation missions. Further information on how to register as an election observer can be found on the European Commission website: www.ec.europa.eu/europeaid/applications/eom/index.cfm and the ERIS website: www.eris.org.uk/missions

The Westminster Foundation for Democracy

The Westminster Foundation for Democracy (WFD) is a non-departmental public body (NDPB) established by the FCO in 1992 to support democratic and political party development around the world. WFD focuses primarily on parliamentary and political party strengthening. It works with the UK political parties represented in the House of Commons, to support political party development overseas. WFD recognises that an effective parliament, and the ability and willingness of its members to hold a government to account, is crucial to long-term sustainable reform.

WFD is sponsored by the FCO through grant-in-aid but is becoming increasingly successful at bidding for additional funding, notably through an award in April from the DfID's Governance and Transparency Fund to a WFD-led consortium, which will enable it to develop 6 new country programmes in parliamentary strengthening, and by the award of additional funding from FCO's Strategic Programme Funds and DFID for 6 further country programmes in Egypt, Ethiopia, Kenya, Macedonia, Serbia and Sierra Leone. These awards enable WFD to expand its programme work.

Africa

WFD continues to promote the right to representation, protecting the rights of marginalised groups and helping civil society organisations consolidate their programme work in Sierra Leone, Kenya and Uganda.

Post-conflict **Sierra Leone** faces many challenges, including addressing the human rights needs of marginalised groups, such as women, through improved political representation. WFD supports the 50/50 Group, Lawyers' Centre for Legal Assistance and Forum for African Women Educationalists to carry out advocacy and lobbying projects, which resulted in the repeal of three discriminatory laws against women. The Westminster parties are working together to strengthen the capacity of local counterparts.

In **Uganda**, WFD has worked with parliament to enhance the capacity of parliamentarians and staff. It launched a constituency outreach programme to strengthen MPs' ability to work with their constituents, and has worked with the Foundation for Human Rights Initiative and the United People's Development Association to support a consultation exercise for leaders of local governments.

In **Kenya**, WFD organised a workshop for civil society groups and political parties to agree a common framework as part of international efforts to end the post-election

crisis. It supported parliament by inviting the Speaker and chief whips of the coalition government parties on a study visit to Westminster. With the International Commission of Jurists, WFD is working to increase parliamentarians' awareness of human rights issues and freedom of information through re-establishing an active Parliamentary Human Rights Caucus Group. In addition, the media and presentation skills of 25 women MPs have been enhanced through support to staff in the Parliamentary Broadcasting Unit, which has enabled them to become more confident when holding interviews or making presentations on the floor of the Kenyan National Assembly.

The Middle East and North Africa

In the Middle East and North Africa, WFD has concentrated on parliamentary reform. In **Egypt**, it led a series of initiatives, including strengthening parliamentary reporting standards through training for parliamentary reporters. WFD partnered the Arab Alliance for Women to train 300 women in political skills. Of 147 women who nominated themselves for local election in April, 97 won seats in the two selected governorates of Qalyobia and Menofia. In **Lebanon**, WFD is working towards the establishment of an advisory unit to support parliament in its financial oversight role. WFD also facilitated shared experiences on conflict resolution and national reconciliation between Lebanon and Northern Ireland.

In **Morocco**, WFD supports initiatives aimed at promoting the culture of prohibiting violence against women and of respecting women prisoners' human rights.

Regionally, WFD continues to support the development of a guidebook on ethical standards in parliaments and improving fiscal control and monitoring in Egypt, Jordan, Lebanon, Morocco and Yemen.

Europe

WFD's focus is on strengthening parliamentary institutions. In **Ukraine** and **Macedonia**, programmes have been launched to increase the effectiveness of their parliaments. WFD works with parliamentarians and staff to improve the management of parliamentary business, access to information and financial oversight.

In **Serbia**, WFD concluded a three-year programme that helped establish boards to monitor and increase the accountability of local government in six municipalities. The participating municipalities are now developing links with other municipalities to spread best practice.

WFD continued to foster political pluralism and civic engagement at the local level in **Belarus**.

Rule of law

Abolition of the death penalty

The UK is opposed to the death penalty in all circumstances as a matter of principle. Together with EU partners, we promote the abolition of capital punishment around the world.

'The solid and long-standing trend towards global abolition of the death penalty identified in previous reports of the Secretary-General to the Economic and Social Council and to the Human Rights Council continues.'

2008 report of the United Nations Secretary-General

In November, the Third Committee of the UN General Assembly adopted a second successive resolution calling for a global moratorium on the use of the death penalty. There was increased support compared with the 2007 landmark resolution. We consider this demonstrates that momentum continues to shift towards global abolition. The UK played an active part in helping to deliver such a successful outcome.

The UK, both bilaterally and multilaterally through the EU, raised the question of the death penalty around the world. Since January 2008, we have raised the death penalty with, *inter alia*, Afghanistan, Antigua and Barbuda, China, India, Indonesia, Iran, Iraq, Kuwait, Malawi, Morocco, Nigeria, Taiwan, Trinidad and Tobago, the US, Vietnam and Yemen. The EU also continues to make individual representations on specific cases that fall short of the minimum standards as specified in the EU guidelines on the death penalty.

Following significant developments in recent years, the EU, under the leadership of the Slovenian Presidency, embarked on a revision of the EU guidelines on the death penalty. Since the revision, the EU has continued to implement the guidelines in order to maintain momentum on this issue.

Projects

During the reporting period, the FCO funded numerous projects from our Strategic Programme Fund aimed at working towards the abolition of the death penalty. The following is a summary of some of the projects approved for funding this year:

- a project focused on challenging the mandatory death penalty in **Barbados** and **Trinidad and Tobago**;
- a project in **Malawi** aimed at increasing the capacity of Malawian civil society to call for the abolition of the death penalty; this maintains the momentum gained through the success of a previous FCO project where we funded a challenge to the constitutionality of the mandatory death penalty;
- two projects in **China**, which aim to reduce the use of

the death penalty; one is focused on producing sentencing guidelines, and the other on the training of judges;

- a project in **Nigeria** working with civil society to move certain key states to either abolish the death penalty or place a de jure moratorium on executions; and
- in **Vietnam** and **Morocco**, a project that aims to promote a humane, effective and proportionate penal policy without the need for the death penalty.

In November, the Court of Appeal sitting in Ilorin, Nigeria, heard final arguments in three appeals challenging the provision in the Nigerian Penal Laws providing for the mandatory death penalty. The Court reserved judgement, which will be delivered in mid-February 2009. The outcome of these appeals will have implications for hundreds of prisoners on death row in Nigeria.

Ethical dilemmas

The UK faces ethical dilemmas on many issues; the death penalty is no exception. We occasionally find ourselves in a position where our quest to achieve certain objectives clashes with our opposition to the death penalty. The following is a theoretical example.

A major terrorist atrocity occurs resulting in numerous fatalities and injuries to British nationals. The UK is asked to provide assistance to the local authorities in finding those responsible for the tragic incident. The country requesting the assistance retains the death penalty.

We invariably take all such requests very seriously and seek assurances that anyone found guilty as a result of UK assistance would not face the death penalty, but there will be occasions where assurances are not forthcoming. There may be understandable reasons for this, such as the independence of the judiciary in sentencing individuals to any sentence provided for the crime within the laws of the country, which makes it impossible for a government to provide assurances. In these cases, we are faced with a choice of assisting in an investigation with the risk of the death penalty being imposed or not doing so with the possible result that the crime is not investigated properly and the perpetrator(s) possibly escape(s) justice altogether, remaining at large to and potentially committing further atrocities.

On such occasions, all factors would be considered (for example, status of death penalty in the country, the country's respect for international minimum standards in respect of the death penalty), and any decision would be taken at ministerial level.

Developments in 2008

Uzbekistan abolished the death penalty for all crimes on 1 January 2008. In April, **Honduras**, which had already

abolished the death penalty, ratified the Second Optional Protocol of the International Covenant on Civil and Political Rights. Also in April, the President of **Cuba** commuted a large number of death sentences to prison terms.

There were, however, some unfortunate developments in 2008 in respect of the death penalty. Nigeria confirmed NGO reports that several executions had taken place over the past few years behind closed doors. This contradicted the federal government's long-standing claim to have imposed a *de facto* moratorium on the death penalty. The legislation authorised by the President of **Liberia** in July, which re-introduces the death penalty for certain crimes, raised serious concern in the UK. **Guatemala's** parliament passed a law to end the country's *de facto* moratorium on executions, although this was fortunately vetoed by the country's President. We were disappointed with the US Supreme Court's decision to reject the petitioners' arguments in *Baze v. Commissioner of the Kentucky Department of Corrections* in April on the constitutionality of lethal injections as a method of execution. The decision ended the *de facto* moratorium on executions in the country, which had lasted since September 2007. The execution in St Kitts and Nevis, the first for 8 years, was deeply regrettable.

Prison reform

Building on previous work in this area, we continue to support prison reform in several countries.

In **Argentina**, our Embassy in Buenos Aires is working with the International Centre for Prison Studies and local NGOs on prison reform.

An increase in crime rates, associated with criminal legislation reforms and a different approach by the judiciary, has led to a rapid rise in the prison population in Argentina. Neither prison infrastructure, nor the efficiency of the judiciary, has increased at the same rate or to the extent necessary to be able to meet the new demands of the system.

As a result, prison conditions across the country are in breach of standards established in international human rights treaties, particularly those protecting the integrity of detainees or the rights of prosecuted persons. These violations are more frequent and more serious in provincial prisons.

The unacceptable state of the overcrowded prisons and the poor living conditions of detainees is currently an important human rights concern. The slow pace of the justice system often results in pre-trial detainees waiting years for their court cases to be heard. Up to a third of pre-trial detainees are released without charge and without compensation.

Numbers are high because criminal prosecution processes are long. Time scales depend on procedural rules and on the hard work and efficiency of prosecutors and judges. The length of the process can only be reduced if procedural

systems are adopted to make prosecutions speedier and the work of prosecutors and judges more efficient.

In **Ethiopia**, most prisons are overcrowded. Until recently there was no formal system for recording who was in prison. As a result people were often lost in the system or spent much longer in prison than they should.

Our Embassy has funded a project that has developed a new prison records system for all Ethiopian prisons. UK consultants working with a local NGO delivered a successful pilot in 2007 and this has now been rolled out to most other regions of Ethiopia. Each regional pilot has then been encouraged to use Ethiopian government public sector monies to enable roll-out across the region. This has worked successfully in the Amhara region. This should be extended to other regions in 2009.

As the project has developed we have seen significant capacity-building, with prison officers and NGO workers taking on greater responsibility.

Baroness Stern (Joint Committee on Human Rights) and James Haines (ICPS) visited Argentina on 9–13 June as part of our three-year Strategic Programme Fund human rights project on the implementation of the UN Optional Protocol Against Torture (OPCAT). The purpose of the project is to support the Argentine government in introducing an independent prison monitoring structure in consultation with civil society.

The programme included meetings with Justice Minister Aníbal Fernandez, the Congress Human Rights Committee, the UK–Argentine parliamentary friendship group, the Public Defender (independent judicial office created by constitution to defend individual rights), civil society project partners, academics and former Chevening scholars. As well as prison issues covered by the project, there was wide interest in parliamentary oversight of human rights, human rights and counter terrorism, and the Police Complaints Commission. The Minister for Justice welcomed Baroness Stern's visit and hoped that she would come again next year, when he would like to have even more to show on progress on human rights issues.

The Strategic Programme Fund project is now at the end of its first year. A key achievement of the visit was that the Buenos Aires province Prisons Director agreed to hold a joint training course with the public defenders.

Prison reform is also a matter of concern in **Kenya**. Prisons are extremely overcrowded, mainly because of the numbers on remand who are unable to afford bail. Abuse of prisoners by warders prevails with reports of beatings, theft and male rape carried out with impunity. Warders went on

strike earlier this year in protest at their poor working conditions.

Our High Commission funded a project with Muslims for Human Rights, an NGO based in Mombasa, which placed paralegals in certain prisons to act as a conduit between prisoners, those on remand and their families and lawyers. The project informed prisoners of their legal and human rights, assisted with legal cases and worked with families to provide bail. The aim was to help decongest overcrowded prisons by moving legal cases more quickly and increasing access to justice. The project also worked with prison warders, offering much needed human rights training.

There has been a crisis in **Brazil's** prison system, and the number of prisoners has increased by 51 per cent in the last four years. The 2007 FCO-funded handbook 'A Human Rights Approach to Prison Management for Prison Staff' provides a model for good prison management and was the basis for prison reform work headed by the International Centre for Prison Studies in Brazil. The Centre ran training workshops and made prison visits, and negotiated to ensure the continuity of the project. In the training sessions, gaps in current practice, such as security, were identified in each region and then measured against international standards. Staff in key management positions

at state and federal level were then given training to address this problem. Senior members of our Embassy team played a role in many of these training sessions and also lobbied the government on this issue.

Torture

International action against torture has been a priority for the UK since the launch of our anti-torture initiative in 1998. Over the past 10 years we have:

- taken action to strengthen UN and other international torture-prevention mechanisms;
- funded projects to help address torture; and
- used our diplomatic network to press for progress around the world.

Torture is regarded as one of the most abhorrent violations of human rights and human dignity. Sixty years ago the Universal Declaration of Human Rights stated that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Unfortunately, torture continues to take place in many parts of the world. The UK remains fundamentally opposed to torture and continues to be one of the most active countries in fighting to eradicate it.



Nigerian anti-riot police in Jos, central Nigeria.

The UK continues to work with our international partners to eliminate torture, and one of the most important mechanisms to help achieve this is the Optional Protocol to the UN Convention Against Torture (OPCAT). The OPCAT made good progress in 2008. Since last year's report, Bosnia and Herzegovina, Chile, France, Germany, Guatemala, Kazakhstan, Kyrgyzstan and Lebanon have ratified the Protocol. There are now 42 states party to the OPCAT.

The OPCAT is based on the principle of preventing violations through collaboration rather than public condemnation. To achieve this, the OPCAT seeks to establish, for each state party, a system of regular visits to places of detention by independent national and international bodies. The National Preventative Mechanism for the UK will include bodies such as Her Majesty's Inspectorate of Prisons for England and Wales, the Mental Health Act Commission and Her Majesty's Inspectorate of Prisons for Scotland. The government intends to establish the UK's National Preventative Mechanism in the first half of 2009.

The UK believes that the scrutiny and openness that the OPCAT entails makes it a practical instrument with the ability to reduce instances of torture. We support it through a range of diplomatic and project work, with a focus on implementation, particularly helping signatories to establish their own National Preventative Mechanisms. An example of this is our continuing support for the Association for the Prevention of Torture, which is the leading NGO working for the ratification and implementation of the convention. With the help of UK funding, the association has delivered workshops in a number of countries, bringing together governments, national commissions and civil society for open discussion on the most appropriate and effective arrangements for a National Preventative Mechanism in each country.

We also continue to campaign for wider ratification of the Convention Against Torture and the OPCAT. Our fourth lobbying campaign was launched in November, encouraging states to deepen their commitment to these international agreements and to sign and ratify the convention and protocol.

Although **Kazakhstan** ratified the OPCAT in October 2007, there remain reports of torture in custody. To help combat this, the UK is working with the government of Kazakhstan to support and encourage the introduction of a National Preventative Mechanism. In partnership with Penal Reform International we are helping to improve the capacity of the monitoring boards which will conduct regular monitoring in places of detention and scrutiny of policing and detention practices. We are also supporting a project with the Kazakhstan International Human Rights Bureau to help strengthen the Office of the Ombudsman in Kazakhstan. The Ombudsman is an independent body charged with representing the public interest, by investigating complaints by ordinary citizens. As the final National Preventative

Mechanism is not due to be fully established until March 2011, the Ombudsman is playing a crucial role in the intervening period, investigating cases of torture.

In 2006, the FCO began funding a project in **Vietnam** with the Vietnamese General Department of Police to raise awareness of the principles on the prohibition of torture contained in the UN Convention Against Torture. The second phase of the project was launched in October 2008. Running for three years it will focus on areas relevant to the implementation of the Convention Against Torture. For example, it will train senior investigators throughout the country, and develop training materials for use in the Police Academy and by existing officers in the field.

Torture is a serious cause for concern in **Zimbabwe**. During 2008, the situation worsened. Following the March elections, and in preparation for the presidential run-off vote in June, the regime instituted a campaign of systematic and targeted violence and torture against actual and perceived MDC supporters. The regime set up torture bases across the country, at schools, shopping centres and other public places. Since March 2008, doctors have treated more than 5,000 victims of this violence, and confirmed at least 188 politically motivated deaths.

This campaign required a huge mobilisation of resources to support those assaulted and the thousands who were displaced. Our Embassy increased its support for doctors, lawyers and other support organisations, contributing over £1 million in 2008-09 to organisations that focus on the mitigation of state oppression.

Our Embassy was also able to play a role in ensuring documented evidence about the abuses was disseminated bilaterally and with the EU.

Police and security forces

In many countries police and security services are responsible for widespread human rights abuses. In order to uphold the principle of the rule of law it is essential that police and security forces are well trained, committed to serving the public and accountable to civil authorities. The UK continues to support a number of projects in this area.

We have funded several projects over the past two years in **Nigeria**'s criminal justice sector, a priority area for the UK. Through the FCO's Global Opportunities Fund we supported civil society's efforts to draw attention to the use of torture in law enforcement and end a widespread culture of impunity by identifying and documenting perpetrators and victims. The information produced is being examined by lawyers and campaigners to highlight the problem and press the authorities to implement more effective safeguards against torture. We have also used bilateral programme budget money to support capacity-building for the Nigerian Police Service.

In **Kenya**, human rights issues have been placed under the spotlight following the post-election violence at the



Children displaced following the post-election violence in Kenya queue for porridge at a local police station.

beginning of 2008, which resulted in over 1,100 deaths and 300,000 displaced people.

The security services were accused of using shoot-to-kill methods and tear gas to break up peaceful demonstrations, of taking sides along ethnic lines, and of rape and looting.

The Waki Commission's report into the causes of post-election violence was released in October and calls for a complete reform of the police force in Kenya. The UK, along with the wider international community, funded the Commission and our High Commission is currently discussing with the Minister for Internal Security how the UK might assist with the implementation of the recommendations of the report.

The Human Rights and Democracy Strategic Programme Fund

The Human Rights and Democracy Strategic Programme Fund was created in 2008 as a result of the FCO's review of its strategy and the role of programme funds. For 2008-11, the Human Rights and Democracy Strategic Programme Fund has an annual budget of £6.1 million. The key programme objectives are (i) to promote human rights through contributing to progress on strengthening national and international human rights institutions, criminal justice,

equality and abolition of the death penalty; and (ii) to support democratic governance and accountability processes through work on elections, civil society and freedom of expression. For a list of current projects see page 100.

Promotion of human rights, democracy and good governance is not only the right thing to do, but tangibly in our best interests. It is an area where the UK's core values and national interests coincide. This is not to say that this relationship is always linear. Countries in transition to democracy can be unstable, or result in newly elected governments who may have different views on international issues of concern to us. Some aspects of our work on human rights or good governance may cause temporary tension with governments whose co-operation we may need on other issues of concern, such as energy security or climate change. However, in almost all cases, it is easier to achieve sustainable progress on such difficult issues with countries that are democratic and respect the rule of law. So while there may often be short-term challenges to reconcile, the long-term benefits of promoting human rights, democracy and good governance are clear.

The primary responsibility for implementing change on human rights, democracy and good governance ultimately lies with governments themselves. Without their commitment, the impact of external efforts may be limited.

The UK seeks to work in partnership with those governments that want to comply with their international obligations by offering political and technical support.

Notwithstanding the primary responsibility of governments, civil society also has a vital role to play in promoting human rights, democracy and good governance. A healthy civil society engaging with government enhances the quality and legitimacy of government action. Conversely, in undemocratic countries, it can provide an alternative channel for individual citizens' voices to be heard. We encourage our overseas missions to engage in dialogue with local civil society to ensure that they keep abreast of issues and developments which are relevant to this programme.

The Programme's work is also complementary to activities being undertaken by the FCO in other fields relevant to human rights and democracy such as conflict prevention and resolution and the reform of international institutions. We work with Whitehall partners such as DfID and others, including the British Council and the Westminster Foundation for Democracy, who also have their own detailed strategies that include these topics.

A full copy of our strategy, and more details about the programme, can be found at: www.fco.gov.uk/en/about-the-fco/what-we-do/funding-programmes/strat-progr-fund/human-rights

Strategic Programme Fund for Human Rights and Democracy

1.1 Strengthen international, regional and national human rights mechanisms

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|--------------|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|--------------------|--------------------|
| Afghanistan | PSF HRD 000013 | Support for Afghanistan Independent Human Rights Commission | 1 | 2008 | £200,000 | £0 |
| Afghanistan | PSF HRD 000014 | Strengthening the justice system | 1 | 2008 | £200,000 | £0 |
| Bangladesh | PSF HRD 000090 | National consultative workshop to help Bangladesh establish an effective, working Human Rights Commission | 2 | 2008 | £26,841 | £3,700 |
| Global | PSF HRD 000047 | Strategy to support positive third country engagement in the Universal Periodic Review (UPR) process | 3 | 2008 | £250,000 | £250,000 |
| Global | PSF HRD 000048 | Corporations and human rights: accountability mechanisms for resolving complaints and disputes | 1 | 2008 | £119,865 | £0 |
| Global | PSF HRD 000052 | Madame Rein | 1 | Oct 08 | £2,500 | £0 |
| Pakistan | PSF HRD 001441 | Legal policy brief on ICCPR ratification | 2 | 2008 | £14,000 | £1,000 |
| Russia | PSF HRD 001513 | Strengthening the potential of the Russian Federation Ombudsman Institute and the Commission for Human Rights: encouraging participatory role in international human rights mechanisms | 2 | 2008 | £55,740 | £42,260 |
| Total | | | | | £868,946 | £296,960 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £200,000 | The purpose of the project is to support the Afghan Independent Human Rights Commission's Action Plan 2009-10, to protect, promote, and monitor human rights in Afghanistan, so that the human rights violations are reduced and the rule of law is empowered. |
| £0 | £200,000 | To strengthen the institutionalisation of human rights protection in the Afghan government by creating a cross-government Human Rights Support Unit within the Afghan Ministry of Justice. |
| £0 | £30,541 | To assist Bangladesh in its efforts to activate the National Human Rights Commission in line with international standards and principles, and to ensure adequate involvement of stakeholders in the process. |
| £250,000 | £750,000 | To strengthen the UPR process and improve its chances of gaining legitimacy and delivering real improvements in human rights on the ground. The success of the UPR is essential to the success of the Human Rights Council. |
| £0 | £119,865 | To improve the quality, availability and accessibility of grievance mechanisms across the international system, through which individuals and communities can seek remedy and accountability for corporate impacts on their human rights. |
| £0 | £2,500 | Madame Reine Alapini-Gansou, the African ACHPR Special Rapporteur on Human Rights Defenders, visited the UK for talks with British officials in the FCO and DfID, parliamentarians, NGOs and the Equalities and Human Rights Commission. |
| £0 | £15,000 | To promote Pakistan's ratification and implementation of the International Covenant on Civil and Political Rights by producing a brief about the legal mechanisms and impact, to be used to raise awareness among officials, parliamentarians, media and civil society. |
| £0 | £98,000 | Encourage national and regional human rights protection mechanisms through promotion of international human rights treaties signed by the Russian Federation and reinforcement of the potential of the Ombudsman Institute and the Commission for Human Rights. |
| £250,000 | £1,415,906 | |

1.2 Increasing the ability of criminal justice systems to operate according to international

| Country | Project Code | Project title | Project length (years) | Start date | 2008-9 allocation | 2009-10 allocation |
|------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|-------------------|--------------------|
| Argentina | PSF HRD 000015 | Implementation of UN OPCAT & independent prison monitoring as vehicles for the prevention of torture and for prison reform | 3 | 2007 | £107,581 | £99,603 |
| Armenia | PSF HRD 000018 | HR go live!: rolling out BEWC : online methodology for HR advice and training | 1 | 2008 | £18,860 | £0 |
| Azerbaijan | PSF HRD 000072 | Improvement of penitentiary system through the effective use of the UN mechanisms of protection of human rights | 1 | Apr-09 | £0 | £30,291 |
| Bangladesh | PSF HRD 000091 | Preparing the ground for penal reform in Bangladesh: regional conference to share experience and encourage best practice | 1 | 2008 | £41,450 | £0 |
| China | PSF HRD 000620 | Reform of China's judicial management system | 2 | 2007 | £21,600 | £0 |
| China | PSF HRD 000624 | Improving prison management in China | 2 | 2008 | £80,450 | £83,600 |
| China | PSF HRD 000625 | Strengthening defence lawyers' rights by promoting effective implementation of the new lawyers law | 3 | 2008 | £23,540 | £130,641 |
| China | PSF HRD 000626 | Promoting independent monitoring of detention centres in China | 3 | 2008 | £66,896 | £62,215 |
| China | PSF HRD 000627 | Towards independent prison monitoring in China | 3 | 2008 | £51,833 | £49,303 |
| China | PSF HRD 000631 | Reducing pre-trial detention: the role of the procuratorate | 2 | 2008 | £24,997 | £26,522 |
| China | PSF HRD 000632 | Improving prison management in China – extension to project PSF HRD 000624 – developing and implementing the HR approach in two provinces | 3 | 2008 | £145,260 | £58,740 |
| Colombia | PSF HRD 000718 | Reduction of conflict-related impunity through policy recommendations for the criminal justice system | 3 | 2008 | £35,258 | £49,963 |
| Colombia | PSF HRD 000719 | Strengthening of the institutional capacity to investigate torture: dissemination of the Istanbul Protocol | 1 | 2008 | £34,625 | £0 |
| Global | PSF HRD 000041 | Prevention through documentation | 2 | 2006 | £13,193 | £0 |
| Global | PSF HRD 000050 | Supporting ratification and implementation of OPCAT | 3 | 2008 | £95,425 | £96,182 |
| India | PSF HRD 001016 | Access to justice | 3 | 2006 | £44,115 | £0 |
| Kazakhstan | PSF HRD 001111 | Combating torture | 2 | 2008 | £91,833 | £111,722 |

human rights standards

| 2010-11 allocation | Total funding | Project purpose |
|--------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £207,184 | To assist the government of Argentina in creating sustainable structures to enable it to meet its obligations under OPCAT to prevent torture in places of detention and in doing so to introduce international human rights standards within its prison systems, with the involvement of civil society. |
| £0 | £18,860 | To achieve permanently improved access to advice, mentoring, information and support on HR cases and legal development in Armenia as a key part of developing the ability of the justice system to operate according to international human rights standards. |
| £0 | £30,291 | The main purpose of the project is to achieve effective observance of human rights and freedoms in the country through using the UN mechanisms of protection of human rights and freedoms. |
| £0 | £41,450 | To equip the Bangladeshi authorities with the necessary knowledge and tools to help them comply with international prison standards by developing practical solutions to common problems such as overcrowding. |
| £0 | £21,600 | Contributing to the reform of the judicial management system and improvement of judicial professionalism in China. |
| £0 | £164,050 | To begin the process of bringing prison management practices in China into line with international human rights standards by working with the Ministry of Justice in two provinces in China (provisionally Hubei and Jiangsu). |
| £39,016 | £193,197 | To promote effective implementation of the new lawyers law through co-operation of prosecutors, police and lawyers and thereby better guarantee the rights and safeguards for criminal suspects and defendants. |
| £55,977 | £185,088 | To set a precedent for independent police detention centre monitoring in China. |
| £38,637 | £139,773 | This project aims to pilot independent monitoring of Chinese prisons in order to improve conditions and help develop a National Preventive Mechanism that will be compliant with the Optional Protocol to the Convention Against Torture. |
| £0 | £51,519 | This project intends to strengthen the role of the procuratorate in the proceedings concerning arrest approval, promote diversion from custody at the pre-trial stage of criminal proceedings and create greater awareness of existing alternatives to pre-trial detention helping bring pre-trial procedures into greater compliance with the ICCPR. |
| £86,520 | £290,520 | To begin the process of bringing prison management practices in China into line with international human rights standards by working with the Ministry of Justice in two provinces in China (provisionally Hubei and Jiangsu). |
| £11,469 | £96,690 | To contribute to the reduction of impunity related to systematic human rights violations and International Humanitarian Law breaches – committed by illegal armed groups or members of the armed forces in the framework of the armed conflict – through policy proposals that strengthen the criminal justice system and guide the 'Programme for Strengthening Justice in Colombia' (UNDP – GoC). |
| £0 | £34,625 | Improve the capacity of key public servants at national and regional levels to identify and investigate torture, according to the Istanbul Protocol. |
| £0 | £13,193 | Increased capacities to investigate and document torture, and strengthened collaboration between health and legal professionals working within national civil societies and national administrations. |
| £113,667 | £305,274 | To support states in ratifying the OPCAT and establishing or designating effective national preventive mechanisms to visit places of detention as a means to prevent torture. |
| £0 | £44,115 | To demonstrate how the rule of law and access to justice can become a reality within the lives of ordinary people in Gujarat, to take that state based learning to a wider audience and to provide a showcase for best practice as a state based intervention capable of effecting institutional reforms. |
| £0 | £203,355 | Prevention of torture: facilitation of establishment of an independent and efficient national preventive mechanism in Kazakhstan. |

1.2 Increasing the ability of criminal justice systems to operate according to international human rights standards (cont.)

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|----------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------|-------------------------------|-------------------------------|
| Mexico | PSF HRD 001313 | Oral trials exit strategy | 1 | 2008 | £30,000 | £0 |
| Nepal | PSF HRD 001353 | Strengthening the criminal justice system in Nepal | 2 | 2009 | £0 | £138,512 |
| Nigeria | PSF HRD 001400 | Torture documentation and redress scheme | 3 | 2008 | £150,000 | £142,500 |
| Nigeria | PSF HRD 001403 | Improving the Nigeria Prison Service adherence to international standards in the treatment of prisoners through human resource development | 3 | 2008 | £137,000 | £171,874 |
| Russia | PSF HRD 001509 | Monitoring and education as a tool of torture prevention in Nizhniy Novgorod – pilot project | 2 | 2007 | £62,239 | £0 |
| Russia | PSF HRD 001510 | Strengthening human rights capacity in the Russian Federation | 3 | 2007 | £101,100 | £55,000 |
| Russia | PSF HRD 001514 | Development of the network of schools for public inspectors in Russia | 3 | 2008 | £32,910 | £67,274 |
| Sudan | PSF HRD 001560 | Training for Darfur Bar Association | 1 | 2008 | £33,660 | £0 |
| Sudan | PSF HRD 001561 | HR and good management training for prison staff and broader reform advocacy | 2 | 2008 | £118,660 | £106,750 |
| Turkmenistan | PSF HRD 001600 | Partnership with the Turkmen government | 2 | 2008 | £36,300 | £26,300 |
| Vietnam | PSF HRD 001814 | Police co-operation towards compliance with international human rights standards in criminal investigations, particularly as regards freedom from torture, in deaths in custody, and in the effective investigation and documentation of torture. | 3 | Jan-09 | £16,916 | £150,371 |
| Vietnam | PSF HRD 001815 | Promoting UK best practice on access to justice | 1 | 2008 | £14,010 | £0 |
| Total | | | | | £1,629,711 | £1,657,363 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £30,000 | To complete the project life cycle of the Criminal Justice Programme in Mexico by delivering an exit strategy consisting of the strategic dissemination of a high quality and long term impact training toolkit on oral trials' criminal investigation techniques to support institutional change and implementation of Mexico's criminal justice reform. |
| £106,260 | £244,772 | To ensure Nepal's compliance with its international obligations on fair trial standards and torture. |
| £127,500 | £420,000 | To promote reporting, documentation and prosecution of incidences of torture and other cruel, inhuman and degrading treatment or punishment that occurs in police or prison custody. |
| £68,126 | £377,000 | The project will focus on building the national capacity of Nigeria Prison Services to comply with the United Nations Standards and Norms for Prison Management and Treatment of Prisoners and bolster senior management's commitment and capacity for leading prison reforms. It will consolidate a core group of prison reformers within the prison service and relevant ministries, so as to ensure conformity and the more effective integration of penal reform into the wider process of strengthening the justice system. |
| £0 | £62,239 | The purpose of the project is to improve and develop the capacity in the field of torture prevention, by improving of educational level within the legal and judicial community; and to promote the protection from torture, inhuman and degrading treatment among prosecutors, judges, lawyers, police officers and students. The main task of the project is to make future state agents and attorneys respect individual rights, including the right to freedom from torture, right to life and right to effective remedy. |
| £0 | £156,100 | To develop the capacity of NGOs and lawyers within the Russian Federation to apply to the European Court of Human Rights thereby enabling victims of human rights abuses to obtain redress. |
| £49,816 | £150,000 | Development of the network of schools for public inspectors to ensure state's adherence to fundamental human rights and accountability to civil society through monitoring of 'restricted access' state structures such as penitentiary and police establishments in the regions of Russia. |
| £0 | £33,660 | This five-day training will address legal principles and practices underpinning human rights law, international humanitarian law and international criminal law and will aim to improve the capacity of the Darfur Bar Association members in utilising appropriate human rights mechanisms most relevant to their work. |
| £0 | £225,410 | To work towards establishing a more effective penal reform process at national level measured by the extent to which law enforcement institutions function in accordance with international standards Phase 2 – train prison staff using material developed and trainers trained during FY 2006-08, and introduce larger reform ideas in criminal justice. |
| £0 | £62,600 | The project seeks to assist Turkmen government bodies mandated to work on human rights issues, encouraging and training to conform to international standards via organising in-country training seminars on: - improving institutional mechanisms and processes in HR sector. - strengthening the capacity of Turkmen legislators to re-draft the penal code of Turkmenistan to conform with international standards; and - capacity building training seminar for Turkmen prisons officials (Ministry of Interior, General Prosecutor's Office and Turkmen HR institutions on the application of HR standards in prisons run by ICPS experts). |
| £103,736 | £271,023 | To increase the ability of the Vietnamese police force to operate according to international human rights standards, in particular to achieve improved respect for and compliance by police with the prohibition of torture. |
| £0 | £14,010 | To give the Ministry of Justice an overview of UK best practice on access to justice, and in doing so to build working contacts with them. |
| £800,724 | £4,087,798 | |

1.3 Addressing structural causes of inequality

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|--------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|--------------------|--------------------|
| Armenia | PSF HRD 000019 | Women leaders for equality | 2 | 2008 | £7,210 | £15,610 |
| Brazil | PSF HRD 000210 | Monitoring the implementation of the Convention on the Rights of the Child through shadow reports | 2 | Jul-07 | £38,174 | £17,776 |
| China | PSF HRD 000621 | Child participation in reporting and evaluating child rights | 3 | Apr-07 | £52,690 | £54,170 |
| Colombia | PSF HRD 000715 | Contribution to the implementation of the national strategy for eradicating child labour | 1 | 2008 | £5,274 | £0 |
| Colombia | PSF HRD 000717 | Implementation of Convention on the Rights of the Child Committee recommendations for Colombia through strengthening integral attention policies for internally displaced children | 2 | Jul-07 | £5,400 | £0 |
| Ethiopia | PSF HRD 000850 | Promoting action on disability | 1 | Dec-08 | £17,477 | £0 |
| India | PSF HRD 001017 | Promoting equality before the law for disadvantaged groups | 3 | Jul-08 | £48,997 | £73,324 |
| India | PSF HRD 001018 | Mainstreaming disability in the national agenda: policy to practice | 3 | Jul-08 | £44,525 | £54,094 |
| Jordan | PSF HRD 001070 | Enhancing the capacity of the Higher Council for the Affairs of Persons with Disabilities (HCPWD) to set and maintain professional standards for disability services in Jordan. | 3 | Jan-09 | £39,411 | £121,926 |
| Kazakhstan | PSF HRD 001113 | From exclusion to equality: realising the rights of persons with disabilities | 2 | Jul-08 | £60,000 | £44,000 |
| Nepal | PSF HRD 001351 | Stairway to legal reformation and equality | 3 | Aug-08 | £43,448 | £75,661 |
| Nigeria | PSF HRD 001401 | Increasing involvement of women in Nigerian political parties | 2 | Jul-08 | £151,422 | £78,938 |
| Thailand | PSF HRD 001580 | Promoting human rights for Highland minorities through citizenship and birth registration | 3 | Oct-08 | £113,145 | £151,670 |
| Turkey | PSF HRD 001603 | Tackling educational discrimination in Turkey | 1 | Jan-09 | £26,123 | £0 |
| Ukraine | PSF HRD 001700 | Everyone has a right to work: partnerships to improve employment opportunities for disabled youths | 3 | Oct-08 | £42,169 | £67,381 |
| Total | | | | | £695,465 | £754,550 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £22,820 | To instil the belief that women can act as political leaders while still maintaining traditional Armenian values and to describe the process through which this can be accomplished. |
| £0 | £55,950 | To monitor the implementation of the Convention on the Rights of the Child in Brazil, through shadow reports and enhanced civil society participation. |
| £52,690 | £159,550 | To enable children from more than 10 provinces/regions across China to participate effectively in the promotion, monitoring and evaluation of child rights, leading to the development of more effective child rights policy in China. |
| £0 | £5,274 | The project has two aims: 1. to gain a deeper understanding of the problem of child labour in the agricultural sector, and to identify strategies for implementing the national policy for the eradication of child labour in the agricultural sector, by working in three particular areas: rice, cotton and sugar cane; and 2. to ensure strategies for tackling child labour more generally are included in the municipal, regional and national development plans, therefore institutionalising efforts to address the issue. |
| £0 | £5,400 | To strengthen the Colombian state's policies for attending to and protecting child rights in the displaced population at national, regional and local levels, with emphasis in areas with large numbers of internally displaced people or those at high risk of displacement. |
| £0 | £17,477 | To create political awareness among parliamentarians about the issue of disability and promote further legislative and policy actions including the ratification of the UN Convention on the Rights of Persons with Disabilities both at national and regional level. |
| £71,556 | £193,877 | To promote equalities in policing by ensuring that newly mandated oversight bodies (police complaints authorities) being set up across India work effectively, especially in relation to issues relating to bias and unequal treatment meted out to traditionally disadvantaged groups (dalits, women, minorities). |
| £51,764 | £150,383 | To mainstream disability in the national development agenda by catalysing policy changes and implementation and by creating awareness, and promote human rights and equality of people with a disability using the XI Five Year Plan of India and the UN Convention on the Rights of Persons with Disability (CRPD). India ratified the CRPD Convention in 2007. |
| £38,471 | £199,808 | Build the capacity of the HCAPWD to assess the quality of current service provision, develop standards and quality assurance policies, and develop a system for the effective monitoring of service provision to persons with disabilities in Jordan. |
| £0 | £104,000 | The project will mainstream disability issues across public institutions and promote the process of signing and ratifying the International Convention on the Right of Persons with Disabilities and its Optional Protocol in Kazakhstan. |
| £63,488 | £182,597 | To include a constitutional framework for non-discrimination and equality in the new Constitution and reformation of discriminatory laws against women, ethnic groups and persons with disability. |
| £0 | £230,360 | To improve the involvement of women in political parties leadership in order to increase women's voice within the parties, and their access to public offices. |
| £53,185 | £318,000 | To expand access to citizenship and birth registration for highland minority peoples. |
| £0 | £26,123 | To strengthen the voices of minority communities and human rights organisations combating discrimination, allowing them to advocate effectively for change and influence the current governmental review of the Turkish education system and the Turkish anti-discrimination legal mechanisms. |
| £42,169 | £151,719 | The overall objective of this project is to improve the quality of life and long term potential for economic and social development of youth with disabilities (ages 14–35) by ensuring their right to work and secure employment. |
| £373,323 | £1,823,338 | |

1.4 Contributing to abolition of the death penalty

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|--------------|----------------|-------------------------------------------------------------------------------------------------------------------------|------------------------|------------|--------------------|--------------------|
| China | PSF HRD 000619 | Moving the debate forward: researching China's use of the death penalty | 2 | Apr-07 | £68,000 | £0 |
| China | PSF HRD 000629 | Restricting application of the death penalty | 3 | Nov-08 | £30,450 | £98,790 |
| China | PSF HRD 000630 | Promoting judicial discretion in reduction and restriction of application of death penalty | 3 | Oct-08 | £20,500 | £87,940 |
| Global | PSF HRD 000042 | Assistance for prisoners under sentence of death in Africa | 2 | Jun-07 | £62,776 | £0 |
| Global | PSF HRD 000049 | Challenging the mandatory death penalty in Trinidad & Tobago and Barbados | 3 | May-08 | £165,000 | £69,544 |
| Kazakhstan | PSF HRD 001112 | Lobbying for ratification of the Second Optional Protocol to the ICCPR and abolition of the death penalty in Kazakhstan | 1 | Jun-08 | £12,090 | £0 |
| Morocco | PSF HRD 001340 | CCPS – Empowering voices: abolition of the death penalty | 2 | Oct-08 | £45,357 | £77,394 |
| Malawi | PSF HRD 001200 | Civil society initiative for abolition of death penalty | 2 | Apr-09 | £129,700 | £116,750 |
| Nigeria | PSF HRD 001402 | Moving Nigeria towards abolition of the death penalty | 2 | 2008 | £0 | £205,120 |
| South Korea | PSF HRD 001550 | Creating a sustainable human rights advocacy base | 3 | Sep-08 | £16,000 | £20,000 |
| Total | | | | | £549,873 | £675,538 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £68,000 | To provide baseline data on the use of the death penalty with a view to making recommendations for legislative change on both the scope and procedure in capital crimes. |
| £30,200 | £159,440 | Reduction in the application of the death penalty by courts in Yunnan province through new sentencing and evidence guidelines for drug-related crimes. |
| £63,500 | £171,940 | Improved understanding and capacity of judges in three provinces of China to restrict the use of the death penalty. |
| £0 | £62,776 | To create the legal conditions required to restrict the use of the death penalty in country. |
| £68,444 | 302,988 | To create the legal conditions required to restrict the use of the death penalty in these countries. |
| £0 | £12,090 | To contribute to the abolition of the death penalty (in peace times) in the criminal legislation and signature of the Second Optional Protocol to the ICCPR through joint work with the Lower Parliament (Majilis) Committees for Legislation, the Judicial-Legal Reform and International Affairs, Defence and Security. |
| £74,515 | £197,266 | Stimulate and inform a real debate on alternatives to the death penalty. |
| £0 | £246,450 | The purpose of the project is to increase civil society and community voices for influencing and demanding the abolition of the death penalty in Malawi. |
| £52,824 | £257,944 | To get Nigeria to move closer towards abolishing the death penalty, by getting certain states either to abolish or to place an official moratorium on use of the death penalty. |
| £20,000 | £56,000 | Improved advocacy skills for South Korean human rights stakeholders thereby creating an effective, organic and sustainable support base for UK human rights objectives. |
| £309,483 | £1,534,894 | |

2.1 Improving electoral processes

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|---------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|--------------------|--------------------|
| Armenia | PSF HRD 000017 | Media, candidates and the public | 1 | Aug-08 | £51,889 | £0 |
| Brazil | PSF HRD 000212 | Brazilian election monitoring in Guinea-Bissau | 1 | 2009 | £10,000 | £0 |
| Cameroon | PSF HRD 000400 | Enhancing institutional capacity of Elections Cameroon (ELECAM) | 3 | Jul-08 | £63,000 | £142,500 |
| Global (DfID) | PSF HRD 000066 | DfID: follow up report on review of UK electoral assistance | 1 | Dec-08 | £10,000 | £0 |
| Guinea-Bissau | PSF HRD 000800 | Strengthening the role of the media in the Guinea-Bissau elections | 1 | Aug-08 | £29,585 | £0 |
| Indonesia | PSF HRD 001040 | Electoral codes of conduct in Sulawesi and Papua | 2 | July-08 | £57,000 | £10,000 |
| Kazakhstan | PSF HRD 001109 | Monitoring Kazakhstan's OSCE commitment through analysis and civil engagement | 2 | Jun-08 | £66,686 | £33,779 |
| Kazakhstan | PSF HRD 001110 | Technical assistance to Kazakhstan in preparation for chairing OSCE in 2010 | 2 | Sep-08 | £70,000 | £10,000 |
| Philippines | PSF HRD 001450 | Increasing suffrage of marginalised populations in the Philippines | 3 | Jan-09 | £7,371 | £197,366 |
| Yemen | PSF HRD 001850 | Elections and media transparency | 1 | Oct-08 | £28,300 | £0 |
| Yemen | PSF HRD 001851 | Building capacity in the areas of management and administrative skills for the Women's Affairs Department of the Supreme Council for Elections and Referenda (SCER) in Yemen | 1 | Oct-08 | £30,000 | £0 |
| Yemen | PSF HRD 001852 | Capacity building of women candidates for 2009 parliamentary election | 1 | Oct-08 | £15,018 | £0 |
| Yemen | PSF HRD 001853 | Increasing womens' participation in 2009 election | 1 | Oct-08 | £20,958 | £0 |
| Zambia | PSF HRD 001900 | Strengthening electoral processes in Zambia | 1 | Sep-08 | £50,000 | £200,000 |
| Zambia | PSF HRD 001901 | Training of party polling agents ahead of snap presidential elections on October 30 | 3 | 2008 | £75,000 | £0 |
| Total | | | | | £584,807 | £593,645 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £51,889 | To facilitate effective interaction between the public, political forces and the media during the upcoming local self-government elections. |
| £0 | £10,000 | Ensure the effective monitoring of the national elections in Guinea Bissau, including by a Brazilian observation mission, and the implementation of electoral observers' recommendations by the government of Guinea Bissau. |
| £169,500 | £375,000 | Support building of institutional capacity of newly appointed Commission to conduct credible electoral management processes through provision of training and assistance in systems/procedure design. |
| £0 | £10,000 | The specific objective of this project is to review UK (FCO and DfID) support in Sub-Saharan Africa, South and East Asia, the Middle East and Latin America towards free and fair elections over the last 10 years, placing this in the context of international electoral assistance and emerging lessons from best practice in different country contexts; and to suggest how the joint FCO-DFID technical guidance to electoral assistance should be updated. |
| £0 | £29,585 | To support and train the media to provide proper coverage of the upcoming elections. |
| £0 | £67,000 | To mitigate conflict associated with the 2009 elections in the post conflict provinces of Central Sulawesi and Papua. |
| £0 | £100,465 | To provide support to Kazakhstan's efforts to adopt new legislation on media, political parties and elections in line with OSCE standards; to ensure civil society involvement in the legislative process and to monitor implementation of the newly adopted laws. |
| £0 | £80,000 | To strengthen the capacity of the government of Kazakhstan and all relevant stakeholders to carry out an effective OSCE chairmanship in 2010 by ensuring that the Central Election Commission plays a more effective role in delivering elections in line with OSCE norms, including on gender participation. |
| £6,219 | £210,956 | The purpose of this project is to increase voter registration and electoral turnout among five marginalized populations in the Philippines: people with disabilities, internally displaced persons, detainees, indigenous people and the elderly; a sixth target sector that will be included is first time voters, a majority of whom are vulnerable to exclusion from the registration list due to their lack of information on the registration procedure. |
| £0 | £28,300 | Enhance Yemeni election transparency through good media coverage and better information accessibility. |
| £0 | £30,000 | This program aims to enhance the capacity of the Supreme Commission for Elections and Referendum (SCER) to guarantee women equal access to all stages of the electoral process in Yemen. Ensuring equal access to the electoral process for all individuals is a fundamental step in the transition to democracy. Likewise, it is at the core of international human rights standards. |
| £0 | £15,018 | The project aims to build the capacity of women candidates in the 2009 parliamentary elections to politically empower them and to shrink the gender gap between men and women in the government of Yemen decision-making process. |
| £0 | £20,958 | This program aims to execute the Constitution's principles by increasing the number of women in elected committees nationwide thereby activating the principles of human rights to which Yemen has signed up to. |
| £200,000 | £450,000 | To support the implementation of the continuous voter registration process with enhanced accuracy and facilitate issuance of national registration cards to the public. |
| £0 | £75,000 | To develop the capacity of political parties to understand their responsibilities and obligations in the electoral process with a view to raising the confidence of the public and political parties in the credibility of the electoral process. Ensure that any disputes are resolved effectively and without recourse to violence by facilitating an inter-party liaison team. |
| £375,719 | £1,554,171 | |

2.2 Promoting and protecting civil society's role to influence, monitor and hold accountable state institutions

| Country | Project Code | Project title | Project length (years) | Start date | 2008-9 allocation | 2009-10 allocation |
|--------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|-------------------|--------------------|
| Azerbaijan | PSF HRD 000072 | Attraction of women and young people to process of decision making for prevention of conflicts in the region | 1 | Apr-09 | £0 | £83,658 |
| Cambodia | PSF HRD 000351 | Strengthening civil society to actively engage with the national Assembly | 3 | Oct-08 | £12,622 | £22,171 |
| Colombia | PSF HRD 000720 | Building capacity for civil society to monitor public policy implementation | 2 | Aug-08 | £35,366 | £36,655 |
| Colombia | PSF HRD 000723 | Promoting and protecting civil society through clear public policy recommendations on state-NGO relations | 2 | Apr-09 | £0 | £39,344 |
| Global | PSF HRD 000053 | Conference on protection of human rights defenders | 1 | Apr-09 | £0 | £22,080 |
| Global | PSF HRD 000054 | Rory Peck Trust (supporting freelance newsgatherers and democratic media in Eurasia: 3 month research project and scoping visits) | 1 | Jan-09 | £18,737 | £0 |
| Global | PSF HRD 000055 | More pluralistic media environments in Southern Africa | 1 | Jan-09 | £26,000 | £0 |
| Indonesia | PSF HRD 001041 | Evaluating the performance of local legislatures to enhance accountability | 2 | 2008 | £65,363 | £34,633 |
| South Africa | PSF HRD 001540 | Improving South African civil society and media interest in, and knowledge of, international human rights architecture | 1 | Sep-08 | £15,700 | £0 |
| Turkey | PSF HRD 001590 | Parliamentary and provincial joint working groups project | 2 | Nov-08 | £13,000 | £34,500 |
| Vietnam | PSF HRD 001811 | Support the forum for Vietnamese civil society organisations | 1 | Jun-08 | £40,000 | £0 |
| Total | | | | | £226,788 | £273,041 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £83,658 | Achieving joint activities of the women and young people belonging to different ethnic, national, religious and political background through giving them skills for participation in the municipality elections as candidates and solution of the local problems. |
| £19,818 | £54,611 | To create a professional civil society lobby group to actively engage with the National Assembly to facilitate policy dialogue and communication with public and civil society organisations leading towards the adoption of key anti-corruption and access to information laws. |
| £0 | £72,021 | To increase accountability of local institutions in four Colombian regions by strengthening regional civil society organisations in their role to support the capacity building of grassroots' organisations. |
| £27,398 | £66,742 | To strengthen civil society's role to influence, monitor and hold accountable state institutions through the development of policy proposals to strengthen civil society and state institutions relations. |
| £0 | £22,080 | The conference aims to identify predominant problems faced by human rights defenders in their work and to engage European support, with UK focus, on the important work being done by human rights defenders in third countries in an increasingly dangerous climate; to review the effectiveness of policy actions and mechanisms available to influence an appropriate response to human rights defenders' protection needs; to consider how protection gaps can be addressed; and to encourage and raise awareness of the need for a more comprehensive protection policy for human rights defenders in third countries with UK government ministers and high-level officials (i.e. FCO and DfID). |
| £0 | £18,737 | Independent freelance newsgatherers are an essential part of an open and democratic society. The Rory Peck Trust is seeking to support freelance newsgatherers and work with organisations that defend their rights in focus countries in Eurasia. With the intention of developing a support network for its work in Eurasia, the Trust will undertake a research project from January to March 2009. The project will include scoping visits to Azerbaijan, Kazakhstan and Russia in order to build up a base of regional knowledge, develop effective contacts, and strengthen regional networks. |
| £0 | £26,000 | This is a scoping study aimed at setting up formal partnerships and assessing the regional needs in more detail in order to launch a longer project aimed at enhancing freedom of expression and contribute to the development of pluralistic and accountable media organisations in the region of Southern Africa, working actively to promote transparent democracy, hold governments to account, and better inform their citizens about their rights. |
| £0 | £99,996 | To enhance civil society's ability to hold legislatures accountable by evaluating legislation and budgets passed, and to provide recommendations for improving the performance of future local legislatures. |
| £0 | £15,700 | <p>To engage and empower South African civil society to be able to better police, monitor and scrutinise South African government performance across the international human rights architecture, and play a more pro-active role in moulding South African government policy.</p> <p>To engage South African civil society to promote more public debate on human rights.</p> <p>To encourage partnerships between UK and South African NGOs.</p> <p>To better inform South African civil society and media of the UK's human rights policy objectives.</p> <p>To better understand the rationale behind South Africa's behaviour across the international human rights architecture.</p> |
| £0 | £47,500 | This project aims to build up bridges between NGOs and the Parliament members establishing issue based 'Parliamentary Joint Working Groups' and 'Provincial Joint Working Groups' in provinces (for each electoral zone in big cities where there are more than one). |
| £0 | £40,000 | To promote the development of civil society in Vietnam and facilitate its participation in the policy-making process by supporting the civil society annual forum. |
| £47,216 | £547,045 | |

2.3 Strengthening freedom of expression

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|------------|----------------|----------------------------------------------------------------------------------------------------------------------|------------------------|------------|--------------------|--------------------|
| Armenia | PSF HRD 000020 | Institutionalizing freedom of expression in Armenia as a right enjoyed by the general public and upheld by the state | 2 | Oct-08 | £20,614 | £47,663 |
| Azerbaijan | PSF HRD 000071 | Improvement of legal environment for free and independent journalism | 3 | 2008 | £38,720 | £54,475 |
| Azerbaijan | PSF HRD 000073 | Enhancing freedom of expression and media capacity in Azerbaijan | 3 | Oct-08 | £98,936 | £127,774 |
| Cambodia | PSF HRD 00350 | Members of the media as human rights defenders for greater freedom of expression in Cambodia | 3 | Aug-07 | £12,622 | £22,171 |
| China | PSF HRD 000628 | Measuring the impact of new foreign correspondent rules on international media coverage of China | 1 | Jul-08 | £30,000 | £0 |
| Colombia | PSF HRD 000714 | Reducing self-censorship practices of journalists through regulation of public sector advertising contracts | 1 | 2008 | £3,000 | £0 |
| Colombia | PSF HRD 000721 | Colombian median for democracy | 3 | Aug-08 | £8,493 | £36,955 |
| Colombia | PSF HRD 000724 | Colombian Reporters: improved capacity for investigative journalism on conflict and peace issues | 2 | Apr-09 | £0 | £32,711 |
| Colombia | PSF HRD 000725 | Promoting FOI development in Colombia | 2 | Apr-09 | £0 | £62,107 |
| Kazakhstan | PSF HRD 001106 | Improving expert examinations over information disputes to defend journalists' right for free speech | 2 | Jul-07 | £32,999 | £0 |
| Kazakhstan | PSF HRD 001114 | Access to information and freedom of expression | 2 | Apr-09 | £30,000 | £0 |
| Mexico | PSF HRD 001311 | Permanent campaign to protect journalists in Mexico | 2 | Sep-07 | £67,499 | £0 |
| Mexico | PSF HRD 001312 | Crossing borders: regional campaign to protect journalists | 3 | Sep-08 | £21,949 | £116,684 |
| Nepal | PSF HRD 001350 | Promoting freedom of information and expression in Nepal | 1 | Dec-08 | £30,722 | £0 |
| Nepal | PSF HRD 001352 | Implementing Nepal's freedom of information agenda for change | 2 | Sep-08 | £51,782 | £45,266 |
| Nigeria | PSF HRD 001405 | Building media pluralism in Nigeria | 3 | Oct-08 | £2,880 | £84,423 |
| Pakistan | PSF HRD 001440 | Embedding freedom of information in Pakistan | 2 | Aug-08 | £62,590 | £14,450 |
| Russia | PSF HRD 001512 | Raising awareness of media law issues | 2 | Sep-08 | £40,702 | £29,073 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £68,277 | To increase public and government understanding of international standards of freedom of expression; to recommend and implement actions to remove the current limitations on the Armenian media, such as a prevailing culture of self-censorship and government control of broadcast media. |
| £18,405 | £111,600 | To improve legal practice and legal norms directly regulating content of journalistic expression, harmonisation of those practice and laws to European standards. Research, analyses, development of policy recommendations, awareness campaign, training and discussions will build capacity for legal and practical reforms, will help the government, advocacy groups, media and international organisations to specify clearly the problems and needs for reforms; strategic cases will provide legal precedents for better policy and practice. |
| £30,586 | £257,296 | To strengthen freedom of expression in Azerbaijan through advocacy for legal reform, in particular abolition of criminal defamation, and capacity building of the media. |
| £19,818 | £54,611 | The purpose of the project is to increase the recognition of the role of media as human rights defenders developing civil society, and to increase their capacity to protect their rights alongside with NGOs and others advocating for international standards of freedom of expression in Cambodia. |
| £0 | £30,000 | Through demonstrating that relaxed rules for foreign correspondents have led to broader and more impartial international media coverage of China, this project will encourage the Chinese government to make those rules permanent. |
| £0 | £3,000 | To reduce indirect censorship of the press, and consequent self-censorship by journalists, through pressing for the official regulation and accountability of public sector advertising practices, particularly at the local/regional level, therefore improving freedom of expression. |
| £38,632 | £84,080 | To promote the role of civil society and human rights defenders in democracy by improving the way in which human rights and democracy related issues are integrated into the media's informative agenda. |
| £38,691 | £71,402 | Contribute to a pluralistic media environment and journalists' protection by strengthening the 'Colombian Reporters' network of investigative journalists who cover the conflict and peace agendas in Colombia. |
| £64,913 | £127,020 | Foster access to information in Colombia by means of a comprehensive an integral intervention that includes civil society, public officials and an analysis of the legal framework to formulate policy proposals and legal reforms. |
| £0 | £32,999 | To improve the quality of expert examinations over information disputes providing for fair trial for journalists to defend their rights for free speech. |
| £30,000 | £60,000 | Strengthen the capacity of government and all relevant stakeholders to realise the right to access to information in Kazakhstan in line with international standards. |
| £0 | £67,499 | To develop legal and protection tools to be used by journalists, civil society, congress and media to strengthen journalists' safety in Mexico. |
| £62,135 | £200,768 | To strengthen journalists' safety in Central American countries by replicating successful international best practice and increasing capacity at the regional level to achieve lasting institutional change. |
| £0 | £30,722 | To promote an enabling environment for the free flow of information and ideas in Nepal by fostering a supportive legislative framework and by raising awareness among key stakeholders. |
| £0 | £97,048 | To promote an enabling environment for the free flow of information and ideas in Nepal using the agenda for change and other tools to foster a supportive legislative framework and to raise awareness among key stakeholders. |
| £65,577 | £152,880 | To support democratic governance, transparency, public accountability and civic participation through strengthening freedom of expression and media pluralism. |
| £0 | £77,040 | To assist in the implementation of a new freedom of information law, bringing greater accountability and transparency to government and to develop public awareness of the right to be informed. |
| £0 | £69,775 | To promote freedom of expression in Russia's regions by empowering media stakeholders with knowledge of their rights under Russian media and internet law – using the FNR-organised nationwide regional radio festival series, Vmeste Radio, as a staging ground to form meaningful linkages between regional local radio stations, online 'citizen journalists', and a diverse group of regionally based media and internet law experts. |

2.3 Strengthening freedom of expression (cont.)

| Country | Project Code | Project title | Project length (years) | Start date | 2008-09 allocation | 2009-10 allocation |
|--------------|----------------|--------------------------------------------------------------|------------------------|------------|--------------------|--------------------|
| Thailand | PSF HRD 001581 | Creating a conducive environment for defamation law reform | 2 | Sep-08 | £18,455 | £13,671 |
| Turkmenistan | PSF HRD 001601 | Shaping the future of the Turkmen media in post-Niyazov thaw | 2 | Jul-07 | £50,784 | £80,058 |
| Vietnam | PSF HRD 001813 | Promote people's access to information in Vietnam | 2 | Jul-08 | £69,326 | £100,745 |
| Total | | | | | £692,073 | £868,226 |

| 2010-11 allocation | Total funding | Project purpose |
|---------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| £0 | £32,126 | To promote an enabling environment for reform of the defamation law so as to bring it more closely into line with international and constitutional standards by raising awareness among key stakeholders and advocacy for law reform. |
| £0 | £130,842 | To improve the potential of the Turkmen media to act as a catalyst for social reforms and to provide a forum for democratic debate. |
| £0 | £170,071 | To support the drafting of Vietnam's access to information law in line with international standards for the adoption by the National Assembly. |
| £368,757 | £1,929,056 | |



05

Major countries of concern

Introduction

This section of the report will focus on countries where human rights cause us the greatest concern, or where human rights issues attract a great deal of attention and activity, both bilaterally and multilaterally.

The FCO and our Embassies around the world work to promote and protect human rights. This part of the report gives an overview of our concerns in each country selected and a summary of our activities to address these concerns, and looks ahead to forthcoming challenges.

This is not an exhaustive survey of countries' records on human rights. Nor is it a league table of countries we consider the worst offenders. There are many other authoritative reports, issued by NGOs and other governments that publish information on a country-by-country basis. We do not intend to duplicate their efforts. In previous sections, we explain our policy and activities thematically, and through the prism of the FCO's policy goals. Here we explain how all of this is applied in various countries.

We cover issues of concern in other countries throughout the report. Some countries with the worst human rights records appear in this section each year. It is important to keep the spotlight on the likes of North Korea, Turkmenistan and Belarus, and include those that attract a great deal of public interest, like Russia, Israel/Palestine and China. We also take into account the views of key stakeholders, such as the Foreign Affairs Committee.

Since the last report, we have added one country of concern. We agreed with the Foreign Affairs Committee's recommendation, as proposed by NGO stakeholders, that we include Somalia as a country of concern given the dire situation there.

We have also removed Nepal as a country of concern, although the situation there is covered elsewhere in the report, notably in the democracy section.

The Universal Declaration of Human Rights and the UN Charter clearly imply that the human rights situation in any country is the valid concern of all states. No country in the world has a perfect human rights record, although states fall short of that goal to widely varying degrees. This does not mean we can ignore or dismiss problems when they arise in our own or other countries.

Where we have concerns we raise them, both bilaterally, through the EU, and in UN and other international fora. The most significant new UN human rights mechanism in recent history commenced in 2008. Under the Universal Periodic Review (UPR), for the first time the human rights situations in every UN member state will be reviewed. These reviews will take place over a four-year period. The UK is a strong supporter of this process and works closely with other states to make it a success.

We are also among the strongest supporters of the Organisation for Security and Co-operation in Europe's peer review approach to promoting and protecting human rights as a means of preventing conflict. We look to all states to co-operate with international human rights bodies and adhere to our shared values, which are contained in agreed documents.

States should be open and accountable for their human rights records. How a state responds to criticism is an important measure of its commitment to human rights. We regularly engage in a frank dialogue with other states and look forward to their reactions to this report.

Afghanistan

Introduction

Since the fall of the Taliban from power in 2001, significant progress has been made to improve the lives of the Afghan people, though much remains to be done. Building the Afghan capacity necessary to deliver the effective governance and security that is essential to protecting human rights is a long-term endeavour. Decades of conflict, war and the brutal and repressive Taliban regime have taken a heavy toll. UN figures measure Afghans' life expectancy as 43 years and the adult literacy rate as 28 per cent, compared with an average life expectancy of 52 years and 64 per cent adult literacy rate in the world's least developed countries.

The UK is committed, for the long-term, to helping the people and government of Afghanistan build a better future for their country. Creating a stable and secure Afghanistan will help prevent it from becoming again a training ground for terrorists, who threaten the security of the global community. Promoting human rights and democracy is integral to building this stability and security.

Central to this effort and to improving the overall human rights situation is developing Afghan capacity. We are supporting this in a range of ways through a clear, comprehensive approach, joining up our civilian and military effort to ensure maximum effectiveness. We are the second largest contributor to NATO's International Security Assistance Force (ISAF), with around 8,300 UK troops on the ground. Since 2001, we have committed around £1.65 billion to the reconstruction, stabilisation and development of Afghanistan; the UK is Afghanistan's second largest bilateral donor.

Current concerns

Security

Ensuring security is vital for protecting human rights. The security situation in Afghanistan remains challenging. The insurgents continue to target civilians – including through beheadings, kidnappings, suicide bombings and attacks on NGO workers and schoolchildren. In November, a group of schoolgirls and their teachers in Kandahar suffered severe burns after acid was sprayed into their faces by members of the Taliban. The attack was condemned by the Afghan government as "un-Islamic".

Increasing numbers of Afghan National Army and Police are being trained, enabling the Afghan security forces to play a growing role in providing security for their country. The Afghan army is now 65,000 strong and this year it was agreed to increase this number to 122,000. The Afghan police are now just over 76,000 strong; they have further to go in terms of professionalism and training to win the confidence of the Afghan people.

Our military action against the insurgency in Helmand has opened opportunities for Afghan-led development and better governance. Improvements are happening, but at a slow rate. The speed of development is further slowed by the security risks faced by NGOs, some of which are contracted by the Afghan government to deliver its programmes on the ground.

The Taliban preference for basing themselves in, and launching attacks from, public buildings increases the risk of civilian casualties as a result of military action by international forces against terrorists and insurgents. Any deliberate targeting of insurgent strongholds is carried out with detailed planning and precision weapons, to limit this risk as far as possible. The Commander of ISAF has issued tactical directives to all ISAF forces, including having respect for Afghan customs and religion; limiting house searches; making proportional use of air strikes and indirect fire; and being "first with the truth" in the event of any mistake. These are constantly being reviewed in the light of experience. Any allegations of civilian casualties are investigated promptly and action taken where necessary.

2009-10 elections

The Afghan people have endorsed democracy to decide their leaders and their future – demonstrated by the successful elections held in 2004 and 2005. Presidential and provincial council elections are due to be held in autumn 2009, and parliamentary and district council elections in spring 2010. Low voter turnout, caused by fears over security, combined with voter apathy, is a risk. However, by December, geographically phased voter registration had been conducted across half the country without major incident.

Women's rights

Many women in Afghanistan still face significant hardships and unequal treatment – in part as a result of poverty and insecurity, and in part because of deeply held cultural views. A lack of legal protection and inadequate access to justice increases the risks women face in a society where the rule of law is still weak. Outspoken women face severe risks – as demonstrated by the murder of the country's most prominent policewoman in Kandahar last September. Many women, such as Dr Sima Samar, who heads the Afghanistan Independent Human Rights Commission, continue their work despite this. But there has been progress; over a third of children now enrolled in school are girls, and with the help of a constitutional quota, 27 per cent of seats in the Lower House of the Afghan Parliament are now held by women.

Death penalty – resumption of executions

Afghanistan retains the death penalty under the new constitution. All death sentences require the approval of the President. Sixteen criminals, convicted of serious crimes, have been executed since 7 November 2008. These were the first executions carried out since 15 men were executed on 8 October 2007. A moratorium on executions ended on 20 April 2004 when President Karzai authorised the



Afghan journalist Sayed Pervez Kambaksh, attending a court hearing in Kabul, 25 May.

execution of Abdullah Shah, a militia commander accused of cannibalism, torture and murder. The death penalty had not been used again until the 8 October 2007 executions.

Freedom of expression

Intimidation of journalists remains an issue in a society where rule of law is still weak. However, the media is enjoying greater freedom in Afghanistan, with one government-run and 16 independent TV channels, and 290 newspapers. The most popular TV station in Kabul is the privately owned Tolo (Dawn). Its investigative journalism and entertainment programmes are favoured by the younger generation. Radio is the most popular form of media across Afghanistan as a whole, with 60 independent radio stations. September saw the passing of a progressive media law. This law consolidated existing freedoms and should help protect the fledgling independent media.

Food shortages

Severe food shortages in Afghanistan, resulting from rapidly rising global food prices and a poor harvest due to drought, have left at least 4.5 million Afghans dependent on humanitarian assistance. The UN and Afghan government launched an appeal in July 2008 to avert a crisis, but it has faced a shortage of international funding.

UK action

2009-10 elections – supporting the right to vote

We are committed to supporting the Afghan elections. We have already given £6 million, as an initial contribution, to support voter registration, which began on 6 October and is due to finish in February 2009. We continue to lobby other countries to provide financial support for the elections and we are working closely through ISAF to support thorough Afghan-led security for the electoral process.

Women's rights

We work to enhance the status of women in three ways: through policy engagement with the Afghan government; through support for national programmes and services that benefit women; and through bilateral programmes. We regularly discuss women's rights with members of the Afghan government, NGOs and parliamentarians.

Our major support is channelled through the Afghan government, since gender inequality is a deeply embedded and long-term problem, which needs a strategic approach. We worked with the Afghan government to ensure that gender equality was integrated into the Afghanistan National Development Strategy (launched in June) and that women are fully reflected in the development process. We have committed over £35 million to support the Afghan government's micro-finance programme, giving women in particular better access to finance.

We are providing £500,000 to support a women's empowerment programme, implemented by the NGO Womankind (running 2005-10). The programme focuses on promoting women's equal participation in governance; building awareness of women's rights among civil society and policy-makers; and on providing educational, health, community and psycho-social support to women affected by violence and conflict.

The Afghanistan Independent Human Rights Commission now has representatives in Helmand province, who are helping support the new Women and Children's Justice Group, established in Lashkar Gah in August 2008. Run by prominent female members of the community, the Group is developing and implementing practical programmes on the ground to support women and children's rights and justice issues.

Death penalty

We were very concerned to learn that the Afghan government resumed executions on 7 November 2008. We have raised our concerns about this in partnership with the EU, as well as bilaterally with the Afghan government, including at ministerial level.

Freedom of expression

We have intervened in individual cases where journalists' freedom has been threatened. We are working with the BBC World Service and the BBC World Service Trust (the World Service's charitable arm) on projects to improve and

develop the media in Afghanistan. For example, we are involving female Afghan journalists in "Afghan Woman's Hour", which informs and empowers women in Afghanistan.

Food shortages

We have been swift in responding to the Afghan food crisis (caused by drought and high global food prices), committing £8 million to the food security component of the UN and Afghan government's July appeal. This funding is in addition to the £5.5 million committed to the agricultural recovery component of the appeal, and the £3 million given to the World Food Programme's January 2008 appeal. We have also provided £4 million in humanitarian assistance to the International Committee of the Red Cross, making our total contribution to alleviating the current humanitarian situation £20.5 million.

The UK will continue to encourage the international community to commit greater support to the UN and Afghan government appeal in the coming months.

Strengthening security

The UK is the second largest contributor to ISAF. Our contribution includes 7 operational mentor and liaison teams to help train the Afghan army. The UK continues to work across all areas of rule of law reform. In 2008-09, the UK plans to spend £31 million on interdiction and law enforcement efforts. We are a major contributor to the EU Policing Mission in Kabul and Helmand. We also provide police officers to assist the US police reform programme and run bilateral programmes to support the counter narcotics police and the police in Helmand.

We are working to improve the security and operation of prison facilities, by training Afghan prison officers and building new infrastructure. We are also assisting with the development of the Criminal Justice Task Force, an Afghan institution which investigates and prosecutes narcotics traffickers. We regularly lobby the Afghan government to take action against corruption and continue to lobby international partners to increase their support for the Afghan government's law enforcement efforts.

If we have concerns about a particular case, we will raise them with the Afghan authorities. On 21 October, the Afghan Appeal Court announced that the sentence of Afghan journalism student Sayed Pervez Kambaksh (who had been convicted of distributing literature relating to women's rights and Islam) was commuted from life to 20 years in prison. We have serious concerns about the fairness of this and the original trial, and the verdict reached. We are following the case closely and, in conjunction with our international partners, are raising it with the relevant Afghan authorities.

Supporting Afghan human rights institutions

We are continuing to fund the Afghanistan Independent Human Rights Commission (AIHRC), giving a further £200,000 this financial year to support its 2009-10 action plan. The AIHRC has over 500 staff across Afghanistan – from Badakhshan in the north to Helmand in the south – actively tackling issues such as women's rights, children's rights and false imprisonment, as well as reporting on concerns. Our support has also helped enable the AIHRC to continue to collect and record evidence of past human rights abuses, raise awareness about transitional justice and lobby the Afghan government for action.

In addition to supporting the AIHRC and small Afghan NGOs, we are also working with the UN Development Programme and international partners to create a Human Rights Support Unit in the Afghan Ministry of Justice. This unit will support and coordinate Afghan government efforts to protect and promote human rights.

Detentions

ISAF forces are able to arrest and detain by virtue of UN Security Council Resolution authorisations. UK forces receive human rights training before going to Afghanistan, including where relevant specific training on handling detainees. In accordance with ISAF guidelines and the terms of the memorandum of understanding between the UK and Afghanistan (23 April 2006), UK forces transfer any detainee to the Afghan authorities within 96 hours. The memorandum includes undertakings about respect for international obligations, and access to detainees by UK officials and human rights organisations such as the International Committee of the Red Cross. Royal Military Police carry out regular visits until the individual is released or convicted.

Strengthening governance

Governance, particularly at the local level, is weak. We are working to support the government of Afghanistan to improve governance – to help ensure people feel part of the Afghan state and have access to services. This work is wide-ranging, but includes supporting:

- the government's provincial capacity to deliver services to the rural poor;
- the government's drive against corruption by removing the loopholes that enable daily corruption, and strengthening sanctions for the big offenders;
- public administration reforms including pay and performance; and
- government efforts, led by the Afghan Independent Directorate of Local Governance, to build better relations with informal structures of authority and leadership, particularly in insecure provinces.

We continue to channel most of our spending on aid through the Afghan government, to build up its power to

deliver for the people. An example of where our money is going is the funding we donate to the Afghanistan Reconstruction Trust Fund. In 2007-08 we provided £55 million to the Trust Fund, which helps finance the salaries of over 100,000 teachers, which in turn is helping Afghan children to realise their right to education. These resources have contributed to increasing the number of pupils enrolled in school from 2 million in 2002 to around 6 million today.

Forward look

The UK and the international community will continue to work together, to support the Afghans to achieve a secure, stable and prosperous Afghanistan. The new US administration as well as elections in Afghanistan will have an impact on the country's future. We will continue to do our best to ensure that the rights and views of Afghans are respected and that Afghans play the lead role in governing and defending their country.

Belarus

Introduction

The overall human rights situation in Belarus remains poor, with the Belarusian authorities continuing to harass civil society, NGOs and the independent media. However, we should not overlook some improvements that took place in 2008.

In August, in the run-up to parliamentary elections, the government released all remaining political prisoners, including opposition former presidential candidate Aleksandr Kazulin, meeting one of the basic requirements of the EU, set out in the Commission's document *What the EU could do for Belarus* of November 2006.

The parliamentary elections on 28 September 2008 fell short of democratic requirements. However, the electoral campaign and the process of voting were characterised by a far lower level of repression of democratic candidates than in the 2004 parliamentary elections and 2006 presidential elections. The OSCE noted that the cooperation extended to the Election Observation Mission by the Belarusian authorities was considerably improved compared with previous elections.

The Central Electoral Committee registered 78 candidates from United Democratic Forces and 22 candidates from European Coalition. According to the initial report of the OSCE, opposition representatives were generally able to campaign in the mass media and conduct meetings with the electorate. Although voting was generally well conducted, many cases of falsifications were observed during the vote count. Additionally, OSCE monitors were prevented or hampered from observing the counting in 35 per cent of cases. Promises by the Election Commission to ensure transparency during the vote count were not

implemented and only pro-government candidates won seats in the new parliament.

On 13 October, in response to the Belarusian government's increased willingness to engage with the OSCE, and the release of political prisoners, the Council of the European Union suspended for 6 months the travel restrictions imposed on leading Belarusian officials. However, the travel ban remained for those involved in the disappearances that occurred in 1999-2000 and that of the President of the Central Electoral Commission. The Council has the power to re-apply travel restrictions sooner, if the Belarusian government takes regressive steps in the sphere of human rights. Renewal of the suspension will require the unanimous agreement of all EU member states.

The decision of the Council, which we have supported, stems from a willingness to encourage the Belarusian authorities to adopt positive measures to strengthen democracy and respect for human rights. We believe that through the demonstration of the benefits of closer co-operation, the EU will be able to support democratisation of this country better. We will continue to monitor developments in Belarus to decide whether suspension of travel restrictions should be cancelled, or supplemented by steps to deepen dialogue and co-operation with the Belarusian authorities.

Current concerns

Progress still needs to be made on the position of NGOs, which remains poor. Expensive registration fees and excessive legal requirements are basic obstacles to NGO activity. Any political organisation independent from the government is perceived by the authorities as a serious threat.

The Belarusian government has denied its citizens the right to access independent information and ideas. The state controls all media outlets in Belarus, making it difficult for any views, other than those officially approved, to be heard by most of society. Access to the internet is currently controlled through the monopoly of the national company Beltelekom and strict rules are imposed on owners of internet cafés who are obliged to report when users visit banned websites. But there are some signs of change. In December two 'independent' newspapers (*Norodnaya Volya* and *Nasha Niva*) were allowed to register for state-run distribution and are now on sale at news kiosks. And following a seminar on the internet on 24 November the Head of Ideology at the Presidential Administration met members of the Belarusian Association of Journalists (BAJ) and suggested that the media law may be amended to take account of concerns raised by BAJ and others. No guarantees were given, but there is hope for improvement to current legislation.

We are concerned by the harassment of those who exercise their right to peaceful assembly, for example during the demonstration on the occasion of the 90th anniversary of



Belarus opposition supporters during a rally in Minsk in January 2008.

Belarusian Republic's independence declaration on 25 March. However, we note that during the course of 2008 the Belarusian authorities have shown increasing restraint, for example opposition supporters were able to demonstrate peacefully at the demonstration on election night in central Minsk. We also note that entrepreneurs were given permission to demonstrate on 15 December. We hope that this new approach towards the right of civil society to express its opinion publicly will be permanent and durable. We are concerned about the treatment of Aliaksandr Barazenza, who was tried for his role in the early 2008 entrepreneurs' demonstrations, and was given a sentence in December of 'restricted freedom' under which he is not allowed to leave his home between 7pm and 6.30am.

Belarusian authorities have still failed to open an independent investigation on the disappearances of three opposition representatives: Victor Gonchar, Anatoly Krasovsky and Yuri Zakharenko, and an independent journalist Dmitry Zavadski in 1999-2000. Our position remains that a truly independent investigation is needed to explain these dramatic and disturbing events.

Belarus continues to exercise a death penalty. The authorities are reluctant to provide accurate data and therefore we do not know how many people were executed or are on death row.

UK action

Our Embassy in Minsk, along with EU partners, continues to raise human rights concerns with the authorities. We maintain regular contacts with civil society organisations devoted to human and civil rights and observe their public demonstrations.

The UK continues to use funds to support civil society, both bilaterally and through the OSCE. The UK contributed short- and long-term observers for the parliamentary elections in September, forming 10 per cent of the OSCE delegation. We have funded projects over the past year in a number of key human rights areas, principally via the Global Opportunities Fund.

Europe Minister Caroline Flint met Belarusian Prime Minister Sergei Sidorsky when he visited the UK in November. This was the first meeting between UK and Belarusian ministers since the EU introduced a ban on ministerial contact in 1997. Caroline Flint discussed the opportunity given to Belarus by the EU's suspension of sanctions for six months. She emphasised the need for Belarus to demonstrate that it had made progress on human rights and democracy to get EU agreement for any continuation of the suspension on restrictions.

Forward look

The six-month temporary suspension of travel restrictions which the EU agreed in October will, after April 2009, require the unanimous agreement of all EU member states.

Regardless of the outcome of this process, we will continue to lobby the Belarusian government to address human rights issues and to deliver European standards in this field. Together with EU partners we remain committed to intensifying our support for civil society, among others, through funding projects that help to develop democracy, NGOs and the media.

Burma

Introduction

The human rights situation in Burma deteriorated still further during the course of 2008, particularly towards the end of the year when harsh sentences were given to over 200 democracy activists. The picture continues to be characterised by the persistent denial of almost all fundamental rights, including the ability of Burma's citizens to have any say in the country's future. The referendum on a new constitution in May was deeply flawed, as is the process of which it is part. Despite its natural resources, Burma remains one of the poorest countries in the world, and faces a range of humanitarian challenges. The suffering caused by the regime's economic mismanagement – the trigger for the 2007 Saffron revolution – was made more acute by the effects of the devastating cyclone Nargis in May.

Current concerns

Political prisoners

Despite the release of a small number of political prisoners in August, including the prominent National League for Democracy (NLD) member, U Win Tin, the overall number of political prisoners held in Burma has increased sharply.



Win Tin, Burma's longest serving political prisoner, following his release in September.

During the course of 2008, many political prisoners detained during, or following, the 2007 protests were brought before secret tribunals on a range of charges. Since early November, some 215 have received severe sentences. Many have been dispersed to prisons in remote areas, where conditions are poor and they are unable to draw on the support of their families. Former student activists who had led the 1988 protests – for which they had already served lengthy prison terms – were detained once again in August 2007, and have recently been sentenced to 65 years each. Many monks, lawyers, bloggers and members of the artistic community, including the famous comedian Zarganar, were also given lengthy sentences. The overall number of political prisoners in Burma has increased by around 1,000 over the past year. Daw Aung San Suu Kyi remained under house arrest and the dialogue launched between her and a government liaison representative after the September 2007 uprising was dropped in the first months of the year after only a few meetings.

There were some minor steps forward in 2008. The UN Special Rapporteur on Human Rights in Myanmar, Tomas Ojea Quintana, visited in August and was permitted to meet a handful of detainees inside Rangoon's Insein Prison. But the overall picture remains bleak. We continue to estimate that over 2,000 political prisoners remain in detention. The regime has resisted all calls for an accurate accounting of those held and the International Committee of the Red Cross has not been permitted to visit any political prisoners since 2005.

Ethnic minorities

Many ethnic minority communities and religious groups in Burma continue to be discriminated against, through failure to protect or respect their cultures and languages, and their inability to practise non-Buddhist religions. In the west of the country the Muslim Rohingya face a range of draconian restrictions on their freedom to travel, marry, study or practise their faith. The Burmese army's regular campaigns in Karen State have left many villages destroyed, causing a significant level of internal displacement. Many members of the Chin community living on the border with India are currently enduring a famine caused by a plague of rats, a phenomenon that affects the region every 50 years but for which the regime had made no preparations. Ethnic groups in Burma are also politically disenfranchised. We emphasise regularly to the Burmese regime, and to countries in the region, the need for the full and fair participation of ethnic nationalities in the political process as key to a durable solution to Burma's problems. There can be little prospect of national reconciliation without genuine recognition of their political, economic and social rights.

Regime roadmap

The Burmese regime has pressed ahead with its political 'roadmap' and resisted all calls to make the process more open and inclusive. On 10 May, 8 days after Cyclone Nargis devastated the Irrawaddy delta, a referendum on a new constitution (that itself was the result of an unsatisfactory process lasting 15 years) was held. After an international

outray, the poll was postponed in the cyclone-affected areas until 24 May. There were numerous reports of voting irregularities and the final result (a 92 per cent approval rate: 93 per cent in the cyclone-affected area) lacked all credibility. The next step in the process will see "elections" held in 2010, which according to the government will result in the emergence of a "disciplined democracy". There is no prospect of this process resolving Burma's longstanding history of poor governance, economic mismanagement and a lack of civic participation. The level of repression and intimidation has escalated. Efforts by the UN during the course of the year to obtain the release of political prisoners and dialogue between government and opposition were consistently rebuffed. Daw Aung San Suu Kyi remains under house arrest. Opposition activists, including members of the NLD, continue to be harassed. Prospects for the establishment of a broad-based dialogue embracing government, opposition and ethnic nationalities remain distant.

Forced labour

A Supplementary Understanding between the ILO and the Burmese government, intended to allow victims of forced labour, including child soldiers, to submit complaints to the ILO liaison officer in Rangoon, remained in place over this period. The Burmese government has passed a law banning forced labour and the recruitment of individuals under the age of 18. Since then, more than 100 complaints have been received and over 50 have been satisfactorily concluded, including through dismissal and reprimand of military officials involved. Overall, however, the arrangement has yet to achieve its full potential. Government co-operation remains fitful. The ILO still faces an enormous challenge in promoting wider awareness of the process, and in eliminating forced labour perpetrated by the military and officials at the local level.

Humanitarian

On 2 May, Cyclone Nargis devastated the Irrawaddy delta area and Rangoon, killing some 130,000 people and leaving thousands more without shelter, land, or any source of food or income. Initial efforts to deliver humanitarian relief to the two million people in need were hampered by government obstruction and an unwillingness to allow an effective international response. The initial response of Burmese civil society organisations, businesses and individuals was impressive – without them casualties may well have been much higher in the immediate aftermath. However, efforts by Burmese citizens to provide relief were in many cases also restricted and a number of individuals suspected of having foreign support or of providing information to the foreign media were detained. UN Secretary-General Ban Ki Moon visited Burma in late May and secured agreement to the establishment of a mechanism to allow adequate international access to the affected area. Co-operation between the UN, the Association of South East Asian Nations (ASEAN) and the Burmese authorities since then has ensured that aid efforts have been scaled up and a second wave of deaths avoided, although more still needs to be done to meet the longer term needs of those affected.

The UK worked through the UN and other key international partners to put pressure on the Burmese regime to increase the delivery of international aid to victims of the cyclone. Responding to the UN Secretary-General's appeal for maximum support from the international community, Douglas Alexander, the Secretary of State for International Development, attended the UN-ASEAN conference in Rangoon along with other donors. This visit, and an earlier visit to Burma and the region by Minister of State at the FCO, Lord Malloch-Brown, played an important role in supporting efforts to establish an effective international mechanism to allow the delivery of humanitarian relief. The UK was also a major contributor to the relief operation, with a commitment of £45 million – matched only by the USA. This assistance, as in the case with Britain's regular aid programme in Burma (£12 million in 2008-09), was delivered through the UN and international and local NGOs.

UK action

Achieving a more democratic, stable and prosperous Burma remains a priority for the UK. We have continued to play a leading role in pressing for political progress and increased respect for human rights. Under UK chairmanship, the UN Security Council in May issued a presidential statement reaffirming demands for political reform set out in October 2007. This called for the immediate and unconditional release of all political prisoners, the start of a credible process of reconciliation, and co-operation with the good offices of the UN. The Human Rights Council at its March and June sessions, with strong UK backing, adopted without a vote EU-tabled resolutions that were strongly critical of the regime, which a number of Burma's neighbours supported. The EU also presented the most recent UN General Assembly Resolution on the human rights situation in Burma, which was passed on 21 November. Despite an attempt at a 'no action motion' (a procedural attempt to prevent discussion of the issue) by the regime, the resolution was successfully adopted. It criticised the widespread and systematic abuse of human rights in Burma and called on the government to fulfil its obligations to international human rights law.

At the Asia–Europe Summit in Beijing at the end of October, the Foreign Secretary urged Burma's neighbours to do more to promote change. This pressure contributed to a firm statement by the chair on behalf of the 43 countries present, calling on the regime to engage all stakeholders in an inclusive political process in order to achieve national reconciliation. It also called for the lifting of restrictions on political parties and early further release of those under detention.

The UK has continued to play an active role within the EU in support of political progress in Burma. Strengthened EU measures against the regime, agreed following the crackdown on demonstrations last autumn, came into effect on 10 March. Sectors covered are those from which the regime draws significant revenue – timber, gems and precious metals. Through regular public statements and

Council Conclusions the EU has helped to keep Burma on the international agenda.

Our aid contribution to cyclone victims had reached over 1 million people. It is being used for a wide range of purposes including food, shelter, clean water supplies, sanitation, health care and support for the logistical effort needed to get assistance to the people who need it. In addition to our response to the cyclone, DfID has a regular programme for Burma of £12 million in 2008-09, rising to £18 million by 2010-11. It includes support for: the multi-donor Three Diseases Fund to fight HIV/AIDS, TB and malaria; primary and pre-school education; the earning capacity of rural families; and civil society organisations. During 2008, DfID agreed an emergency grant of £600,000 to UN agencies and NGOs to enable them to respond to the food crisis in Chin State resulting from rat infestations. DfID continued to provide support to Burmese refugees in camps on the Burma–Thailand border, and to people displaced by conflict inside Burma. Its contribution of £1 million to the Thailand–Burma Border Consortium in 2008-09 was a 30 per cent increase on the sum given last year. Overall, 20 per cent of DfID's programme for Burma benefits people in areas affected by conflict. As the Prime Minister made clear in October 2007, should there be irreversible movement towards political reconciliation, democracy and human rights in Burma, Britain would stand ready – alongside the international community – to support the recovery of Burma with significantly increased aid and other assistance.

On the occasion of Daw Aung San Suu Kyi's 63rd birthday on 19 June, the Prime Minister and President Sarkozy of France wrote an open letter reaffirming the two countries' commitment to her lifelong struggle to achieve democracy in Burma. The letter made clear that her release from house arrest and ability to participate in Burma's political future remained essential for progress.

Within Burma, our Embassy has continued to relay our concerns about human rights abuses directly to the regime. It has also worked to bring the situation inside the country to the attention of the outside world. Where possible, and working under difficult conditions, the Embassy has given practical assistance to those working within the country to achieve greater respect for human rights.

The FCO maintained a regular dialogue with a wide range of stakeholders to help raise awareness of the human rights situation in Burma and to allow campaigners to contribute their views. The 20th anniversary of the August 1988 uprising, in which over 3,000 innocent Burmese people were killed, was marked by an event hosted jointly by the former FCO and DfID ministers Meg Munn and Shahid Malik.

Forward look

The immediate prospects for a transition to democratic rule and an improvement in human rights in Burma remain

poor. The UK, working with its partners, remains determined to continue to work towards that goal and will continue to offer firm support to the efforts of the UN to this end. It is also committed to continuing and expanding its work to alleviate the humanitarian crisis within the country.

The People's Republic of China

Introduction

China has made little progress towards greater respect for human rights in 2008. Two events stand out as characterising China's approach. The first was the unrest in Tibet in March, which led to a widespread crackdown on freedom of religion and expression across Tibetan-populated areas. The second was the Olympics, which saw human rights defenders detained or expelled from Beijing, and measures designed to provide greater freedom of expression for foreign journalists only partly implemented. We remain concerned about the number of executions and lack of transparency on figures. There has been no progress towards ratification of the International Covenant on Civil and Political Rights.

However, there were two positive developments worthy of note. The first was China's ratification of the International Covenant on the Rights of Disabled People, and the positive awareness-raising of disability issues which resulted from China hosting the Paralympic Games in September. The second was the extension of the more liberal reporting regime for foreign journalists in China, put in place before the Olympics. We are disappointed, however, that domestic journalists are still subject to both formal and informal restrictions on reporting, and that certain areas of China, notably Tibet, are outside their scope.

Current concerns

We remain concerned about the ability of Tibetans to exercise their cultural, religious and linguistic rights. We are also concerned at allegations of a crackdown on religious practices in the Xinjiang Uighur Autonomous Region, preventing individuals from displaying symbols of religious belief and observing religious festivals. We are concerned at the detention in December 2008 of a number of individuals who signed 'Charter 08', a document supporting democratic reform.

Our ongoing concerns also include: the scope of the death penalty and lack of transparency in its use; torture; the lack of an independent judiciary; obstacles to fair trials; arbitrary detention, including re-education through labour (RTL); unsatisfactory prison conditions and ill-treatment of prisoners; failure to protect human rights defenders; harassment of religious practitioners and Falun Gong adherents; restrictive policies in Xinjiang and Tibet; and limitations on freedom of expression and association.

Olympics

Despite Chinese assertions that human rights would improve if Beijing were chosen to host the Olympic Games, there were several instances where repression increased. These included crackdowns on human rights defenders, journalists, NGOs, ethnic minorities and lawyers. Areas designated for authorised protests set up during the Olympic Games were not used, due to highly restrictive rules for what constituted a permissible protest.

The awarding of the Games did lead to improvements in two areas. Temporary regulations which relaxed controls on foreign journalists ahead of the Games were subsequently made permanent. Disabled persons' rights achieved a higher profile following the Paralympics and China's ratification of the International Covenant on the Rights of Disabled People on 26 June 2008. We will monitor China's progress in delivering on the commitments in the Covenant.

Women's rights

China has ratified the Convention on the Elimination of Discrimination Against Women (CEDAW). Chinese women enjoy a relatively good level of social equality, including access to education and employment. However, the UN CEDAW Committee made a number of recommendations to the Chinese following their last report in 2006. This highlighted problems in discrimination; prostitution and trafficking; education; health; and the situation of rural women and girls. Encouraging signs include a "Care for Girls" advocacy campaign designed to raise awareness of the value of girls and women in underdeveloped areas, to correct the severe gender disparity. Economic support has also been offered to families with only female children in rural areas. The Law of the People's Republic of China on the Protection of Rights and Interests of Women (Adopted at the Fifth Session of the Seventh National People's Congress on 3 April, 1992) has legislation on preventing and curbing domestic violence in 25 provinces, municipalities and autonomous regions. This came into force in 1992 through the Law of the People's Republic of China on the Protection of Rights and Interests of Women (Adopted at the Fifth Session of the Seventh National Peoples Congress on 3 April, 1992). The All-China Women's Federation, a government-linked nationwide organisation, reports that China now has about 27,000 women and children's rights watchdogs to investigate infringements. We hope China will implement CEDAW's recommendations.

Children's rights

China has ratified the UN Convention on the Rights of the Child. In the past three years, the Chinese government has introduced universal free compulsory education, which has significantly increased access to education for children from poor families. Trafficking and the treatment of children in care institutions remain issues of concern. The Chinese government claims to have taken effective measures to prevent and severely punish crimes in the trafficking of children. They deny that children in orphanages are mistreated. However, they acknowledge that the system has

often been unable to provide adequately for some children, particularly those with serious medical problems.

New policy guidance issued on 5 September allows people to register their illegally adopted children without fear of punishment and protect the rights of adopted children. Prior to the new guidance, the legal rights of these children were not guaranteed such as permanent residence of a city, schooling and inheritance. We welcome this development.

A number of NGOs have suggested that child labour remains a problem in China. The Chinese government says they have put new measures in place this year to tackle child labour, including tougher punishments for organisers.

Promotion of democracy

The Chinese government have continued to resist pressure for fundamental political change. They continue to maximise economic modernisation while minimising its liberalising effects.

The UK engages with leading Chinese thinkers and policy advisers on political reform, through exchanges between officials and political leaders. We continue to share our experience of reform and to make the case for it.

Ratification of and compliance with the International Covenant on Civil and Political Rights

China is yet to announce a timetable for ratification of the International Covenant on Civil and Political Rights (ICCPR) (which it signed in 1998). The Chinese government maintains that legal, judicial and administrative reforms are underway to bring China's domestic laws in line with the provisions of the ICCPR, but that this is a lengthy and complex process. The Prime Minister raised ratification with President Hu Jintao, Premier Wen Jiabao and Chairman of the National People's Congress Wu Bangguo in January 2008.

Tibet

On 10 March, the 49th anniversary of the 1959 Tibetan uprising in Lhasa, 500 monks from Drepung Monastery staged a peaceful protest demanding religious freedom and the release of colleagues arrested in October 2007. A number of other protests also took place. Following beatings and arrests, violent protests took place in Lhasa and elsewhere in Tibetan areas on March 14 which resulted in large numbers of detentions and both Han and Tibetan deaths.

Since March, the Chinese government has instigated a crackdown in Tibet and its surrounding Tibetan regions. Freedom of religion, expression and association of Tibetans continues to be severely restricted. We remain extremely concerned about the current situation in Tibet and its surrounding regions. Chinese authorities claim only 23 people were killed during the March 14 violence, but NGOs claim the number was in the hundreds. We are unable to substantiate this. Chinese authorities claim that Tibet is now

stable and secure, but a heavy security presence in Tibet and a significant security presence in nearby provinces suggest underlying tensions remain.

We are also concerned about reports of ongoing patriotic education campaigns in schools and monasteries which require Tibetans to reaffirm their loyalty to the Chinese state and denounce the Dalai Lama. Harassment of and restrictions on religious groups go against Article 18 of the ICCPR, which we continue to urge the Chinese to ratify.

We are concerned about sentencing of Tibetans in November in connection with the demonstrations in Lhasa in March. Together with EU partners, we continue to urge China to guarantee fair trials for all the accused, including access for defendants to counsel of their choice and access for independent observers to trials.

We continue to urge the Chinese authorities to lift restrictions on access to the region, which would aid an independent assessment of the situation. We urge them to reinforce this by inviting the Office of the High Commissioner for Human Rights and UN special rapporteurs, including the UN Special Rapporteur for Freedom of Religion and Belief, to visit Tibet.

We remain in close contact with the Chinese over Tibet. We continue to raise this issue at every opportunity, calling for restraint on all sides, an end to violence and for a constructive and meaningful dialogue between the two sides. Prime Minister Gordon Brown also expressed his determination in parliament on 26 March to draw to the attention of both sides that changes need to be made through a process of reconciliation. He passed this same message to the Dalai Lama when they met in May. Further action taken by the UK on Tibet this year is dealt with under 'UK action' on page 130.

China–Tibet dialogue

The United Kingdom was disappointed to see that the 8th Round of Dialogue held in Beijing between October 30 and November 5 ended in acrimony between the two sides. We had hoped that the proposals presented by the Tibetans would have been a starting point for serious and substantive discussions. Therefore, we share the Tibetans' frustration that the Chinese refused even to discuss the memorandum. Following the meeting of the Tibetan exiles in Dharamsala, Foreign Office Minister, Bill Rammell issued a statement commenting on the meeting and urging both sides to resume the dialogue as soon as possible.

Commenting on the conclusion of the Tibetan exiles' meeting in Dharamsala, Foreign Office Minister Bill Rammell said:

"I welcome the renewed commitment from the Tibetan exile movement to pursue a sustainable solution to the underlying issues in Tibet through dialogue with China and non-violent means. The British government shares their frustration that it has not yet been possible to make substantive progress on the issues so far."

"We believe that some of the proposals put forward by the Tibetan side prior to the last round of dialogue should provide a basis for substantive discussion, focused initially on identifying points of agreement. So I urge both parties to resume their discussion without delay, to find a system of meaningful autonomy for Tibet within the framework of the Chinese constitution, with full respect for Tibet's distinct culture, religion and languages."



Despite hosting a successful Olympics, 2008 saw little progress on human rights.

Death penalty

Death penalty statistics continue to be regarded as a state secret. This makes it difficult to assess official claims that the restitution of final review of immediate death sentences by the Supreme People's Court in January 2007 has reduced the number of executions by up to 30 per cent in 2008. On the basis of published media reports within China, at least 470 people were executed and 1,860 people sentenced to death during 2007. However, we believe the actual figure to be much higher.

From June 2007, the Supreme People's Court stipulated that first-instance death penalty cases must be held in open court and that courts must hold public trials for appeals in capital cases. However, death penalty trials have continued to be held behind closed doors and detainees have been denied prompt and unsupervised access to lawyers in line with the new Lawyers Law, which came into force on 1 June 2008. We remain concerned that Chinese law still does not completely prohibit the use of illegally obtained evidence in criminal trials, which means that death sentences may still be imposed following trials which do not meet international standards. Chinese law continues to provide for the use of the death penalty for 68 offences. The Chinese government tells us it is not used for most of these offences, but is still imposed non-violent crimes such as corruption and drug-related offences. We remain concerned that this policy does not comply with article 6 of ICCPR.

North Korean refugees

We have seen reports that 20,000–40,000 North Koreans are illegally in China. Many may be there for economic reasons but, with the UNHCR denied access to the border region, it is impossible to confirm their status. North Koreans are believed to be forcibly repatriated but we have no way to substantiate how many numbers are affected. Many North Koreans in China are women who have been trafficked into China to work in the sex industry or sold into marriage to Chinese men. Children who are born to North Korean women illegally in China are effectively stateless and cannot access education and healthcare services.

Reform of administrative detention

The Chinese government says that 300,000 individuals are sentenced to re-education through labour (RTL) each year. The majority are sex workers and drug users. However, Falun Gong adherents and human rights defenders are also targeted. We remain concerned that RTL does not comply with ICCPR articles 9 and 14 on liberty of person and fair trial rights. Progress on legislation to reform RTL remains stalled in the National People's Congress.

Hong Kong

Our overall assessment is that over the period covered by this report the 'one country, two systems' principle, as set out in the Joint Declaration has generally worked well in practice and the rights and freedoms guaranteed in the Joint Declaration and the Basic Law continue to be upheld.

Constitutional development

Hong Kong's Basic Law states that the 'ultimate aim' is the election by universal suffrage of both the Legislative Council and the Chief Executive. Last December, the Chief Executive of the Hong Kong Special Administrative Region (SAR) submitted a report to the National People's Congress Standing Committee on the outcome of a public consultation on constitutional development. In his report, the Chief Executive recognised that 'implementing universal suffrage for the Chief Executive first in 2012 is the expectation of more than half of the public'.

However, on 29 December 2007, the Standing Committee of the Chinese National People's Congress ruled that the Chief Executive could be elected by universal suffrage no earlier than 2017; and that the Legislative Council could be elected by universal suffrage thereafter (effectively 2020). The 'decision' also allowed that the methods to elect both the Chief Executive and Legislative Council may be amended for the 2012 elections. On 25 February, the Foreign Secretary, during a visit to Hong Kong, expressed his disappointment that the possibility of universal suffrage for the 2012 elections was ruled out, said he hoped that all parties concerned would be able to agree on constructive proposals to make the 2012 elections more democratic in preparation for full universal suffrage in 2017 and 2020.

On 21 February, Donald Tsang formed a Task Group on Constitutional Development, which concluded its discussions on the two electoral methods for 2012 on 27 June. Once the Hong Kong Special Administrative Region government has consolidated the options for amending the electoral arrangements for 2012, it is expected to carry out another round of public consultation on the basis of these options before putting forward proposals to the Legislative Council.

UK action

The United Kingdom continues to take an interest in human rights in China. It pursues this work under three pillars: high-level engagement; dialogue and project work on the ground.

During 2008, the Olympics and Tibet featured prominently in our human rights engagement with China. The Prime Minister spoke to Premier Wen on 19 March urging the Chinese government to address the underlying issues in Tibet. Since then, he has had a series of correspondence with Premier Wen on Tibet and also discussed the issue with a personal envoy of Premier Wen in London on 25 April. This has been further reinforced by the Foreign Secretary through discussions with Foreign Minister Yang, most recently on 12 June and 25 October. The Chancellor of the Exchequer expressed our concerns about Tibet during his visit to China on 14 and 15 April. FCO Minister Lord Malloch-Brown raised our concerns with Vice-Minister Wang Yi during the same visit. The Prime Minister met the Dalai Lama in London on May 23 to pass the same messages to him.

In October, the Foreign Secretary issued a written ministerial statement in which he clarified the UK's position on Chinese sovereignty over Tibet. He stated that, by making our position clear in this way, we were better able to voice our concerns at the human rights situation in Tibet and would continue to do so firmly. He urged the Chinese authorities and representatives of the Dalai Lama to engage in a constructive and meaningful dialogue to address the underlying human rights issues.

The UK has also made a number of public statements throughout 2008, including the Foreign Secretary and Lord Malloch-Brown on the situation in Tibet on 18 March. On 20 October, FCO Minister of State Bill Rammell welcomed the new foreign media regulations and on 24 November commented on the Tibetan exiles' meeting in Dharamsala.

We held one UK–China Human Rights dialogue, involving a range of Chinese and UK officials and experts. This took place in Beijing on 28 January 2008. A wide range of issues were discussed including the role of the police in the protection of human rights. There was a workshop on the rights of ethnic minorities and a two day field-trip to Tibet. Ministers and officials have held a number of meetings during the course of the year with various NGOs and parliamentarians, notably an open discussion on the Olympics hosted by Lord Malloch-Brown and Tessa Jowell and a post-Olympic question and answer session with Bill Rammell on 29 October.

We have also underpinned the high-level lobbying, dialogue and stakeholder engagement with a number of projects during 2008. These included: strengthening lawyers' rights; promoting independent monitoring of detention centres; independent prison monitoring; improving prison management; and monitoring the impact of the new foreign media regulations. At present the FCO has allocated £680,000 over the next three years towards future human rights and democracy projects. The Ministry of Justice continues to support an annual training scheme for Chinese judges, and the British Council to support the Young Chinese Lawyers Training Scheme.

Forward look

We believe that greater respect for human rights contributes to stability and aids growth and is in China's own interest. We will approach engagement with China on human rights issues from this perspective in 2009. We will focus on our three-pronged approach set out above under 'UK action'. We will ensure that human rights continue to feature in our high-level bilateral dialogue with China, from the Prime Minister down. We will pursue specific human rights concerns, including ethnic minority rights in Tibet and Xinjiang, through our senior-official level human rights dialogue with China. As well as our own bilateral action, we will also work actively with our partners in the EU through engagement in the EU–China Human Rights dialogue; contributions to EU statements on human rights issues, such as the situation in Tibet, and participation in

demarches on human rights like Hu Jia. We will continue to dedicate funding to practical projects promoting human rights progress.

Colombia

Introduction

Colombia has suffered decades of internal conflict and upheaval, increasingly driven since the 1980s by the lucrative but devastating cocaine trade. Widespread human rights abuses have resulted, and remain a serious concern. Various sectors of Colombian society, including trades unionists, civil society activists, lawyers, journalists, indigenous communities and the displaced, remain the targets of frequent violence and intimidation.

In some respects, Colombia is much safer than previously. But it still faces huge challenges – to stem the flow of cocaine; to bring to justice the armed groups that threaten Colombia's future; to tackle impunity; to reduce and eliminate abuses, including those committed or condoned by Colombia's armed forces and police; and to build a strong civil society. As the UN and others have observed, the Colombian government has made advances to build an institutional framework to investigate and tackle abuses. But much more needs to be done.

Current concerns

Poverty

Poverty and inequality are significant drivers of the human rights situation for many millions of Colombians. Alongside efforts to tackle the drugs trade, and in the fight against terrorist and criminal groups, we have urged the Colombian

United Nations

The UN High Commissioner for Human Rights Navanetham Pillay visited Colombia in November 2008, her first visit as High Commissioner. During her visit, she said:

"I remain concerned that while Colombia has been keen to implement human rights related policies several indicators point to persistent and deeply entrenched human rights challenges... The recent dismissal of army officers... for failure to exercise proper control over those under their command, facilitating the 'disappearance' and extrajudicial execution of several individuals, is a hopeful indication that such atrocities will not be tolerated and that the army is moving away from 'counting bodies' as a criteria of success in their operations... I support the commitment expressed by the highest civilian and military authorities of the country that progress in security should be achieved with full adherence to legality and respect for human rights."

UN Human Rights Council

In December, Colombia underwent a Universal Periodic Review at the UN Human Rights Council in Geneva. The UK, working with civil society organisations, compiled a list of detailed questions on a range of human rights issues that were delivered to Colombia in advance of the Review. Our recommendations, which were adopted in full by Colombia, focused on promoting the role of civil society organisations in Colombia, the need to tackle the activities of illegal armed groups, the significant problems of internal displacement and poverty, and the imperative of preventing human rights abuses attributed to Colombia's armed forces.

government to increase its efforts to tackle poverty, and that it gives its attention to the most vulnerable groups in society, including indigenous groups. Our support for the European Commission's aid programme, and for international and Colombian civil society groups, further demonstrates the UK's interest in seeing poverty and inequality strategically addressed.

Trades unions

Persecution and violence against trades unionists persists. We continue to receive regular information and representations on the murder and intimidation of Colombian trades unionists. The Foreign Secretary and FCO Minister Gillian Merton raised the issue several times with the Colombian government in 2008, and called on them publicly to provide greater protection for unionists and end the cycle of violence perpetrated against them.

In March, we invited a delegation of Colombian trades unionists, led by the Central Unitaria de Trabajadores, Colombia's largest trades union organisation, to the UK. Their visit, organised with the Trades Union Congress (TUC), included meetings with British trades unionists, parliamentarians and NGOs on labour relations and standards in the UK. The delegation gave a first-hand account of the difficulties they face. Building on this visit, the FCO sponsored a delegation from the TUC, the Arbitration and Conciliation Service and the Confederation of British Industry to Colombia in September to look into labour relations and possible projects aimed at strengthening the position of trade unionism in Colombia. Their findings highlighted major challenges, including the deep lack of trust between the Colombian government and the main trades unions. But their visit also identified areas of potential progress. We are now exploring implementing some of the recommendations, including arranging trust-building visits and meetings with Colombian unions, employers, government and the International Labour Organisation.

Human rights defenders and civil society groups

We commend the difficult work undertaken by human

rights defenders and organisations in Colombia. Their safety remains a serious concern. We regularly receive information about threats made against NGOs and human rights groups, as well as lawyers and journalists working on human rights issues. We visit organisations that we support, or that are under threat. We call on the Colombian government to recognise the important work these groups carry out, and do their utmost to protect them, and ensure a safe environment in which they can work.

Internally displaced persons

There are more than 3 million people displaced by Colombia's internal conflict, the second highest number in the world after Sudan. The UK continues to work with the UN and the Colombian Ombudsman's office on a project aimed at giving support and protection to displaced people. We urge the Colombian government to take all appropriate steps to help them and address the issues they face, including extreme poverty and the restitution of their lands.

Illegal armed groups

We deplore the continued proliferation of illegal armed groups in Colombia. Although the Colombian government's demobilisation programme has led to many senior paramilitaries receiving justice for past atrocities, new and reforming illegal and criminal groups have emerged, which has prompted concerns that para-militarism is still active in Colombia.

We urge the Colombian government to continue its efforts to tackle all illegal groups in manners consistent with international humanitarian law, and to ensure the rule of law in areas where illegal groups operate. In contrast with the past, any collusion with illegal groups must be dealt with firmly wherever it arises. Colombia must also fulfil the recommendations set down by the UNHCHR on the effective dismantling of all illegal groups.

UK action

The UK, both bilaterally and with other international partners, seeks to play an important role in helping Colombia achieve peace and security. Our relationship with Colombia allows us to raise issues of concern openly with

Ingrid Betancourt, freed after 6 years as a hostage of the FARC.



its democratically elected government. The Foreign Secretary, FCO ministers and senior officials frequently address specific problems with the Colombians. This includes the Foreign Secretary with the Colombian Foreign Minister Jaime Bermudez, in October and FCO Minister Gillian Merron with the Vice-President, Francisco Santos and the Foreign Minister in November. Senior FCO officials also raised their concerns with the Colombian Ambassador to the UK, as well as senior officials in Colombia. Our Embassy in Bogotá makes representations to the Colombian authorities on specific cases of violence and persecution, and provides visible support by visiting victims to discuss the dangers they are facing.

Our advocacy role also extends to multilateral action through the EU and UN. For example, members of the EU, including the UK, visited the Curavado River Basin in Colombia in December, to provide a visible show of support for Afro-Colombian and indigenous communities, and human rights defenders based there who are under threat from illegal groups including narco-traffickers.

Our practical work is also having a sustainable impact:

Two examples are:

- the adoption by the Colombian Prosecutor-General of the case-management tool developed with the UN Office on Drugs and Crime for all investigations nationwide; and
- the inclusion of research findings and indicators developed by Plan International, a development agency working with children, in the constitutional court's ruling on the protection of rights for internally displaced children.

The UK's multilateral and bilateral activity focuses on human rights, sustainable development and counter narcotics. It is run by the British Embassy, Department for International Development, Ministry of Defence, British Council, and through the European Union, the World Bank and others.

Project work for the current financial year has included:

- strengthening the capacity of the Colombian ombudsman's office to protect the land rights of internally displaced persons, and supporting the economic reintegration of displaced people in an effort to alleviate extreme poverty;
- improving the capacity of the Colombian prosecution service to investigate forced disappearances and torture, and improving evidence procedures to tackle impunity within the armed forces;
- human rights training within the Colombian armed forces;
- strengthening freedom of information and the right to

investigative journalism while fighting structural causes of self-censorship;

- increasing visibility of human rights defenders and civil society organisations, and building capacity for it to monitor public policy implementation; and
- protecting the rights of IDP children and supporting the national strategy to eradicate the worst forms of child labour.

In addition, the UK provides £13 million regionally to 12 international NGOs (including Oxfam, CAFOD, Christian Aid and Save the Children) from 2008 to 2011. The UK also provides a significant percentage – 17 per cent – of the European Commission's aid programme to Colombia, which in 2007-13 will total 160 million. Priority areas are: peace and stability, including alternative development (70 per cent); rule of law, justice and human rights (20 per cent); and productivity, competition and trade (10 per cent).

New projects approved for 2009-10 include improving investigative journalism in conflict and peace issues; promoting freedom of information development in Colombia in line with international standards; and promoting and protecting civil society's work through clear public policy recommendations on state-NGO relations.

In our response to the Foreign Affairs Committee's recommendations on our 2007 Annual Human Rights Report, we undertook to provide an assessment of Colombia's progress in implementing the advice and support we are delivering.

Colombian government commitment to tackling illegal drug-trafficking

Colombia continues to engage strongly in tackling the illegal cocaine trade. Our counter-narcotics assistance has very specific objectives. The UK has been helping the Colombians disrupt the activities of the narco-traffickers who produce and send cocaine to the UK. In addition, we also support Colombia's Shared Responsibility initiative, which focuses on countries working together to tackle both the demand and supply of cocaine. The initiative also aims to inform and educate people about the destructive effect of the cocaine trade, particularly on the environment.

Progress on landmine removal, and Colombian compliance with its Ottawa Convention commitments

Illegal armed groups continue to lay anti-personnel and victim-activated landmines. These have caused over 6,000 deaths and serious injuries since 2002. Colombia is a signatory of the Ottawa Convention, and will host the second Ottawa Review Conference in 2009. The Colombian Presidential Programme for Action against Land Mines places priority on the destruction of Colombian army land mine stocks. Colombia has 34 fenced off and marked protective minefields (which pose no threat to the civilian population). These are old and all registered under the

Ottawa Convention. Colombia is obliged to clear them all by 2011. So far they have cleared a fifth of these minefields and work is ongoing, including by military deminers who have received UK advice and training.

Colombian armed forces are committed to embedding human rights training and adherence throughout its services. Our engagement includes supporting the Colombian Ministry of National Defence (MOND) in identifying the scale and causes of abuses committed by Colombian security forces, assisting the MOND to reduce these, and helping to bring to justice those who commit violations. We have contributed to the development of the Colombian MOND's Comprehensive Human Rights Policy document through a series of high level workshops in Colombia focusing on human rights and international humanitarian law doctrine, operational application, justice reform and humanitarian demining.

We also support the work of international institutions such as the UN to train the Colombian security forces in their prevention and protection role in relation to forced displacement and the implementation of best practice in chain of custody for investigations into human rights abuses. Political commitment to embed human rights training in the Colombian armed forces remains strong. Their success in liberating Ingrid Betancourt and other hostages from the Revolutionary Armed Forces of Colombia (FARC) was overshadowed by some serious human rights violations. In the worst of these, reports emerged in late 2008 that the Army was responsible for the murder of a number of young men from Soacha (a poor district of Bogotá) who were then claimed as guerrillas killed in combat. It is vital that the Colombian government brings those members of the military accused of the murders to justice. FCO Minister Gillian Merton issued a statement acknowledging the move, and raised our concerns with

UK ministerial statements and advocacy in 2008

David Miliband, Foreign Secretary, October 2008 following his meeting with the Colombian Foreign Minister:

"It is vitally important that the United Kingdom works with the government of Colombia to reduce the flow of cocaine to Europe and the UK, which does so much harm to all the countries and communities involved... We want to help the Colombian government improve the difficult human rights situation in Colombia, and to promote stability, prosperity, democracy and the rule of law. Those guilty of abuses – whoever they are – must receive justice for their actions. Colombia's people – particularly those most vulnerable: indigenous communities, the displaced, human rights defenders and trades unionists – deserve the full protection of the law, and the support of both the Colombian government and its international partners."

Dr Kim Howells, FCO Minister, April 2008:

"I was very concerned to see the statement of the Colombian Trades Union Federation reporting that 22 trades unionists have been killed in Colombia so far in 2008. The situation for trades unionists, human rights defenders and indeed other Colombians continues to be very serious. I call on the Colombian government to do its utmost to ensure that the brave people of Colombia striving for the protection of human rights are allowed to do their vital work safely and without fear. The perpetrators of threats, violence and murder must be pursued and held accountable for their actions, whoever they are."

Dr Kim Howells, FCO Minister, October 2008

"Reports of the deaths of 46 individuals in northern Colombia are a cause for great concern. I welcome the action taken by the UN Human Rights Office in

Colombia, which has called on the Colombian authorities to coordinate efforts to tackle and end apparent extra-judicial killings, and urgently to adopt measures to prevent, investigate, punish and publicise those responsible for such acts. Extra-judicial killing has no place in a civilised and democratic society. The UK has and will continue to be a powerful advocate for human rights in Colombia, including through our human rights training programme with the Colombian armed forces, which is designed to help them comprehensively to abide by international human rights norms. I welcome Defence Minister Santos's decision to launch an investigation into these crimes."

Gillian Merton, FCO Minister, November 2008:

"I was very interested to hear about the Colombian government's campaign to explain the devastating impact of the cocaine trade. Buying illegal drugs supports illegal groups, as well as fostering the social misery and environmental harm that the drugs trade causes – which affects not just Colombia and its neighbours, but the UK too. We will continue to offer Colombia practical and moral support as it tries to rid the country of those violent groups that undermine peace and democracy... I also discussed human rights concerns with Vice President Santos, hearing about the progress that has been made, and the work that has still to be done. I encouraged the Colombian government to ensure that all trades unionists, human rights defenders and other civil society organisations can exercise their right to freedom of speech and association free from violence or threat. The UN High Commissioner for Human Rights said on visiting Colombia recently that it is vital the international community continues to help. We will continue to do so, alongside other international and civil society partners."

Colombian Vice President Francisco Santos Calderón in November. We will continue to urge and support the Colombian authorities in their efforts to prevent abuses, and punish those responsible when they do happen.

Forward look

The UK will continue to support the efforts of the Colombian government, state institutions and civil society to work together to improve the difficult human rights situation in Colombia. We are encouraged by the progress made so far – Colombia has come a long way in the past 10 years. But much remains to be done, and deeply engrained problems remain. All actors in Colombia should share this responsibility. But the Colombian government needs to leave no stone unturned if its successes in the security arena are to be matched by similar improvements in human rights for the benefit of all its citizens.

Cuba

Introduction

Cuban citizens benefit from a free national healthcare system, universal education and gender equality under Cuban law. But there are legitimate international concerns about the denial of basic civil, political and economic rights in the country. Cuba is a one-party, Communist state. To safeguard the political ideology of the regime, and to protect itself from a perceived threat from the USA, Cuban society is tightly controlled. Restrictions on freedom of expression and association remain widespread. There is no independent domestic media of any size, and political opposition is not tolerated.

Having temporarily delegated his duties to his brother, Raúl Castro, in June 2006, Fidel Castro announced on 19 February 2008 that he would not stand again as President of Cuba. The National Assembly unanimously elected Raúl Castro Cuban President on 24 February. In his acceptance address, he announced that some of the prohibitions and regulations which affect the daily lives of Cuban citizens would be lifted. This led to some optimism that broader reforms and human rights improvements might be implemented.

Although there has been no significant progress in Cuba's human rights situation during 2008, there have been some small steps forward. In February, Cuba's Foreign Minister Felipe Pérez Roque signed two key UN human rights treaties – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) – and released four political prisoners arrested during the crackdown on opposition groups in 2003, with the condition that they leave Cuba for Spain. President Raúl Castro announced in April that all death sentences would be commuted to life or 30 years' imprisonment, apart from in terrorism cases. And in November 2007, the UN Special

Rapporteur on the Right to Food visited Cuba, presenting his report to the Human Rights Council in March. Along with other governments and international organisations, the UK remains committed to maintaining awareness of human rights concerns in Cuba and continues to press the Cuban government to make practical improvements in line with international human rights standards.

Current concerns

The main areas of concern in Cuba relate to the denial of political, civil and economic rights to the general population.

Political prisoners

The Cuban government retains tight control over information about its prisons and the International Committee of the Red Cross is not allowed access to Cuban prisons. Amnesty International recognised 58 prisoners of conscience in Cuba at the end of 2008 while the unofficial Cuban Commission for Human Rights and National Reconciliation reported in August 2008 that there were at least 219 political prisoners detained in Cuba. Of the 75 political dissidents arrested in the 2003 clampdown, 55 remain in prison, including nearly all the members of Oswaldo Payá's opposition group. They have been charged with crimes including 'acts against the independence of the state' and receiving funds from the USA, and received lengthy custodial sentences in summary trials. We have concerns about the overall denial of basic prisoners' rights, including prison conditions and access to healthcare in prison. A number of political prisoners have undertaken protest hunger strikes during 2008.

Intimidation of opposition

'Dissidents' and political opponents can be subject to government-sponsored acts of violence and intimidation known as 'acts of repudiation'. In violation of the basic right of free expression, criticism of the regime is not tolerated and outspoken dissidents and human rights defenders face considerable harassment such as threats of violence, intimidation of family members, arbitrary arrest and personal attacks in the state-run media. We received a higher than usual number of reports of short-term detentions in 2008. We remain concerned about the continued use of charges of 'social dangerousness'. This is a pre-emptive charge based on an individual's propensity to commit a crime, and has been almost exclusively applied to critics of the government. For example, Gorki Águila was arrested in August on charges of social dangerousness. As lead singer of punk rock band Porno Para Ricardo he was known for his explicit anti-Castro lyrics and strong views against the government. In this instance the case generated international attention and he was released without charge. International human rights organisations such as Amnesty International are refused access to Cuba.

Restrictions on the Cuban population

In addition to the restrictions placed on political opposition, the Cuban government enforces strict limitations on Cuban



Cuban rock singer, Gorki Aguila.

citizens' freedom of expression, association and assembly more generally, as well as denying basic economic freedoms. There is a sophisticated system of state vigilance at every level of society designed to identify and discourage dissenters at an early stage. There is no independent broadcast media. Ordinary Cubans are not legally able to access foreign print media or television and access to the internet is closely controlled. Cubans do not have the right to form trades unions or join the trades union of their choice. The only trades union movement in Cuba is run by the state. In contravention of the right to leave and return to their country, Cubans have to apply for expensive exit visas to travel outside Cuba. These are regularly used as a means to limit further the freedoms of opposition leaders and professionals in certain key areas, such as health and education. If Cubans do not comply with the validity of the exit permit, they are denied return entry into Cuba, rendering them effectively stateless.

Death penalty

Cuba has not applied the death penalty since 2003, but capital punishment remains on the statute book for terrorism.

UK action

Human rights remain at the heart of the UK's policy and relationship with Cuba. At the June 2008 European Council, EU foreign ministers reaffirmed that an improvement in Cuba's human rights situation – in particular the release of all political prisoners – remained a key EU priority. The European Council also agreed to begin a broad political dialogue with Cuba, which would provide, among other things, further opportunities to discuss democracy and human rights. To facilitate this, the EU agreed to lift the already suspended political 'measures' restricting high-level EU relations with Cuba.

The first dialogue meeting between the Troika and Cuban Foreign Minister Pérez Roque took place in Paris in October. Discussions covered a range of potential areas of co-operation, but also emphasised human rights concerns, particularly civil and political rights. Continuation of the

dialogue will depend on there being concrete progress on human rights. The EU continues to raise its concern about political prisoners with the Cuban government.

Our Embassy in Havana monitors the human rights situation throughout the country and maintains regular contact with Cuban civil society. UK ministers and officials continue to raise human rights in bilateral meetings with the Cuban government and to support activities to promote and improve human rights.

Former FCO Minister, Meg Munn, discussed human rights with Cuba's Vice-Foreign Minister Eumelio Caballero in April. Her successor, Gillian Merron, also raised human rights in an introductory meeting with the Cuban Ambassador in November. In keeping with the EU common position and in principled support for the right of freedom of expression and association, British ministers will not visit Cuba unless they are able to meet dissident opposition groups as well as Cuban government ministers.

Forward look

Despite some early optimism that Raúl Castro might have a positive impact on the human rights situation in Cuba, most commentators agree that he has not yet demonstrated a genuine political will to introduce fundamental freedoms. We assess that changes are unlikely while Fidel Castro continues to have some influence behind the scenes. Nevertheless, the coming year offers an important window of opportunity for Cuba to take forward practical human rights reforms.

Cuba will undergo the Human Rights Council's universal periodic review in February 2009. The annual review of the EU Common Position in June 2009 will also assess the impact of the political dialogue on the human rights situation on the ground. The Cuban government faces a clear choice, as progress on human rights would help build a sustained and transformed relationship with the EU. Further to signing, we hope to see ratification and implementation of the two human rights covenants.

The Democratic Republic of Congo

Introduction

The Nairobi Communiqué of 7 November 2007 and Goma Accords of January 2008 brought real hope for a peace settlement in eastern DRC's entrenched conflict. The former involved an agreement between the governments of DRC and Rwanda to tackle the presence in DRC of Democratic Forces for the Liberation of Rwanda (FDLR) rebels, consisting of Rwandan Hutus, many of whom were responsible for the 1994 Genocide. The latter sought to address the political concerns of Congolese armed groups, including Nkunda's National Congress for the Defence of the People (CNDP) movement. Some progress was made on

both political processes but in late August, fighting broke out between the CNDP and the Congolese army in North Kivu. As a result, a further 250,000 people were displaced from their homes by the end of November, bringing the total of displaced people to some 900,000 in North Kivu alone. There have been serious violations of human rights and international humanitarian law by all parties to the conflict, including widespread cases of sexual violence, summary executions and plundering of villages. Armed groups have continued to recruit child soldiers.

Current concerns

Restriction of political space

Two years on from the 2006 democratic elections the human rights situation shows no real sign of improvement. Opposition parties are able to play an active role through parliament but Congolese institutions often lack the capacity and will to uphold basic human rights. There are arbitrary arrest and detention of individuals perceived as political opponents, and there have been reports of torture being practised by the security and intelligence services.

The right to a fair trial is far from being applied, with magistrates and lawyers being regularly intimidated and corrupted. In the Serge Maheshe trial, a journalist of UN-sponsored Radio Okapi who was assassinated in June 2007, individuals were convicted who had not been considered as suspects.

The Bas-Congo repression of March 2008 shows that the DRC government is prepared to react strongly to any dissent. Beyond instances of targeted political repression, there is an endemic problem of corruption, abuse of power and impunity. Prison conditions remain dire, with many deaths from malnutrition.

Freedom of expression

Human rights defenders and journalists continue to face obstructions to their work from local and national authorities. Several radio stations have reportedly been pillaged in North Kivu. The murder of Didace Namujimbo on 21 November was the sixth killing of a journalist to occur in DRC in the last three years. The EU expressed our concerns about the security of journalists and made representations to the DRC Communications Minister to that effect. We have called on the Congolese authorities to bring perpetrators of those crimes to justice and ensure that the freedom of expression is protected.

Sexual violence

The DRC is one of the most gender inequitable countries in the world and has some of the highest rates of sexual and gender based violence. Sir John Holmes, the UN Under-Secretary-General for Humanitarian Affairs, characterised the intensity of the problem in the region as "almost unimaginable" and qualified rape as "a weapon of terror". From July to September 2008, some 1,175 cases of sexual violence were recorded in North Kivu by a UN agency. Our action on this issue is outlined below.



Internally displaced Congolese at a food distribution centre near Goma, eastern DRC.

Child soldiers

The use of children as fighters by many of the armed groups in the DRC is one of the disturbing aspects of the conflict. We were pleased that this has been reflected in the charges faced by all the Congolese defendants indicted by the International Criminal Court (ICC), and in the terms of the warrant for the arrest of the warlord Bosco Ntaganda. The ICC's investigations into events in DRC are continuing. We are encouraging the government to co-operate with the court.

The UK has provided £17 million to the Multi-Country Demobilisation and Reintegration Programme. A significant proportion was spent on special projects for children associated with armed groups. We also gave £4.65 million to the 2008 International Committee of the Red Cross (ICRC) appeal for the DRC, which includes programmes for protection and reintegration of children.

UK action

Sexual violence and other human rights abuses

We have adopted a multi-dimensional approach to tackle the problem of sexual violence and we are focusing our action on four levels: prevention, judicial redress, medical and psychosocial care, and advocacy.

Prevention

As part of our Security Sector Accountability Programme (£80 million over five years), we are providing accommodation, water and sanitation for integrated brigades to reduce the likelihood of human rights abuses. Through EUSEC, the EU security sector reform mission to DRC, we are working to reform the Congolese army chain of payments by providing new IT systems and training. Salaries for soldiers have increased, which should help discourage them from stealing from the local population. We are also contributing to the development of a Congolese army gender strategy.

The programme includes a strong police reform component focusing on improving command and control procedures and detention facilities. In targeted provinces, we are working with the police to develop their capacity to investigate crimes of sexual violence. We are providing specialist training and advice on integrating sexual violence issues into operational procedures and guidelines.

Judicial redress

With European partners we are providing support to Restoration of the Judicial System in Congo (REJUSCO), a justice rehabilitation project in eastern DRC. We are financing infrastructural capacity (courts and vehicles), training for criminal justice officials and women's access to justice, via legal support and sensitisation to raise awareness of the 2006 law on sexual violence. We are planning additional support (up to £1.25 million) to facilitate the handling of sexual violence cases and the creation of a special cell within the REJUSCO Programme.

Medical and psychosocial care

We are seeking to meet critical humanitarian needs, provide medical and psychosocial care, and improve the coordination and coherence in humanitarian response in DRC by contributing £37 million to the UN Humanitarian Pooled Fund. The Pooled Fund helped treat some 23,000 victims of sexual violence over the last year. We also supported a limited number of other humanitarian interventions, such as the ICRC and Médecins Sans Frontières (MSF). We have also funded the Panzi Hospital in South Kivu to provide specialist treatment for victims of sexual violence (£1 million).

Our action to tackle sexual violence and human rights abuses also forms part of our broader work on gender, an aspect we are committed to considering through all our major programmes. We are working to increase access by women and girls to health and education and women's participation in decision-making. With political parties, we are working on electoral law to increase the number of women who run as candidates for election in the local and national arena.

Advocacy

The UK has played an instrumental role in leading advocacy initiatives. During his visit to DRC in November, Lord Malloch-Brown met the Vice-Minister of Justice, the Gender Minister and the Minister for Human Rights, as well as UN and civil society representatives. He urged the government to continue to act on combating sexual violence. Congolese militia leaders, suspected of child recruitment and rape, are in the custody of the ICC. The UK is closely following the progress of proceedings against them.

Our Ambassador in DRC has been vocal in calling for greater action on sexual violence, through a televised speech which underlined the UK's firm stance. He has raised the issue with several ministers and called for tougher sanctions for sexual crimes for holders of command responsibility within the army. The Embassy also hosted an International Women's Day conference in March.

In December, we organised the premiere of the film *The Greatest Silence: Rape in the Congo* at the Congolese parliament, supported by prominent Congolese politicians. The FCO funded the subtitling of this film in local languages.

With UK support, the UN mission in DRC (MONUC) mandate was amended in December 2007 to include a requirement to protect civilians against sexual violence. The UN appointed a Senior Adviser on Sexual Violence, who is working with international partners and the DRC government to develop a strategy and action plan to coordinate initiatives to tackle the problem. We have contributed to the development of this strategy. We are also represented on a Gender Ministry-led coordination forum for action on sexual violence and we have taken the lead on engaging with parliament on the issue.

The UK took the lead in drafting UNSC Resolution 1820 on Women in Conflict, which recognises sexual violence as a peace and security issue. Ahead of the Resolution, in May we sponsored a conference at Wilton Park to discuss the challenges faced by peacekeepers in preventing such human rights abuses.

Trial monitoring

The UK works with European partners to monitor the treatment of leading detainees and the conduct of proceedings against them, to share information on cases and to make representations where appropriate. The EU has issued statements and made representations to the DRC government in a number of cases. For example, the EU made representations to the Minister for Justice and Human Rights on 12 May following the conviction of four defendants for the killing of Serge Maheshe. On 15 May, the EU issued a statement underlining concern at irregularities in the trial. The convictions of two of the men were eventually quashed. UN officials are continuing to work in support of an appeal process for the other two.

Mapping exercise

The UK has given £130,000 in support of the Human Rights Mapping Project, which aims to produce a single and credible overview of human rights abuses committed in the DRC between March 1993 and June 2003. Perpetrators have never been held to account for this turbulent part of DRC's history. The project mandate is to gather, analyse and publish evidence of the worst violations of international human rights and humanitarian law during the period, to assess the capacity of the DRC justice system to address them and to propose transitional justice mechanisms to deal with their legacy.

This will not be a prosecution exercise but the ultimate objective will be to help DRC develop mechanisms for dealing with gross violations. The report will be addressed to the UN Secretary-General, who will submit it to the Security Council.

Ethical dilemmas: transitional justice

There have been a vast number of crimes and human rights abuses committed in the DRC over the past 15 years. This has done huge damage to individuals, families and communities and has left behind a culture of complete impunity that in turn contributes to continued conflict and further crimes. The ongoing epidemic of rape and sexual violence in the DRC is a particularly serious symptom of this.

But meaningful rehabilitation of a Congolese judicial system completely destroyed by years of systematic under-investment and corruption is inevitably going to take a considerable period of time. Apart from developing the formal justice system to enable it to deliver, there is likely to be a need for reconciliation, which may involve setting up transitional justice mechanisms such as truth-telling, establishing a commonly accepted historical narrative, or reparations.

Forward look

The UK's human rights' strategy in DRC will be focusing mainly on three elements. First, we will be working with partners to gather information on specific cases and situations of concern. Second, we will be developing common advocacy messages and strategies and making representations to the Congolese authorities on specific cases or broader issues. Third, we will continue to fund selected projects with a strong human rights focus, such as socio-economic reinsertion programmes or legal assistance for victims of sexual violence. On the political front, we are strongly engaged in efforts to resolve the conflict in eastern DRC. We will continue to support the initiative led by UN Special Envoy Olusegun Obasanjo and to encourage all parties to address the underlying issues of the conflict and implement existing peace agreements.

Democratic People's Republic of Korea

Introduction

The Democratic People's Republic of Korea (DPRK), also known as North Korea, is widely considered to have one of the worst human rights records in the world. As the DPRK refuses to accept any independent human rights monitoring, much evidence of this comes from North Koreans who have left the country as defectors, or have been able to establish links, often illegally, with the outside world. They provide consistently shocking reports of serious and widespread violations of basic human rights in the country. The alleged abuses include: abductions and disappearances; arbitrary detention and imprisonment for up to three generations of the same family; regular use of the death penalty (including political and extra-judicial and public executions); routine use of torture and inhumane treatment; forced abortions; political prison camps and labour rehabilitation camps; and religious persecution. Foreign observers in Pyongyang have been able to confirm that there are harsh restraints on freedom of information.

The DPRK has repeatedly invoked sovereignty, non-interference and cultural differences to avoid its human rights responsibilities. Humanitarian aid workers and diplomats in Pyongyang are subject to severe internal travel restrictions, and some regions remain inaccessible 'for reasons of national security'. The government denies foreign diplomats access to judicial institutions, saying that it amounts to interference in the country's internal affairs. These restrictions, coupled with the government's self-imposed isolation and unwillingness to co-operate with the international community on human rights, make it difficult to compile evidence regarding human rights abuses or confirm any reported improvements.

The DPRK is party to four key UN human rights treaties: the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and



Vitit Muntarbhorn, UN Special Rapporteur on the situation of human rights in North Korea.

Political Rights (ICCPR), the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The DPRK has submitted three late reports on the ICESCR (in 1984, 1989 and 2002), two late reports on the ICCPR (in 1984 and 2000), three delayed reports on the CRC (in 1996, 2002 and 2007) and a late report on the CEDAW (in 2002). The Committee on the Rights of the Child will examine the latest CRC report (combined 3rd and 4th reports) in January 2009. We continue to urge the government to fulfil its obligations under the human rights instruments to which it is party and to allow the UN special procedures to visit the country.

We have made it clear to the DPRK government that we cannot extend the benefits of a full and normal bilateral relationship until we have evidence that it is addressing our concerns on human rights and other issues. We will continue to raise human rights issues directly with the government and voice our concern in international fora. Until the DPRK responds to international concerns, the UK will work with EU partners and others to maintain and increase pressure in the appropriate international bodies.

Recent developments

Since July 2008, co-operation between the DPRK and international humanitarian organisations has improved. This has resulted in food aid being distributed, for the most part, to the right people, and has made it more difficult for

the government to divert aid to the military, as it has done previously. The organisations involved in its monitoring have been allowed access to the same number of counties as during the peak period of assistance after the 1990s famine. Despite a relatively good harvest this year, the food situation remains poor and international organisations are again having to arrange a feeding programme for 6.5 million vulnerable people, approximately a quarter of the population.

Current concerns

The DPRK constitution nominally provides for freedoms and liberties for its citizens but the reality is different. We have a number of concerns about human rights.

There is no freedom of expression, assembly, association, movement or information. There are no free and fair elections. The state tightly controls all media. No foreign books or magazines are available for purchase; televisions and radios are pre-tuned so that they can only pick up approved domestic broadcasts; and access to the internet is only allowed to a select few. Increasing efforts have been made during the last year to stop the use of mobile phones in the Chinese border area and use of ordinary phones has also been restricted. There is no independent human rights monitoring organisation. Foreign observers in the DPRK confirm that these claims are broadly accurate.

The use of the death penalty, including public executions and extra-judicial killings, and the lack of transparency around this also gives grave cause for concern. During the last year, the number of public executions seems to have risen markedly. Some of these are related to a clampdown on corruption among officials and trafficking of drugs and women. In February, however, it was reported that a large group of people who had returned after having crossed the border were executed near the Chinese border.

North Koreans are subject to arrest and detention without trial. Depending on the offence, authorities can detain or punish entire families for the crimes of one member. The judiciary is not independent and the legal system is not transparent.

Women do not enjoy equal rights. Concern continues about the organised trafficking of women across the border into China for marriage or prostitution. Women have taken on an increasingly important role as providers for their families by engaging in market activities, but the authorities have introduced rules by which women under 40 years of age cannot trade. They are forced to rely on an inadequate public distribution system, and must seek other methods to supplement their food supply.

The government does not provide adequate nutrition and health services for all children. The rights of children depend on the government's political classification of the family into which they are born. Access to educational opportunities depends not only on the family's class but

also on its ability to pay fees, both in money and in kind, that schools and teachers increasingly demand to supplement their own irregularly paid wages.

The government divides North Koreans into three political groups: a loyal core class; a suspect wavering class; and a politically unreliable class. The three groups are then subdivided into 51 categories, based on the social origins of each citizen. On the basis of this classification, the government determines where people may live and work, what job they may do and what benefits (if any) they may receive. Only those citizens classified as politically loyal can hope to obtain responsible positions in North Korean society or to live in Pyongyang. The class system has a major effect on whether Koreans have direct access to food and the opportunities available to them for making money.

Large numbers of North Koreans cross the northern border with China for economic and political reasons. Many transit China into third countries, including Thailand and Vietnam, but most remain in China. South Korean analysts estimate that there are currently between 20,000 and 40,000 migrants in China's border provinces. The Chinese consider them illegal economic migrants, and they risk detention and forcible repatriation to North Korea if caught by the Chinese authorities. Since it is illegal for citizens to leave the DPRK without permission, they are then subject to harsh penalties, including imprisonment, torture and execution. We often urge China to allow the UN High Commissioner for Refugees access to the border region and to observe its obligations under the 1951 Convention Relating to the Status of Refugees. South Korea's constitution provides for it to give citizenship to the vast majority of North Korean refugees who seek it. Some 12,000 have resettled there, and numbers are growing at a rate of around 2,000 a year. North Koreans also find their way to other countries in the region, such as Thailand.

UK action

The UK strongly opposed any move by the Non-Aligned Movement countries to abolish the mandate of Vitit Muntarbhorn, the Special Rapporteur on DPRK, at the UN Human Rights Council. In March, we worked closely with partners to ensure that it was not weakened or abolished. Every year since 2005, the EU has sponsored a resolution on DPRK human rights at the UN General Assembly. In 2008, this was co-sponsored by Japan and, for the first time, the Republic of Korea.

In our dealings with the DPRK, we frequently raise the issue of human rights at ministerial and official level. We have urged the DPRK to allow a visit by the UN special rapporteur, but the government has consistently denied access. We have told the North Koreans that we stand ready to help, including by giving educational and technical assistance, in return for further bilateral or multilateral progress on human rights. There has been no change in the stance of the DPRK government, and unless its members

are willing to engage with us, it will be difficult to make any progress.

Forward look

Bilaterally and with the EU we will continue to urge the authorities in the DPRK to adopt responsible policies. The DPRK's refusal to discuss human rights issues makes it difficult to engage directly, but our Embassy in Pyongyang funds in-country projects on humanitarian and related issues through NGOs such as Save the Children. We continue to look for ways of gathering evidence of the problems faced in North Korea by ordinary citizens. For example, our Embassy in Seoul sponsored a South Korean NGO working on North Korean human rights to produce a report on children's rights in the DPRK, based on refugee testimony. We will continue to work with the international community to draw attention to the issues and bring pressure to bear on the DPRK government to take steps to address international concerns.

Iran

Introduction

The Universal Declaration of Human Rights celebrated its 60th anniversary this year. One of its forerunners was the 'Cyrus Cylinder', a declaration by Cyrus, King of Persia until 530 BCE, which is sometimes described as the first known charter of human rights. However, Iran's human rights record today is dismal. In 2008, Iran has continued to execute juveniles, harass activists and human rights defenders, and demonstrated no tolerance toward activists; it has clamped down rigidly on any form of dissent, opposition or organised protest. Charges such as 'propaganda against the Islamic Republic', 'acting against national security' and 'organising illegal gatherings' have become increasingly common. A Human Rights Watch report of January 2008 quoted an Iranian activist as saying "The articles on security are so general that you can detain anyone for anything and give him a prison sentence".

Key concerns

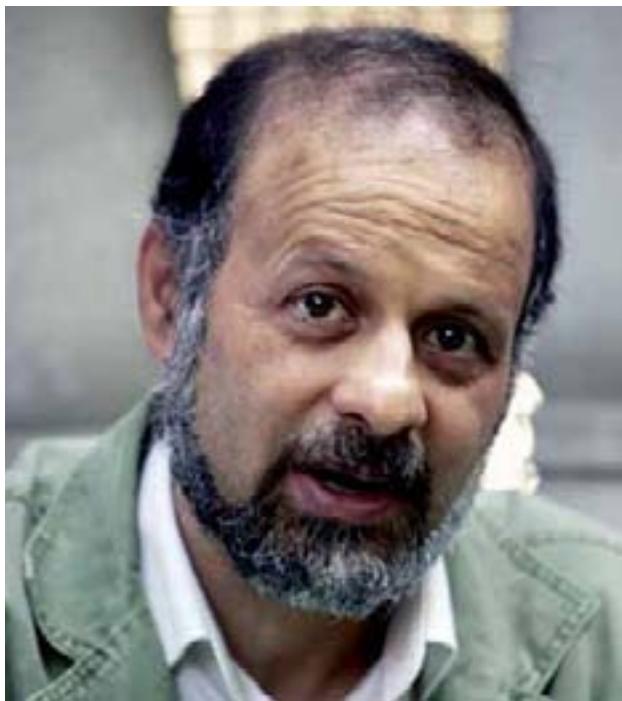
Death penalty

We have repeatedly called on Iran to abolish the use of the death penalty and yet the overall number of executions in Iran remains high. According to international estimates, at least 320 people were executed in 2008, and Iran has the highest execution rate per capita in the world. Many of the most basic minimum standards surrounding the use of capital punishment remain absent in Iran. Executions have been carried out in public, and there have been instances of mass executions: 29 people were hanged in July and 10 people were executed at Evin prison on 26 November. Sentences such as stoning to death and 'being thrown from a height' continue to be handed down by judges, and the death penalty remains on the statute books for adultery and consenting same-sex relations.

Despite international condemnation, Iran continues the practice of juvenile executions, and according to Amnesty International at least 130 young offenders remain on death row in Iran's prisons. At least seven juvenile offenders were executed in 2008, one of whom was under the age of 18 at the time of execution. The age of criminal responsibility in Iran is stipulated by Shari'a law: age 9 for girls and 15 for boys. However, Iran is signatory to the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, which set the age of maturity as 18 years old and forbid the sentencing of juvenile offenders to capital punishment or life imprisonment without the possibility of release. We are calling for Iran to respect its international obligations and end its practice of executing juveniles.

Freedom of expression

"Iran is the only country that can ban a journalist from writing for the rest of his life," said Akbar Ganji, journalist and human rights defender, who served six years in prison for his contributions to several reformist dailies.



Journalist Akbar Ganji.

The Iranian constitution contains provisions that should protect freedom of expression and belief: Article 23 states that "No one may be molested or taken to task simply for holding a certain belief" and Article 24 provides for freedom of expression in press and publications. In practice, however, those who exercise these rights are liable to arrest and imprisonment, and several reformist publications have been closed down or had their licences revoked.

Shahrvand-e Emruz, the leading reformist weekly current affairs magazine, had its licence revoked in October, and a leading centrist newspaper, *Tehran-e Emruz*, was shut down in early 2008. One of the leading remaining reformist newspapers, *Kargozaran*, was closed down in December – the authorities explained that this was because it had

printed a letter from a student activist group which was critical of Hamas.

We have witnessed that there is an increasing focus on individuals' connections to foreign institutions, individuals or sources of funding. The government routinely applies broadly conceived security laws to accuse anyone from students to women's rights campaigners to trade unionists of 'acting against national security', 'receiving funding from abroad' or 'planning a revolution'. Many of those detained for expressing their beliefs are routinely subjected to physical and psychological abuse as part of the interrogation process. We have received reports of prisoners being kept in solitary confinement and denied access to friends and family, and even legal counsel. Sleep deprivation, beatings, threats and 24-hour interrogations are common tactics. After being held for weeks or even months without formal charge, many detainees are then released on bail or with a suspended prison sentence. The threat of being returned to jail is often used to intimidate them against any further activism or dissent. Many are subject to travel bans preventing them from leaving the country.

Prominent human rights lawyer and Nobel Peace Prize Laureate Dr Shirin Ebadi has been subject to a campaign of intimidation since December 2008, when her Centre for Human Rights Defenders (CHRD) was forcibly closed. The authorities claimed this was because the Centre was not officially registered – but in reality the Ministry of the Interior has been sitting on the centre's registration application for years. The CHRD campaigns for human rights in Iran and provides legal representation to political prisoners and support to their families. Many of its members – such as lawyer Abdolfattah Soltani – have been detained in the past for no more than carrying out their duties as a lawyer. International attention has been considerable, and the EU and UN Secretary-General have condemned the actions of the Iranian authorities, which represent an attack on the entire human rights movement in Iran.

Minorities

Given Iran's history of tolerance and the rich and diverse mix of religion and ethnic groups that make up Iranian society, it is disappointing that members of religious and ethnic minorities are so often subject to human rights violations, including intimidation, arbitrary detention, confiscation of property, denial of education and inequality in legal matters. Large numbers of Iranian Kurd and Azeri activists remain detained on charges of endangering national security.

The Bahá'í faith is not recognised as an official minority religion under the Iranian constitution, and Iranian officials often refer to Bahá'ísm as a 'perverse sect'. Recent information suggests that the situation is worsening with Bahá'ís facing state-sponsored persecution, personal threats, restrictions on employment, expulsion from university and high school, and continued defamation in

the media. On 14 May, six members of the Bahá'í national coordination group were arrested: Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli and Vahid Tizfahm. Mahvash Sabet, the first leader to be detained, was arrested on 5 March. They remain detained without formal charges, and have been denied access to appropriate legal counsel.

Although Christianity is one of the three minority religions recognised by Iran's constitution, we have serious concerns about the treatment of those Iranians who have converted to Christianity. We have received a number of worrying reports in recent months about the detention of Christian converts, including Mahmoud Matin-Azad and Arash Basirat, who were arrested in May and charged with apostasy. Ramtin Soodmand was released on bail in November having served three months and after having been reportedly charged with 'propaganda against the regime'. Concerns remain over his future as he may still face charges of apostasy, and could ultimately face the death penalty should a draft penal code currently under consideration by the Iranian parliament be adopted. This draft code stipulates that apostasy, heresy and witchcraft be punishable by death – the first time this would be mandatory in Iran. There is widespread international concern about the impact that these provisions, if adopted, would have on religious minorities in Iran, and the Bahá'í community in particular.

Women

Women continue to face widespread discrimination in law and practice, despite President Ahmadinejad's claims that Iranian women are the 'freest in the world'. Gender inequality is widespread and sustained by Iranian law. For example, unless her ex-husband is a drug addict or in prison, a divorced woman must hand over custody of her sons when they reach two years of age, and of her daughters when they reach seven. Judicial officials often

discriminate between the sexes, and sentences of stoning to death for adultery are disproportionately handed down to women.

We are concerned by growing repression against women's rights defenders, who are peacefully campaigning to redress gender-based discrimination in Iran. Negin Sheykholeslami, a Kurdish woman campaigning for women's rights, was recently released on bail having been detained since October and denied access to medical care. Dozens of women connected to the Campaign for Equality (which aims to collect a million signatures in Iran and calls for an end to legalised discrimination against women) face harassment and arrest for 'actions against national security' and 'propaganda against the system'. At the end of 2008, several campaign activists remained in detention without charge or trial. A student, Esha Momeni, was recently released on bail having been charged with national security offences for documenting the campaign's activities for her thesis.

Trades unions

The UK condemns the continued harassment, persecution and ill treatment of trades unionists and labour activists in Iran. This is in breach of Iran's international legal obligations: as a member of the International Labour Organisation (ILO), it is committed to uphold the right to freedom of association and to collective bargaining. This includes the obligation to allow for independent trades union activities, which remain illegal in Iran.

Farzad Khamangar is a 33-year-old teacher and union and human rights activist from Kurdistan province. He has been sentenced to death by the Iranian government and has reportedly been severely tortured. Despite international protests his execution sentence has not been revoked. Our 2007 Report drew attention to the cases of Mansour Ossanlou, President of the Syndicate of Workers of the

False promises

We have frequently expressed our concern at Iran's refusal to respect its international obligations as enshrined in the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. However, we have also seen numerous examples of Iran ignoring more recent commitments which it has freely made.

In August, Iran's judiciary announced a suspension on execution by stoning, as a result of which several women had their sentences commuted. We believe this was prompted by the international outcry over the last known stoning case, which occurred in 2007 in Qazvin province, breaking a moratorium on the practice that had been in place for five years. Therefore, we were deeply concerned by reports that two men were executed by stoning on 26 December.

In October, the Iranian judiciary announced a ban on the execution of juvenile offenders. Hopes were short-lived, however, when the same spokesman clarified the following day that the ban would not apply to acts punishable under Shari'a law, which covered all juvenile executions known to have taken place in Iran this year. Two weeks later, a seventh juvenile was executed, and confirms reports that an eighth was executed at the end of December.

While we welcome any Iranian efforts to improve the human rights situation, we are concerned that Iran appears to be making misleading statements, which are not backed up by action. The UK and the EU call on the Iranian authorities to ensure that any such directives are immediately enforced by the adoption of a legally binding and generally applicable provision such as a law voted by the Iranian parliament.

Tehran and Suburbs Bus Company, and Mahmoud Salehi, a labour rights activist serving four years' imprisonment for having organised an independent rally on International Labour Day. The UK has consistently condemned their imprisonment for legitimate labour rights activities, and they have been the object of strong international lobbying by international trades unions and numerous human rights organisations. Mr Salehi was released after serving one year of his four-year sentence, but Mr Ossanlou remains in prison and has been charged with alleged distribution of propaganda against the regime. In November, Ossanlou was reportedly beaten up on his return to prison after a hospital visit, and his health check-ups have since been cancelled.

UK action

There are countless individuals in Iran committed to improving the human rights situation in their country despite the intimidation and harassment that they face. Iranian human rights defenders tell us that international attention does have an impact on the situation on the ground. In addition to offering them moral support by showing that their efforts and the difficult circumstances they are facing are not being ignored, it has also contributed to positive developments in individual cases such as the commuting of death sentences and the revocation of stoning sentences.

To this end the UK, along with our EU partners, monitors the situation in Iran closely, and adopts a strong public line when human rights violations occur. We have raised human rights concerns with Iranian officials on at least 40 occasions in 2008 through bilateral meetings and with our EU partners, calling for Iran to uphold its obligations under international human rights conventions. We also take action at the UN and co-sponsored a resolution on human rights in Iran at the UN General Assembly in December. That this resolution was adopted for the sixth consecutive year sends a strong and consistent message of the international concern at the human rights situation in Iran to the Iranian government.

Forward look

We will be closely monitoring developments in the presidential elections in June 2009, as we have concerns over how free or fair the electoral system really is. The Iranian people deserve a genuine democratic choice about their country's future and the chance to elect representatives with a wide range of views. However, in this election, as in every other, all candidates are subject to strict vetting by the conservative Guardian Council, whose clerical members are all appointed by the Supreme Leader himself.

We are disappointed by Iran's continued disinclination to engage constructively with the international community to address human rights concerns, including refusing to accept formal representations on human rights from the EU, and their reluctance to talk seriously about human rights in any

forum. In this context the most significant impact we can have is to ensure that international attention remains focused on the human rights environment in Iran.

Iraq

Introduction

As security improves, Iraq has continued to emerge as a functioning democracy, with diverse political representation and a respect for human rights enshrined in its constitution. Iraqis are arguably freer now than at any time in the country's history. However it is undeniable that significant challenges do still remain, particularly relating to detention, women's rights, consolidating progress on rule of law and the protection of minorities throughout Iraq. Iraqi politics are characterised by open debate, broad representation, regular elections and a maturing political class. Iraq's struggle since 2003 when Saddam was removed has been not only to come to terms with the former regime's legacy but to move forward and allow the Iraqi people to enjoy new democratic freedoms of expression and human rights. Iraq, a country where for so long human rights violations were endemic is undertaking a long and difficult transition. The UK will continue to support Iraq as it seeks to bring about these changes. Prime Minister Maliki and his government have repeatedly made clear their commitment to human rights and its application across the government of Iraq. The most recent examples of this commitment are Iraq becoming a signatory to the United Nations Convention against Torture and the passing of legislation to enable the creation of the National Human Rights Commission for Iraq.

Political reconciliation between Iraq's various communities remains of paramount importance and building on the positive steps already taken, the UK will continue to work with the Iraqi government to help maintain progress. Adherence to the rule of law and respect for all citizens' rights irrespective of faith, tribe, politics or gender will also be crucial.

Much of this broader political and legislative progress is underpinned by improvements in security. Security is vital but remains fragile. Real advances have been made in reducing violence across Iraq with the lowest levels for extremist attacks since 2003 being recorded in 2008, down 85 per cent from 2007. Significantly this is being achieved largely by Iraq's own security authorities, with Coalition (including UK) help and support. Real, self-sustaining progress in Iraq also requires good governance and a sound economy. Iraq has made progress in these areas over the last five years and the UK will continue to support the Iraqi authorities in making further progress.

Current concerns

Security and law and order

Insecurity and the weakness of the rule of law have been serious obstacles to promoting a human rights-based

culture in Iraq over the last five years. Militia and extremists continue to kidnap, kill and injure those officials and professionals bravely attempting rebuild Iraq as well as innocent civilians, but the overall security situation has much improved during 2008. This is in part due to the 'surge' in numbers of United States troops, but also to the improved capacity and effectiveness of the Iraqi security forces and the formation of the 'Sons of Iraq' – the mainly Sunni groups who have rejected Al Qaida's nihilism and driven it from many of its strongholds. The number of Iraqi units capable of conducting independent counter-insurgency operations is increasing steadily. There are now around 400,000 Iraqi Police Service (IPS) officers nationwide. The IPS has made significant progress in its capability to maintain public order, investigate crimes and arrest suspects.

With the improvements in security, Coalition troops have been handing responsibility for security back to Iraqis. At the time of going to print, 13 of Iraq's 18 Provinces have now transferred to Iraqi security control. The latest to transfer was the former Al Qaida stronghold of Anbar – the first majority-Sunni province to come back under Iraqi control.

The Iraqi-led Charge of the Knights operation in Basra in March 2008 greatly improved the security situation there. Normality is gradually resuming and everyday life and freedom of movement for Basrawis is much improved.

Impact of violence on vulnerable groups

Some groups remain at particular risk from violent persecution. These include internally displaced persons, refugees displaced regionally, many of whom are in Syria, and ethnic and religious minorities. The UN High Commission for Refugees estimates that more than two million Iraqis are currently displaced internally and a similar number have fled to nearby countries. A small number of refugees have returned from Syria during 2008 due to financial difficulties in the host country, improved security conditions, in Iraq, and a pattern of families sending a male family member to assess the situation on the ground.

Minority communities still face violence throughout Iraq, but in the last year, the Iraqi government has taken some action to preserve minority rights. After the attacks against the Christian community in Mosul in September the government of Iraq worked quickly to ensure security was restored, and established a high level task force to investigate the situation. Their action allowed displaced families to begin returning to their homes. Officials in our missions in Iraq and in London regularly meet with representatives of the Christian community to hear their concerns. The Prime Minister's Special Envoy for Human Rights in Iraq (the Rt Hon Ann Clwyd MP) also raised the situation in Mosul with the Iraqi Minister for Human Rights (herself a Christian) in Geneva in October 2008.

Alongside the Iraqi government's response, the UN Refugee Agency (UNHCR) has responded by sending an international



Forensic work being undertaken at the Iraqi Police Forensics Laboratory in Baghdad.

team to Mosul. Together with the International Committee of the Red Cross (ICRC) and the World Food Programme (WFP), it has distributed emergency assistance including food parcels, blankets and hygiene kits to those displaced. UNHCR is also engaged in providing emergency shelter and shelter rehabilitation in Mosul and across Nineveh. Although the UK has not given direct financial support to Assyrian Aid the UK supports these efforts through DfID's wider financial support this year for UNHCR, ICRC and the WFP and their work with Iraqi internally displaced people and refugees.

Representation is an important issue for minorities in Iraq. Iraq's parliament passed legislation governing provincial elections for 2009, which provided guaranteed representation for minorities. Although the final quota of 6 seats proved contentious it nonetheless will help ensure minority voices will be heard and represents a genuine acknowledgment by Iraq of the importance of minority representation in the political process.

Women's rights

The abuse of women's rights continues to cause some concern in Iraq, although encouragingly, there has been some progress. The introduction of the 25 per cent quota system for female representatives elected to the Council of Representatives and the creation of the Ministry for Women's Affairs are significant steps forward. But there remains some way to go. Societal and cultural changes come about at a slow pace. Reliable statistics on the current situation are at a premium. Our knowledge relies heavily on other stakeholders, including NGO in country engagement, Iraqi government officials and academics as well as through the PM's Special Envoy on Human Rights in Iraq, Rt Hon Ann Clwyd MP.

We are concerned about reports of the limited availability of education and employment for women, as well as access to health care, especially those in rural areas. It is also still the case that thousands of women in Iraq face violence from men, including from within their own families. 'Honour' crimes, in which women are beaten or killed for

wanting independence and freedom of choice, remain a problem in Iraq. The Iraqi authorities are aware and have made commitments to address such abuses. Education of human rights issues is now a part of police training. For example, the Baghdad Police College houses the Institute of Ethics and Human Rights which focuses on training officers in police ethics, the use of force, the constitution, inter alia. In 2008, this institute trained over 1500 officers. We expect that as this education is reinforced by police and the judiciary an understanding of human rights enforced through the law is then filtered down into civil society.

The relationship between women and the security situation is an important one as it affects them in a number of ways. Women have been used as a tool to destabilise the security situation acting as willing or unwilling suicide bombers. Nonetheless, it is important to recognise that security situation in Iraq has improved vastly in the last few years, which has in turn improved the living conditions of the citizens of Iraq immeasurably, including women. The UK government continue to work with the Iraqi security forces to ensure that further gains are made on the security situation and that rights and freedoms are protected. We would expect that as a result of the improvement of the security situation fewer incidents of violence against women occur. We have received reports that murders of women have declined in the south, and we will continue to monitor the situation.

The Iraqi Police Service are working to recruit more women who could investigate women's related issues. However, this is a slow process and the few women police officers who are recruited are often diverted to more 'urgent' priorities. The UK highlights women's safety and security as a prominent issue and we will continue to work to ensure that conditions for women do improve.

The UK maintains excellent relations with Minister for Women's Affairs who visited the UK for the FCO Human Rights Forum in December 2008. She informed us that Iraqi government continue to work to improve women's access to education, employment and health care, although readily

admits that more needs to be done. This Ministry suffers from a relatively small budget at present which in time the Minister hopes will grow to enable the Ministry to undertake more ambitious projects. We will continue to work with the Ministry of Women's Affairs and recommend it be strengthened to address concerns about women's rights immediately.

Other vulnerable groups

We have received reports of violence committed against individuals because of their sexual orientation. We will continue to monitor this situation carefully.

There have also been reports of journalists being threatened and deliberately targeted across the country. Again we continue to monitor this situation.

Justice system and death penalty

There have been some encouraging signs of growing independence in the Iraqi judiciary. In November, the Iraqi High Court ruled that it would be unconstitutional were Parliament to strip Sunni lawmaker Mithal al-Alusi of his immunity from prosecution following his attendance at a conference in Israel – a welcome and courageous decision. The justice system does however still lack capacity in some areas, including a shortage of trained judges, and vulnerability to political and sectarian pressure. The number of individuals held in Iraqi detention has largely remained stable in 2008 despite the implementation of an Amnesty Law in February. The Amnesty Law has resulted in over 6000 pre-trial detainees and prisoners being released, but this has been balanced by the new detainees arising from security operations in Basra, Diyala and Mosul. In this connection the capacity of the Iraqi Judiciary to process these cases will need to be enhanced significantly further if it is to successfully match the high volume and reduce the backlog.

There have been documented (through UN reports) and well publicised allegations of cases of deliberate abuse in Iraqi prisons, and widespread reports of overcrowding. The UK recognises overcrowding in detention facilities as a



Iraqi Kurds in the northern city of Sulaimaniyat, mouths plastered, protest at violence against women in the region.

major threat to human rights in Iraq. The efficient and humane running of these facilities and the continued well being of the detainees concerned is vital. We have also expressed our concern during 2008 at the number of juveniles held in overcrowded prisons under the authority of the Ministry of Labour and Social Affairs. The Iraqi Ministry of Justice has taken forward an initiative to speed up processing of paperwork, introducing rehabilitation and vocational training and addressing overcrowding in detention centres. The Ministry of Interior has similar problems to address needing assistance from, among others prosecutors to ease the burden of overcrowding in their facilities. We will continue to explore ways in which the Iraqi authorities can better address detainee processing and tackle overcrowding.

The UK lobbies in Baghdad at senior levels against the implementation of the death penalty.

The Iraqi High Tribunal (IHT) upheld death sentences against Ali Hassan al-Majeed ('Chemical Ali') on 4 September 2007 and against Sultan Hashim, Saddam's former defence minister and Hussein Rashid al-Tikriti, the former deputy commander of operations for the Iraqi military. These sentences have not yet been carried out. In addition the IHT passed a further death sentence in November 2008 against al-Majeed after he was found guilty of further crimes in relation to the 1991 massacres (in which the former regime murdered an estimated 100,000–180,000 mainly Kurds and Shias in retaliation for the post first Gulf War uprising). Trials of former regime members under the IHT continue, with the trial of former Deputy Prime Minister Tariq Aziz being the most high profile.

Coalition detention

In 2008, UNSCR 1790 authorised Multi-National Forces in Iraq to intern Iraqis for imperative reasons of security. The UK took its power to intern in Iraq seriously and only used it when absolutely necessary. The ICRC and the Iraqi Ministry of Human Rights have had regular and open access to our detention facility and to our internees. Wherever possible, we ensured that those detained had their cases heard in the Iraqi courts.

The last two Iraqi nationals held in UK military detention, Mr al-Saadoon and Mr Mufdhi were transferred to the Iraqi authorities on 31 December 2008. They had been detained on behalf of the Iraqi authorities for their alleged involvement in the killing of two UK service personnel. The transfer came in response to requests from the Iraqi authorities and was carried out following the approval of the UK courts. Assurances were received from the Iraqi government that the two detainees would be treated humanely, in accordance with Iraq's legal obligations and this has subsequently been reconfirmed by the Deputy Minister of Justice. Ahead of the transfer we received assurances from the Iraqi authorities concerning the application of the death penalty in this case. The UK considers these assurances credible and consequently the transfer went ahead.

UK action

The UK focus continues to be on helping build Iraqi capacity to implement human rights objectives through reform of key state institutions and security forces. UK support is not only focused on raising the profile of human rights at all government levels, but also bringing our own expertise and adding value to areas where the government of Iraq are already engaged. The UK is working closely with international partners and NGOs to ensure a coordinated approach.

Rule of law

A secure and strong rule of law sector is vital in promoting a culture based on human rights. This year, the Iraqi government has taken further measures, including working towards developing a Baghdad Security Plan, to address violence affecting ordinary citizens. This is being done with the support of the Coalition. The transition of security responsibility to Iraqi control in Basra in December 2007 marked a key shift, and the Charge of the Knights operation in March this year demonstrated the capabilities of the Iraqi Security Sector. In 2008, the FCO, in coordination with DfID and MoD, continued its support to the Iraqi authorities to build an effective and accountable Iraqi Police Service (IPS) with strengthened civilian oversight under the control of the Ministry of the Interior (MoI). The UK has further assisted the MoI and the IPS through training and mentoring, including building capacity in leadership development, strengthening institutional functions, and internal governance.

Forensics

The Iraqi criminal justice system has traditionally relied on confessional evidence to secure convictions against suspects. Under Saddam Hussien torture and death in custody were commonplace. Systems that depend on confessions all too easily lead to abuses taking place during the process. To redress this situation the UK and Iraq have been working together to increase the use of forensics to create a more transparent and professional investigative process and protect the rights of those under investigation. The UK is assisting Iraq in developing forensic capability and has run a National Forensics Project since 2005. The UK's Team based in Baghdad and Basra has helped build and equip laboratories, train scientists in various techniques including finger printing, ballistics, DNA and toxicology as well as police training in crime scene investigation and forensic awareness. The UK will remain heavily involved in assisting the government of Iraq as it implements the National Forensics Strategy in addition to providing a substantial amount of training in forensic science at the National Forensic Training Institute in Baghdad.

The presentation of forensics based evidence is increasingly coming before the courts and Iraq has identified a need to increase judicial capacity to use such evidence properly. In 2008, the UK was involved in the creation of the Iraq led Evidence Steering Group (ESG). The aim of the group is threefold: to develop common guidelines to use forensic

evidence in criminal cases; to measure the effectiveness of various types of evidence within the criminal justice system; and to draft legislation on forensics. The ESG held its inaugural meeting in November 2008.

Iraqi detention

As echoed in the UN's own recent assessment, Iraq's pre-trial detention and prison facilities remain an area of concern. Many of the Ministry of Justice (MoJ) detention facilities remain overcrowded. There are cases of long-term detention without trial as a result of the inability of the judicial systems to cope with the number of cases pending, with detainee populations building up as a result of this backlog. The UK worked alongside our coalition partners and the MoJ and Higher Judicial Council to develop further the number of prison facilities available and the capacity of the Judiciary to process cases at a higher rate. In 2009, newly built prisons will become available, increasing cell spaces significantly above the current population levels for both pre-trial detainees and prisoners.

Anecdotal reports of physical abuse of detainees in MoJ facilities to extract confessions remain of some concern. The Ministry of Human Rights has expressed its similar concern towards the treatment of detainees in MoJ facilities. The UK welcomes the Interior Minister's action this year to enhance the MoJ's human rights oversight by establishing a full Human Rights Directorate, headed by a Director General and reporting directly to the Minister. The UK also welcomed the invitation to participate in meetings of a Committee established by the Human Rights Directorate to oversee detention operations. The MoJ and HJC are working on this and the UK and Coalition continue to provide support.

Minorities and vulnerable groups

The UK enjoys a close working relationship with the Iraqi MoHR and through our regular dialogue raises issues of concern and works to ensure human rights features prominently on the government's agenda. The Rt Hon Ann Clwyd MP, the Prime Minister's Special Envoy on Human Rights in Iraq, who remains a key figure in our engagement on human rights, has raised the issues of detention, women's rights, honour based violence and voices concerns over the situation of minorities in Mosul.

The UK continues to press the government of Iraq and members of the Iraqi Council of Representatives, at official and ministerial level, to protect all of Iraq's communities, regardless of faith, political persuasion and sexual orientation and to take tough action against those responsible for violence and intimidation. We continue to meet members of Iraq's minority communities, including Christians, Shebak, Mandeans and Yazidis, across our network of posts in Iraq, and in the UK to hear their concerns.

The UK works closely with humanitarian partners in Iraq, including the Office of the UN High Commissioner for Refugees (UNHCR), the ICRC and the World Food

Programme (WFP). UNHCR, ICRC and the WFP were instrumental in providing humanitarian relief for Christian families displaced from Mosul in October. The UK continues to support them through DfID's wider financial support for their work with Iraqi internally displaced people and refugees. In 2008, we contributed £17 million for Iraqis inside the country and displaced in the region. We have contributed more than £166 million since 2003.

In 2008, the FCO also hosted a Human Rights Forum for Iraq to engage stakeholders, international NGOs, local civil society groups, UK parliamentarians and Iraqi officials, including the Iraqi Minister for State for Women's Affairs. It is hoped that this engagement will continue into 2009 and beyond and will increase overall awareness of the problems faced as well as facilitate assistance where possible in order to address the key human rights issues.

Forward look

The Iraqi Council of Representatives passed legislation in November 2008 to establish the Iraqi National Human Rights Commission. The UK lobbied heavily on this issue with Baghdad and views it as a significant step forward in the government of Iraq's commitment to human rights. The legislation grants several important powers to the Commission: the Chief Commissioner will have ministerial rank. It will be able to directly initiate investigations and take up complaints from the Iraqi people. It will be able to demand co-operation from government ministries and departments, as well as dictate the time-frames for this co-operation. Significantly, it will also be able to inspect detention and prison facilities without having to obtain prior permission. The Commission will also make public its reports on human rights in Iraq. A third of the commissioners will be women.

Iraq has faced immense challenges but much has been achieved. Sectarian violence has been reduced and political co-operation has improved and progress continues. The UK remains committed to supporting the positive changes the government of Iraq has made to enable further advances in human rights in Iraq.

Israel and the Occupied Palestinian Territories

Introduction

The UK welcomes Israel's commitment to promote and protect human rights, as outlined in its report to the UN Human Rights Council of September 2008. However, we remain deeply concerned about continued human rights violations in Israel and the Occupied Palestinian Territories. We are particularly worried by the humanitarian situation in Gaza, the restrictions on movement and access in the West Bank, continued settlement activity and the situation of minorities.

Over the last year, Palestinian militants continued to fire rockets against Israeli civilians, and human rights violations were committed by both Hamas militias and Palestinian Authority security forces. In Gaza, the UK remains deeply concerned by the widespread disregard for human rights demonstrated by Hamas since its violent rise to power in 2007.

Current concerns: Israel

Humanitarian situation in Gaza (until 26 December 2008)

Although there is no permanent physical Israeli presence in Gaza, given the significant control Israel has over Gaza's borders, airspace and territorial waters, Israel retains obligations as an occupying power under the Fourth Geneva Convention. The Fourth Geneva Convention is clear that an occupying power must co-operate in facilitating the passage and distribution of relief consignments.

The UK continues to have serious concerns about the Israeli-imposed restrictions on Gaza and their detrimental impact on the humanitarian situation. By 26 December 2008, over 80 per cent of the population of Gaza was dependent on humanitarian assistance, compared with 63 per cent in 2006. In less than 10 years, the number of families dependent on UN Relief and Works Agency (UNRWA) food aid has increased tenfold. A UN Office for the Coordination of Humanitarian Affairs (UN OCHA) report in December 2008 stated that 80 per cent of Gaza's water supply failed World Health Organization standards.

Border restrictions have also led to complete stagnation in the Gazan economy and a steady decline in vital infrastructure. Hundreds of thousands of Gazans do not receive adequate electricity or running water. Sewage facilities are overwhelmed. The NGO Physicians for Human Rights reported a sharp increase in the number of patients referred for treatment to medical centres outside Gaza. Patients were required to apply for permits to cross into Israel via the Erez crossing; the proportion of patients denied exit permits increased from 10 per cent in the first half of 2007 to 35 per cent in the first half of 2008. Israeli restrictions on the Gaza crossings intensified following renewed outbreaks of violence on 4 November 2008. UN OCHA reported that a daily average of five truckloads of aid was let into Gaza at the end of November 2008, down from 123 in October 2008 and 475 in May 2007.

Use of force by Israel

2008 saw an increase in the number of conflict-related incidents. According to UN OCHA, 457 Palestinians were killed in 2008 (till 1 December), compared with 392 in 2007. Several hundred more were killed during Operation Cast Lead (see text box on page 150). 2,145 Palestinians were injured in direct conflict-related incidents between January and 1 December 2008, compared to 1,843 for the whole of 2007.

While we recognise Israel's right to defend its citizens, we also believe that Israel must comply with its obligations under international law, including the obligation to avoid the use of disproportionate or indiscriminate force.



Protestors belonging to Israeli NGO, Peace Now, demonstrate against settlements on the West Bank, June 2008.

Settlements

In 2008 there was a significant increase in settlement activity, despite Israel's repeated commitment to freeze settlement growth. Peace Now reported that the number of tenders for construction in the settlements increased from 65 housing units in the first 11 months of 2007, to 417 housing units and 125 new buildings at outposts – including 30 permanent structures – during the same period in 2008.

Israeli settlements in the West Bank and East Jerusalem are illegal under international law and a major obstacle to peace. Continued settlement activity is in contravention of Israel's obligations under the 2003 Roadmap.

Settler violence

In 2008 there was an increase in violence against Palestinians and their property by Israeli settlers. UN OCHA reported 290 incidents of settler violence in the West Bank in the first 10 months of 2008, compared with 243 for the same period in 2007 and 182 in 2006. UN OCHA recorded that since 2006 approximately half of all the Palestinians injured by settler violence were women, children and the elderly.

We are concerned that the Israeli authorities do not adequately enforce the rule of law with regard to settler violence. The Israeli NGO Yesh Din reports that over 90 per cent of Israeli investigations into settler violence are closed without an indictment being filed.

House demolitions

The resumption of house demolitions in Area C of the West Bank was a particularly discouraging development in late 2008. House demolitions had been halted under a moratorium agreed between the Israel and the Quartet in May 2008.

Israeli restrictions on the granting of housing permits to Palestinians in Area C and East Jerusalem mean that Palestinians often build houses without obtaining permits. Such properties are targeted by the Israeli authorities for demolition. According to Amnesty International, more than 100 homes were demolished in 2008.

We are particularly concerned about the threat of demolition against 88 homes in Bustan, the highly controversial neighbourhood in the Holy Basin area of East Jerusalem. In November 2008, three homes were demolished in Bustan.

We have made it clear to Israel that, subject to limited exceptions, house demolitions in occupied territory are in breach of article 53 of the Fourth Geneva Convention.

Evictions

We remain worried about Israeli confiscation of property and the eviction of their occupants. Two cases highlight our concern: the Cliff Hotel owned by the Ayyad family, which was taken over by the Israeli Border Police in May 2004; and the eviction of the al-Kurd family from their home in Sheikh Jarah.

Gaza conflict

On 27 December, the Israeli Defence Force launched a large-scale military operation on the Gaza Strip, labelled "Operation Cast Lead". According to the Israeli government, the operation was necessary to improve security for the residents of southern Israel – by stopping Hamas from firing rockets. According to UN figures, Israel bombed over 400 targets in the first three days of the operation. By 31 December, approximately 350 Palestinians had been killed in the air strikes, and 1,500 others were being treated in hospitals. While exact estimates of civilian casualties are impossible to determine, at least 38 children and 23 women were killed during this period (according to the Palestinian Ministry of Health, the current death toll from the 22 day conflict is approximately 1,440 including 431 children and 114 women). Since 27 December, three Israeli civilians have been killed and 183 injured by rocket and mortar fire by Palestinian militants from the Gaza Strip. Eleven Israeli soldiers have been killed and 340 wounded.

A unilateral Israeli ceasefire came into effect on 17 January and Hamas announced a ceasefire on 18 January. We welcome the role played by the international community in brokering the ceasefires. From the beginning of the Gaza conflict, the Prime Minister and the Foreign Secretary argued

for an urgent, immediate and sustainable ceasefire. The Foreign Secretary was at the centre of the negotiations that led to the Security Council passing Resolution 1860 on 8 January.

The UK is gravely concerned by allegations of war crimes during the Gaza conflict made by organisations such as the International Committee for the Red Cross and the UN. We expect and urge Israel to investigate allegations of war crimes by its forces. We support the UN Secretary-General's decision to dispatch a Board of Inquiry to investigate the alleged attacks on UN facilities. We also condemn Hamas's deliberate targeting of Israeli civilians. The UK proscribes the military wing of Hamas as a terrorist group.

Looking ahead, the UK's primary concern is the humanitarian situation in Gaza, which was already severe before the current crisis began. We have pledged an additional £27 million for Gaza to help address urgent humanitarian needs, such as food and fuel. We call on all parties to respect the fragile ceasefire. The smuggling of arms into Gaza should stop and Israel should ease restrictions at the Gaza crossings for humanitarian aid, reconstruction supplies, trade goods and people.

In the first case we are extremely concerned about the Israeli use of the Absentee Property Law and the impact on the private property rights of the owners. The family has not been compensated for loss of earnings during the 11-year period they have not had access to their property. The Foreign Secretary wrote to Foreign Minister Livni about this issue on 19 August and again on 11 November.

In November 2008, the al-Kurd family, including the elderly, wheelchair bound father, was evicted following claims by an extremist settler group that they owned the land on which the property was built, having bought it from an Ottoman owner in the 1800s. An Israeli Court ruled the settlers' claim fraudulent, but the Israeli Land Registrar refused to recognise the finding. The family has been living in a tent near their home since the eviction. A further 27 families in the area face the same threat. Both the EU and the US have lodged formal complaints with the Israeli government.

Freedom of movement and access

Restrictions on the movement of Palestinians in the West Bank, East Jerusalem and to and from Gaza have a humanitarian and economic impact in the Occupied Palestinian Territories.

Continued or increased use of checkpoints, roadblocks, curfews, a permit system and the barrier severely restricted the ability of Palestinians to move within the West Bank. Between September 2007 and April 2008, UN OCHA reported a net increase of 41 checkpoints within the West Bank (from 566 to 607). These obstacles included permanent checkpoints, earth mounds, concrete and stone blocks at village entrances or across roads, trenches and locked gates.

Despite recent improvements in the West Bank economy, such restrictions remain a key reason for the sharp decline in the Palestinian economy since 2000. GDP per capita has fallen by more than 40 per cent since 1999, and investment levels have halved.

The UK has called on the Israeli government and Palestinian Authority to implement the 2005 Agreement on Movement and Access. We support the work of the Quartet Representative, Tony Blair, to improve the flow of trade, goods, services and people across the West Bank.

The barrier

The UK's concerns over the route of the barrier were detailed in the 2006 and 2007 reports. While we recognise Israel's right to self-defence and to protect its citizens through the construction of a barrier, it has been our longstanding position that any barrier must be built on Israeli territory. The barrier along the chosen route is contrary to international law and continues to have a highly detrimental impact on the lives and livelihoods of those Palestinian affected by the barrier's route. Additional construction in 2008 compounded these problems.

Jerusalem permits

West Bank Palestinians seeking to enter Jerusalem for work, education or medical treatment are required to apply for a permit. Permits are time restricted and the process to obtain one is often lengthy. There is no requirement to state the reason for denying a permit, and no appeals process. In 2008 Israel imposed restrictions on doctors, nurses and patients getting to hospitals in East Jerusalem, by restricting access to the city to two checkpoints for anyone with a medical permit.

Access to Holy Sites is also restricted for West Bankers. In 2008, men under the age of 45 and women under 35 were forbidden from entering Jerusalem during Ramadan, while others had to apply for permits to worship at the Holy Sites.

Administrative detention and detainee abuse

The UK is concerned about interrogation techniques employed by Israel on Palestinian detainees. NGOs have reported the ill-treatment of detainees and the use of coercive techniques to extract confessions. Other concerns include the provision of typed confessions, in most cases in Hebrew, to Palestinian child detainees; the use of confessional evidence in the Israeli military courts in order to obtain convictions; and the lack of effective mechanisms for investigating complaints of torture.

We are particularly worried about approximately 800 Palestinian prisoners who are being held in administrative detention without charge or in trial detention (which may be renewed indefinitely), including 42 who have been held for more than two years.

Although we welcomed Israel's release of two Hamas Palestinian Legislative Council (PLC) members in June 2008, we continue to call for all elected PLC members detained by Israel to be either released or subject to due legal process.

Minorities

Approximately 20 per cent of Israelis are non-Jewish (about 1.3 million people). The largest group from this minority are Arab Muslims (approximately 83 per cent of this number). Christian Arabs, Bedouin Arabs, Druze, Circassians, Samaritans and non-Arab Sunni Muslims also live in Israel. They are often referred to collectively as Israeli-Arabs or Palestinian Arabs of Israel.

Under Israel's Declaration of Independence all minority communities are entitled to full social and political equality. However, according to the Association for Civil Rights, Arab citizens of Israel face entrenched discrimination in all fields of life, particularly in education, economic development, land, urban planning and housing infrastructure. According to the UK-based Council for Arab-British Understanding, Israeli government spending in predominantly Arab areas is proportionally much lower than in Jewish areas.

The situation of more than 200,000 Israeli Bedouin, the majority of whom live in the Negev desert in the south of

Israel, has been of particular concern in the past, and there has been some progress on this issue this year. Many Bedouin currently live in villages that are not recognised by the State of Israel. Their homes are not connected to water or electricity grids, nor do they have telephone lines or sewage systems. In December 2008, the Israeli government's Goldberg Commission recommended that the Government formally recognise these villages. We look forward to further progress on this in 2009.

Current concerns: Palestinian Authority and Palestinian militant groups

Use of force by Hamas and other militant groups

Hamas has exercised control over the Gaza Strip since June 2007. The Gaza truce agreement, in effect from 19 June to 18 December 2008, reduced the number of rocket attacks from Gaza on Israeli targets and brought a reduction in violence for the people of Gaza and southern Israel. During this period, 223 rockets were fired into southern Israel from Gaza compared to 967 between April and May 2008 (Israeli Ministry of Foreign Affairs statistics). Only six mortars and rockets were fired during the months of September and October. We were extremely concerned by the spike of attacks between 4 November (following an Israeli incursion into the Gaza strip) and 19 December 2008, when over 203 rockets were fired at Israeli targets.

We are deeply concerned about the impact of rocket attacks on the population of southern Israel. The number of Israeli deaths as a direct result of rocket attacks was 8 in 2008 (four between 27 and 31 December), compared with 13 in 2007. In addition to causing deaths and injuries, rockets have a profound practical and psychological impact on those living in southern Israel. We frequently condemned rocket fire from Gaza and regularly called on Gazan militants to stop all targeting of Israeli civilians.

In addition to rocket fire, there were a number of other attacks on Israelis in 2008. These included a suicide bombing in Dimona, a shooting in a religious school in Jerusalem which killed 8 Israelis, and four other attacks in Jerusalem. A total of 35 Israelis were killed by Palestinians in 2008.

Arbitrary detention, mistreatment of prisoners and extra-judicial killings

This year saw further arbitrary detention and mistreatment of prisoners in both the Gaza Strip and the West Bank. Hamas militants launched two major crack-downs on political opponents. Following a bomb attack that killed five of its members, Hamas arrested over 200 people connected with the rival Fatah movement and closed down a large number of Fatah-related institutions. Both Palestinian and international NGOs report that torture of detainees is commonplace. During Operation Cast Lead, Hamas targeted large numbers of Fatah supporters. Human rights

groups have documented cases of punishment beatings, knee-capping and, in more than 20 cases, summary execution of Fatah activists.

In the West Bank there have been cases of politically-motivated detentions by Palestinian Authority security forces. There are also credible reports of mistreatment of prisoners. In February 2008, a 43-year-old imam, Majd al-Barghouthi, died in a detention centre in Ramallah run by one of the Palestinian Authority's intelligence services. It is probable that he was beaten and tortured.

Kidnapping

The Israeli Defence Forces' Corporal, Gilad Shalit, remained in Hamas detention following his kidnap in 2006. We continued to call for his immediate release.

UK action

The UK works closely with Israel and the Palestinian Authority to advance the peace process and improve daily lives on both sides of the conflict.

In May 2008 the Prime Minister set out clearly to the Knesset the need for real movement towards a two-state solution based on 1967 borders: Israel, secure from attack, recognised by and at peace with its neighbours, alongside a peaceful, democratic and territorially viable state of Palestine; with Jerusalem the capital for both and a just and agreed settlement for refugees.

The Foreign Secretary visited twice, seeing the progress made by Palestinian security forces in Jenin in the northern West Bank, but also the impact of Israeli restrictions there and the impact of militant rockets on Sderot in southern Israel. Mr Rammell visited Hebron, where the issues around Israeli settlements are most acute, and the Cliff Hotel. He also went to Ashkelon, where rockets continue to fall, and met the father of Gilad Shalit. In addition, we have a constant dialogue at all levels with both sides. We continue to believe that such a close dialogue – understanding their real concerns, but pressing hard for full respect of human rights – is the best way to move towards justice for Palestinians and security for Israelis.

We work closely with the Palestinian Authority to build the institutions of a future Palestinian state and to improve the lives of Palestinians. We have pledged up to £243 million over three years. In the financial year 2007-08, we spent £40 million in direct support to the Palestinian Authority. We will continue this support, with rigorous controls to ensure that money is not mis-spent. We will also continue our efforts to support and professionalise the Palestinian Security Forces, to increase their effectiveness and reinforce the importance of human rights. We fund a range of projects to support human rights groups, which highlight the effects of the occupation and challenge its implementation, including by taking legal action to enforce demolition orders on Israeli settlements.

The weight of the occupation is not reducing in the West Bank and East Jerusalem. In Gaza, the situation has deteriorated even further over 2008. The restrictions and humiliations are wrong, do nothing for Israel's long term security and make peace harder to achieve. We will continue to press Israel to remove them, while at the same time working with Israel towards a permanent peace.

Pakistan

Introduction

In February 2008, parliamentary elections in Pakistan delivered a civilian government after 8 years of military rule. The outcome of these elections reflected the will of the Pakistani people and signalled democratic change in Pakistan. The civilian government faces challenges including serious human rights issues, often related to weak state institutions.

We remain concerned that the government of Pakistan needs to address issues of poor access to justice, impunity, discrimination and violence against vulnerable groups, including women and minorities, non-implementation of legislation regarding rights of children, arbitrary application of Islamic penal and blasphemy legislation, arbitrary application of the death penalty, extra-judicial killings, arbitrary detention and the use of torture, abuse of power by law enforcement officials and enforced disappearances. Sectarian and terrorist acts in Pakistan caused by extremists include indiscriminate killing, inadequate justice through impromptu Shari'a courts, and the destruction of girls' schools.

The February elections were described by the EU Election Observation Mission (EOM) as "a pluralist process in which a broad range of views were expressed, an election that was competitive and a polling process which achieved increased public confidence in comparison to previous elections". The presence of international observers precipitated a number of checks to improve the electoral process, including restrictions on interference, ensuring full and proper media coverage and the release or charge of those detained under the state of emergency. The involvement of international and domestic observers also contributed to the outcome.

Progress since the elections in 2008

"It is clear that Pakistan's people have refused to allow violent extremism to derail the democratic process. They have shown courage by facing down the extremists and in so doing have given Pakistan the chance to build a stable, secure and prosperous future."

David Miliband, Foreign Secretary

The UK participated in the EU EOM, which published a report of the elections on 16 April. This made 83 recommendations to improve the electoral process and wider democratic environment to ensure that democracy takes root in Pakistan. These included recommendations:

- to support the development of an independent judiciary to provide effective oversight;
- to harmonise electoral laws;
- to increase participation (particularly from under-represented groups such as women and minorities);
- to improve voter education;
- to improve electoral roll;
- to improve the role of parliament; and
- to develop an independent election administration and enhance internal democracy within political parties.

Members of the government of Pakistan have promised a debate about the EU EOM report in the National Assembly, although this has not yet taken place. The UK, working with the EU, will help Pakistan take forward the recommendations made by the EU EOM. This is part of an enhanced EU commitment to Pakistan involving assistance and co-operation on economic development, trade, counter-terrorism, non-proliferation, human rights, migration, education and regional co-operation.

On 12 May, the Commonwealth Ministerial Action Group (CMAG) lifted the suspension imposed on Pakistan in November 2007 after its members were satisfied that Pakistan had met the conditions for re-instatement, which were:

- the repeal of the state of emergency and full restoration of the constitution and the independence of the judiciary; this included full restoration of fundamental rights and the rule of law curbed under the state of emergency;
- for President Musharraf to step down as Chief of Army Staff;
- the release of political detainees and activists, lawyers and journalists detained under the proclamation of emergency;
- the removal of media restrictions; and
- for Pakistan to move towards the creation of conditions for the holding of free and fair elections.

After the elections in February, the two main parties of the coalition government, the Pakistan's People's Party (PPP) and the Pakistan Muslim League – Nawaz (PML-N) announced that the new government would restore the judges dismissed by President Musharraf under the state of

emergency. Failure to reinstate all the judges led to the eventual split in the PPP–PML-N coalition in August.

In that period between February and August, the judges themselves mobilised what became the ‘Lawyers’ Movement’, which had considerable support from the media and the public.

Our position was clear, that we attach great importance to respect for independence of the judiciary as the cornerstone of the rule of law and we supported the efforts of the coalition leaders to find a solution that would see the judiciary restored. We continue to encourage reform that addresses the structural problems hampering the judiciary in Pakistan. We recognise the role of the judiciary as defenders of fundamental human rights protected by the constitution.

As a member of the UN Human Rights Council since 2006, Pakistan has expressed a desire to improve its human rights record but, until recently, had made little progress. In April, Pakistan ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) and signed the International Covenant on Civil and Political Rights (ICCPR) as well as the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (CAT). We are supporting the production of a study into the necessary legislative changes and impact of incorporating the ICCPR in Pakistan in order to help officials, legislators and civil society work towards its implementation.

Pakistan participated in the Working Group on the Universal Periodic Review (UPR) in May 2008. This mechanism of the UN Human Rights Council presented an opportunity for members, including the UK, to scrutinise Pakistan’s human rights record and make recommendations for progress. Significantly, most recommendations committed Pakistan to taking action, which will be reviewed in four years. At the UPR, the UK raised questions about how Pakistan would implement the international conventions it had signed or ratified to safeguard the rights of minorities and how Pakistan would monitor and investigate human rights violations perpetrated by the security forces.

In October, the Federal Cabinet approved a draft bill to set up a National Commission for Human Rights which is currently being considered by parliament. We are funding an awareness-raising campaign to support parliamentarians and civil society’s discussion about potential changes to the bill. The commission should have powers to investigate individual human rights abuses and to recommend ratification of international instruments and changes to national legislation. We hope the commission will become a voice in the defence and promotion of human rights in Pakistan, and that the newly appointed Federal Minister for Human Rights and Minority Affairs will be able to address these abuses.

Current concerns

Border areas

The government of Pakistan faces a difficult security situation in the Federally Administered Tribal Area (FATA) bordering Afghanistan. We share Pakistan’s concern about the security situation there, which poses a serious threat to Pakistan itself, as well as to UK and NATO International Security Assistance Force (ISAF) interests in Afghanistan. The UK and Pakistan co-operate closely to tackle the terrorist threat from the tribal belt. We support the government of Pakistan’s multi-pronged policy, combining security measures with political reform and economic development. We urge that all military action and security measures are part of a comprehensive approach to tackling the threat from violent terrorism and that it occurs within the parameters of international human rights standards.

In the FATA there has been concern that legislation has been used arbitrarily by Pakistan’s intelligence agencies to detain suspects in security and counter-terrorism cases. Prime Minister Gillani has set up a Cabinet Committee, which has made a series of recommendations aimed at reforming governance in the FATA. If these recommendations are implemented, they will bring increased accountability and transparency by introducing a right of appeal against decisions by FATA authorities, revising collective punishment provisions to make them more specific to individuals, and ensuring there are written records of all judicial casework.

In Kashmir, we continue to encourage those parties directly involved in the conflict to make progress through dialogue, not violence. This includes calling for an end to all external support for violence in Kashmir, and an improvement in the human rights situation there.

Counter-terrorism

Pakistan is an important partner in our efforts to counter terrorism and we work closely at all levels. We are concerned about reports of human rights abuses perpetrated by Pakistan’s intelligence and police authorities, including illegal and arbitrary arrests, enforced disappearances, extra-judicial killings, torture and impunity flowing from a lack of judicial oversight. We ensure our programme of support for building Pakistan’s counter-terrorism capability addresses the importance of human rights compliance based on internationally agreed human rights standards. We work closely with the government of Pakistan to help prevent extremism through support for development, governance and education.

Death penalty

The number of executions being carried out in Pakistan is on the increase. Approximately 7,000 prisoners are on death row. The majority of condemned prisoners are those convicted under trials that do not comply with minimum standards. Pakistan sanctions the death penalty for 27 offences, most of which go beyond the scope of the expression used in the ICCPR as most serious crimes.

Projects to improve women's rights

To help protect women's rights and improve access to justice, our High Commission in Islamabad supports projects that:

- **mainstream women's voices in Pakistan politically** – through the strengthening of a women councillors' network; this provides women from across the political spectrum with a base to promote liberal and democratic values;
- **encourage economic empowerment for peace and development** – to promote economic empowerment of young people and women through career guidance, employment services, entrepreneurship, improved access to information and developing the capacity building for Pakistan's Social Welfare and Women Development Department;
- **give women access to justice** – to promote the rule of law and human rights in rural areas by: improving access to justice, supporting community-based lawyers, supporting the creation of a lawyers' network, and sensitising government officials and young people of their obligation to protect and

promote human rights and promote the rule of law in society in order to counter ideological and theological practices;

- **break the barriers** – a project to counter the tradition of Sawara (giving a minor girl as compensation for a crime committed by a man to the victim's family); the project has been specifically developed to break the barriers to reduce and prevent the practice of Sawara and to bring about an attitudinal change in the target community;
- **raise awareness about honour crimes in Baluchistan and FATA** – through 10 radio programmes, produced and broadcast over 6 months on radio channels in Pakistan; these raised awareness of "honour crimes" and provided women with a chance to air their views and be heard in a public forum; and
- **raise awareness about forced marriage** – an area where our High Commission is particularly active, providing support to those affected and demonstrating that forced marriage is a violation of fundamental human rights.

In June, Prime Minister Gillani announced that he would commute all death sentences except for those imposed for the most heinous crimes to life imprisonment. We are encouraging Pakistan to action this commitment. The Supreme Court is currently considering whether this commitment can be upheld for those convicted by Shari'a courts. It is disappointing that executions have continued to take place while this is being considered.

Women's rights

There is a serious need to promote and protect women's rights in Pakistan. Pakistan ranks in the bottom third of the UN Gender Development Index, at 124th place out of 157, and the UN Gender Empowerment Measure, at 82nd out of 93. Further legislation is needed to ensure compatibility

with the International Convention on the Elimination of All Forms of Discrimination Against Women. This was raised during the UN Universal Periodic Review. There has been no legislation passed since 2006, when the Women's Protection Act brought rape under the penal code.

In August, it was reported that five women in Baluchistan were buried alive in an honour killing for planning to marry without family consent. The UK, through our EU partners, condemned this extreme violence through an official declaration, which called for the government of Pakistan to bring those responsible to justice.

The growth in extremism in Pakistan badly affects women who continue to be subjected to violence. Cases of acid



Women protesting in Lahore against the practice of honour killings in Pakistan.

burning and honour killings continue to be reported. Law enforcement agencies are reluctant to register these cases.

Progress has been made on representation of women in public office, but needs to continue. In the past 15 years the number of women National Assembly members has risen from 2 per cent to 30 per cent. Women are now more visible as political entities. In its report of 16 April, the EU EOM made a number of recommendations to promote the participation of women in the election process. It also recommended that political parties should set aside leadership and decision-making positions to women.

We hope the government of Pakistan takes forward further measures to protect women's rights. We will continue to encourage this progress through a range of political and project engagement. We are working to help Pakistan achieve the Millennium Development Goals in order to deliver better access to employment, economic development, health and education for women and girls.

Freedom of religion

With our EU partners, we have raised our concerns over the situation of religious minorities in Pakistan and the frequent abuse of the blasphemy legislation. Official discrimination, sectarian conflict and violent extremism in Pakistan cause significant problems for minority groups such as the Ahmadis, Christians and Hindus who face discrimination, detention and violence. Although former President Musharraf had made public statements in favour of reform or repeal of discriminatory legislation there has not been progress in implementing changes through the National Assembly.

With our EU partners we have made representations to the government of Pakistan on behalf of the Ahmadiyya community. The EU issued a demarche in July in response to the expulsion of 23 Ahmadiyya students from a medical college in Pakistan. In this demarche, the EU stressed the need for the Pakistani authorities to act consistently to guarantee the right of every citizen to profess, practise and propagate his religion. The students were later able to resume their studies.

During the Universal Periodic Review, Pakistan committed to introduce checks to regulate investigations into allegations of blasphemy and apostasy.

Enforced disappearances and illegal detentions

In April, Law Minister Farooq Naek announced that the government was collecting details of disappeared persons, and would release information about them. We are concerned at reports that thousands of people have been detained without access to a judicial process. Through our EU partners, we are encouraging the Pakistani authorities to release the names of those who have been detained secretly and to sign, ratify and implement the International Convention for the Protection of all Persons from Enforced Disappearances.

Freedom of the media

In response to restrictions placed during the state of emergency, the Commonwealth Ministerial Action Group required the removal of restrictions on the media as a condition for lifting Pakistan's suspension from the Commonwealth. We also called on the previous government of Pakistan to ensure that all media outlets were free to cover all aspects of the February election process so that voters could make an informed choice. Media freedom in Pakistan is now at a level similar to that before the state of emergency was imposed in November 2007. All private media broadcasters are back on air. On 11 April, Sherry Rehman, the Federal Minister for Information and Broadcasting, introduced a bill in parliament to repeal all the media restrictions imposed by President Musharraf during the state of emergency. A draft Freedom of Information Act is pending cabinet approval.

UK action

We are encouraging human rights reform through our regular dialogue with the government of Pakistan, both bilaterally and through the EU. It is a vital part of our commitment to support the government of Pakistan in building a prosperous and stable society based on parliamentary democracy and the rule of law. We are promoting a framework based on good governance, strong democratic institutions and development and security. This is essential to address the institutional weaknesses that contribute to human rights problems in Pakistan.

Our High Commission in Islamabad is funding and implementing 26 human rights-related projects in addition to funding support through donor organisations. Through the Public Diplomacy Fund, we are supporting projects on women's rights, training and creation of a lawyers' network of human rights advocates and on improving investigative journalism in Pakistan to encourage impartial reporting on political, electoral and human rights issues. Using the Strategic Programme Fund and Conflict Prevention Pool, projects are under way to raise awareness and teaching of human rights issues in schools throughout Pakistan:

- projects that support for Pakistan's Youth Parliament to promote democratic citizenship in conjunction with other programmes to encourage young people to develop understanding and commitment to democracy;
- programmes to promote governance, rule of law and human rights among vulnerable youths to encourage articulation of moderate views and counter extremism;
- projects that support capacity-building for civil society groups; and
- projects to facilitate trust between the Pakistani military and local communities by cultivating human rights awareness within the military.

The work of DfID in Pakistan is framed by the 2006

UK–Pakistan Development Partnership Arrangement, a 10-year joint vision based on a shared resolve to reduce poverty, address corruption, improve coordination between donors and respect international human rights obligations. DfID also approved that £3.5 million should be spent to support the electoral process in Pakistan, including strengthening the administrative capacity of the Election Commission of Pakistan (ECP) and supporting civil society to increase turnout and educate voters.

Forward look

The UK is committed to supporting a sustained democratic transition in Pakistan. In 2009, we will build on the progress we have made by working with our EU partners to enhance commitment to Pakistan in a new EU strategy. As well as human rights, the EU is committed to assistance and co-operation on economic development, trade, counter-terrorism, non-proliferation, migration, education and regional co-operation. We will take forward the recommendations made by the EU EOM by identifying ways to support the strengthening of democratic institutions and create a better framework in which to safeguard human rights. Through political and project engagement we will continue to encourage Pakistan's government to promote and protect human rights and fulfil the obligations it has undertaken by signing and ratifying international human rights treaties.

Russia

Overview

The UK welcomes and supports new President Dmitri Medvedev's stated agenda of promoting the rule of law in Russia, including his focus on tackling corruption, promoting judicial independence and reducing unhelpful bureaucracy. We want to see democracy in Russia deliver political pluralism and all its associated freedoms. We believe that an open and democratic Russia will provide better opportunities for the Russian people and consolidate Russia as a stable and reliable partner for the international community.

Although the presidential elections in March 2008 took place in a calm and peaceful atmosphere, the UK, EU and international observers raised their disquiet about shortcomings in the democratic process. Of particular concern were the unacceptable conditions the Russian government placed on international observers, limits to restrict the field of candidates and the lack of equal media access for candidates.

It was disappointing that the Russian government's actions, including restricting the numbers of election observers and delaying when they could travel, effectively forced the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly to withdraw from monitoring the presidential elections. Following the widely criticised Russian parliamentary elections in

December 2007, the UK urged Russia to allow international observers unrestricted access to future elections. The presence of OSCE observers would have provided expert, independent, election monitoring.

The UK's main areas of concern about human rights in Russia relate to media freedom, safety of journalists, civil society, racism and xenophobia, the penal system, and the situation in the North Caucasus. We continue to look to the Russian authorities to remove restrictions on their domestic media and NGOs, as well as to prevent other infringements of human rights. All these issues are recurrent themes in our bilateral and EU–Russia human rights dialogues.

Current concerns

Human rights defenders in Russia continue to face difficulties. Both the UK and EU urge Russia to respect and protect the right of human rights defenders and lawyers to conduct their work without hindrance, intimidation or harassment, in line with the UN Declaration on Human Rights Defenders and the UN Basic Principles on the Role of Lawyers.

Media freedom and safety of journalists

We remain concerned over journalists' safety, particularly in the North Caucasus following the assassination of journalist Abdullah Alishaev in Dagestan on 3 September and the death of Magomed Yevloyev, owner of an independent news website in Ingushetia, on 31 August. The attempted murder of Mikhail Beketov, editor of the *Khimkinskaya Pravda* newspaper, on 14 November is also suspected to have been connected to his professional activities. The low success rate in investigating and prosecuting these crimes highlights the serious risk to journalists' safety, which continues to undermine media freedom in Russia. We are aware of reports that journalists continue to be subject to pressure from the authorities, and that, as a result, many journalists practise self-censorship. There are also fears that the Law on Extremist Activity is being used inappropriately to curtail criticism of the government's policy in the North Caucasus. Although the internet, print media and radio offer a diversity of views, limited ownership of national television channels ensures that the majority of the population only has exposure to a narrow range of political views on sensitive issues. Opposition figures often find it difficult to access the mainstream media.

We highlighted the murder of journalist Anna Politkovskaya in last year's Report. We have been following developments in the investigation and subsequent trial of three men for their involvement in Politkovskaya's death. We have previously raised Politkovskaya's case with the Russian authorities and will continue to do so. We hope that those responsible – both for carrying out and contracting the murder – are brought to justice through a fair trial procedure.



A protestor lies on the ground after he was beaten by far-right activists during a gay pride rally in Moscow on 2 June. The rally had been banned by the Russian authorities.

Racism and xenophobia

Ethnic discrimination and anti-Semitism in the Russian Federation is a major concern, particularly the growing levels of xenophobic feeling. The trend of violent attacks on non-ethnic Russians continues. According to the Moscow Human Rights Bureau, in 2008 there were 292 xenophobia-related attacks and conflicts registered in Russia, resulting in the deaths of 122 people. Meanwhile, the Sova Center for Information and Analysis calculates that in 2008 there were only 33 guilty verdicts for violent hate crimes. In September, the European Commission Against Racism and Intolerance (ECRI) noted the progress made in amending Russian criminal laws aimed at countering racial discrimination, racism and extremism but voiced concern about adequate implementation of legislation. As well as noting increased levels of racist violence in Russia, ECRI reported increased racist and xenophobic discourse in politics and was concerned by the situation of asylum-seekers, refugees and the working conditions of migrants from CIS countries. We welcome President Medvedev's condemnation of "any ethnic or religious enmity" in his inauguration speech on 9 May.

Civil society

While we welcome the Russian government's action to combat xenophobic attacks, we have concerns that the amendments to the Extremist Activity Law outlined in last year's Report continue to provide an avenue for silencing dissent and targeting opposition figures. According to recent reports by Human Rights Watch and Amnesty

International, both the 2006 NGO law and law on extremist behaviour have been used to target and restrict certain individuals, including members of opposition parties, human rights defenders and NGOs. On 4 December, state investigators raided the St Petersburg office of Memorial, an internationally respected NGO researching human rights abuses from the Soviet era, under the law against extremism. The UK urges the Russian authorities to return the archive material seized as this represents decades' worth of research into the victims of political repression under Stalin. The EU issued a statement expressing concern about the use of the law against extremism against such an organisation.

New legislation has removed the right to a jury trial for those accused of terrorist acts, espionage, sabotage, subversion of the state and organising mass disorder. The Public Chamber, the state oversight committee, has described the changes as 'non-constitutional' and as heralding 'a decline in civic rights and freedoms'.

Penal system

We share the Russian authorities' concerns about their penal system. In his 2007 report, the Russian Human Rights Ombudsman Vladimir Lukin said, "The conditions of custody in many penitentiaries are actually similar to torture." Of particular concern is: over-crowding in prisons, due in our view mainly to the slow introduction of alternatives to imprisonment; the lack of public control over the penitentiary system; and abuse of prisoners by other

prisoners and prison officials. Overcrowding, poor diet and little exercise are contributing to poor sanitation and serious health problems for prisoners. Hepatitis, TB and HIV/Aids are all prevalent within the prison population.

North Caucasus

The security situation in the North Caucasus remains fragile, with a particular deterioration in security in Ingushetia and Dagestan. Steady improvements in stability and security in Chechnya have, however, continued over the past year. Rapid reconstruction programmes are raising living standards. The number of reported abductions and violent killings continued to reduce in 2008. However, the Council of Europe's Committee Against Torture noted ongoing allegations of torture by local forces. Reports also suggest that the Chechen authorities exert heavy pressure on local media and NGOs to restrict their activities and avoid all criticism of the authorities' actions.

There are regular reports of explosions and shootings carried out by rebel groups elsewhere in the North Caucasus. In Ingushetia, Human Rights Watch reports that human rights violations, including abductions, torture and extra-judicial killings, are largely carried out by federal law enforcement bodies in the course of security operations, and are almost never investigated. This impunity is fuelling further human rights violations.

In an October report, Russian human rights group Memorial noted militant attacks and counter-terrorist operations in Dagestan have increased. Their reports suggest that security forces target individuals on a list of so-called 'Wahhabist Muslims', irrespective of their involvement in terrorism. Allegations of arbitrary detention and torture of suspects are also deeply troubling. The situation is exacerbated by the poverty, corruption and lack of democratic accountability that pervade the region, and undermine long-term security. We continue to raise with the Russian government our concerns about reports of human rights violations across the North Caucasus region.

UK action

We raise human rights related concerns in both bilateral and EU human rights consultations. EU–Russia human rights consultations are held every 6 months, most recently on 20 October 2008. A UK–Russia bilateral consultation took place in January 2009. We have underlined that the objective of improved standards of human rights protection and promotion derives from Russia's international obligations rather than a 'Western' framework and is consistent with Russia's active participation at the UN, including through the Human Rights Council and in the Council of Europe.

The UK is spending £1.5 million in 2008-09 on projects supporting human rights and conflict prevention in Russia. Through the Strategic Programme Fund we are supporting NGOs working to promote media freedom and journalists'

safety in Russia. We currently fund the Foundation for Independent Radio Broadcasting to raise awareness of media law issues in Russia's regions. In the North Caucasus, the Conflict Prevention Pool supports projects run by the NGO Article 19, and local NGOs working to enhance media professionalism and journalists' protection.

Two projects funded through the Conflict Prevention Pool are creating mechanisms for co-operation between federal and local authorities and civil society to prevent new inter-ethnic conflicts. We are also working to address the past injustices of the conflict by funding organisations that work with victims' families in the North Caucasus to improve access to justice through the European Court of Human Rights. The situation in the North Caucasus remains an issue of importance in our ongoing bilateral and EU discussions with Russia. With EU partners, we raised the latest developments in the North Caucasus at the EU–Russia Human Rights Consultations on 20 October.

We are working with the Russian government in several ways to address issues in the penal service, including:

- through a project with the EU's Technical Aid to the Commonwealth of Independent States programme, sharing UK experience on alternative sanctions to prison including electronic monitoring to address the issue of over-crowding;
- by funding a project, through the Strategic Programme Fund, to develop a network of schools for public inspectors of prisons in Russia; and
- by providing funding to a non-governmental organisation, Nizhny Novgorod Committee Against Torture, which is working with prison authorities to combat torture and address the high number of complaints of beatings and abuse by penitentiary personnel.

In spring 2008, the Russian NGO Social Partnership completed a three-year SPF (formerly GOF) supported project on penal reform.

The project supported prison reform in Russia by equipping individuals from the community to inspect prisons independently, using the UK's Prison Board of Visitors as a model. As well as establishing a series of schools for public inspectors, the project contributed to a large-scale programme training governmental bodies and members of the penitentiary system in European standards and practices of prisoner treatment, attracting joint EU funding in the process.

The project partner also played a key role in drafting new federal legislation in this area. In June, President Medvedev signed a new law vesting public control of penitentiary institutions in regional supervisory commissions. These commissions are to be formed by the Public Chamber in conjunction with selected NGOs to monitor the observance

of human rights in prisons and, where necessary, provide assistance to prisoners.

Forward look

We will continue to monitor closely Russia's adherence to its human rights commitments and obligations during 2009, and will raise any concerns we have frankly with the Russian authorities, bilaterally, as well as through multilateral fora and international institutions. We encourage Russia to engage constructively with the UN Universal Periodic Review in February 2009. We believe that a strong, independent media is essential to foster and protect democratic freedoms in Russia. We will also encourage Russia to follow through on its commitments to uphold the rule of law.

Saudi Arabia

Introduction

Although there have been some improvements in recent years the overall human rights situation in Saudi Arabia remains poor. The UK has particular concerns over the use of the death penalty, corporal punishment, and the quality of judicial procedure. Efforts to reform the judicial system are under way, but so far there has been limited progress. The level of freedom afforded to the local media has improved, but major limitations remain. It is important to note that many of our concerns regard punishments proscribed by Islamic Shari'a law, a legal system supported by most Saudis.

Recent developments

In 2008, Saudi Arabia was elected to the new UN Human Rights Council (HRC) for three years. Serious concerns remain, despite Saudi membership of the HRC, and it being a signatory to the Universal Declaration on Human Rights, International Convention for the Eradication of all Forms of Racial Discrimination, Convention for the Eradication of Discrimination Against Women, Convention against Torture, Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

In 2008, Human Rights Watch issued five reports on Saudi Arabia. These reports presented a detailed analysis of specific weaknesses in the Kingdom's criminal justice system, the treatment of domestic workers, the condition of the Ismaili minority, the age of legal responsibility and guardianship regimes.

Improvements in the human rights situation in 2008 include greater discussion of religious freedom as a result of the King's interfaith dialogue initiative and greater access to judicial facilities in the regions of the Kingdom.

In June, following an initiative by EU heads of mission to formalise a human rights dialogue with the Saudi

authorities, an EU Human Rights Experts Group was formed. The group met Saudi interlocutors to discuss elections and women's participation, support for and promotion of civil society and human rights defenders, freedom of religion, corruption and the enforcement of new human rights compliant legislation by local authorities, the abolition of the sponsorship system for foreign and migrant workers, and the abolition of the guardianship system for women.

King Abdullah instigated the holding of a conference on dialogue between religious faiths in Madrid in July. This led to a UN meeting in New York in November 2008. The UN meeting brought together prominent religious leaders from a variety of faiths and political leaders including the Prime Minister. The dialogue has led to an increase in internal discussions of respect for other faiths.

Current concerns

Death penalty

It has been estimated that there were 97 executions in 2008, down from 157 in 2007.

Amnesty International's report of October 2008 highlighted the high proportion of nationals from developing countries who are executed in Saudi Arabia. The UK government shares Amnesty International's concerns, including about the execution of juveniles (Saudi Arabia is one of only five countries in the world which continues this practice), and lack of due process.

Corporal punishment

The Saudi legal system continues to use corporal punishment for some crimes. This includes the amputation of hands for those repeatedly convicted of theft, or flogging for other offences. On 25 November, a Saudi national was sentenced to 12 years in prison and 8,000 lashes for drug smuggling.

Religious police

The religious police (muttawah) continue to exercise their powers in enforcing Saudi standards of decency and morality, although they have been subject to greater media scrutiny in recent months and have had to account for more of their excesses.

There were a number of cases in 2008 where the religious police exceeded their powers, including cases of car chases, arrests without civil police authority and accusations of violence.

Access to justice

Following the October 2007 plan to reform the Saudi judicial system, some gradual improvements have occurred. These include plans to construct new courts in the different regions of Saudi Arabia in order to improve access to justice for Saudis living outside the three urban conurbations.

Freedom of religion and treatment of minorities

Islam is the official religion and all citizens are required to be Muslims. The legal system is based on a government-sanctioned interpretation of Islamic Sharia law.

Renouncing religious belief in Islam is an offence punishable by death. The public practice of any religion other than Islam is banned. Concerns remain about the treatment of religious minorities in the Kingdom. Shi'ites, Ismailis and Suffis are poorly represented in the senior government bureaucracy, municipal councils and public companies. It is hoped that the interfaith dialogue launched by King Abdullah in 2008 will improve the situation for religious minorities in Saudi Arabia.

Women's rights

Women in Saudi Arabia continue to face severe restrictions, which have the support of the majority of Saudi men and women. Women have guardians who have legal power over them. These can be fathers, husbands, brothers, even sons. Women require the permission of their guardian to work, travel, study, marry, receive health care or access public services. Human Rights Watch published a report that highlighted the extent that this system infringes human rights. Women are also not allowed to drive and their employment opportunities are limited despite the fact that over half of Saudi graduates are female.

There is evidence that there has been some expansion in women's roles. The number of Saudi women travelling abroad for education is rising, and there are some prominent women in business. In 2008, women were nominated for membership of the Jeddah chamber of commerce.

Last year the Saudi government started to issue individual identification cards to female citizens who hold valid passports. The uptake so far has been slow.



UN Special Rapporteur on Violence Against Women, Yakin Ertürk.

Freedom of expression

Freedom of expression is limited; there are few facilities or outlets for those who wish to express their views. The internet is heavily censored. Those who call for change face possible detention, torture and imprisonment without trial. The Saudi government continues to deny requests to form human rights groups, which leaves human rights activists vulnerable to intimidation.

The government appoints newspaper editors and has the power to remove them. However, although the level of freedom afforded to local media is increasing, journalists continue to practise extensive self-censorship. Reporting now covers a number of previously taboo social issues such as child abuse and domestic violence, but there is little if any investigative reporting.

Several prominent human rights activists have been arrested and detained without trial in 2008, including a subject previously held between 2004 and 2007 who was re-arrested in May 2008 for making a public complaint about prison conditions. On 5 June, 137 Saudis issued a petition calling on the King to release him or at least allow his lawyers access. A Saudi 'blogger' was released on 26 April after 137 days in custody without charge. The Ministry of the Interior maintained that he was given ample warning to desist from publishing a named critique of prominent officials.

UK action

The promotion of human rights, including freedom of thought, conscience and religion, is at the heart of British foreign policy. We take every opportunity to urge Saudi Arabia to pursue laws and practices that foster tolerance and mutual respect.

The Foreign Secretary raised our human rights concerns with the Saudis during his visit to Riyadh in April and during Prince Saud al Faisal's visit to London in November. The UK makes its positions known at working, ambassadorial and ministerial level reminding the Saudis of their obligations as signatories of human rights conventions and treaties.

Our projects are designed to make effective and significant contributions where we can. During the course of this year we have run projects that have supported shelters for victims of domestic violence, delivered training which supports the participation of women in the charity sector, and worked to train Saudi law enforcers in the use of modern methods of DNA analysis and evidence collection in order to give them alternative ways of securing convictions.

We continue to work closely with the Human Rights Commission and the National Society for Human Rights. Established by Royal Decree, their remit includes investigating human rights abuses.

We also work with EU colleagues to coordinate our dialogue on human rights with Saudi Arabia. This includes our active membership of the EU Human Rights Experts Group formed in June 2008.

Forward look

In 2009, the UK will support programmes aimed at promoting the rights of women, including in business; strengthening links between charities; and strengthening the capacity of Saudi NGOs, including those engaged in promoting human rights and democracy. We are exploring ways in which we can support judicial reform.

Through the Two Kingdoms Dialogue we engage with and encourage the development of civil society in Saudi Arabia. The next meeting will be held in Riyadh in April 2009. We expect the agenda to include education, civil society and women's participation. The overarching aim is to promote civic structures which will underpin increased support for human rights.

In February 2009, Saudi Arabia will undergo its Universal Periodic Review at the UN Human Rights Council. In preparation for this the UK will work closely with the authorities to ensure that Saudi Arabia receives a full and honest appraisal of the human rights situation in the Kingdom, the improvements which are taking place, and areas of continued concern.

The UK will continue to raise human rights concerns at every level. Our strategy remains to work with those in Saudi society who are advocating reform, in order to build indigenous and governmental support for full application of human rights standards. Progress will be slower than we would want. But detached criticism of the situation would hold less prospect of bringing about real change. We expect improvements in the human rights situation to come from discrete support for groups and individuals, both inside government and in fledgling civil society organisations, who are promoting human rights as well as continued advocacy with the relevant government institutions.

Somalia

Introduction

Somalia's human rights record remains poor. Violence and fighting continue throughout much of the country – particularly in Mogadishu and other areas of South and Central Somalia. Many factions and splinter groups contribute to the general instability. Widespread abuse against civilians continues. Further north, the Puntland and Somaliland regions are more stable, but human rights advocacy organisations continue to report human rights problems.

The Transitional Federal Government of Somalia has made little progress in implementing a transitional period of government, writing a constitution or organising elections. Drought and famine are causing an increasing number of Somalis to rely on international aid.

In Somaliland elections originally scheduled for 2007 were postponed twice. But voter registration has taken place and we believe the elections will now go ahead in March 2009.

Current concerns

Somali human rights organisations report that it has become increasingly difficult to operate within Somalia. Many human rights workers and other humanitarian organisation employees have been targeted. Some have received death threats, others have been killed. The insurgents known as the Shabaab are widely believed to be responsible for the direct targeting of aid workers in Somalia.

The freedom of the press is also under threat. Both the government and the insurgents are accused of suppressing journalists. A BBC journalist said: "No reporter in Mogadishu will ever say that any Shabaab have been killed or that they killed civilians. It is more than his life is worth. If we say that civilians have been killed you have to read between the lines and assume Shabaab killed or doing the killing."

During 2008, reports from Mogadishu indicate that it has become increasingly difficult to determine which groups are responsible for violence and attacks in civilian areas of the city. Insurgents regularly launch attacks against Ethiopian troops from civilian areas to draw return fire. They are then able to blame the Ethiopians for civilian deaths. Somali government forces and Ethiopian troops are reported as responding with disproportionate force, which they deny. Those who object to Shabaab presence are killed. Civilians are caught between the rival factions and troops and put at increased risk. Ethiopian troops present in Somalia are accused of criminal activity and human rights abuses. The Ethiopian government denies that their soldiers perpetrate abuses as a matter of policy. On 25 November, the Ethiopian government wrote to the Secretary General of the UN to announce its intention to withdraw military forces from Somalia at the end of 2008.

Violence against women, including sexual violence, is widespread. In October, a 13-year-old girl who had been raped was stoned to death in Kismayo, accused of adultery. Women and children who have become internally displaced or are living in refugee camps are particularly vulnerable. The use of child soldiers is widespread.

Reports indicate that the stoning incident has led to many Somali people protesting and questioning the use of such punishments within their own community. There is growing frustration about the lack of a functioning justice system.

UK action

Engaging in effective state-building will address human rights in the long term. The UK is leading the international effort to re-build the Somali state, shaping UN Security Council policy and through our membership of the Contact

Group. We continually press for greater focus on human rights capacity-building in Somalia.

The UK has raised its concerns with the Ethiopian government regarding alleged human rights abuses by its troops in Somalia.

To be effective and have a sustainable impact, measures to combat human rights abuses should be part of a broad approach to peacebuilding. We have asked the UN to produce a comprehensive plan, and to build capacity to monitor and report on the human rights situation in Somalia.

We supported the Human Rights Council resolution on 20 March to renew the mandate of an independent expert and requesting the UN Office of the High Commissioner for Human Rights (OHCHR) to strengthen its presence in Somalia. We ensured that the mandate renewal was linked to UNSCR 1814 in May.

We co-chair the donors group and are the second largest bilateral humanitarian and development donor. The UK is also the second largest donor for the African Union Mission to Somalia. We remain one of the few major donors to the UN Development Programme led effort to develop a full justice system, including more professional and better trained police, a judiciary and proper prisons.

In March, we sponsored a meeting in New York of members of the UN Security Council and the NGO community to discuss human rights and humanitarian issues and exchange views on how to achieve progress in Somalia. We were the only Security Council member to call for this meeting.

We regularly meet human rights organisations, including Human Rights Watch, Amnesty International and others. We appreciate their efforts at gathering information and evidence on human rights. Given the difficulties and complexity of the situation, there is little opportunity to monitor the limited institutional system, to gather and verify facts or to understand fully what's actually happening on the ground.

Forward look

Several organisations have frequently called for a UN commission of inquiry investigating alleged human rights abuses to be established for Somalia. We support the establishment of a commission of inquiry, but the timing must be right. It is difficult to gather verifiable information and evidence that would stand up to scrutiny. Launching an inquiry at the wrong time could have unintended consequences and increase the threat to the humanitarian community and the UN.

Insecurity in Somalia makes monitoring human rights and gathering reliable evidence very difficult. We work with EU and UN agencies to find solutions to improving monitoring

Case study – Somaliland

Through the Department for International Development's (DfID's) programme work with the UN Development Programme in the Somaliland region we have improved the access of vulnerable groups to legal systems through women and child desks in Hargeisa and a legal clinic at Hargeisa University. In partnership with UNICEF and UNESCO, DfID has supported girls' education in Somaliland with after school clubs and using the media for radio and face-to-face literacy classes for girls. We have set up a network of nomadic education actors, improving educational opportunities for those unlikely to attend school. We undertake a wide range of other humanitarian work in Somaliland, including malaria prevention, training for emergency obstetric care, training women entrepreneurs in business and management, and contributing to the Somaliland democratisation programme.

without endangering victims or the individuals tasked with investigating allegations. We urge the Somali government to embrace its responsibility to protect the human rights of its citizens. We believe that governance and rule of law in Somalia is the best way to improve human rights and are working closely with international partners and the Somali government to achieve this.

The announced withdrawal of troops from Somalia may lead to increased stability in Southern Somalia, with a reduction in conflict and human rights issues.

During talks in Djibouti in November, the Somali political leaders held a workshop on justice and reconciliation, which concluded with agreement to "possibly establish a Commission of Inquiry and an international court to address violations of human rights and international law and impunity in their country". The Somali leaders also declared that a joint working group has been established to follow up on the preparation of a conference on justice and reconciliation in 2009.

The UK will work to support the agreements reached in Djibouti and endeavour to support the success of the working group on justice and reconciliation. Recognition by the Somali political leaders that human rights violations need to be tackled provides the opportunity to develop a Somali-led and Somali-owned process for addressing impunity and bringing justice to the victims of violations.

Sudan

Introduction

The 2005 Comprehensive Peace Agreement between North and South Sudan formally brought to an end the longest-running civil war in Africa. The subsequent Interim National Constitution included a bill of rights that enshrined the principle of human rights at all levels of government and society. Despite this, Sudan's human rights record is poor and a culture of impunity is widespread. Our concerns continue to include the death penalty; women's rights; torture; Hudud punishments (amputation, flogging and stoning); freedom of the media; and harassment and arrest of activists and political figures. Many parts of the country remain insecure with a proliferation of small arms. In Darfur there continue to be systematic violations of human rights and lack of respect for international humanitarian law by government, militias and rebel groups.

Recent developments

There has been some progress in Darfur with the deployment of the hybrid UN–African Union peacekeeping force for Darfur (UNAMID); the appointment of the UN–African Union chief mediator for the Darfur peace process, Djibril Bassolé, former Foreign Minister of Burkina Faso; and the Sudan People's Initiative, which was launched by the Sudanese government in July to find a solution to the conflict in Darfur.

The 2005 Comprehensive Peace Agreement led to the formation of a Government of National Unity, provisions on the sharing of power and wealth and a – largely observed – ceasefire across southern Sudan. However, rights enshrined in the agreement and constitution have had little impact on the ground. For example, the National Human Rights Commission, which should have been established under the Comprehensive Peace Agreement, has not yet been set up. On a more positive note, the head of the Southern Sudan Human Rights Commission (created in mid-2007) was upgraded to ministerial rank by the government of southern Sudan in October.

The Sudanese government is falling short of its human rights commitments. There have been no improvements in press freedom. Political prisoners continue to be detained. All sides of the conflict in Darfur continue to commit human rights abuses. We have made clear that there must be no impunity for those who have committed these crimes.

The ability of humanitarian agencies to assist those affected by conflict in Darfur continues to be restricted by government bureaucracy and harassment. In 2008, the Sudanese government closed down some programmes that seek to address protection issues, including gender-based violence.

UK action

We are working with the international community to bring lasting peace and security to Sudan. Lord Malloch-Brown, Minister for Africa, visited Sudan in January 2008 and the Foreign Secretary visited Sudan in July. They reaffirmed the UK commitment to a peaceful and prosperous future for Sudan, and pressed the Sudanese government on implementation of the Comprehensive Peace Agreement and to find a sustainable, negotiated solution to the conflict in Darfur.

Humanitarian situation

The UK continues to push for full access for humanitarian agencies operating in Darfur at all levels with the Sudanese government. The UK has committed considerable resources to alleviate the immediate humanitarian crisis, and we are the second largest bilateral humanitarian donor, having contributed over £334 million in humanitarian assistance to Sudan (£174 million to Darfur) since April 2004. The International Development Secretary in March 2008 announced a UK contribution of £40 million to the Common Humanitarian Fund (CHF), a pooled fund at the disposal of the UN Humanitarian Co-ordinator to allocate to areas of greatest need across Sudan. Among other things, the CHF supports a number of women's rights projects in Sudan, with a total allocation for 2008 of over \$150 million. Projects are implemented by various UN agencies and NGOs and include action on civilian protection, including sexual and gender-based violence in Darfur and southern Sudan.

Darfur peacekeeping

UNAMID is vital to restoring peace and stability in Darfur. It is seeking to improve security for internally displaced persons and ensure humanitarian agencies can operate effectively, but has limited capacity to do this effectively. In the second half of 2008, there was some progress. UNAMID has established a full-time presence in Kalma Camp in Nyala, South Darfur, following a raid in August by government forces that resulted in 33 deaths. Patrols, including protection for women collecting firewood, have been stepped up in some areas, but frequency, reach and presence remain below what is required. The UNAMID civilian element is meeting civil society and starting mine clearance and education, including on human rights issues.

Deployment of UNAMID is still too slow – the current target is 85 per cent of full strength by March 2009. Lord Malloch-Brown pressed the UN again for the rapid and effective deployment of UNAMID during his visit to New York in September. The UK continues to support UN efforts to fill shortfalls in the force, including through extensive lobbying for helicopters and other key units. On 19 March, the Prime Minister announced £4 million in UK support for training and equipping African troop-contributing countries for UNAMID. In addition to our very substantial contribution to UN assessed costs, we are also providing pre-deployment training for UNAMID police. We are also pressing the government of Sudan to co-operate fully with UNAMID. The Foreign Secretary followed up these issues



A Sudanese child looks on at two soldiers from the UN-African Union mission in Darfur.

with President Bashir during his visit to Sudan in July, and with Vice-President Taha during their meeting in New York on 27 September.

Darfur peace process

Ultimately, peace can only be achieved through a political process. We welcomed the appointment on 30 June by the UN and African Union (AU) of a single chief mediator for the Darfur political process, Djibril Bassolé, formerly the Foreign Minister of Burkina Faso. We have committed £1 million to support the UN–AU to lead the process and we stand ready to support Mr Bassolé in his efforts to reinvigorate the peace process, including by hosting talks if this would help. Securing a sustainable peace deal for Darfur also requires effective consultation and engagement with all parts of Darfuri society, including Arab tribes. We are funding key positions within the mechanism for consulting civil society – the Darfur-Darfur Dialogue and Consultation.

The International Criminal Court

There can be no impunity for the crimes committed in Darfur. The UK priority is to ensure that all violations of international humanitarian law cease, and for the perpetrators to be held to account. The UK co-sponsored UN Security Council Resolution 1593 (on 31 March 2005) referring human rights violations in Darfur to the International Criminal Court (ICC). On 2 May 2007 the ICC issued arrest warrants for two individuals for alleged crimes in Darfur. They have still not been surrendered to the Court. On 14 July, the ICC Prosecutor submitted a new application to the ICC judges regarding Sudanese President Omar-al-

Bashir. We have continued to press the Sudanese government to co-operate with the ICC. The Foreign Secretary raised this with President Bashir on 9 July. In November, the ICC Chief Prosecutor Luis Moreno Ocampo submitted a new application to the ICC judges regarding rebels who attacked African Union peacekeepers.

UN Human Rights Council

We support the council's work on improving human rights in Darfur. The UK worked to ensure the September 2008 renewal of the mandate of Dr Sima Samar, the UN Special Rapporteur for Human Rights in Sudan. We look forward to Dr Samar's next report and further discussions in the Human Rights Council in June 2009.

Press censorship and harassment of the media

We are concerned by growing press censorship. In November, 63 journalists were arrested and then released following protests against press censorship, and 150 journalists staged a hunger strike on the same issue. We encourage the Sudanese government to take the opportunity of the current revision of the media law to ensure the freedom of the press.

Southern Sudan

The situation in Southern Sudan reveals examples of poor access to justice, weak control over security services and continuing inter-communal violence. Because of this, a culture of impunity remains. The UK gave £9.75 million between 2005 and the end of 2008 to fund a major programme on safety, security and access to justice, which includes providing support to rule of law organisations and

law enforcement bodies. This has provided substantial capacity-building support to the Southern Sudanese government's Ministry of Legal Affairs and Constitutional Development. This work will be taken forward from 2009 in a Justice and Police Development Programme. We are supporting the Southern Peace Commissions and the Southern Sudan Human Rights Commission and have funded several smaller projects, working with national NGOs to raise awareness of human rights issues with local communities. In particular, we support the Southern Sudan Human Rights Commission's plans to place human rights monitors in each of the southern states and recently funded the training of delegates to take up these positions: 34 human rights defenders completed their training at the end of November.

The threat to civilians in Southern Sudan posed by the Lord's Resistance Army (LRA) receded following the 2006 launch of the Juba Peace Process. However, Joseph Kony has repeatedly refused to sign and implement the final peace agreement unless the ICC arrest warrants against him and others in the LRA leadership are lifted. This refusal to engage in the peace process led to military action against the LRA by the governments of the Democratic Republic of Congo, Uganda and Southern Sudan in December. Following the launch of this action, the LRA splintered into smaller groups and LRA activity increased in Southern Sudan with several deaths and abductions of adults and children reported by the end of December. With the LRA's leaders still at liberty but under significant pressure, human rights remain under threat. The Southern Sudanese government, along with other regional partners, has an obligation to support the ICC in executing the arrest warrants issued for the LRA leadership. We welcome increased regional co-operation to ensure the LRA leaders are brought to justice.

Children and armed conflict

The Sudanese government has begun to implement the recommendations of the UN Secretary-General's report of 2006. Child soldier recruitment in Darfur has grown with the multiplication of rebel factions. We have called on all parties to implement the recommendation of the UN Secretary-General's reports without delay.

Sexual and gender-based violence

Armed individuals in Darfur frequently commit sexual and gender-based violence. Tackling this is a priority at the regular meetings between the international community and the Sudanese government. We continue to press the Sudanese government to implement its action plan to eliminate violence against women. The UN's Common Humanitarian Fund, to which the UK is the largest donor, funds a number of programmes that seek to protect and support women affected by gender-based violence. Projects are implemented by UN agencies and NGOs and include action in Darfur and southern Sudan.

Death penalty

We regularly raise human rights issues including the death

penalty with the Sudanese government. We will continue to use existing human rights fora to discuss the death penalty abolition (or moratorium) including through the EU and the EU–Sudan Human Rights Dialogue.

Individual cases

We regularly raise the cases of individuals who have suffered abuses of their human rights with the Sudanese government through our Embassy in Khartoum and ministerial contacts. We know that in some cases concerted international pressure has led to the release of human rights defenders and other detainees.

International obligations

The Sudanese government has ratified many international and regional human rights treaties, but not fully implemented them in domestic law. Sudan has refused to sign the Convention for the Elimination of Discrimination Against Women because of concerns over incompatibility with Shari'a and Sudanese tradition. Sudan has also signed but not ratified the Convention Against Torture. The government is still considering these treaties, and we have offered our full support to help the government adhere to them.

Projects

We support a range of projects related to human rights, including human rights training for prison officers, strengthening the application of the rule of law and access to justice for victims of human rights abuses, and support programmes on human rights and peacebuilding activities. We have also supported media campaigns that have sought to tackle violence against women and children.

Forward look

We will continue to raise human rights issues frequently with the Sudanese government and work with human rights NGOs and international organisations, including the UN Human Rights Team. We will continue to press the Government of National Unity and the government of southern Sudan to implement all parts of the Comprehensive Peace Agreement and to investigate all reports of human rights violations urgently, transparently and without prejudice. We will work with the AU and UN to support a negotiated peaceful solution to the Darfur crisis, underpinned by an effective peacekeeping force and unimpeded humanitarian access.

Syria

Introduction

The Syrian government's human rights record continues to be a cause for concern. The situation for Syria's Kurdish population has deteriorated significantly. Around 4,000 political prisoners, many of them members of the banned Muslim Brotherhood and the Communist Party, remain imprisoned in Syria. The Emergency Law, imposed in 1963,

severely restricts basic rights. Public calls for its repeal by Syrian reformers have not been heeded. The Foreign Secretary raised human rights during his visit to Syria in November.

Current concerns

Civil society

As reported in the 2007 Report, the development of civil society is severely restricted: all NGOs require government approval to be established, to undertake any activities or to accept foreign funding. The establishment of a Syrian Human Rights Council, proposed by the Baath Party in 2005, has been delayed indefinitely by the Syrian government.

On 7 August, economics professor Aref Dalila was released 7 years into a 10-year sentence for criticising government policies in articles and remarks. Dalila is the last to be released of a group of 10 activists detained in the 2001 crackdown following a brief period of openness known as the 'Damascus Spring'. The authorities held Dalila in solitary confinement, and his health deteriorated sharply in 2006 following a stroke. Four of the activists detained with Dalila in 2001 and subsequently released (Kamal Labwani, Habib Saleh, Riad Seif and Walid al-Bunni) were recently imprisoned again for their peaceful opposition activities.

The 'Damascus Declaration Twelve', a group of intellectuals and activists, were arrested in December 2007 after calling for democratic reforms in Syria. The 12 were charged in the Criminal Court on 30 July, in the biggest collective prosecution of Syrian dissidents in 7 years. On 29 October, all 12 defendants, 11 men and one woman, were sentenced to two and a half years' imprisonment for the crimes of damaging the dignity of the state and distributing false news.

Basel Ghalyoun has been held in detention by the State Security Branch in Damascus since 22 July. He was sentenced in Spain in October 2007 to 12 years in prison for his alleged role in the Madrid bombings in 2004. However, his conviction was overturned by Spain's supreme court on 17 July 2008. He was subsequently deported to Syria by the Spanish authorities. According to his lawyer, since his arrest he has been allowed only one phone call to his family.

Restriction of basic rights

As noted in the 2007 Report, arbitrary arrests have continued during 2008. Reports have been published about torture in prison, poor prison conditions, arbitrary arrests and detentions, absence of rule of law and severely restricted civil liberties. In their report *No Room to Breathe* dated 18 October, Human Rights Watch noted that:

"...the most serious barrier to the rights and freedoms of Syria's human rights community lies not in the law but in the role of the powerful security services, which routinely harass human rights groups and scrutinise their leaders,

activities, and funding. The security services frequently operate even beyond the provisions of Syria's strict laws to arbitrarily break up meetings of human rights groups, bar activists from traveling, arrest them, and refer them to trial under charges such as 'spreading false information' and 'weakening nationalist sentiments'.

Freedom of the media

The 1963 Emergency Law continues to allow the Syrian government to censor the media, and 153 internet sites have had their access blocked. Facebook and YouTube are banned as are all opposition party sites and many Lebanese news sites. Reuters news agency reported Syrian officials as saying that internet controls were needed to guard against attempts to spread sectarian divisions and "penetration by Israel". In 2008, the Syrian government banned popular pan-Arab dailies *Al Hayatt* and *Sharq al Awsat*.

Rights of Kurds

Syria's estimated 1.7 million Kurds continue to suffer from discrimination, lack of political representation and tight restrictions on social and cultural expression. Around 300,000 are still denied citizenship. Approximately 150 Kurds are at present being held in custody as political prisoners. In March, the army opened fire on a celebration of Kurdish New Year (Naw Roz) in north-east Syria, killing three people.

On 10 October, the President issued Decree 49, which questions the right of Syrian citizens to hold property in the border areas of the country. There are to be, with immediate effect, no more entries in the land register. Property can no longer be bought or sold, nor can it be bequeathed to legal heirs. Those affected are the Kurds, concentrated in three areas on the Turkish-Syrian border: Hasaka, Al-Raqah and Aleppo.

The long-term policy of dispossession by Syria is causing mass poverty (80 per cent of Kurds now live below the poverty line, compared with 40 per cent in 2005) and migration. Kurdish leaders estimate that 50 per cent of those living in the Kurdish villages along the border in 2007 migrated to Damascus and Aleppo in 2008.

In October, 7 Kurdish parties and organisations demonstrated against Decree 49; 187 people were arrested, among them Dr Abd al Hakim Bashar, leader of the Kurdish Democratic Party, the largest Kurdish coalition party in Syria.

UK action

The Foreign Secretary raised human rights during the visit of the Syrian Foreign Minister to London, and during his visit to Syria. In addition, during his June visit to Damascus, the head of the Diplomatic Service, Peter Ricketts, met human rights defenders to discuss areas where the UK may be able to help to improve the situation.

We have worked with the Swedish and French EU presidencies to ensure that human rights are raised with



Dr Abd al Hakim Bashar, leader of the Kurdish Democratic Party, arrested in October.

Syria. The French presidency issued two statements on human rights, the first on 19 September (www.ue2008.fr) and the second on 31 October (www.ue2008.fr) deplored the sentencing of the 'Damascus Declaration Twelve'. Members of EU missions, including the UK, regularly attend trials of human rights activists.

Our Embassy in Damascus ran a project in 2008 to assist a local human rights group to produce three reports for distribution in English and Arabic (on Syrian prison conditions and Iraqi refugees, and a general report on human rights in Syria).

Forward look

Human rights will remain an important strand of our bilateral and EU relations with the Syrian government. Our aim is to create wider links between official Syrian and relevant UK organisations and academic institutions as the basis for creating a wider civil society programme.

Turkmenistan

Introduction

There have been some modest improvements in the human rights situation in Turkmenistan, but further action is needed before the country meets internationally accepted standards. The new President Gurbanguly Berdimuhamedov, inherited a country that had suffered years of regressive policies driven by the authoritarian Saparmyrat Niyazov. Although he pledged loyalty to his predecessor's legacy, President Berdimuhamedov started his term in office by promising to introduce reforms and to

reverse some of the actions of the Niyazov era. He has restored pensions and teachers' salaries to their former levels and initiated reforms in health, education, agriculture and internet access. Though the pace of reforms has slowed somewhat, there remains a readiness for dialogue with the international community over Turkmenistan's fulfilment of its human rights obligations.

President Berdimuhamedov has opened up Turkmenistan after many years of isolation, although some barriers remain. A small number of journalists have been allowed into the country and there has been an increase in the number of business visitors. But there is still great suspicion of NGOs, particularly human rights organisations, whose staff usually find it difficult or impossible to obtain visas. Turkmenistan hosted a visit in July by Asma Jahangir, the UN Special Rapporteur on Freedom of Religion and Belief. Her report will be issued in March 2009. Turkmenistan has said it is willing in principle for other special rapporteurs to visit but has issued no more invitations so far. President Berdimuhamedov himself has travelled extensively overseas and now allows junior officials to do so too.

We have regular meetings with the Turkmen government and, on occasions, with President Berdimuhamedov, to discuss human rights. Bilaterally, human rights were discussed during the meeting of HRH the Duke of York with the Foreign Minister, Rashid Meredov, in October 2008. Multilaterally, the EU's Special Representative for Central Asia, Pierre Morel, and the other high-ranking representatives of the EU, UNHCR and OSCE, have raised human rights issues regularly. However, Turkmenistan's human rights record continues to delay ratification of the EU-Turkmenistan Interim Trade Agreement and PCA. The EU has reiterated its readiness to support Turkmenistan in its efforts to live up to its international obligations and, as a follow-up to the EU-Turkmenistan *ad hoc* dialogues on human rights begun in Ashgabat in May 2005, an EU Enhanced Human Rights Dialogue took place in Ashgabat on 24 June 2008. For the first time the Turkmen side accepted a list of individual human rights cases and agreed to respond in writing. Disappointingly, however, the



Turkmen President, Gurbanguly Berdimuhamedov.

Turkmen government has yet to deliver its response. Turkmen officials continue to engage international organisations on human rights issues. We welcome and encourage this.

The UN Human Rights Council's Universal Periodic Review (UPR) of the human rights record of Turkmenistan took place on 9 December. The Turkmen delegation was headed by Dr Shirin Akhmedova, Director of the Institute of Human Rights and Democracy under the President of Turkmenistan. Dr Akhmedova outlined the "great progress" Turkmenistan had made to meet international human rights standards. She ran through Turkmenistan's legislative framework, which she said offered full human rights protection for the people of Turkmenistan. While noting some progress, the majority of the 35 delegations that took the floor raised concerns about the lack of an independent judiciary, restrictions placed on the media, ill treatment of human rights defenders and the large number of political prisoners. Turkmenistan received 43 combined recommendations in the course of the review. They agreed to accept 19 (including that they should improve respect for freedom of expression and association, outlaw discrimination against women and enhance the ability of NGOs to operate in Turkmenistan). They promised to respond to a further 14 recommendations when the Human Rights Council will discuss the report in March 2009. They rejected 10 recommendations, including our suggestion that they review all possible cases of political detention.

Current concerns

There remains a long way to go to achieve real progress on the ground.

Elections to parliament, which was increased from 65 to 125 members, took place on 14 December. Election teams were sent by the UN and OSCE to support their local offices, which stopped short of being full monitoring missions, and no public statements were made by the teams after the elections. Although the elections may have been a step forward in the establishment of electoral structures, they fall short of anything that could be described as truly pluralistic. The expansion and strengthening of the national parliament, and the adoption of a broadly positive new constitution, are welcome steps. However, the new constitution has not resulted in a more transparent or democratic political process and there has been no move towards any real political pluralism.

After some welcome Presidential pardons of political prisoners announced in two amnesties, there have only been two further releases from detention (the former head of Turkmen National Security Service, Saparmyrat Seyidov, in October, and Valeri Pal, a social activist who was released in December). It is also disappointing that Gulgeldy Annaniyazov, a former political dissident, was imprisoned on his return to Turkmenistan from Norway, where he was given refugee status. His current whereabouts are unknown.

Freedom of movement within Turkmenistan has improved and checkpoints and roadblocks have been removed. It is also easier for Turkmen citizens to travel to border areas. However, an unofficial blacklist still exists, which prevents some people from travelling abroad, although cases of this nature have reduced or are not being reported as often as before. The Turkmen government has encouraged the international community to provide scholarships for young Turkmens to study abroad, but the US Embassy recently voiced its concerns on what it saw as attempts to dissuade students from taking up student exchanges.

NGO registration remains a lengthy and complex process. No new truly independent NGO has successfully registered in the last three years. It is difficult to escape the conclusion that the Turkmen government wishes to constrain the development of NGOs.

Freedom of religion remains a concern and a number of groups remain unregistered. Registered religious groups are able to practise their beliefs discreetly, but there is still a ban on importing religious literature. Some groups have had their requests for registration turned down on many occasions and had their meetings disrupted by the law enforcement agencies. The visit by the Special Rapporteur on Freedom of Religion and Belief is an encouraging development and we hope that, with her report due in March 2009, progress can be made in this area.

In previous years we have highlighted the misuse of child labour, particularly in the annual cotton harvest. President Berdimuhamedov has reinforced the ban on child labour. As a result we continue to assess that the misuse of child labour has declined although we are aware that it continues in some remote rural areas.

The Institute for Democracy and Human Rights is engaging more with the international community as shown by its serious approach to the UN Universal Periodic Review (UPR) process, which took place in Geneva in December.

Co-operation with the OSCE and the OSCE Centre in Ashgabat continues to improve. The Turkmen authorities are accepting more projects and the OSCE continues to work on the roles of judges and the legal system. We continue to be concerned that members of the International Committee of the Red Cross (ICRC) are still unable to start visiting detainees according to the ICRC standard procedures.

There is some discrimination concerning ethnic minorities; this usually takes the form of ethnic Turkmen being the favoured candidates for positions and the minorities being excluded when other decisions are taken. The media remains firmly in state control with no independent newspapers or television and radio stations. It consists mainly of a chronicle of official events with no independent editorial comment. Journalists who co-operate with foreign media like Radio Free Europe have been the subject of harassment and arbitrary detention. However, the

Turkmen authorities did allow the OSCE Representative for Media Freedom, Miklos Haraszti, to visit and he was received by the government at a high level.

UK action

Our Embassy has arranged a series of visits to the UK by senior officials in areas relevant to human rights. This has included the Head of the Institute of Democracy and Human Rights, with the Deputy Minister for Justice and the Deputy Chairman for Religious Affairs; senior officials from the Justice Ministry and the prosecutor's department to learn about prison management in the UK; a range of senior figures in the educational sector to visit the Institute of Education in London; and the Deputy Head of the Drugs Agency, and Deputy Head of Customs, to look at the UK approach to borders and drugs trafficking.

From these visits came a major project to revise the penal code and reform the criminal justice system with the assistance of the German government, co-operation with the Turkmen authorities on citizen's advice and citizens' complaints, including ombudsmen systems, and a project with media training implemented by the BBC and joint-funded by OSCE.

Forward look

The UK will continue to lobby the Turkmen government to address human rights issues and support genuine efforts to do so, both bilaterally and with international partners. We will continue to work through the EU's human rights dialogue and through the EU's Central Asia strategy, which supports good governance, rule of law and human rights. We continue to raise Turkmenistan's record on freedom of religion and hope for improvements in line with the UN Special Rapporteur on Religious Freedom's report.

Uzbekistan

Introduction

The Uzbek government instigated a number of positive legislative and institutional measures during 2008. These have been welcomed by observers and international organisations. Nevertheless, significant concerns remain. Many human rights defenders are in prison. Others suffer harassment and pressure that has forced some to leave Uzbekistan, or to cease their activities. Reports of violations of freedom of religion, expression, movement and fair trial rights persist, as do reports of torture and continued misuse of child labour.

The EU decided in October to lift travel restrictions imposed on 8 individuals in response to the events in Andizhan in 2005, with a view to encouraging the Uzbek authorities to take positive steps to improve the human rights situation. The arms embargo, however, was renewed for a further year.



President Karimov meeting former President Vladimir Putin at the Kremlin, February 2008.

Key developments

The UN Human Rights Council's Universal Periodic Review of the human rights record of Uzbekistan took place on 11 December. The Uzbek delegation was headed by Dr Akmal Saidov, Chairman of the National Centre for Human Rights. Dr Saidov noted the developments that have taken place in 2008. These include the abolition of the death penalty, ratification of the second optional protocol to the International Covenant on Civil and Political Rights, introduction of *habeas corpus* (transferring the authority to issue arrest warrants from the prosecutor to the courts) and the entry into force of the constitutional law on enhancing the role of political parties in the democratisation of society. A democratisation and judicial liberalisation centre was created under the supreme court. In April, the Uzbek parliament adopted the Law on Combating Trafficking in Persons.

While recognising these positive steps, the majority of the 55 delegations that took the floor also raised concerns that covered allegations of torture, political prisoners, child labour and impunity. UN members submitted 83 recommendations. Uzbekistan accepted 31, rejected 13 and reserved their position on 39 of these. We have urged Uzbekistan to engage constructively with this process as it continues, and to provide full information on the recommendations when the review is discussed again by Council in March 2009.

In January 2007, the UN Committee against Torture welcomed certain developments in Uzbekistan. However, they expressed concern about "ongoing and consistent allegations" of torture by, or with, the consent of law enforcement personnel and the failure to investigate these allegations. They called on the Uzbek government to apply a "zero-tolerance approach" to torture and the "practice of impunity". During the recent UPR process, the Uzbek delegation said Uzbekistan had implemented the recommendations of the UN Special Rapporteur on Torture after his 2002 visit. They had established a body to consider complaints about torture and in 2009 would discuss with UN experts whether the legal definition of torture would

need to be amended. The Special Rapporteur on Torture has not yet been able to secure Uzbek consent to carry out a follow-up mission, though Uzbek officials met him earlier this year in Geneva.

In December, a Tashkent provincial court sentenced four policemen to between 8 and 17 years in prison following the death in custody of Muzaffar Tuychiev. It is reported that more than 10 policemen were sacked after the incident, including the head of Angren police department. We remain concerned at the continued high number of allegations of torture, which far outweigh the number investigated, or perpetrators tried and convicted.

Human rights defenders challenge the objectivity and scope of prison monitoring by the ombudswoman and NGOs. The International Committee of the Red Cross suspended its visits in December 2004. However, following negotiations with the Uzbek government, visits were resumed for an agreed period of six months from March to September 2008. This period is now being reviewed, and discussions on arrangements for 2009 are under way.

Several human rights activists were released from prison in 2008. In June, Mutabar Tadjibaeva was given conditional release, and on 20 November travelled to Geneva to receive the 2008 Martin Ennals Award for human rights defenders. In October, Dimurod Mukhiddinov, member of the human rights organisation Ezgulik, and of the political party Berlik, was released early and granted amnesty. Mamarajab Nazarov, an Ezgulik member from Jizzak province, sentenced to three-and-a-half years' imprisonment in July 2006 on charges of extortion, was also freed. However, in the same month, 10-year prison sentences were handed down to Salijon Abdurahmanov, an independent journalist, and Akzam Turgunov, a human rights defender. Human rights groups have expressed concerns about the fairness of Mr Abdurahmanov's trial, and Mr Turgunov alleges that while he was writing a statement in the police investigator's office in July boiling water was poured down his neck and back, causing severe burns and loss of consciousness. The appeal cases of Mr Abdurahmanov and Mr Turgunov took place in November and December, respectively, and were rejected by the Supreme Court of Karakalpakstan. We remain concerned at the overall number of human rights defenders imprisoned in Uzbekistan.

By law, most trials are public. However, international observers have faced some difficulties in gaining access. At the appeal hearing of Mr Abdurahmanov two unknown women in the public gallery protested at the presence of a foreign observer in court, whom they then attacked.

Legislation in Uzbekistan guarantees religious freedom, but the reality is different. Officially registered 'religious organisations' are subject to tight legal controls. The law bans proselytism and outlaws unregistered groups. Registration is a complex and lengthy process. Activists report harassment of certain religious groups and individuals. Dimitri Shetakov, a Pentecostal pastor from

Andizhan, remains imprisoned for holding illegal services. Another church member, Bakhtior Tuychiev, left Uzbekistan after harassment. Jehovah's Witnesses report that security services have raided homes, confiscated literature and abused believers. A Jehovah's Witness, Olim Turayev, was sentenced in April to a four-year term in a corrective labour institution for teaching his religious beliefs to others and for organising illegal religious activity. Followers of Islam outside the state-sponsored version are also liable for arrest for perceived extremism.

Officially, the NGO Association now numbers almost 500. Its remit is to direct funding to activities to protect and promote civil society. In practice, most independent NGOs have closed as legal restrictions stifle independent activity. Although legally registered in Uzbekistan, Human Rights Watch currently operates without a full-time representative in the country as the government has refused to grant accreditation to the organisation's previous three candidates, and has banned the latest applicant from entering the country.

The Uzbek government states that there are around 1,000 non-state newspapers and magazines in Uzbekistan and 42 TV and radio stations, plus four news agencies and websites, all enjoying freedom of speech and expression. However, although censorship was abolished in 2002, self-censorship and new laws prevent criticism of the government. Internet service providers must use the state-controlled telecom operator, enabling the blocking of selected websites, including that of the BBC. Many journalists have reported being beaten and detained, or otherwise harassed, by police or security services. Uzbek official media campaigned against Radio Free Europe (RFE)/Radio Liberty's Uzbek service, accusing RFE journalists of anti-state activities and made available personal information about the journalists and members of their families. The 2008 Prison Census Report, published by the Committee to Protect Journalists, an independent NGO, found that Uzbekistan had the fifth largest number of imprisoned journalists worldwide, behind China, Cuba, Burma and Eritrea.

In March and April, Uzbekistan's parliament ratified the International Labour Organisation Convention on Minimum Age of Employment and the Convention on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In September, the Prime Minister adopted a resolution approving a National Action Plan for the implementation of these conventions. The new rules mean that minors under the age of 15 should not be engaged as employees. However, credible independent monitoring corroborates allegations of the continued mobilisation of child labour during this year's harvest.

UK action

We maintain regular contact with a wide range of NGOs, religious groups and activists. We help to facilitate contacts with British MPs and NGOs, and monitor developments on

the ground. Human rights form an important part of our dialogue with Uzbekistan. We have called for a simpler registration process for religious groups and stressed our concern at the use of criminal law to penalise religious worship, journalists and human rights activists.

In March, as part of our efforts to broaden co-operation with civil society structures, we organised a seminar on the development of civil society, which provided a useful forum for the exchange of approaches and experience in this sphere.

Our Embassy is currently funding a project to establish reliable child labour monitoring systems in the remote rural cotton-growing areas of Uzbekistan. The project also aims to establish community-based task forces and to provide informal education and vocational training to those children most at risk.

This year we also helped fund a UNICEF-led project, which aims to develop the profession of social work in collaboration with the Uzbek government. This project is supported by Teesside University staff and has provided training to social care workers. It has been independently evaluated as meeting the highest international standards.

Forward look

We will seek to deepen and broaden our engagement with the Uzbek authorities, not least to support effective implementation of the various measures the Uzbek government has introduced to strengthen the protection of human rights. We will continue to monitor human rights and to raise our concerns, both bilaterally and with our EU and other international partners, through a critical but constructive dialogue with the Uzbek government.

Vietnam

Introduction

There has been some progress in Vietnam's efforts to strengthen civil and political rights during 2008, but there have also been setbacks during the year. The government is pursuing a legal and judicial reform programme to strengthen the rule of law and the National Assembly has demonstrated its growing influence over the law-making and decision-making process. Proposals have been put forward to reduce significantly the scope of the death penalty. Over recent years, there has been greater religious freedom, with the government recognising more congregations, though land disputes remain a source of tension with the Catholic Church. Concerns remain about restrictions on freedom of expression. We have seen a clear tightening of control over the media in 2008.

Vietnam's record on promoting economic and social rights has generally been positive. Economic reforms coupled with equitable development principles have brought about substantial improvements in the social and economic rights for Vietnamese people. Continued progress in this area

could be threatened if reform of bureaucratic regulation is not carried out, and corruption tackled. The government has publicly committed to fight corruption, although concrete measures have yet to be taken.

Current concerns

Freedom of expression

The right to freedom of opinion, speech and the press are guaranteed under the Vietnamese constitution. In practice, individuals' rights are severely restricted by specific provisions of the Vietnamese Penal Code, which give the government scope to sentence individuals for exercising these rights.

Human rights defenders

Amnesty International estimates that in 2008 at least 7 political activists were brought to trial and sentenced to lengthy prison terms. Restrictions on public demonstrations continue. In April, 14 individuals were detained as a precautionary measure before the arrival of the Olympic torch in Ho Chi Minh City. In September, a number of individuals known to be politically active in the area of land rights were detained and questioned.

Media freedoms

All domestic media in Vietnam is controlled by the state. Reporting on sensitive issues is tightly controlled, and the press remains subject to self-censorship.

A tightening of control over the media was evident during 2008. In September, a prominent internet blogger was imprisoned on tax evasion charges. Vietnam's international reputation was not helped by an incident the same month in which an American journalist in Hanoi was injured by police at a land rights demonstration. In October, two journalists with two of Vietnam's most popular newspapers were tried (and one imprisoned) for their role in publicising a government corruption case in 2006.

Freedom of religion

Vietnam's authorities are continuing to register new congregations (although progress on this has been slow and not uniform throughout Vietnam or between different Buddhist religious groups). In May, Vietnam hosted the UN Visak Day (Buddhist memorial day) in Hanoi.

Tensions have continued between the authorities and religious groups. Religious figures remain on the EU's list of prisoners of concern. In July, government involvement in the funeral for the head of the banned United Buddhist Church of Vietnam caused anger among his followers. Throughout 2008, Catholics have protested the use by the government of land they claim belongs to the Church. This issue has complicated the distinction between those detained for protesting at the government's position on land disputes – a civil freedom – and those arrested on the basis of their religion – religious freedom.



Thich Quang Do, dissident leader of the banned Unified Buddhist Church of Vietnam.

Death penalty

Vietnam has one of the highest execution rates in the world. Official statistics are a state secret. However, the government has told us that approximately 100 people were sentenced to death in 2007, with about half of the sentences carried out. In the penal code 29 offences carry the death penalty, including financial crimes such as corruption and embezzlement, also drugs offences, which probably constitute the majority of cases. Amnesty International estimated that 83 death sentences were handed down for drug trafficking offences alone in 2008.

The Vietnamese authorities have announced their plans to reduce the scope of the death penalty in Vietnam. A revision of the penal code currently before the National Assembly proposes to reduce the number of offences attracting the death penalty to 12.

Governance and accountability

Vietnam has extensive strategies for legal and judicial reform up to 2020. A National Bar Association is due to be established in early 2009, and the Ministry of Justice is overseeing a programme of legal training, with the aim to triple the number of lawyers in Vietnam. The judicial strategy aims to improve the system of judicial appointments and conduct. The Vietnamese government's commitment at the central level to increase access to justice and to promote fair trial is clear. The challenge will be implementing the reforms in practice and uniformly across the country. Currently, defendants are often denied sufficient time to make their defence, there is little use of case law, outcomes are difficult to predict and access to legal aid is poor. Judges are appointed by the government and there are insufficient controls to ensure their decisions are fully independent.

The overall trend in accountability has been positive. The National Assembly is an increasingly powerful political

institution. Progress in transparency has been evident: the annual state budget and audit by the State Audit Office of Vietnam is now publicly available on the government website. The government has publicly committed itself to tackling corruption, but has yet to demonstrate that commitment in terms of action.

Recent research shows that engagement between civil society groups and state authorities has improved. The general political and legal environment has become more conducive to civil society-state interactions. It has become easier for organisations to form and have legal standing.

UK action

Our main forum for raising human rights concerns is the bi-annual EU–Vietnam Human Rights Dialogue. The last meeting was held in Hanoi in December, during which a list of mutual forward actions were agreed. The EU also conducted a number of ad hoc interventions, including the journalists arrested for reporting the government corruption case. The EU produces an annual report on human rights in Vietnam to inform EU policy, and its diplomats regularly visit the provinces to obtain an understanding of current developments more generally.

The UK has agreed human rights benchmarks jointly with the Vietnamese government through the 10-year Development Partnership Arrangement Annual Consultative Group Meetings with other donors to ensure that human rights remain part of the donor dialogue with government.

The UK supports the government and other agencies in Vietnam in the following areas: drafting a law on access to information; working with the General Department of Police on criminal investigation standards; informing the debate on the death penalty; establishing a civil society forum; journalist capacity-building; and strengthening the capacity of the National Assembly.

Alongside these projects, we have engaged with the government of Vietnam via high-level visits. In March, Prime Minister Nguyen Tan Dung visited the UK and agreed that development, including on human rights issues, would be a priority area for our co-operation. In September, the Lord Chancellor and Secretary of State for Justice, the Rt Hon Jack Straw, visited Vietnam and signed a memorandum of understanding on legal and judicial co-operation.

The EU keeps a list of prisoners and detainees of concern, which is raised with the Vietnamese authorities during the twice-yearly dialogue and at other suitable opportunities. As of October, 43 people remained on the EU's prisoner of concern list, with a further five "otherwise detained" under house or pagoda arrest.

In March, following high-level lobbying by the UK, the Vietnamese President agreed to commute the death sentence of a British national, Le Manh Luong.

Forward look

We will continue our dialogue with the government of Vietnam, in particular on media freedom, anti-corruption and strengthening democracy and accountability.

Our support via dialogue and projects will be targeted to promote freedom of expression and the media, to reduce the scope of the death penalty, to provide access to justice, and to strengthen the capacity of the National Assembly and civil society. Areas proposed for joint work under the new memorandum of understanding on judicial and legal co-operation include prison management, media legislation and capacity building for the National Bar Association.

The UK will continue to engage the Vietnamese government to push forward commitments via the Annual Consultative Group, the Poverty Reduction Support Credits agenda, the annual review of the Development Partnership Arrangement and the anti-corruption dialogue.

The UK and other EU member states will also continue to undertake field missions and maintain contact with human rights defenders, seeking access to prisoners of concern and attendance at trials.

Zimbabwe

Overview

For many years we have made clear our deep concern about human rights abuses in Zimbabwe – including torture; intimidation; arbitrary arrests and detentions; forced displacements; violence; repressive legislation; lack of freedom of expression, association and the press; and politicisation of food. We have seen a frightening deterioration of the situation in 2008, which has drawn criticism from across the international community.

In 2008, Zimbabwe was dominated by presidential, senate, House of Assembly and local council elections and the political negotiations which followed. The elections themselves were characterised by intense violence, torture, abductions and murder perpetrated by agents of the state. Both rounds of elections were declared undemocratic by the international community. Overshadowing this is the continued economic and humanitarian crisis, including severe cholera outbreaks and widespread hunger, with five million people requiring food aid at the end of 2008.

Recent developments

Elections

The 2008 elections should have been an opportunity for Zimbabweans to make their voices heard, but instead they suffered a campaign of systematic violence and torture, which targeted Movement for Democratic Change (MDC) supporters, members of civil society and ordinary people. The figures are stark. From March 2008 more than 5,000

The story of Elvis Muponda (not his real name)

It was on the afternoon of 11 June, when I was milking my cows at my home in Masvingo Province. I saw two soldiers and a policeman, all armed, and 7 youth militia members, wearing ZANU-PF t-shirts, coming through my gate. My cousin and I started to run out of the back gate. When I looked back, I saw that my three huts were on fire. Then I heard a gunshot and I started to run again. Suddenly I felt pain in my arm – I had been shot. I fell down into a gully in the river, bleeding profusely and in terrible pain. I waited there for three hours in the water, while they looked for me, until it was dark and I managed to get help. I was taken to a rural clinic where I found that my cousin had also been shot, in the back. My ordeal did not end there, as the ZANU-PF MP for the area told the clinic staff not to treat me. The police put me under guard and charged me with “malicious damage to property”, for allegedly burning down my own house. It was not until 29 June that I was finally released from police custody, and got proper medical attention.

Why would I burn down my own property? I have lost my home and my food. My family had to go and live with a relative. All this is because I was known to be an MDC activist. Now the doctors tell me that I will never be able to use my arm properly, because of the delay in getting treatment. How can I support my family with a crippled hand?

were victims of violence, at least 36,000 displaced, of which 17,000 were verified by the International Organisation for Migration and 190 politically motivated deaths were verified. The violence was perpetrated by state agents, often militia or so-called ‘war veterans’, but also the military and, to a lesser extent, police.

The second round

Following the March elections, and in the run-up to the second round of the presidential elections held on 27 June, the Zimbabwean government launched an unprecedented campaign of violence. The level and ferocity of the assaults, torture, beatings, abductions and murder surpassed even the levels of violence that had taken place during the 2000 and 2002 elections. Unusually, violence was targeted against former Zimbabwe African National Union – Patriotic Front (ZANU-PF) supporting areas such as Mashonaland, as well as against traditional MDC strongholds. Torture camps were set up around the country, army commanders deployed and many ordinary Zimbabweans were caught up in the violence. Whole communities were called to all-night meetings where they were asked to prove their loyalty to ZANU-PF, and ‘sell outs’ were punished. Homes and livestock were burned and thousands displaced.

"Torture and violence are surging in Zimbabwe," said Georgette Gagnon, Africa director at Human Rights Watch. "ZANU-PF members are setting up torture camps to systematically target, beat and torture people suspected of having voted for the MDC in last month's elections."

The violence attracted widespread condemnation. On 27 April, the UN High Commissioner for Human Rights, Louise Arbour, said that she was alarmed by reports of continuing violence in the aftermath of the Zimbabwe elections, and called for political leaders to restrain their supporters.

Harassment, raids, arrests and detention of MDC activists, journalists, NGOs and other human rights defenders continued. The MDC was prevented from campaigning and Morgan Tsvangirai was detained or obstructed on numerous occasions during the election period. On 4 June, the Foreign Secretary issued a statement calling for the release of Tsvangirai and other activists, who were detained while campaigning in Bulawayo.

In June, Tsvangirai withdrew from the presidential run-off as he felt he could not put people at risk of further violence, leaving Robert Mugabe as the only candidate. Many

election observers were refused accreditation. Robert Mugabe was sworn in as President despite clear condemnation across the globe. Pan African Parliament monitors said that "the current atmosphere prevailing in the country did not give rise to the conduct of free, fair and credible elections". The SADC election observation mission stated that "the election did not reflect the will of the people".

Interruption and suspension of humanitarian aid

NGOs voluntarily withdrew from the field 10–14 days before the election on 29 March. Resumption of activities was then prevented by the increasing post-election violence. The government of Zimbabwe announced on 4 June that it was suspending the field operations of most NGOs across the country. The ban was finally lifted on 29 August after widespread international criticism and pressure from the EU, UN and others. Humanitarian operations had been severely hampered for over 6 months. More than 1.5 million Zimbabweans had been denied life-saving support. Even after the formal lifting of the ban, NGOs and UN agencies continued to face severe challenges, such as suspension of electronic payments by the Reserve Bank, in gearing up their operations. Food registration was seriously delayed.

Unravelling democracy

In the run-up to the March 2008 elections, talks took place between ZANU-PF and the two MDC formations, facilitated by President Mbeki. The talks were intended to prepare the ground for free and fair elections and did make some positive changes, notably the requirement to post results outside polling stations. However, independent reports by NGOs such as Amnesty International, Human Rights Watch and the International Crisis Group all highlighted serious problems.

Governments deemed 'unfriendly' by the Zimbabwean regime were not invited to observe. Accordingly the EU and other western countries (USA, Canada and Australia) were not invited. The Southern Africa Development Community (SADC) Parliamentary Forum, the Commonwealth and the Congress of South African Trade Unions (COSATU), which have previously criticised the conduct of elections in Zimbabwe, were also excluded. Despite this, diplomats in the country worked together to observe the election process, advised by an election and democracy expert from the European Commission. There was also an extensive network of local observer groups. This allowed accurate information to be obtained from around the country and discouraged voter intimidation and violence by state agents. The problems with the March election included:

- an inaccurate voters' roll, with reports of up to two million ghost voters;

- as many as 20 per cent of people in some areas being turned away from voting;
- the boundaries of the constituencies for the election being redrawn unilaterally by the government-appointed Zimbabwe Electoral Commission (ZEC);
- positive changes to the laws restricting freedom of association and media freedom not being implemented;
- police being allowed to be present in polling stations to "assist" voters;
- state security leaders threatening to undermine the election results; the Commander of the Zimbabwe Defence Forces, Constantine Chiwenga, publicly stated, "We [the army] will not support anyone other than President Mugabe, who has sacrificed a lot for the country";
- the police obstructing opposition parties, which were attempting to organise peaceful political rallies; and
- incidents of violence, torture and intimidation.

It took five weeks for the results of the first round of presidential results to be announced. According to official ZEC figures, no candidate secured more than the 50 per cent needed to be declared President and therefore a second round was called.

Chinese arms shipment

Against this difficult backdrop there were some successes in preventing further human rights abuses in Zimbabwe. A good example is the *An Yue Jiang*, a Chinese ship carrying arms supplies destined for Zimbabwe, which was ultimately prevented from delivering its cargo following action by trade unions, civil society organisations and diplomatic pressure from the international community.

Current concerns

Waiting for a voice – Zimbabwe after the elections

In the aftermath of the June elections, political negotiation began again, with the signing of an agreement for a power-sharing government between the two wings of the MDC and ZANU-PF on 15 September. In practice, no government has been formed and there remains clear distance between the parties. Although there had been an initial drop in the number of atrocities in July and August, violence, repression and harassment started to increase again from September, and economic and social rights continued to decline sharply.

Freedom of expression and the media

Freedom of speech and the press remain severely constricted, with repressive legislation in place, which inhibits operation of the independent media. The state has detained many journalists and others who are accused of criticising Mugabe or making statements that are ‘prejudicial to the state’. Coverage of Mugabe’s campaign dominated the broadcast and print media during the election period. The state media remains heavily biased in favour of the regime.

The UK is committed to taking what action it can to promote and protect freedom of expression in Zimbabwe. Our Embassy in Harare, along with EU colleagues, actively monitors and records violations against journalists and other defenders of freedom of expression and attends their court hearings.

Human rights defenders and freedom of association

Human rights defenders in Zimbabwe endured prolonged harassment and violence throughout 2008. Many organisations have had their offices raided, staff members interrogated and arrested, and had to either move offices or close down temporarily. They also have to cope with daily challenges of operating in Zimbabwe, such as lack of power, water and the inflation rate at record levels.

Protests have been repeatedly suppressed, often violently, and the rule of law disregarded. Despite the risks, human rights defenders have continued to hold demonstrations and to press for change. During a peaceful demonstration in Harare 14 members of Women of Zimbabwe Arise (WOZA), a grassroots women’s movement, were arrested and charged with ‘public disorder’. They were granted bail, but the state appealed and so they remained in custody until 13 June, when most were released. Two

leaders, Jenni Williams and Magodonga Mahlangu, were not released until 3 July. Charges were eventually dropped. The two leaders were arrested again in October and held for more than two weeks, with repeated delays in granting them an ‘urgent’ bail hearing. On both occasions, demonstrators were beaten by police.

Since October, brutality in repressing protests has increased. Police have used tear gas and baton sticks to disperse peaceful protests. For instance, after a peaceful demonstration of women and other civic groups outside political talks on 27 October, 35 people needed medical treatment for beatings, falls and tear gas inhalation, and five were admitted to hospital. ZANU-PF youth abducted 6 victims and took them to the ZANU-PF Provincial HQ where they were beaten. On 18 November, doctors and nurses protested against the deteriorating health sector. Riot police blocked them from marching and eventually dispersed them, with several protestors injured with baton sticks.

From October, more than 30 opposition members and human rights defenders were abducted by state agents and detained without access to lawyers for weeks. Some were eventually discovered at police stations by NGO lawyers searching for those missing. Many of those detained, including Zimbabwe Peace Project Director Jestina Mukoko, and a two-year-old child, have been beaten and tortured in detention. At the end of December, they remained in custody, despite the efforts of their lawyers.

The UK has worked with EU colleagues to develop a strategy for giving support to human rights defenders in Zimbabwe. Our Embassy in Harare observes protests and ensures evidence is recorded of the use of violence by the regime.

Displacements

More than 36,000 were internally displaced in Zimbabwe during the election campaign of 2008. Farm invasions and takeovers, which affect the rights of thousands of farm workers as well as the owners, have continued throughout the year, becoming more frequent during and since the election period. In November, 120 households were ordered to demolish their ‘illegal’ homes in Victoria Falls.

Women’s and children’s rights

Women and children were not spared the violence meted out by state agents in the electoral period. Children have been beaten, watched their parents be beaten in front of them, been coerced into participating in violence, been displaced and been separated from their parents and carers. Education has been severely disrupted in 2008. Teachers were specifically targeted in post-election violence and some schools were taken over as torture bases. The education system has not recovered. UNICEF reported that in October attendance rates for teachers stood at just 40 per cent.

There were at least three politically motivated rapes, and reports of many women being used as ‘sex slaves’ at ZANU-PF bases. Throughout the year, women protesters

have been regularly beaten and arrested, even when pregnant or with small children. A growing number of cases of women and under-age girls are experiencing sexual violence at the hands of relatives. Women still lag behind men in political and decision-making positions and in education. The UK is funding a number of NGOs who are campaigning specifically for the rights of women and children to be upheld and working to address the growing issue of gender-related violence. DfID has also been supporting the development of a national gender strategy and mechanisms for more harmonised and predictable support for gender equality and women's empowerment.

An estimated three million Zimbabweans have left the country for economic or political reasons. This includes a number of children who have travelled to bordering countries in search of work and are at a higher risk of being trafficked into the sex trade or exploitative labour. Research conducted on child trafficking, funded by the UK, indicates that it is a growing problem.

Humanitarian conditions

- Life expectancy is the lowest in the world.
- Zimbabwe has the world's highest rate of orphans.
- More than 2,500 people per week are dying from AIDS-related illnesses.
- Over 38,000 people have been affected by cholera, with 1,900 deaths.
- Over 80 per cent of the population is unemployed.
- Over five million people, nearly half the population, need food aid.
- Health and education services are on the point of collapse.
- Essential services, including water, sanitation and electricity, have largely ceased to function.
- In November, prices doubled every two to four days.

UK action

The UK has actively monitored and taken action on the repeated human rights violations in Zimbabwe witnessed throughout 2008. Working with EU partners and the international community, we have repeatedly raised our concerns with the government of Zimbabwe, other governments in the region and in international fora including the UN Security Council, General Assembly, Human Rights Council and the G8.

Following the elections, the UK pressed for international recognition of the appalling conditions under which they were held. The G8 Foreign Ministers meeting in Japan said that they "deplore the actions of the Zimbabwean

authorities", which "made a free and fair presidential run-off election impossible".

On 23 June, the UN Security Council issued a presidential statement condemning the campaign of violence. On 11 July, the UN Security Council tabled a resolution introducing sanctions against Mugabe and key members of the Zimbabwean regime. The UK strongly supported this resolution as an opportunity to impose a legal obligation on Mugabe's government to end the violence and intimidation. The resolution secured the 9 votes required; however, it was vetoed by the Russian Federation and China.

In July, the Foreign Secretary visited about 2,000 Zimbabwean refugees who had taken refuge in the Central Methodist Church in Johannesburg. He heard first-hand accounts of the brutality they had suffered at the hands of the regime in Zimbabwe and the difficulties faced since travelling to South Africa. Many came from Matabeleland and spoke of increased brutality by the security forces against the rural population. The church leaders highlighted the difficulties that the local South African authorities were having coping with the continuing influx of refugees and the strain it was placing on the local community.

Lord Malloch-Brown, Minister for Africa, also met Zimbabwean refugees on his visit to South Africa in December. He expressed his concern at the continuing deterioration of living conditions in Zimbabwe and the rapid rise of cholera. During the visit the Minister discussed the crisis in Zimbabwe with a number of key political figures. He urged South African support for a swift resolution to the political impasse to prevent a regional crisis and that humanitarian relief for those enduring disease and deprivation in Zimbabwe be increased.

European Union

The EU has been united in condemnation of Mugabe's campaign of violence and his disregard for the democratic process. The EU has had measures in place since 2002, which target individuals, not the Zimbabwean people. The UK worked with EU colleagues in 2008 to expand these measures as a means to increase pressure on the regime. On 22 July, the EU added 37 individuals, including those involved in the violence that had occurred during the elections, and for the first time froze the assets of four ZANU-PF related companies. The number of individuals and companies subject to a visa ban and asset freeze was increased again in December to 180.

The EU has also highlighted the deteriorating humanitarian conditions in Zimbabwe. On 7 August, heads of mission in Harare, including the UK, other EU member states, Japan, Canada, Australia and the USA, delivered a statement to the government of Zimbabwe calling for an immediate lifting of the NGO ban. The EU has demarched the Zimbabwean government over the abduction of Jestina Mukoko.

Financial support

In 2008, the UK increased funding for civil society organisations, including those seeking to uphold human rights and democratic freedoms, to £3.5 million. Many of those organisations directly involved in fighting the worst of the regime's human rights abuses were supported by the UK. The resilience of the doctors, lawyers and human rights defenders in the face of extreme state oppression has been remarkable. We have also continued to support grass roots organisations seeking to improve conditions for ordinary Zimbabweans. Our £300,000 Britain in Zimbabwe Community Partnership Scheme has focused on delivering small-scale projects to communities with the most urgent needs, with a particular focus on health, education and vulnerable groups. Our support this year included a particular focus on voter mobilisation, election monitoring and dealing with the impact of election-related violence.

Aid and humanitarian relief

The UK is the second largest bilateral donor to Zimbabwe, giving £45 million in aid in 2008 and more than £200 million since 2000. DfID's livelihoods programme has provided seeds and fertiliser to 200,000 poor households as well as supporting others with livestock, gardens and clean water. Over 150,000 orphans and vulnerable children have been supported to go to school and our health

programmes support universal access to HIV and AIDS treatment, prevention and care as well as contraceptives for women and vaccinations for children. We are the largest donor to the International Organisation for Migration, which provides assistance to displaced people and migrants.

We are working with the UN and other donors to prevent the current situation in Zimbabwe from deteriorating. Food shortage is a major concern. DfID has provided £9 million to the World Food Programme, £5 million for vital drugs and medicines, and £1 million to support emergency water and sanitation, and responses to epidemic diseases such as cholera. We expect it will be necessary to give sustained large-scale humanitarian support from the international community for the foreseeable future.

Forward look

Zimbabwe will remain a priority for the UK. We will continue to work with international partners, including the EU and UN, as well those in the southern African region to press for positive change in Zimbabwe. However, the economic, humanitarian and wider human rights crisis threatens to deepen unless there is a swift and sustainable resolution to the political situation.

Glossary

| | |
|-----------------|--------------------------------------------------------------------------------------------|
| ACHPR | African Commission on Human and People's Rights |
| ACPP | Africa Conflict Prevention Pool |
| AIHRC | Afghanistan Independent Human Rights Commission |
| ASEAN | Association of South East Asian Nations |
| ATT | Arms Trade Treaty |
| AU | African Union |
| CAT | Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment |
| CCM | Convention on Cluster Munitions |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CERD | Convention on the Elimination of Racial Discrimination |
| CHRD | Centre for Human Rights Defenders |
| CIPEV | Commission of Inquiry into Risk Election Violence |
| CMAG | Commonwealth Ministerial Action Group |
| CNDP | National Congress for the Defence of the People, DRC |
| CoST | Construction Sector Transparency Initiative |
| CPP | Conflict Prevention Pool |
| CPT | Convention for the Prevention of Torture |
| CRC | Convention on the Rights of the Child |
| CSRP | Congolese Police Reform Monitoring Committee |
| CSW | Commission on the Status of Women |
| DCA | Department for Constitutional Affairs |
| DCSF | Department for Children, Schools and Families |
| DfID | Department for International Development |
| DPRK | Democratic People's Republic of Korea (North Korea) |
| DRC | Democratic Republic of Congo |
| ECHR | European Convention on Human Rights |
| ECOSOC | Economic and Social Council |
| ECOWAS | Economic Community of West African States |
| ECRI | European Commission against Racism and Intolerance |
| ECtHR | European Court of Human Rights |
| EIDHR | European Initiative for Democracy and Human Rights |
| EITI | Extractive Industries Transparency Initiative |
| ENP | European Neighbourhood Policy |
| EOM | Election Observation Mission |
| ESG | Evidence Steering Group, Iraq |
| EU | European Union |
| EUMC | European Monitoring Centre on Racism and Xenophobia |
| FADES | Foundation for Analysis and Strategic Development in Central America |
| FARC | Revolutionary Armed Forces of Columbia |
| FATA | Federally Administered Tribal Areas |
| FCO | Foreign & Commonwealth Office |
| FDLR | Democratic Forces for the Liberation of Rwanda |
| FfD | Financing for Development Review Conference |
| FGM | Female Genital Mutilation |
| GCPP | Global Conflict Prevention Pool |
| GNI | Gross National Income |
| GRULAC | Group of Latin American Countries |
| HALO | Hazardous Areas Life-Support Organisation |
| HCNM | High Commissioner on National Minorities |
| HIV/AIDS | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome |

| | |
|---------------|----------------------------------------------------------------------------------|
| HRL | Human Rights Law |
| ICBP | International Capacity-Building Programme |
| ICC | International Criminal Court |
| ICCP | International Covenant on Civil and Political Rights |
| ICERD | International Covenant for the Elimination of all forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICRC | International Committee of the Red Cross |
| ICTR | International Criminal Tribunal for Rwanda |
| ICTY | International Criminal Tribunal for the former Yugoslavia |
| IHL | International Humanitarian Law |
| IHT | Iraqi High Tribunal |
| IIGEP | International Independent Group of Eminent Persons |
| ILO | International Labour Organisation |
| IPS | Iraqi Police Service |
| ISAF | International Security Assistance Force |
| LGBT | Lesbian, Gay, Bisexual and Transgender |
| LRA | Lord's Resistance Army |
| MDC | Movement for Democratic Change, Zimbabwe |
| MDGs | Millennium Development Goals |
| MNF | Multi-National Force |
| MOD | Ministry of Defence |
| MoI | Ministry of the Interior, Iraq |
| MoJ | Ministry of Justice, Iraq |
| MOND | Columbian Ministry of National Defence |
| MONUC | UN Mission in the DRC |
| NATO | North Atlantic Treaty Organisation |
| NEPAD | New Partnership for Africa's Development |
| NGO | Non-Governmental Organisation |
| OAS | Organization of American States |
| OAU | Organisation of African Unity |
| ODA | Official Development Assistance |
| ODIHR | Office for Democratic Institutions and Human Rights |
| OECD | Organisation for Economic Co-operation and Development |
| OHCHR | Office of the UN High Commissioner for Human Rights |
| OIC | Organisation of the Islamic Conference |
| OPCAT | Optional Protocol for the Convention Against Torture |
| OSCE | Organization for Security and Co-operation in Europe |
| PACE | Parliamentary Assembly of the Council of Europe |
| PBC | Peacebuilding Commission |
| PBF | Peacebuilding Fund |
| PBSO | Peacebuilding Support Office |
| PLC | Palestine Legislative Council |
| PMSC | Private Military Security Companies |
| RDF | Rwanda Defence Fund |
| RSLAF | Republic of Sierra Leone Armed Forces |
| SADC | Southern Africa Development Community |
| SALW | Small Arms and Light Weapons |
| SAR | Special Administrative Region |
| SCSL | Special Court for Sierra Leone |
| SIAC | Special Immigration Appeals Commission |
| SPF | Strategic Programme Fund |
| TUC | Trades Union Congress |
| UDHR | Universal Declaration of Human Rights |

| | |
|----------------|------------------------------------------------------------------------------------------------------------------------------|
| UKBA | UK Border Agency |
| UN | United Nations |
| UN OCHA | UN Office for the Coordination of Humanitarian Affairs |
| UNAMA | UN Assistance Mission in Afghanistan |
| UNAMET | UN Mission in East Timor |
| UNAMID | UN–African Union Peacekeeping Force for Darfur |
| UNAMSIL | UN Mission in Sierra Leone |
| UNCAT | UN Committee Against Torture |
| UNCHR | UN Commission on Human Rights |
| UNCTC | UN Counter Terrorism Committee |
| UNDP | UN Development Programme |
| UNFICYP | UN Peacekeeping Force in Cyprus |
| UNGA | UN General Assembly |
| UNHCR | UN High Commissioner for Refugees |
| UNICEF | UN Children's Fund |
| UNIFEM | UN Development Fund for Women |
| UNMEE | UN Mission in Ethiopia and Eritrea |
| UNMIK | UN Mission in Kosovo |
| UNMIL | UN Mission in Liberia |
| UNMIS | UN Peacekeeping Mission to Sudan |
| UNPoA | UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects |
| UNSCR | UN Security Council Resolution |
| UPR | Universal Periodic Review |
| VPs | Voluntary Principles on Security and Human Rights |
| WFD | Westminster Foundation for Democracy |
| WHO | World Health Organization |
| WTO | World Trade Organization |
| ZANU-PF | Zimbabwe African National Union – Patriotic Front |
| ZEC | Zimbabwe Electoral Commission |

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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 11th such report.

This report covers the period from 1 January to 31 December 2008. It provides an overview of the main challenges to human rights around the world and explains the government's activities and policies to address those challenges.

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

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

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